

Circuit Rule 26.1-1 Disclosure Statement *[New 12/1/24]*

Purpose. 28 U.S.C. § 455 describes the circumstances that require judges to disqualify themselves from proceedings. The purpose of this Circuit Rule is to provide judges with the information they need to determine whether to disqualify themselves.

Effective Date. This Rule applies to all cases opened in this Court on or after December 1, 2024.

Manner of Filing. All parties, amici, and intervenors required to file a disclosure statement under FRAP 26.1 or this Rule must use the Form 34 Disclosure Statement and must file it separately from any brief or other pleading using the electronic document filing type “Disclosure Statement (CR 26.1-1).”

(a) Filing and Supplementing the Disclosure Statement

- (1) Who must file:** All parties, intervenors, and amici in the following cases are required to comply with this Rule: (1) any case in this Court involving a non-governmental corporation, association, joint venture, partnership, limited liability company, or similar entity; (2) any bankruptcy case; (3) any criminal case involving an organizational victim; or (4) any case involving review of state court proceedings.
- (2) Initial Disclosures:** Within 14 days after the docketing of the appeal or petition, each party required to comply with this Rule must file a completed Form 34. If a party files a motion less than 14 days after a case is opened, Form 34 must be filed at the time the motion is filed.

Prospective intervenors and amici must file Form 34 with their initial pleading in the case.
- (3) Supplemental Disclosures:** When a party, amicus, or intervenor learns of any changes or additions to its initial (or last supplemented) disclosure statement, the party must file a supplemental disclosure statement using Form 34.

Each party, amicus, or intervenor required to comply with this Rule has a duty to file supplemental disclosure statements as long as the case is pending in this Court.

(b) Contents of Disclosure Statement

- (1)** A non-governmental corporation, association, joint venture, partnership, limited liability company, or similar entity appearing as a party or amicus curiae in any proceeding must disclose any parent companies and any publicly held company with a 10% or greater ownership interest (e.g. stock or partnership shares) in the entity. Parent companies include all companies that control the entity directly or indirectly through intermediaries.

A corporate entity must be identified by its full corporate name as registered with a secretary of state's office and, if its stock is publicly listed, its stock symbol or "ticker".

A supplemental Form 34 must be filed any time there is a change in corporate ownership interests that would affect the disclosures required by this rule.

- (2)** If a party is aware that any judge on this Court participated at any stage of the case—either in the district court, in administrative proceedings, or in related state court proceedings—the party must provide the name of the judge, and the case number and name of the related proceedings.
- (3)** In a criminal case, unless the government shows good cause, it must file a statement that identifies any organizational victim of the alleged criminal activity. If the organizational victim is a corporation, the statement must also disclose the information required by Rule 26.1(a) and subsection (b)(1) of this rule to the extent it can be obtained through due diligence.