



Legislation Details (With Text)

File #: CNCA-05 **Version:** 1 **Name:** TITLE 5 - ATTORNEYS
Type: Cherokee Nation Code **Status:** Passed
File created: 1/1/2014 **In control:** TRIBAL COUNCIL
On agenda: N/A **Final action:** N/A
Enactment date: N/A **Enactment #:** N/A
Title: TITLE 5 - ATTORNEYS
Sponsors: N/A
Indexes: Attorney, Attorney Fees, CNCA, Code
Code sections: Title 05 - Attorneys
Attachments: 1. TITLE 5 - Attorneys.pdf

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TITLE 5 - ATTORNEYS
Oklahoma Statutes

Attorneys and state bar, see 5 O.S. § 1 et seq.

CHAPTER 1

PRACTICING BEFORE CHEROKEE NATION COURTS

Cross References

Procedure for admission, see 20 CNCA App. I, Rule 142.

**§ 1. Membership in Cherokee Nation Bar required to practice before Cherokee Nation Courts-
Qualifications for membership**

No person shall practice as an attorney and counselor at law in any Court of Cherokee Nation unless said person first obtains membership in the Cherokee Nation Bar Association. All members in good standing of the Oklahoma Bar Association are eligible for membership in the Cherokee Nation Bar upon making application and submitting themselves to the jurisdiction of Cherokee Nation Courts and subjecting themselves to the contempt powers of Cherokee Nation Courts. Annual dues may be charged for membership in the Cherokee Nation Bar.

Cross References

Membership in Cherokee Nation Bar required to practice before Cherokee Nation Courts-Qualifications for membership, see 20 CNCA App. I, Rule 132.

Library References

Attorney and Client <KEY>4.

Westlaw Topic No. 45.

C.J.S. Attorney and Client §§ 15 to 18.

§ 2. Oath required

Any person admitted to the Cherokee Nation Bar shall, before he is allowed to appear as an attorney in any Court, Agency or Commission take the following oath:

"I do solemnly swear, that I will, to the best of my knowledge and ability, support and defend all causes that may be entrusted to my care, and that in so doing, I will be true to the Court and to the Constitution and laws of Cherokee Nation and subject myself to the contempt powers of Cherokee Nation Courts. So help me God."

Cross References

Oath required, see 20 CNCA App. I, Rule 133.

Roll of lay advocates, see 20 CNCA App. I, Rule 141.

Library References

Attorney and Client <KEY>8.

Westlaw Topic No. 45.

C.J.S. Attorney and Client § 13.

§ 3. Removal of attorney

Any attorney practicing before Cherokee Nation Courts may be removed by the Supreme Court, for any deceit, malpractice, or other gross misconduct, willful neglect of the interests of his client, or collusion with the opposite party, upon complaint and showing made to the Supreme Court by the aggrieved party, and upon due notification given to the accused of such charge; and the expenses of any inquiry, instituted by the Supreme Court in reference to the removal of any attorney, shall be borne by the party at whose instance the expense shall be incurred.

Cross References

Removal of attorney, see 20 CNCA App. I, Rule 134.

Library References

Attorney and Client <KEY>34, 37.

Westlaw Topic No. 45.

C.J.S. Attorney and Client §§ 4, 61, 67 to 88.

§ 4. Granting special permission to appear before the Court

A. Any attorney, recognized as such under the laws of any other Indian nation or tribe, eligible for membership in the Cherokee Nation Bar, and in good standing where so recognized and admitted to practice law, may, on special occasions, be allowed, by permission of the presiding judge, to appear before any Courts of this Nation.

B. Any regularly-admitted practicing attorney in the courts of record of a state other than Oklahoma who has business in the Courts of this Nation may, on motion and at the discretion of the Judge presiding over the case, be admitted to practice before the Cherokee Nation Court for the purpose of said business only. Before practicing law in Cherokee Nation Courts, each specially admitted attorney must take the oath prescribed in 5 CNCA § 2 and must appear in the Court with an attorney who is a resident of or who maintains a law office within the State of Oklahoma, duly and regularly admitted to the Oklahoma Bar Association upon whom service may be had in all matters connected with said action, with the same effect as if personally made on such foreign attorney. Specially admitted attorneys will be subject to the removal power provided in 5 CNCA § 3.

Cross References

Granting special permission to appear before the Court, see 20 CNCA App. I, Rule 135.

Library References

Attorney and Client <KEY>10.

Westlaw Topic No. 45.

C.J.S. Attorney and Client §§ 23 to 25.

§ 5. Choice of counsel

Parties may manage, prosecute, or defend their own suits, and by such counsel as they see fit to engage.

Cross References

Choice of counsel, see 20 CNCA App. I, Rule 136.

Library References

Attorney and Client <KEY>62.

Westlaw Topic No. 45.

C.J.S. Attorney and Client §§ 195 to 197.

§ 6. Judge shall not appear as counsel

No judge appointed under the authority of this Nation shall be allowed to appear as counsel or attorney and to practice law in the Courts of this Nation.

Cross References

Judge shall not appear as counsel, see 20 CNCA App. I, Rule 137.