

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 4: Adjudication

§ 411. Discovery

Cite as: 1 CNCA § 411

A. For purposes of this section, "statement" includes records signed by a person of his oral statements, and records that summarize these oral utterances.

B. Except in an emergency hearing under 1 CNCA § 407, a party, upon written notice to another party at least ten (10) days before an evidentiary hearing, is entitled to:

1. obtain the names and addresses of witnesses to the extent known to the other party; and

2. inspect and make a copy of any of the following material in the possession, custody, or control of the other party:

i. a statement of a person named in the initial pleading or any subsequent pleading if it is claimed that respondent's act or omission as to that person is the basis for the adjudication;

ii. a statement relating to the subject matter of the adjudication made by any party to another party or person;

iii. statements of witnesses then proposed to be called and of other persons having knowledge of facts that are the basis for the proceeding;

iv. all writings, including reports of mental, physical and blood examinations and objects which the party then proposes to offer in evidence; and

v. investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the adjudication, to the extent that these reports contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions, or events that are the basis for the adjudication or reflect matters perceived by the investigator in the course of the investigation, or contain or include by attachment any statement or writing described in this section.

Historical Data

LA 13-07, eff. March 19, 2007.