

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 5: Judicial Review

§ 501. Judicial review generally

Cite as: 1 CNCA § 501

A. Except as otherwise provided by this chapter, a person is entitled to judicial review of final agency action affecting that person.

B. Final agency action for purposes of this chapter is agency action that imposes an obligation, denies a right, or fixes some legal relationship as a consummation of the administrative process.

C. A person otherwise qualified under this chapter is entitled to judicial review of agency action not subject to review under subsection (A) if postponement of judicial review would result in:

1. an inadequate remedy or substantial and irreparable harm to that person that outweighs the public benefit derived from postponement; and
2. it appears likely that the person will prevail in judicial review of the agency action.

D. The District Court shall conduct judicial review.

E. Venue shall be in Tahlequah unless allowed elsewhere in Cherokee Nation by court rule and agreed by the parties.

Historical Data

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