

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

XI. Pretrial Process

Rule 93. Settlement conference

Cite as: 20 CNCA app. I, r. 93

A. Settlement conference. Unless the Court otherwise directs, each case shall be scheduled for a mandatory settlement conference at the earliest practicable time. This will normally be a date certain set forth in the scheduling order.

B. Settlement Judge disinterested. A disinterested District Judge or past Supreme Court Justice designated by the Chief Justice will normally preside at the settlement conference.

C. Fully-authorized representative required. At least one attorney for each of the parties who is fully familiar with the case shall appear, along with all parties involved. In the event one or more of the parties is a trust, partnership, corporation and/or government entity, a representative of such party shall appear in addition to the attorney, with authority to enter into a binding settlement. If a party is pro se then such party shall personally appear at the settlement conference, prepared to discuss the matter, and to enter into a binding settlement of the dispute. Unless approved in advance by the Chief Justice, settlement conferences shall be conducted in person and not by telephone. However, a settlement conference, which is a continuance of an earlier settlement conference, may be conducted by telephone. The Settlement Judge presiding over the settlement conference may make such other and additional requirements of the parties as shall be deemed proper in order to expedite an amicable resolution of the case.

D. Confidences kept. It is expected that the parties, their representatives and attorneys be completely candid with the Settlement Judge so that settlement discussions may be properly and productively guided. To encourage candor, the confidential nature of settlement discussions conducted under the auspices of a Court-sponsored settlement conference will be absolutely respected by all participants, and strictly enforced by the Court. The Settlement Judge may meet jointly or individually with any participant(s). Statements made in any sub-conference will not be shared with participants not party to the sub-conference, unless specific permission of the declarant is obtained. Any statement made in the context of the settlement conference will not constitute an admission and will not be used in any form in the litigation or trial of the case. The Settlement Judge will not discuss the substance of the conference with the Justices of the Supreme Court.

E. Report of Settlement Judge. At the conclusion of the settlement conference, the Judge presiding over the settlement conference shall provide the Chief Justice with a brief one-page report on the happenings of the settlement conference subject to subsection (D) of this rule. Settlement Judges shall be paid from the Court Fund or by the parties as determined by the Chief Justice.

Historical Data

SC-AD-13-01, adopted March 27, 2013.