

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

XI. Pretrial Process

Rule 96. Informal conference to settle discovery dispute

Cite as: 20 CNCA app. I, r. 96

A. Conference required. Regarding all motions relative to discovery the Supreme Court will refuse to hear any such motion, unless counsel for movant first advises the Supreme Court in writing that the lawyers, lay representative and/or pro se litigants have personally met and conferred in good faith, but that, after a sincere attempt to resolve differences has been made, they have been unable to reach an accord. However, no personal conference shall be required where the movant's counsel represents to the Court in writing that counsel has conferred by telephone and the distance between counsels' offices renders a personal conference not feasible. An exchange of correspondence alone does not satisfy this requirement.

B. Unprofessional conduct exception. An opposing counsel's repeated failure to communicate in connection with discovery disputes will be viewed as unprofessional conduct on the part of that attorney. A demonstration of such unprofessional conduct, deemed sufficient by the Court and contained in a motion to compel, will satisfy the requirements of subsection (A).

Historical Data

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