

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

XII. Hearings

Rule 100. Duties and powers of Supreme Court Justices generally

Cite as: 20 CNCA app. I, r. 100

It shall be the duty of the Justice assigned to the case to inquire fully into the facts alleged in the petition or notice. The Justice shall have authority, with respect to cases assigned:

1. to administer oaths and affirmations;
2. to rule upon offers of proof and receive relevant evidence;
3. to take or cause depositions to be taken whenever the ends of justice would be served thereby;
4. to regulate the course of the hearing and, if appropriate or necessary to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question;
5. to hold conferences for the settlement or simplification of the issues;
6. to dispose of procedural requests, motions or similar matter or to amend pleadings; to order hearings reopened; and upon motion to order proceedings consolidated or severed prior to the issuance of the Justices' decisions;
7. to approve stipulations voluntarily entered into by all parties to the case which will dispense with a verbatim written transcript of record of the oral testimony adduced at the hearing and which will also provide for the waiver by the respective parties of their right to file exceptions to the findings of fact (but not to conclusions of law or recommended orders) which the Justice shall make in the decision;
8. to make and file decisions in conformity with 20 CNCA § 55;
9. to call, examine and cross-examine witnesses and to introduce into the record documentary or other evidence;
10. to request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;
11. to take any other action necessary under the foregoing and authorized by the published rules and procedures of the Supreme Court; and

12. to, under appropriate circumstances, give credit and honor to any individual or entity committed to, by acts and deeds, the cause of justice and fairness.

Historical Data

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