

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

XIII. Judgments

Rule 112. Recognition of other sovereign judgments—Full faith and credit

Cite as: 20 CNCA app. I, r. 112

The Supreme Court of Cherokee Nation shall grant full faith and credit and cause to be enforced to any sovereign judgment, where the sovereign that issued the judgment grants reciprocity to judgments of the Supreme Court of Cherokee Nation.

1. Listing of sovereigns granting reciprocity—A list of the sovereigns that grant full faith and credit to the Courts of Cherokee Nation of Oklahoma shall be maintained by the Court Clerk of the Supreme Court. Any sovereign may provide the Court Clerk a copy of the ordinance, statute, court rule or other evidence that demonstrates that the sovereign grants reciprocity to the Supreme Court.

2. Filing of judgments—A copy of any judgment may be filed in the office of the Court Clerk. The Court Clerk shall treat the judgment in the same manner as a judgment of the Supreme Court which may be enforced or satisfied as deemed proper.

3. Notice of filing—At the time of filing of the judgment with the Court Clerk, the sovereign filing the judgment or the sovereign's attorney shall make and file with the Court Clerk an affidavit setting forth the name and last-known address of all parties in the action, including the name and last-known address of any party's attorney.

Promptly upon the filing of the judgment and the affidavit, the Court Clerk shall mail notice of the filing of the judgment to the party against whom the judgment was rendered at the address given and shall make a note of the mailing in the docket. The notice shall include the name and address of the party filing the judgment, and that party's attorney, if any. In addition, the party filing the judgment shall mail a notice of the filing of the judgment to the party against whom judgment was rendered and shall file an affidavit proving the mailing of the notice with the Court Clerk within ten (10) days of the date that the tribal judgment was filed with the Court Clerk. Failure of the Court Clerk to mail the notice of filing of the judgment shall not affect the enforcement proceedings if an affidavit proving the mailing of the notice has been filed by the party filing the judgment.

No execution or other process for enforcement of a tribal court judgment filed hereunder shall issue until the affidavit proving the mailing of the notice has been filed with the Court Clerk, and twenty (20) days have expired from the date the judgment was filed with the Court Clerk.

Historical Data

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