

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

XV. Attorneys

Rule 139. Filing and processing of grievances

Cite as: 20 CNCA app. I, r. 139

A. A grievance or request for investigation involving a lawyer or lay advocate shall be in writing and signed by the person filing the same. All proceedings concerning processing of grievances shall be confidential.

B. A grievance or request for investigation involving a lawyer or lay advocate shall be filed with the Office of the Attorney General for a preliminary investigation and determination of the validity of the grievance. The lawyer or lay advocate who is the subject of the grievance or request for investigation will be immediately notified of the receipt of a grievance and furnished a copy thereof.

C. In a matter involving lesser misconduct, which is defined as conduct not involving misappropriation of funds, dishonesty, deceit, fraud, misrepresentation, or serious crimes involving dishonesty or fitness, the Attorney General may resolve the grievance without publication.

D. If the Attorney General determines that a formal hearing is required to address the grievance, the Attorney General shall submit the evidence produced by the Attorney General's investigation to the District Court for certification of a formal complaint to the Supreme Court for adjudication. The District Court shall have the sole discretion, after review of the Attorney General's offer of evidence, to forward the grievance as a formal complaint before the Supreme Court.

E. The Attorney General shall prosecute the grievances submitted to the Supreme Court. The verified complaint shall set forth with specificity all facts alleging the misconduct. A copy of the complaint shall be personally served on the respondent from which the respondent shall have thirty (30) days to file a written response. In the event the respondent fails to answer, the charges shall be deemed admitted upon the submission of evidence for the purpose of discipline to be imposed. The disciplinary proceedings and evidentiary reception shall be governed by the Federal Rules of Civil Procedure so far as practicable. The charge or charges must be established by clear and convincing evidence and at least three (3) Justices must concur in the findings. The respondent may be represented by counsel.

F. All proceedings mentioned hereinabove may be reviewed by the Supreme Court upon a verified request of an aggrieved party.

Historical Data

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