

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

XVII. Arbitrators

Rule 150. Workers' compensation disputes

Cite as: 20 CNCA app. I, r. 150

A. Arbitration will be mandatory to all workers' compensation claims and will be conducted according to the provisions of this act. The Supreme Court shall be responsible for certifying those persons who are eligible and qualified to serve as arbitrators. An individual may be certified as an arbitrator by application to the Court. Qualified individuals will be a member of the Cherokee Nation bar, be trained in arbitration and the Cherokee Nation Uniform Arbitration Act, and practice or have practiced in workers' compensation law.

B. The Court Clerk of the Supreme Court shall maintain a list of potential arbitrators. The parties in the dispute shall select an arbitrator from this list. If the parties cannot agree to an arbitrator, the arbitrator will be determined by the Court Clerk by selecting the first arbitrator on the list. The list will be rotated when an arbitrator has been selected for arbitration by moving his or her name to the bottom of the list. The next arbitrator on the list will be moved to the top of the list to be selected for the next arbitration.

C. Arbitrators shall be required to complete at least six (6) hours of continuing education per two- (2) year period in the areas of arbitration or workers' compensation. Proof of compliance with this requirement shall be submitted to the Court Clerk of the Supreme Court.

D. If the dispute is agreed to by both parties and resolved, any final settlement of the action shall be completed upon the filing of a joint petition or an agreement between the employer and employee as to relation to injury and payment of compensation and pursuant to 12 CNCA § 1322.

E. Arbitration will be binding in workers' compensation disputes unless a motion made pursuant to 12 CNCA § 1323 or 12 CNCA § 1325 has been filed in the District Court.

Historical Data

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