

Cherokee Nation Code Annotated

Title 20: Courts

Appendix II. Court Rules for the District Court of Cherokee Nation

VII. Disqualification of Judges

Rule 60. Disqualification of Judges in civil and criminal cases

Cite as: 20 CNCA app. II, r. 60

Before filing any motion to disqualify a Judge, an "in camera" request shall first be made to the Judge to disqualify or to transfer the cause to another Judge. If such request is not satisfactorily resolved, not less than ten (10) days before the case is set for trial, a written motion to disqualify a Judge or to transfer a cause to another Judge may be filed and a copy delivered to the Judge.

Any interested party who deems himself aggrieved by the refusal of a Judge to grant a motion to disqualify or transfer a cause to another Judge may petition the Supreme Court within five (5) days from the date of said refusal by a written request for rehearing. A copy of the request shall be mailed or delivered to the Chief Justice of the Supreme Court, to the adverse party and to the Judge who entered the original order.

An original proceeding in mandamus to disqualify a Judge in a civil action or proceeding shall be brought before the Supreme Court.

Historical Data

SC-AD-13-02, adopted September 3, 2013.