

Cherokee Nation Code Annotated

Title 20: Courts

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

VIII. Contempt

Rule 71. Indigent defendant in civil contempt action—Right to counsel—Attorney fees

Cite as: 20 CNCA app. II, r. 71

In a civil contempt action which may result in the incarceration of a defendant who appears without counsel, the Court must inform the defendant that he or she has a right to counsel and that if the defendant is financially unable to employ counsel and desires such, the Court must assign counsel to represent the defendant. Only after receiving notice of this right, can the defendant knowingly and intelligently waive the right to counsel. A defendant who desires counsel and can establish indigence under the normal standards for appointment of counsel in a criminal case, shall have an attorney appointed to represent him or her. The attorney shall represent the defendant until final disposition of the civil contempt action and shall receive compensation, payable from the Court Fund, in an amount set by the Trial Court.

Historical Data

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