

IN THE SUPREME COURT  
OF THE CHEROKEE NATION

FILED

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CHEROKEE NATION  
SUPREME COURT  
KENDALL BIRD, COURT CLERK

IN THE MATTER OF ADOPTION OF )  
STANDARDS FOR RECOGNITION OF )  
JUDICIAL PROCEEDINGS OF OTHER )  
SOVEREIGNS IN THE COURTS OF THE )  
CHEROKEE NATION: FULL FAITH )  
AND CREDIT )

No. SC-AD-07-02

ORDER ADOPTING STANDARDS FOR  
RECOGNITION OF JUDICIAL PROCEEDINGS  
OF OTHER SOVEREIGNS IN THE COURTS OF THE  
CHEROKEE NATION: FULL FAITH AND CREDIT

**A. Definitions:**

1. "Federal Court" means any court of the United States of America.
2. "State Court" means any court of any state, territory or possession of the United States, Commonwealth of Puerto Rico, or the District of Columbia.
3. "Tribal Court" means any court or constitutionally established tribunal of any federally recognized Indian nation, tribe, pueblo, band, or Alaska Native village, duly established under federal law or tribal law, including Courts of Indian Offenses listed in Title 25, Section 11 of the Code of Federal Regulations.
4. "Cherokee Court" means either the Supreme Court or the District Court, both of the Cherokee Nation.
5. "Judicial Officer" means any judge, justice, magistrate or other tribunal duly seated and authorized under federal, state or tribal law to resolve disputes and enter judgments in a tribal, state or federal court.
6. "Federal Judgment" means any written judgment, decree or order of a federal court duly signed by a judicial officer and filed in a Federal Court.
7. "State Judgment" means any written judgment, decree or order of a state court duly signed by a judicial officer and filed in a State Court.
8. "Tribal Judgment" means any written judgment, decree or order of a tribal court duly signed by a judicial officer and filed in a Tribal Court.

9. "Foreign Judgment" means any judgment, decree, or order of any court of the United States, any State, any federally recognized Indian Tribe, or any Court of Indian Offenses.

#### **B. Recognition of Federal, State and Tribal Court Judgments - Full Faith and Credit**

Provided that a foreign judgment was not rendered through fraud and the issuing court had subject matter and personal jurisdiction, all courts of the Cherokee Nation shall grant full faith and credit and cause to be enforced therein any foreign judgment, if the Federal, State or Tribal Court that issued such judgment grants reciprocity to judgments of the Cherokee Courts. The District Courts of the State of Oklahoma are deemed to provide full faith and credit to the judgments of this court so long as Title 12, Section 728 and relevant District Court rules, or other successor provisions, remain in effect.

#### **C. Filing of Federal, State or Tribal Judgments**

A copy of any foreign judgment authenticated in accordance with the applicable act of Congress, statutes of the state or law of the may be filed in the office of the Court Clerk of the District Court of the Cherokee Nation. The Court Clerk shall treat foreign judgments in the same manner as a judgment of the Cherokee Courts and it may be enforced or satisfied in like manner as set forth in this administrative order.

#### **D. Notice of Filing**

1. At the time of the filing of any foreign judgment with the Court Clerk, the party filing the foreign judgment or that party's lawyer shall make and file with the Court Clerk an affidavit setting forth the name and last-known address of all parties in the action.
2. Promptly upon the filing of the foreign judgment and the affidavit, the Court Clerk shall arrange for personal service or mail (via certified mail) notice of the filing to the party against whom the foreign judgment was taken at the address given and shall make a note of the attempt to serve or the mailing in the docket. The notice shall include the name and address of the party filing the foreign judgment, a copy of the judgment, and indicate that party's lawyer, if any. In addition, the party filing the foreign judgment shall personally serve or mail (via certified mail) a notice of the filing of the foreign judgment to the party against whom the judgment was taken and shall file an affidavit proving such service or the mailing

of the notice with the Court Clerk within ten (10) days of filing of the Federal, State or Tribal foreign judgment with the Court Clerk. Failure of the Court Clerk to obtain service or mail the notice of the foreign judgment shall not affect the enforcement proceedings if an affidavit proving the service of the notice or mailing of the notice has been filed by the party filing the foreign judgment.

3. Any Cherokee Court may make an inquiry into the process afforded in the foreign jurisdiction, and whether the judgment was fraudulently obtained or whether personal or subject matter jurisdiction were lacking.
4. No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until actual service has been obtained and thirty (30) days have expired from the date the foreign judgment was filed.

#### **E. Stay**

If the party against whose interest the foreign judgment is rendered files an objection with the Court Clerk indicating that either (1) an appeal to the Federal, State or Tribal Appellate Court of the trial judgment is pending, or that (2) a stay of execution has been granted, the Cherokee Court shall stay enforcement of the foreign judgment until such appeal is concluded, or until the stay of execution expires or is vacated, upon proof that the party against whom the foreign judgment was taken has furnished the security for the satisfaction thereof.

#### **F. Fees**

Any person filing a foreign judgment shall pay to the Court Clerk of the District Court those fees now and hereafter prescribed by rule for the filing of and commencement of a civil lawsuit. Fees for docketing, transcription, or other enforcement proceedings shall be the same as provided for judgments of a Cherokee Court.

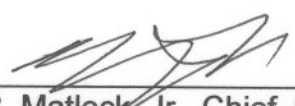
#### **G. Interest and Costs**

A Cherokee Court shall include, as part of the foreign judgment, interest payable on the foreign judgment under the law pursuant to which it was rendered, as well as any costs awarded, including attorney's fees. A Cherokee Court may also include any additional costs, including attorneys fees, incurred in filing the foreign judgment in the court or for execution of the judgment.

## H. Comity Preserved

The right of any party obtaining a judgment to enforce a foreign judgment under the doctrine of comity instead of proceeding under these rules remains unimpaired.

Dated this 14 day of <sup>August</sup> ~~May~~, 2007.

  
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Darell R. Matlock, Jr., Chief Justice  
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Darrell Dowty, Justice  
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James G. Wilcoxon, Justice  
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Kyle B. Haskins, Justice