

**FILED**

**IN THE SUPREME COURT OF THE CHEROKEE NATION**

2015 MAY 26 PM 4:43

**IN RE: the Amendment of Supreme  
Court Rules and Procedures**

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**SC-AD-2015-01**

CHEROKEE NATION  
SUPREME COURT  
KENDALL BIRD, COURT CLERK

**ORDER**

The Supreme Court of the Cherokee Nation hereby amends and adopts new provisions to the Appendix: Supreme Court Procedures. The amended provisions shall be known as the Supreme Court Rule No. 140 and are to be codified in the Cherokee Nation Code Annotated as 20 CNCA App. Rule 1, et seq.

**APPENDIX:**

**SUPREME COURT RULES AND PROCEDURES AMENDMENT**

**XV. ATTORNEYS**

**Rule 140. Cherokee Nation Bar Association By-Laws**

**ARTICLE I.**

**Name and Establishment**

The name of this organization is the Cherokee Nation Bar Association (hereinafter "CNBA" or "Association"). The CNBA is an association of professionals who contribute to or have significantly impacted the advancement of the practice of law in the Cherokee Nation judicial system. The CNBA was created and is governed by order of the Cherokee Nation Supreme Court. CNBA is subject to the laws of the Cherokee Nation.

**ARTICLE II.**

**Purpose of the Association**

The specific and primary purpose of the CNBA is:

2.1 To provide a forum through which members of the Cherokee Nation Bar may associate to represent the interests of the Cherokee Nation legal profession.

2.2 To promote advancements in jurisprudence and improvements in the administration of justice and civic relations between the legal profession and the Cherokee Nation public.

2.3 To promote collegiality, civility, and professionalism among practitioners in the Cherokee Nation courts.

2.4 To promote impartiality, fairness, and sensitivity to all matters involving the administration of justice and delivery of legal services in the Cherokee Nation.

### **ARTICLE III**

#### **Association Membership**

The CNBA shall consist of the following classes of membership:

3.1 Regular Members. Regular Members are all attorneys admitted to practice in the courts of the Cherokee Nation Only regular members in good standing may hold elected office in the CNBA or vote in official Association elections.

3.2 Support Professional Members. Support Professional Members are non-attorney members who actively work in a support capacity for licensed practitioners who regularly appear in the Cherokee Nation courts or otherwise advance matters of significance to the CNBA. Support Professional Members may not hold elected office in the CNBA or vote in official Association elections

3.3 Law Student Members. Law Student Members are non-attorney members who are enrolled in an accredited law school and maintain the standards set forth by such law school, or a graduate of any law school who has not yet been admitted to practice in any state or federal district, but who has applied to take a bar examination in a competent jurisdiction. Law Student Members may not hold elected office in the CNBA or vote in official Association elections

3.4 Removal. Any and all matters concerning admission, discipline, suspension, and removal of membership of any CNBA member shall remain under the exclusive authority of the Cherokee Nation Supreme Court.

### **ARTICLE IV**

#### **Dues**

4.1 Required Dues. CNBA Members are not required to pay dues beyond what is required to maintain active status to practice law in the Cherokee Nation Courts.



4.2 Roll of Members. The Cherokee Nation Supreme Court Roll of Attorneys shall be consulted to determine eligibility for CNBA Membership. Membership rolls for all eligible non-judicial CNBA members that are not authorized to practice law in the Cherokee Nation Courts shall be maintained by the Clerk of the Supreme Court.

## **ARTICLE V**

### **Executive Committee as Governing Board**

5.1 Powers and Function. The governing board of the CNBA shall be composed of elected officers and shall constitute the CNBA Executive Committee (hereinafter "Executive Committee" or "Governing Body"). The Executive Committee shall be responsible for the administration of activities associated with carrying out CNBA functions including, but not limited to:

- (a) Recommend changes in CNBA governance or structure;
- (b) Approve the annual budget;
- (c) Set the time and place of the Executive Committee meetings and the Annual Membership Meeting
- (d) Establish and abolish committees;
- (e) Organize and offer continuing legal education (CLE) sessions;
- (f) Organize CNBA events; and
- (g) Expend CNBA funds pursuant to Annual Budget approved by the Membership.

5.2 Composition. The Executive Committee shall consist of the President, Vice President, Treasurer, and Secretary. Collectively, these individuals will serve as the official officers of the CNBA and shall be elected at the Association Annual Meeting.

5.3 Terms of Office. All official officers of the CNBA shall serve a two year term in office and not more than two consecutive terms in the same office.

5.4 Vacancies. The CNBA Executive Committee shall nominate persons to fill any vacancy which may, for any reason, arise among officers of the Association. The Supreme Court shall approve or reject such nominee who shall serve until the next regular election.

## **ARTICLE VI**

### **Duties of Officers**

6.1 President. The President shall be the chief executive officer of the CNBA and shall preside at all meetings. The President shall cause the CNBA membership to be informed of all Association activities and shall perform such other functions as necessary to carry out official business of the CNBA.



6.2 Vice President. The Vice President shall assist the President in such manner and to such extent as the President may request. The Vice President shall preside at meetings in the absence of the President. In case of the resignation, disability, or absence of the President, the Vice President shall perform the duties of the President for the remainder of the President's term or period of disability.

6.3 Treasurer. The Treasurer shall keep accurate records of all income and expenditures of the CNBA and periodically report to the Board. The Treasurer shall be responsible for the collect and handle all monies in accordance with the practices adopted by the Cherokee Nation proper. The Treasurer shall generate an annual report and present the same to the Supreme Court and CNBA members at the Annual Meeting.

6.4 Secretary. The Secretary shall notify the Supreme Court and issue notices of proposed meetings of the Executive Committee as set forth herein and as required by the laws of the Cherokee Nation. The Secretary shall attend all meetings of the Executive Committee and shall accurately record minutes of such meetings. The Secretary shall provide draft copies of thee minutes of said meetings to the Supreme Court within 10 working days after said meetings and shall perform record keeping, correspondence and such other administrative functions as shall be required by the Executive Committee.

## **ARTICLE VII**

### **Elections**

7.1 Officers to be Elected. The President, Vice President, Treasurer, and Secretary, shall be elected by a vote of the CNBA membership. Said vote shall be conducted by mail in ballot under the auspices of the Cherokee Nation Court Administrator who shall carry out the election under rules promulgated for that purpose by the Supreme Court.

7.2 Nomination and Election of Officers.

a. Nominations made by a majority vote of the members present at the Annual Membership Meeting shall be placed on the mail in ballot.

b. Nominations will also be accepted when at least 15 members of the CNBA submit a nomination form bearing their signatures.

c. Nominations will be accepted during the Month of May in odd numbered years.

d. Balloting by mail will be conducted during the Month of June.

e. The Supreme Court will announce CNBA officers at its July Conference.

7.3 Installation. Officers will serve until the Supreme Court shall announce installation of new officers.



7.4 Terms of Office. All official officers of the CNBA shall serve a two year term in office and not more than two consecutive terms in the same office.

7.5 Neutrality. In order to maintain the political neutrality of the CNBA, the composition of the elected officers shall have the following limitations and/or requirements:

a. The President of the CNBA shall not be a Cherokee Nation elected official, a current member of the Cherokee Nation Cabinet or a Cabinet member's staff, or a member of the Cherokee Nation Judiciary;

b. The elected officers shall include a minimum of two (2) members who are not employees of the Cherokee Nation or entities owned or controlled by the Cherokee Nation.

## **ARTICLE VIII**

### **Association Meetings**

8.1 Meetings. The Executive Committee shall meet at the call of the President; by majority vote of the Executive Committee, or at the request of the Supreme Court as needed to carry out the business of the CNBA, but not less than quarterly. With the exception of quarterly meetings and the Association Annual Meeting, the Board may meet in person by telephone, or by computer electronic mail.

8.2 Annual Meeting. The Association Annual Meeting must be convened annually, and in person, in the month of May and shall be open to all members of the CNBA.

8.3 Quorum. At least three (3) official officers of the Executive Committee must be present at all Executive Committee meetings to constitute a quorum, which must include either the President, Vice President, or both. Any action taken by the Executive Committee at any meeting where a quorum is not attained is invalid and non-binding.

8.4 Notice. The Secretary shall notify the Supreme Court of and cause notice of all Executive Committee meetings as set forth herein, and pursuant to the laws of the Cherokee Nation.

8.5 Rules of Order. The rules of conduct for such meetings shall be:

- (a) By-laws and other governing documents of the CNBA;
- (b) Standing Resolutions passed by the Executive Committee; and
- (c) The current edition of Robert's Rules of Order.

**ARTICLE IX**  
**Amendments**

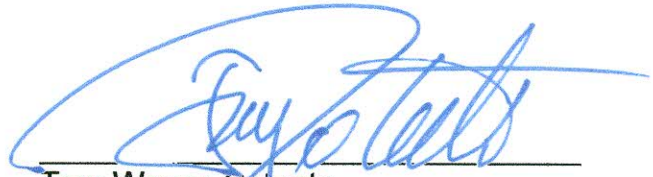
9.1 Recommendations for changes to these By-Laws can be submitted to the Supreme Court by the Executive Committee or by resolution of those present at the Annual Membership Meeting. The Supreme Court at its discretion will determine whether to approve the recommendations, or submit the same for approval of the CNBA by mail in ballot. .

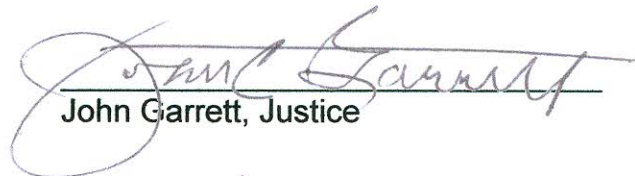
**ARTICLE XI**  
**Dissolution of Association**

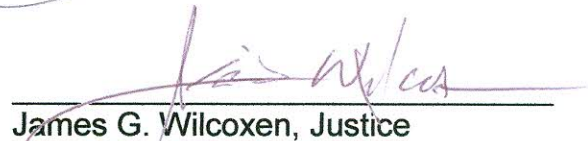
Upon dissolution of the CNBA, all assets, real and personal, shall revert to the Cherokee Nation Supreme Court.

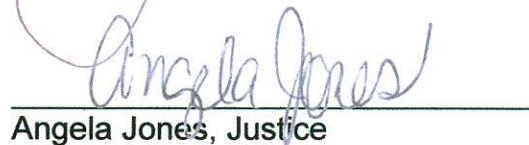
These Supreme Court Rules and Procedures are amended this 26<sup>th</sup> day of May, 2015.

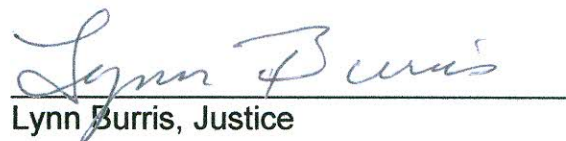
**IT IS SO ORDERED.**

  
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Troy Wayne Poteete  
Chief Justice of the Cherokee Nation

  
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John Garrett, Justice

  
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James G. Wilcoxon, Justice

  
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Angela Jones, Justice

  
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Lynn Burris, Justice