

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

XI. Pretrial Process

Rule 95. Purpose of the agreed pretrial order—Expectations and directions for parties

Cite as: 20 CNCA app. I, r. 95

A. Purpose of the agreed pretrial order. The purpose of the agreed pretrial order is to condense all material information into one working document that will control the trial of the case.

B. Prior rulings. The agreed pretrial order must reflect the current status of the case and accurately reflect all prior rulings by the court.

C. Unprofessional conduct. Failure of the plaintiff's attorney to timely initiate and/or failure of any attorney in the case to cooperate in timely preparation of the agreed pretrial order shall be deemed by the Court to be unprofessional conduct.

D. Good faith disputes. While all reasonable efforts should be made by counsel and litigants to timely agree on a pretrial order, if, following good faith effort, disputes still remain regarding factual and/or legal issues, such should be noted in the single pretrial order submitted, for ultimate resolution by the Court.

E. No adoption of pleadings by reference. Counsel may not adopt pleadings and incorporate them into the pretrial order by reference.

F. Reservation of rights not allowed. No reservation of an asserted right to add additional witnesses or exhibits or to take additional discovery will be allowed in the agreed pretrial order.

G. Late exhibits. Late exhibits are those not listed in the agreed pretrial order. If late exhibits are discovered, the party desiring to offer them shall immediately mark them for identification and furnish copies to opposing counsel with a statement explaining their late production. If objected to, the sponsoring party must file a written motion requesting permission to supplement the exhibit list.

H. Late witnesses. Additional witnesses, listed after the witness exchange date, will be permitted to testify only if ordered to prevent manifest injustice and only then, if proper notice is given, under the facts and circumstances of the case, to the other party, and a written motion is immediately filed requesting permission to supplement the witness list.

I. Pro se litigants. Pro se litigants and opposing counsel should confer before a pretrial conference and be prepared to discuss at the conference significant disputes relative to issues of fact and law, exhibits, witnesses, evidence, in limine matters and all matters bearing on an expeditious settlement or trial of the case.

J. Pretrial conference. At the pretrial conference, the Court may take any appropriate action to insure a fair trial to all parties.

K. Demonstrative aids, exhibits and summaries. All demonstrative aids, exhibits and summaries intended to be used for any purpose at trial shall be displayed to opposing counsel at least fourteen (14) days in advance of trial, unless a shorter time is allowed pursuant to the scheduling order.

Historical Data

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