



NCA 20-071

CLASSIFICATION: #26. JUDICIAL BRANCH

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING TITLE 26, ENTITLED
“JUDICIAL BRANCH/COURTS”**

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. AMENDMENT. This amendment shall be codified in Title 26 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION TWO. AMENDMENT. MCNCA Title 26, § 2-202 is hereby amended to read as follows:

§2-202. Special Judge; Vacancies in District Trial Courts

A Special Judge shall be appointed using the following method and procedure:

A. If illness, conflict of interest, disqualification, recusal or other considerations prevent each of the District Trial Court Judges from presiding over a specific case or matter, (or group of cases or matters, if involving the same parties and linked subject matter) then the Supreme Court, by majority with a quorum present, shall appoint a Special Judge not currently employed in the District Trial Courts for a term not to exceed conclusion of the assigned case(s) or matter(s).

B. If illness, conflict of interest, disqualification, increase in case load, or other considerations prevent or delay the District Trial Court Judges from timely hearing multiple cases, then the Supreme Court, by majority with a quorum present, may appoint a Special Judge not currently employed in the District Trial Courts to hear cases (to be assigned by the Administrative Judge of the District Trial Courts) for a period not to exceed one (1) year. Following expiration of a Special Judge's one (1) year appointment, the Special Judge must follow the

process of nomination by the Principal Chief and confirmation by the National Council for any extended tenure of service.

BC. If illness, conflict of interest, disqualification, **increase in case load** or other considerations prevent a **District Trial Court** Judge from hearing cases for an extended period of time (not including any vacancy created by expiration of the term of a District Trial Court Judge), then a Special Judge may be appointed after following the process of nomination **by the Principal Chief and confirmation** by the National Council pursuant to § 2-201 of this Subchapter stating the term and reason for the Special Judge appointment.

~~C. Any appointment of the Supreme Court that appoints a Special Judge for more than one case, matter, civil action, or otherwise without following the same process of nomination by the National Council is null and void.~~

D. Any Special Judge appointed shall be a member of the Muscogee (Creek) Nation Bar Association in good standing.

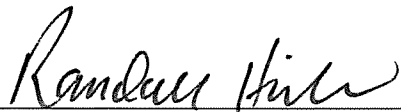
E. The process for filling vacancies of District Trial Court Judges contained in Title 27, App. 1, Rule 15A of this Code (Judicial Procedures) is hereby null and void and this Subsection shall control any and all appointments of any Special Judge.

F. Any appointed Special Judge shall be compensated pursuant to the provisions of MCNCA Title 26 § 2-201(D), in the same manner as a District Trial Court Judge.

SECTION THREE. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this **26th** day of **September, 2020.**

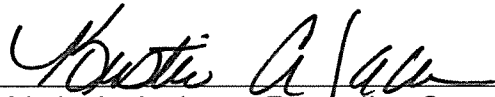
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Randall Hicks, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the 26th day of **September, 2020** and that the above is in conformity with the provisions therein adopted by a vote of **13** in favor, **2** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Jackson, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 5th day of October, **2020** to the above Law, **NCA 20-071** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



David W. Hill, Principal Chief
Muscogee (Creek) Nation





NCA 20-071

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the Special Judge must follow the process of nomination by the Principal Chief and confirmation by the National Council for any extended tenure of service.

C. If illness, conflict of interest, disqualification, increase in case load or other considerations prevent a District Trial Court Judge from hearing cases for an extended period of time (not including any vacancy created by expiration of the term of a District Trial Court Judge), then a Special Judge may be appointed after following the process of nomination by the Principal Chief and confirmation by the National Council pursuant to § 2-201 of this Subchapter stating the term and reason for the Special Judge appointment.

D. Any Special Judge appointed shall be a member of the Muscogee (Creek) Nation Bar Association in good standing.

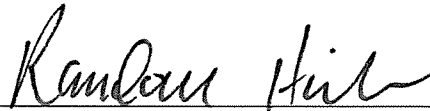
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ENACTED by the Muscogee (Creek) National Council on this **26th** day of **September, 2020.**

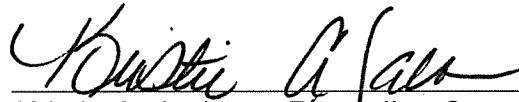
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Randall Hicks, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

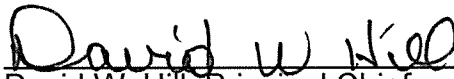
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Kristie A. Jackson, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **5th** day of **October, 2020** to the above Law, **NCA 20-071** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



David W. Hill, Principal Chief
Muscogee (Creek) Nation

