

UNITED KEETOOWAH BAND OF
CHEROKEE INDIANS
IN OKLAHOMA

TRIBAL JUSTICE DEPARTMENT
ACT of 2022

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UNITED KEETOOWAH BAND
OF CHEROKEE INDIANS IN OKLAHOMA

A PUBLIC LAW CREATING THE JUSTICE DEPARTMENT OF THE
UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA
AND PROVIDING FOR ITS FUNCTIONS.

The United Keetoowah Band's Tribal Justice Department Act is hereby adopted into law as follows:

DEPARTMENT OF JUSTICE

Section 1. Department of Justice Created

There shall be a Department of Justice within the government of the United Keetoowah Band of Cherokee Indians in Oklahoma to be known as the Justice Department of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Section 2. Attorney General

The Attorney General shall be the head of the Justice Department. The Attorney General shall be appointed by and serve at the pleasure of the Council.

Section 3. Assistant Attorneys General and Staff

The Attorney General may appoint such Assistant Attorneys General, prosecutors, public defenders, and staff as the business of the Department shall require. Assistant Attorneys General and prosecutors may be delegated such authority and assigned to such tasks within the Department as the Attorney General shall determine.

Section 4. Vacancies

(a) In case of a vacancy in the office of Attorney General, or of their absence of disability, the first Assistant Attorney General appointed to such office may exercise all the duties of that office.

(b) When, by reason of absence, disability, or vacancy in office, neither the Attorney General nor the first Assistant Attorney General is available to exercise the duties of the office of Attorney General, other Assistant Attorneys General, in such order of succession as the Attorney General may from time to time prescribe, shall act as Attorney General.

Section 5. Functions of the Attorney General

All functions of the Department of Justice are vested in the Attorney General except those which are specifically vested in some other officer within the Justice Department by law. In the

case of absence, vacancy, or other disability, the Attorney General or their authorized representative shall have the authority to exercise any function vested by law or regulation in any officer or employee within the Justice Department.

Section 6. Delegation of Authority

The Attorney General may from time to time make such provisions as they consider appropriate authorizing the Department of Justice, or any of its officers or employees, to execute any function of the Attorney General as provided by the laws of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Section 7. Attorney General to Advise Council and officers

The Attorney General shall give their advice and opinion on questions of law when required by the Council, and shall advise the officers of the United Keetoowah Band of Cherokee Indians in Oklahoma upon any question of law within the duties of their office when requested so to do.

Section 8. Attorney General to Advise Department Heads

The head of a department or an agency of the United Keetoowah Band of Cherokee Indians in Oklahoma may request the opinion of the Attorney General on questions of law arising in the administration of the department head's department or agency.

Section 9. Force and Effect of Opinions of the Attorney General

The following shall govern the force and effect given the opinions of the Attorney General:

(a) Official opinions of the Attorney General shall be followed by other departments until withdrawn by the Attorney General, vacated by a final decision of the Tribal Courts, or rescinded by action of the Tribal Council.

(b) In giving their official opinions, the actions of the Attorney General are quasi judicial and their opinions officially define the law unless a later decision of the Courts or Council of the United Keetoowah Band of Cherokee Indians in Oklahoma is contrary thereto.

(c) Administrative personnel should regard the opinions of the Attorney General as law until withdrawn by the Attorney General or overruled by the Tribal Courts or Council.

(d) Opinions of the Attorney General should be considered as confined to specific questions therein considered and not as controlling in determining other questions not considered.

(e) A question once fully considered and answered by one Attorney General should not be reconsidered by their successor, unless extraordinary circumstances exist.

Section 10. Conduct of Litigation Reserved to Department of Justice

Except as otherwise authorized by law, the conduct of litigation in which the United Keetoowah Band of Cherokee Indians in Oklahoma, or an agency or officer thereof, is a party is reserved to the Department of Justice, under the direction of the Attorney General.

Section 11. Conduct and Argument of Cases

(a) Except when the Attorney General in a particular case directs otherwise, the Attorney General shall conduct and argue suits and appeals in the Supreme Court of the United Keetoowah Band of Cherokee Indians in Oklahoma, and suits and appeals in the State and Federal courts.

(b) When the Attorney General considers it in the interests of the United Keetoowah Band of Cherokee Indians in Oklahoma, they may personally conduct and argue any case in the District Court or the Supreme Court of the United Keetoowah Band of Cherokee Indians in Oklahoma in which the United Keetoowah Band of Cherokee Indians in Oklahoma is interested, or they may direct any officer of the Department of Justice to do so.

Section 12. Publication and Distribution of Opinions

The Attorney General, from time to time, shall cause to be edited and printed such of their opinions as they consider valuable for preservation and may prescribe the manner for the distribution of the opinions.

Section 13. Report of Business and Statistics

At least once each fiscal year, the Attorney General shall report to the Council on the business of the Department of Justice for the last preceding year, and on any other matters pertaining to the Department that they consider proper, including:

(a) a statement of the appropriations which are placed under the control of the Department of Justice and the amount expended;

(b) the statistics of crime under the laws of the United Keetoowah Band of Cherokee Indians in Oklahoma; and

(c) a statement of the number of cases involving the United Keetoowah Band of Cherokee Indians in Oklahoma, civil and criminal, pending during the preceding year in any court.

Section 14. Expenditures

The Attorney General, or their authorized designee, shall sign all requisitions or vouchers for the advance or payment of moneys appropriated for the Department of Justice subject to the same control as is exercised on like accounts by the Accounting Department of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Section 15. Program Performance

The Department of Justice shall perform all duties of the solicitor, prosecutor, and public defender whenever contracts, grants, or other agreements with the United States or any of its officers or agencies provide for such services.