

**FILED**

**IN THE DISTRICT COURT OF THE CHEROKEE NATION**

**2021 JUL 22 AM 10: 02**

**DAVID COMINGDEER,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **CHEROKEE NATION,** )  
 )  
 **Defendant.** )

**CHEROKEE NATION  
DISTRICT COURT  
KRISTI MONCOOYEA  
COURT CLERK  
Case Number: CV-2016-180**

**DEFENDANT CHEROKEE NATION’S MOTION TO DISQUALIFY CHADWICK SMITH AS LEGAL COUNSEL TO PLAINTIFF, STRIKE PLEADINGS AND STRIKE FROM JURY TRIAL DOCKET**

**COMES NOW**, Defendant, Cherokee Nation, through counsel of record, John C. Young and Paiten Taylor-Qualls, and for its motion offers the following:

**Arguments and Authorities**

The Cherokee Nation Supreme Court Rules and Procedure state that “[n]o person shall practice as an attorney and counselor at law in any Court of the Cherokee Nation unless said person first obtains membership in the Cherokee Nation Bar Association.” CNSC Rule 152 (SC-AD-2019-02).

Upon information and belief, Counsel for the Plaintiff, Chadwick Smith (“Smith”), is not a member in good-standing of the Cherokee Nation Bar Association and has not been so since 2018 or 2019. Indeed, Smith’s name does not appear on the roster of current Cherokee Nation Bar Association Members.<sup>1</sup> As a result, Smith has been engaged in the unauthorized practice of law before the Courts of the Cherokee Nation.

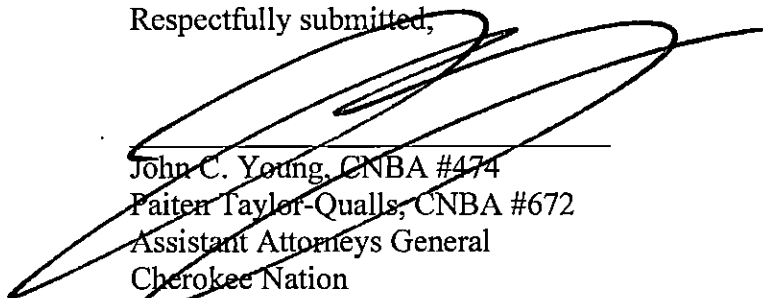
---

<sup>1</sup> [https://www.cherokeecourts.org/Portals/cherokeecourts/Documents/BarAssociation/Active\\_7-13-21.pdf?ver=2021-07-14-090051-550](https://www.cherokeecourts.org/Portals/cherokeecourts/Documents/BarAssociation/Active_7-13-21.pdf?ver=2021-07-14-090051-550)

This cannot be remedied by simply mailing a check to the Court as Rule 152 further provides that “[f]ailure to pay membership by October 31<sup>st</sup> will result in loss of membership. A new application will be required for re-admittance.” *Id.* Inasmuch, this Court should enter its Order disqualifying Smith from serving as legal counsel to Plaintiff Comingdeer, strike any and all pleadings filed by Smith during the time period in which he was not a member in good-standing of the Cherokee Nation Bar Association, and strike the matter from the fall 2021 jury trial docket.

**WHEREFORE**, premises considered, Defendant respectfully moves this Court to issue its Order, as described above, and for any further relief this Court deems necessary and just.

Respectfully submitted,



---

John C. Young, CNBA #474  
Paiten Taylor-Qualls, CNBA #672  
Assistant Attorneys General  
Cherokee Nation  
P.O. Box 948  
Tahlequah, OK 74465  
Tel: (918) 453-5726  
Fax: (918) 458-6142  
john-young@cherokee.org  
paiten-qualls@cherokee.org  
*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above was e-mailed to Counsel for the Plaintiff, Chad Smith at [chad@chadsmith.com](mailto:chad@chadsmith.com) on July 22, 2021.

