

Tribal Courts and McGirt

A Service Guide

Serving Process in Oklahoma Tribal Courts
After McGirt v. Oklahoma (2020)

Just Legal Solutions

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What McGirt Changed

In 2020, the United States Supreme Court decided *McGirt v. Oklahoma*. This case changed who has the power to prosecute crimes in a large part of eastern Oklahoma.

The Court ruled that the reservation lands of the Five Civilized Tribes still exist. These tribes are: Cherokee, Choctaw, Chickasaw, Creek (Muscogee), and Seminole.

What this means for legal cases:

- State courts cannot prosecute major crimes committed by Indians on reservation land
- State courts cannot prosecute major crimes against Indians on reservation land
- Federal courts or tribal courts handle these cases instead

After *McGirt*, anyone serving legal papers in eastern Oklahoma must know whether the case belongs in state court, federal court, or tribal court.

Castro-Huerta and What Changed in 2022

In 2022, the Supreme Court decided *Oklahoma v. Castro-Huerta*. This case changed part of what *McGirt* established.

Castro-Huerta says state courts now have concurrent jurisdiction. This means state courts and federal courts both have power over non-Indians who commit crimes against Indians on reservation land.

What stayed the same and what changed:

- State courts still cannot prosecute Indians for crimes on reservation land
- State courts now CAN prosecute non-Indians for crimes against Indians on reservations
- Tribal courts still have their own separate court systems

These rulings affect process servers because service rules differ between state courts, federal



courts, and tribal courts.

Five Tribes Court Contact Information

Each tribe has its own court system. The table below shows how to contact each tribal court. Always call the court clerk before serving papers. Rules differ by tribe.

Tribe	Court Location	Phone	Website
Cherokee Nation	Tahlequah, OK	(918) 458-6900	cherokeecourts.org
Choctaw Nation	Durant, OK	(580) 924-8280	choctawnation.com
Chickasaw Nation	Ada, OK	(580) 436-7255	chickasaw.net
Creek (Muscogee)	Okmulgee, OK	(918) 732-9200	Verify website with court
Seminole Nation	Wewoka, OK	(405) 257-7200	seminolenation.com

Note: The Choctaw Nation has the most detailed published service rules of the Five Tribes. For other tribes, contact the tribal court clerk directly for current procedures.

Quapaw Nation Process Server Licensing

The Quapaw Nation requires process servers to be licensed. This is different from Oklahoma state court rules.

To serve papers in Quapaw Nation tribal court, follow these steps:

Item	Details
Initial License Fee	\$35
Renewal Fee	\$15
Where to Apply	Quapaw Nation Tribal Court
Contact	Verify current process with court clerk

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Item	Details
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Note Fees and rules may change. Confirm before applying.

For current licensing forms and detailed requirements, contact the Quapaw Nation court directly. Verify all fees with the court clerk before applying.

Tribal Courts vs. State Courts

Tribal courts operate under different rules than Oklahoma state courts. The comparison table below highlights key differences that affect process servers.

Factor	Tribal Court	State Court
Jurisdiction	Tribal members and reservation lands. Each tribe sets its own rules.	Non-Indian defendants and state lands. Oklahoma state laws apply.
Service Methods	Varies by tribe. Some require tribal officers. Others allow licensed process servers.	Oklahoma state rules apply. Licensed process servers may serve.
Appeals	Tribal appellate courts or tribal council. Procedures vary by tribe.	Oklahoma appellate courts. Clear state rules apply.
Licensing	Some tribes require separate licenses for process servers. Fees vary.	Oklahoma process server license required for most cases.

Each tribe sets its own court rules. Always research the specific tribe before attempting service. Never assume state court rules apply in tribal court.

Serving Tribal Court Documents: Checklist

Use this checklist every time you serve papers in tribal court. Each step is important.



Done	Task
<input type="checkbox"/>	Research tribal law for the specific tribe involved
<input type="checkbox"/>	Contact the tribal court clerk to confirm rules
<input type="checkbox"/>	Check cross-deputization agreements for the area
<input type="checkbox"/>	File papers with the correct tribal court
<input type="checkbox"/>	Serve papers per tribal court rules
<input type="checkbox"/>	File proof of service with the tribal court

Cross-Deputization Agreements

Cross-deputization agreements let state and tribal law enforcement officers work together. These agreements affect which officers can serve papers on tribal land.

You can find a list of current cross-deputization agreements at:

www.sos.ok.gov/gov/tribal.aspx

These agreements change over time. New agreements may be signed. Old agreements may expire. Always check the current list before serving papers.

What cross-deputization means for process servers:

- State law enforcement officers may have tribal authority under these agreements
- Tribal police officers may have state authority under these agreements
- Service by a cross-deputized officer may satisfy both state and tribal requirements

Verify with the tribal court whether a cross-deputized officer must serve your specific documents.



When Do You Need a Tribal Court?

Use the decision guide below to figure out which court system applies to your case.

Question	Action
Is the case on tribal reservation land?	If yes, tribal court may have jurisdiction. If no, state court may apply.
Are the parties tribal members?	If yes, tribal court likely applies. If no, other rules may apply.
Is the defendant a non-Indian?	Check Castro-Huerta rules. State may have concurrent jurisdiction.
What type of case is it?	Criminal cases have different rules than civil cases. Check with the court.
Has a cross-deputization agreement been signed?	Check www.sos.ok.gov/gov/tribal.aspx for current agreements.
Still unsure?	Contact the tribal court clerk. Verify with the court before serving.

If you are unsure which court has jurisdiction, contact the tribal court clerk. They can help you figure out the correct court. When in doubt, verify with the court.

Key Tips for Process Servers

- Research the tribal law before every tribal court service
- Call the tribal court clerk to confirm current rules and fees
- Check for cross-deputization agreements in the area
- File papers with the tribal court, not the state court
- Follow tribal service rules exactly as written
- File proof of service with the tribal court promptly

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- Keep copies of all filed documents for your records
- Respect tribal sovereignty and court procedures at all times

Important Disclaimer

This document provides procedural information only. It is not legal advice. Laws and court rules change often. Verify all information with the tribal court before relying on it.

Just Legal Solutions is not a law firm. We do not provide legal advice or represent clients in court. We provide process serving and legal support services only.

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