

Confederated Tribes of the Umatilla Indian Reservation of Oregon
Rules of Court

UMATILLA TRIBAL COURT JURISDICTION

The Court currently exercises jurisdiction over the following enacted Tribal Codes AND OR Ordinances:

1	Advisory Committee Code	2	Board of Trustees' Procedure Rules
3	Cemeteries Code	4	Credit Program Code
4	Criminal Code	5	Elders Services Code
6	Election Code	9	Enrollment Code
10	Environmental Health Code	11	Family Law Code
12	Financial Responsibility Code	13	Fire Prevention and Emergency Services Code
14	Fish and Wildlife Code	15	Funeral Assistance Code
16	Gaming Code	17	Housing Code
18	Inheritance Code	19	Juvenile Code
20	Land Development Code	21	Landlord-Tenant and Mortgage Code
22	Liquor Code	23	Mission Community Water System Code
24	Non Profit Organizations Code	25	Right To Work Code
26	Sex Offender Registration Code	27	Taxation Code
26	Tort Claims Code	27	Tribal Employment Rights Office Code
28	Water Code	29	Worker's Benefit Code
30	CTUIR Constitution and Bylaws	31	Treaty between CTUIR and the USA, 1855

The Criminal Code, Fish and Game Code, and Juvenile Code specifically apply to Indians, only the criminal code is exclusive to any other jurisdiction except Federal Law.

GENERAL RULES OF THE COURT

RULE 1: LOCATION

The Tribal Court is located on Mission highway five miles east of Pendleton, Oregon in the Nixyaawii Governance Center on the Umatilla Indian Reservation, Oregon. The Court's mailing address is 46411 Timine Way, Pendleton, Oregon, 97801. Telephone number (541) 276 - 2046. Fax number (541) 278 - 5381. Jury duty number (541) 429-7046. Toll Free number: 888-809-8027. E-mail address for staff available upon request.

RULE 2: OFFICE HOURS AND SCHEDULE

The normal business hours of the Tribal Court offices are 7:30 am to 4:00 pm weekdays except for tribal and federal holidays. Matters before the court are regularly scheduled and parties notified. Court will not be held unless scheduled by the court.

RULE 3: EX PARTE COMMUNICATIONS

All communications, interviews, meetings, or arguments designed or reasonably calculated to influence judicial action or decision, where all interests to be affected by such action are not represented before the judge, is strictly prohibited.

Exception is allowed where ex parte proceedings are allowed by tribal law, or where an order is required to prevent irreparable harm and the necessity for immediate action is clearly demonstrated. When preliminary or temporary orders are issued by the court, the matter shall be assigned for prompt hearing on continuance of the order and all interested parties afforded an opportunity to be heard.

RULE 4: FORM OF PLEADING

Except as provided by statute or unless forms are provided by the court, all papers or documents filed in any proceeding in this court system shall be as follows:

- a. **FORM AND STYLE:** Papers and documents do not include exhibits or printed documents. All papers and documents must be prepared on letter size (8.5"X11") paper with one inch top margin. Pleading shall be typed except that blanks in forms may be completed in and handwriting and notations by the court clerk or judge may be in handwriting. All pleading and requested instructions shall be double spaced, prepared on one side only and on paper with numbered lines. All other papers and documents may be single spaced and lines thereof need not be numbered.
- b. **PAGE NUMBERING; SIGNATURE:** The name of each document and page number shall appear on the bottom of each page in sequential order. Also, the name, address, and telephone number of the attorney of record or party shall appear on all pleading presented for filing. All pleading shall be signed by the party or by the party's attorney of record who is admitted to practice before this court.
- c. **CAPTION; NAMES OF PARTIES:** Every pleading shall contain a caption setting forth the name of the court, the title of the action, and case register number. In the complaint the title of the action shall include the names of all the parties but in other pleading it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

RULE 5: MOTIONS

- a. Motions may be made in writing prior to the hearing or orally at scheduled hearings. Motions may be accompanied by affidavits or memoranda in support of the motion.
- b. Motions filed in writing may be scheduled for a hearing at the request of the party or on the court's own motion.
- c. Failure to appear at a scheduled motions hearing, or a lack of request for same, shall be deemed a waiver.
- d. An attorney or party opposing the motion may, not less than one day before the motion hearing, serve and file a memorandum or statement citing reasons and authorities in support of opposition thereto.

RULE 6: COURTROOM CONDUCT AND DECORUM

All officers of the court, including counsel, advocates, parties, jurors, witnesses, and police shall dress and act in a manner fitting the dignity of the proceedings of the court.

Specifically this means but is not limited to:

- a. No smoking, eating, or drinking in the courtroom.

- b. Hats must be removed in court. Cut-offs and shorts are not appropriate dress. Sunglasses must be removed in court.
- c. No appearance before the court or in court offices while under the influence of intoxicants or drugs.
- d. Prisoners shall be accompanied by tribal police or other authorized officers.
- e. Presentations to the court shall be in a timely and orderly manner. Persons before the court shall speak in a clear voice.

RULE 7: CONTINUANCES

Cases may be continued or postponed only by order of the court. No continuances shall be allowed unless good cause is shown. Except as provided by law motions for continuances shall be submitted in writing to the court at least ten (10) days before the scheduled trial or hearing. Continuances may be granted for an indefinite time or to a specific date.

RULE 8: STIPULATION OR SETTLEMENT

No agreement or oral stipulations between parties or their counsel concerning any proceedings before the court will be regarded or enforced unless same are made in open court on the record.

RULE 9: JURY INSTRUCTIONS

- a. General: All requests that the court instruct the jury on the law in any particular shall be made in writing and presented to the court in duplicate for examination of the jury on voir dire.
- b. Form: Each instruction shall be stated separately, typed on letter-size paper and numbered consecutively. The name and address of counsel requesting same shall appear on each page.
- c. Authority: Beneath each requested instruction based on statute, case law, or other legal authority shall be a statement citing same with the exact source of the authority which supports the instruction and demonstrates its applicability to the case.
- d. Uniform jury instructions: Counsel may request any of the Uniform Oregon Jury Instructions for Civil or Criminal cases as prepared by the Oregon State Bar. Such request shall be in writing and refer to the appropriate number and subject matter of the instruction. Such request shall be submitted in duplicate to the court on one or more pages with one request per line and double spaced. These requests are subject to the time requirements for submission to the court and service on opposing counsel which are provided herein.
- e. Service on Opposing Counsel: A true copy of all requested instructions shall be served upon opposing counsel at the conclusion of presentation of the evidence in the case.
- f. Unforeseen Developments: After presentation of the evidence and before argument, or as the court may direct, a party may submit instructions to the court in duplicate covering any unexpected and unforeseen development occurring during trial. This includes withdrawal of requested instructions.
- g. Information On Requested Instructions: The court shall inform counsel of the substance of the instructions it proposes to give based upon the requested instructions; and shall allow argument on

same if necessary or as required by law.

RULE 10: RULES OF EVIDENCE

Rules of evidence as established by tribal law shall be followed in all cases. If the law is not settled on the matter at issue, the Federal Rules of Evidence may be used as a guideline in determining the matter.

RULE 11: ADVOCATES OR ATTORNEYS

- a. Any person appearing in tribal court may be represented by a duly admitted advocate or attorney. The person shall authorize his or her representation in writing and request permission of the court to allow such representation. The presiding judge shall approve or deny the request.
- b. Any person who is an active member in good standing of any tribal or state bar association is eligible for admission to the bar of the Umatilla Tribal Court.
- c. Application for admission shall be made by filing an admission fee of \$100.00 and a petition setting forth: name, birth date, sex, residence/office address, general and specific legal education and experience, reference from one bar association member with whom they are personally acquainted, any past or pending disciplinary actions to which she may be subject, any other information as required by the court.
- d. If the court is satisfied that the applicant is of good moral character and professional standing, the petition shall be granted and the applicant may take the oath of admission.
- e. Oath of Admission: I _____ solemnly swear or affirm that I am familiar with tribal law, the Indian Civil Rights Act, tribal court rules, and the Constitution and By-laws of the Umatilla Tribes; that I will respect and abide these laws and rules; and that I will conduct myself with proper decorum, truth, and responsibility when appearing in any proceedings before the court.

Signature _____

State of Oregon)
) ss:
 County of Umatilla)

Subscribed and sworn to before me this ____ day of _____, 20__.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal on this day and year last hereinabove written.

On this ____ day of _____, 20__.

Notary Public for Oregon

My Commission Expires:_____

RULE 12: RULES OF PROCEDURE

Rules of procedure as established by tribal law shall be abided in all cases. If tribal law is not settled on the procedure at issue, the Federal Rules of Civil Procedure may be used as a guideline in determining the issue.