

RULES OF COURT AND CIVIL PROCEDURE



ADOPTED BY THE TRIBAL COURT OF THE
KARUK TRIBE

June 21, 2019

Preceding Versions: 09/01/16 ; 04/15/10; 09/23/2008; 02/28/07

Adopted: 04/08/04

**** This Amended Version Supersedes All Other Versions ****

GOVERNING PRINCIPLES

The Karuk Tribal Court is committed to the establishment of a Karuk judicial system that is uniquely Karuk and provides a culturally appropriate forum for resolution of conflicts arising within or affecting the Tribe. These Rules govern actions in the Karuk Tribal Court. They are intended to provide for a fair determination in all Court proceedings, to secure simplicity in Court procedure, to promote fairness in administration, and to eliminate unnecessary expense or delay.

In establishing these Rules, the Karuk Tribal Court is aware that often people will come before the Court without formal representation or with representatives/spokespersons who may not be law trained. These Rules are not meant to create an environment that favors law trained represented persons, and will not be enforced in such a manner as to create such an outcome. Rather, the Rules are meant to guide the parties to a fair and just resolution by providing a framework for resolution of issues. Both the form and substance of the laws of this Tribe are meant to provide justice within a culturally responsive system. To that end, form will not be favored over substance.

The Karuk Tribal Court will be conducted as a Court that reflects certain principles that are not traditional Karuk principles but have been adopted or accepted by the Karuk Tribal government. The Karuk Tribal Court also relies on Karuk cultural principles that are traditional whenever such adherence reflects the best practices for a prompt and fair resolution of the issues before the Court. The Court will always seek results that promote the peace and welfare of the Tribe, and insure the good stewardship of Karuk country to permit the whole land to stay in harmony and balance.

RULE 1: AUTHORIZATION, PURPOSE AND SCOPE

These Rules of Court and Civil Procedure ("Rules") are promulgated pursuant to the authority delegated to the Tribal Court in the Tribal Court Ordinance, Section 10.2.03, Powers of the Tribal Court.

RULE 2: CONSTRUCTION / PRECEDENT / OTHER LAWS AND RULES

These Rules shall be liberally construed in order that justice is served and cases resolved as promptly and efficiently as reasonably possible. In resolving cases before the Court, great weight will be given to relevant prior decision of the Karuk Tribal Court. Where such decisions do not exist, the Court will look first to the notions of fairness inherent in the Karuk culture, then to principles of fairness inherent in Karuk common law, and then may consider other Tribal court decisions, Federal decisions, and/or decisions of State courts, provided they do not conflict with Karuk cultural prerogatives. In the event these Rules are silent as to specific timelines and other procedural matters, the Tribal Court has the discretion to rely on Federal Rules of Civil Procedure or relevant state procedural rules for guidance. *Parties and advocates appearing in the Tribal Court are advised to familiarize themselves with the Tribe's substantive laws for additional procedural requirements (such as the specific timeline requirements for certain child welfare cases) not found in these Rules.*

RULE 3: AMENDMENTS TO THE RULES

These Rules may be amended by the Tribal Court from time to time, with or without notice. However, changes in the Rules shall not be applied to any pending case so as to prejudice the rights of any party.

RULE 4: COURT LOCATION AND SCHEDULING

- A. Proceedings before the Court shall be at the Tribal Court, located at 1836 Apsuun, Yreka, California 96097, unless another location is specified by the Tribal Council or the Court. Court staff may travel to other Karuk communities to hold court proceedings at the convenience of parties and agreement of the Court. The Court's mailing address is P.O. Box 629, Yreka, California 96097, the phone number is (530) 841-3143 Ext 6500,, and the fax number is (530) 842-4889.
- B. The clerk shall be responsible for coordinating Court proceedings and shall be responsible for all arrangements for courtroom and other facilities for the Court's business.

RULE 5: COURT RECORDS

- A. The clerk shall keep a docket in such form and style as the clerk shall determine. Actions shall be assigned consecutive file numbers. The entry of an order or judgment shall show the date the entry is made. The clerk shall also keep, in such form and manner as the clerk shall determine, a correct copy of every order, and judgment, whether appealable or not, issued or entered by the Court. The clerk shall also keep such other books and records as may be required by the Court or as the clerk shall determine is necessary for the orderly operation of the Court.
- B. Records of all proceedings before the Court shall be kept at the Tribal Court administration office under the supervision and control of the Clerk of the Court. All records are strictly confidential and maintained in a locked file cabinet, and shall be available for inspection only to the parties to the case, after a timely request. Juvenile court records are only open to inspection by Order of the Karuk Tribal Court upon a showing of good cause.
- C. Every non-party person or agency seeking to inspect or obtain Court records must petition the Court for authorization.

The specific records sought shall be identified based on knowledge, information, and belief that such records exist and are relevant to the purpose for which they are being sought. The petition must be served on all parties. In determining whether to authorize inspection or release of such records, in whole or in part, the Court shall balance the interests of the parties to the Court's proceedings, the interests of the petitioner, and the interests of the public. The Court shall permit disclosure of, discovery of, or access to Court records or proceedings only insofar as is necessary, and only if there is a reasonable likelihood that the records in question will disclose information or evidence of substantial relevance to the pending litigation, investigation, or prosecution. The Court may issue protective orders to accompany authorized disclosure, discovery, or access.

- D. The Court shall review the petition and grant or deny it, or set a hearing to consider the petition. The clerk shall notice all parties of the hearing. If the Court determines that there may be information or documents in the records sought to which petitioner may be entitled, review of records shall be "in camera" (by the judge in chambers, and not recorded), and the judge shall assume that all legal claims of privilege are asserted. If, after in-camera review, the Court determines that some or all of the records may be disclosed, it shall make appropriate orders, specifying the information to be disclosed and the procedure for providing access to it.
- E. All hearings or other proceedings before a judge shall be recorded.

- F. If directed by the judge or if requested by a party, a Court-authorized transcriber shall prepare a transcript of the proceedings within such reasonable time after the hearing as the judge shall designate and shall certify that the proceedings have been correctly reported and transcribed. If directed by the judge, the authorized transcriber shall file the transcript with the Clerk of the Court. The transcription costs shall be paid by the requesting party.

RULE 6: BRINGING A CASE INTO COURT / PARTIES AND PLEADINGS

- A. Original Action – A case is started in the Karuk Tribal Court by the filing of the first papers with the Clerk of the Court and payment of a filing fee, if required, by the party bringing the case.

- 1 Petition - The first paper filed in a case is called a petition. In some cases, the requirements for the contents of the petition will be as set forth in the relevant law. Otherwise, petitions must generally include a short and plain but complete statement of the facts of the case, a statement of the way in which the rights of the party bringing the petition were violated, and a statement of the relief the party is seeking (what the party starting the case wants the Court to do). The party bringing the case is called "Plaintiff" or "Petitioner."
- 2 Transfer Cases - In some cases, a case in the Tribal Court may begin with the transfer of a case from another jurisdiction, or a current Tribal Court case may be transferred to another jurisdiction upon successful petition to do so.
- 3 Interventions - In some cases, a person or entity may petition the Tribal Court to intervene in a case to become a party. If the Court grants the petition, the person becomes a party to the case and is called an "Intervenor."

- B. Summons to Appear

The Court may issue a Summons and Notice of Hearing directing a party to any case pending in Tribal Court to appear at a hearing. The Summons shall be personally served at least three (3) calendar days (calendar days are all days in a month, including weekends and holidays) before the time stated for the appearance. Service by certified mail or publication may be made as necessary.

C. Fax Filing

The Court allows filing of documents by fax, provided the filing party contacts the Clerk of the Court to obtain the proper form, procedure and consent for such fax filings.

RULE 7: SERVICE OF PAPERS

A. Petition

The petition, being the first paper in an action, must be served on the other party or parties to the action by personal service no later than twenty-eight (28) calendar days after it is filed with the Clerk of Court. This means that the papers must be delivered personally to the person being served by an individual who is over the age of 18 and not a party to the case, who then files a sworn statement as to the specific time and place of the service, the name of the person served, and the title of all papers served, with the Court. This document is called a "Proof of Service." The Tribal Court may maintain a list of local process servers. The Petitioner is responsible for insuring that the petition is served on all relevant parties to the case.

B. Subsequent Papers

After the first paper is served on all parties, other papers may be served within the time frame specified by these Rules by first class mail, together with a proof of service.

C. Substituted Service

Where personal service cannot be made, the party bringing the action may apply in writing for an Order of the Court for substituted service by some other means, such as by leaving the documents with another adult in the household or by publication in a newspaper. The application should state the good faith attempt of the party to make personal service. If the Court orders substituted service, it shall specifically state the process and timelines for such substituted service consistent with due process.

RULE 8: RESPONSES, AMENDMENTS AND FORMS

A. Responses

Persons served with a petition are called "Defendant(s)" or Respondent(s)." Respondent(s) must file a written Response within thirty (30) calendar days of being served with the Petition. The Response must state in short and plain terms the Respondent's defenses to each claim asserted in the Petition, and admit or deny all factual allegations contained in the Petition. If a Response is not filed within thirty (30) calendar days, the Court shall issue an Order to Show Cause why the Respondent should not be subject to default.

- B. A party may without permission of the Court amend its pleadings once at any time before being served with a Response. Otherwise, a party may amend his/her pleadings only by permission of the Court or by written consent of the adverse party.

C. Use of Forms

The Court may from time to time approve forms to be used, so that users of the Court do not have to create their own pleadings. As forms are approved, they shall be added to and become part of these Rules.

RULE 9: MOTIONS/ EX PARTE /PRELIMINARY INJUNCTIONS/TEMPORARY RESTRAINING APPLICATIONS

- A. Motions: "Motions" are requests to the Court to enter a specific order. The party filing the motion is the "Moving Party." Unless otherwise permitted by the Court, motions must be made in writing; state with particularity the grounds for seeking the order; and state the relief sought. Like other papers, motions must be filed with the Court and served on all of the parties in the case, with written proof of service attached. Oral (spoken) motions may be made during a Court hearing or trial, where the circumstances would not allow for the motion to have been made in writing.

- B. Motion Hearing: Unless otherwise permitted by the Court, all motions must be noticed for a hearing no less than thirty (30) calendar days from the date the motion is filed with the Court. Before filing the motion, the moving party must contact the Clerk of Court to obtain a hearing date and time, and face of the motion must state the date and time the motion with be heard by the Court.

- C. Opposition: Any Opposition to the motion must be filed at least seven (7) calendar days before the time for the hearing on the motion.
- D. Motions to Modify/Set Aside: Within sixty (60) calendar days of any final order or judgment entered by the Court, a party may file a motion to change, modify, or set aside the order or judgment upon a showing of changed circumstances or new, material evidence that could not have been discovered with due diligence during the pendency of the case. If the petition fails to state a change of circumstance or new evidence that might require a change of order or termination of jurisdiction, the Court may deny the application without a hearing.
- E. Ex Parte Applications: An application for an order allowing a party to submit a pleading, motion or other document relevant to the case ex parte or by consent, need not be formally noticed for hearing as described above, but shall be accompanied by a proposed order. Every such application shall be submitted to the judge through the Clerk of Court.
- F. Temporary Restraining Orders: An application for a temporary restraining order or preliminary injunction shall be accompanied by a statement of sufficient facts or by other proof satisfactory to the Court to clearly support granting the temporary orders. The cover of the application shall state the date and time for the hearing on the application.
 - 1. The respondent must be personally served a copy of the application, summons, notice of hearing and proposed Temporary Orders at least five (5) calendar days before the hearing unless the court orders a shorter time for service.
 - 2. Except in an emergency, or for other good cause, the Court will not consider an ex parte application for a temporary restraining order or preliminary injunction.

RULE 10: GENERAL REQUIREMENTS FOR PAPERS

- A. All papers filed with the Court are to be typed, printed, or neatly and legibly handwritten, on 8-1/2" x 11" paper. Where handwritten, permanent ink, black or blue, and not pencil, must be used. The Court or Court Clerk in its discretion may reject any papers that do not comply with these requirements.
- B. Except with permission of the Court, no legal brief shall exceed twenty (20) pages in length, exclusive of pages containing a table of authorities or a table of contents or exhibits, and no reply brief shall exceed one (15) pages. Any brief exceeding twelve (12) pages shall contain: (1) a table of contents with page references and (2) a table of cases (arranged alphabetically), statutes and other authorities cited, with references to the pages of the brief where they are cited. Cases cited shall be attached in full to the citing brief.
- C. All papers presented for filing must be in triplicate (original is filed with the Court plus two copies, which are file stamped and returned to the Petitioner).

RULE 11: DISCOVERY

- A. Definition of and Right to Discovery

"Discovery" means the obtaining of information by a party to a legal action from another party, other person, or organization. All parties have the right to have information produced by other parties, and witnesses, unless the information is privileged by law. All parties have the duty to reasonably cooperate with other parties in providing discovery.

- B. Information Subject to Discovery

Unless otherwise limited by court order, the scope of discovery is as follows: Parties to an action may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter.

"Documents" include paper, audio, visual, computer generated information, and other similar electronically stored information.

D. Required Disclosures

No later than twenty-one (21) calendar days before the pretrial conference, a party must, without awaiting a discovery request, provide to the other parties:

- (i) The name, and if known, the address and telephone number of each individual likely to have discoverable information, along with the subjects of that information, that the disclosing party may use to support its claims or defenses;
- (ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses;
- (iii) a computation of each category of damages claimed by the disclosing party, and disclose all documents that support that computation; and
- (iv) a copy of any insurance agreement or policy that might provide coverage for the claims asserted in the petition.

E. Court Order for Discovery

If a party has made reasonable efforts to obtain information from another party that is discoverable under these Rules, and a party or witness will not cooperate, the party seeking discovery may apply to the Court in writing for an Order requiring discovery. The application shall clearly state the information sought, the reason or reasons why it is relevant to the case and needed, and the efforts that have been made to obtain the information. In exceptional cases where a party reasonably fears the destruction or disappearance of information, that party may apply to the Court for a discovery order without first having tried to obtain it by other means.

RULE 12: COURT PROCEEDINGS

A. Motion Hearings

A motion hearing is a pretrial proceeding in the matter which takes place when a party has asked the Court to order something be done in connection with a pending case. Hearings on motions are not automatic. Motions may be filed to add or eliminate parties, to amend pleadings, to request a continuance, to modify a Court order based on changed circumstances, to compel witnesses or discovery, to dismiss or transfer a case to another jurisdiction, or to otherwise prepare or simplify a case for trial.

B. Pre-Trial Conference Hearings

Conference hearings may be scheduled on request of one or more parties, or on the Court's own initiative. Unless the parties request an earlier date, the Court shall hold a pretrial conference hearing no later than sixty (60) calendar days after the first response to the petition is filed. The purpose of the conference hearing is to simplify the resolution of the case, to discourage wasteful pretrial activities, and to improve the quality and speed of the trial by discussing such things as settlement prospects, facts and issues not in dispute, evidence to be presented, and appropriate witnesses. *At the end of the conference the judge may go on the record to record any agreements of the parties, evidentiary rulings, scheduling orders, or any other settled issues.* Except as to applications normally considered and acted upon *ex parte*, before any attorney/advocate or party shall confer, or arrange to confer, with a judge of this Court in chambers relative to a matter then pending, he/ she shall first give notice of the date and hour of the proposed conference to opposing counsel/advocate; or, if counsel/advocate is unknown, to the opposing party. The requesting party will provide proof to the judge that this has been done.

C. Trial

A trial is the hearing of the case on its merits, and is held after the parties have had a reasonable time to prepare their cases. Generally, trials will be set on a written request from one or more parties, or at a conference hearing. Unless, all parties have previously requested a trial, at the Pre-trial Conference Hearing, the Court shall advise the parties of their right to a trial. Trials shall be set for hearing as soon as reasonably possible after receipt of a request for trial or after the finding by a judge that settlement is not likely, consistent with the rights of all parties to have time to prepare their cases.

D. Proceedings in Open Court and Exceptions

Proceedings involving minors and the welfare of minors shall be closed to all persons, except the parties, their representatives, including spokespersons and advocates, if any, and such witnesses as may be allowed by the Court. For good cause shown, the Court may direct that other proceedings also be closed to persons other than parties, representatives, and witnesses. The Court shall advise the parties and any witnesses of their due process rights when appropriate and necessary.

E. Witnesses

All witnesses, prior to their testimony, shall be administered an oath by the Clerk of the Court or Judge similar to as follows: *"You do now solemnly swear (or affirm) the testimony you are to give in the matter now pending before this court to be the truth and nothing but the truth."* If a person is called as a witness and it appears to the Court that the testimony or other evidence being sought may tend to incriminate the witness, the Court shall advise the witness of the privilege against self-incrimination, the possible consequences of testifying, and the right to retain their own legal counsel in such cases.

F. Subpoenas

Any party shall have the right to compel witnesses to appear in court to testify on his/ her behalf. A subpoena compelling the testimony of a witness or a subpoena for production of books, records, documents, or any other physical evidence relevant to the determination of the case, shall be issued by the Court upon request by a self represented party, or an advocate or attorney representing a client in a pending matter. Service shall be done in accordance with these Rules, or may be electronic if so agreed by the parties. Upon service, a proof of service shall be filed with the Court specifying the date, place and manner of service. The Court may schedule an additional pre-trial conference hearing to arrange scheduling and exchange of witness information in preparation for trial.

G. Subpoena For Records- Non Party

When a subpoena for records is served upon a business, hospital or other health care facility that is not a party to the action, the custodian of records or other qualified witness of the subpoenaed entity must hand deliver or send by registered mail a copy of all the records described in the subpoena to the Court Clerk, along with an affidavit which includes the following:

1. That the affiant is the duly authorized custodian of the records and has authority to certify the records.
2. That the copy is a true copy of all records described in the subpoena.
3. That the records were prepared by the personnel of the business, hospital or facility, staff physicians, or persons acting under the control of either in the ordinary course of the business of the business, hospital or facility at or near the time of the act, condition, or event.

If the business, hospital or facility has none of the records described, or only part thereof, the custodian shall so state in the affidavit.

H. Telephone or Other Appearances

The Court will allow, with prior approval, telephonic or other electronic appearances in special circumstances to accommodate parties and/or spokespersons.

I. Continuances of Hearings and Trials

Continuances of hearings and trials are disfavored and will be granted only on a showing of good cause, and on a request in writing, made in as far in advance of the hearing as reasonably possible. Copies of any such requests shall be served on all other parties. In determining whether or not there is good cause to grant a request for a continuance, the Court may consider, among other things, the reason claimed, the timing of the request, the relative importance of having the hearing or trial at the scheduled time, and whether or not the requesting party has requested previous continuances. This list is not exclusive.

F. Failure to Appear at Hearing or Trial; Sanctions / Contempt of Court

If a party or parties fail(s) to appear at a properly scheduled and noticed hearing or trial, the Court may impose sanctions provided it has issued an Order to Show Cause and given the party the opportunity to be heard regarding why such sanctions should not be imposed. In addition to such other penalties as may be prescribed by law, sanctions may, depending on the circumstances, include entering a ruling in favor of the appearing party or parties, holding a party in contempt of court, or a continuance of the hearing or trial with sanctions, such as a fine, being imposed. Law enforcement may enforce this Rule.

RULE 13: EVIDENCE AND TRIBAL CUSTOM

A. Evidence

The Court shall not be bound by common law rules of evidence, but shall use its own discretion as to what evidence it deems necessary, reliable and relevant to the action. The Tribal Court has the discretion to rely on Federal Rules of Evidence or relevant state evidentiary or procedural rules for guidance. Informal disclosures shall be favored, subject to the right of a party to show privilege or other good cause not to disclose specific material or information. Parties shall disclose any evidence or information within their possession or control favorable to the other parties.

B. Tribal Custom

Where any doubt arises as to the customs of the Tribe, the Court may request the advice of elders or other credible individuals familiar with those customs.

RULE 14: COURTROOM CONDUCT

A. Respect

The Tribal Court and all persons appearing in the Tribal Court shall treat each other respectfully. Respect is appropriate because the Court is an expression of the sovereignty of the Karuk Tribe. Respect is also necessary, so that the business of the Court can be conducted in an orderly fashion. Parties should address the Court, rather than talking to each other.

B. Dress and Other Conduct

All persons appearing before the Karuk Tribal Court shall dress appropriately. Suits and ties are not required, but very informal clothing is inappropriate. Hats should be removed on entering the courtroom. Parties shall conduct themselves in a manner consistent with doing the business of the Court. Chewing gum, profanity, arguing with the Court after a ruling, insults or threats, are all examples of inappropriate behavior.

C. Sanctions

Any person violating these standards of respect shall be found in contempt of court and may be punished by the immediate imposition of a fine up to \$100.00 if the conduct continues after a warning. If there are further violations, such person may be excluded from the courtroom, in addition to other possible sanctions as set forth herein.

RULE 15: JUDGMENTS

A. Judgments – Generally

In all civil cases, judgment shall consist of an order of the Court awarding money damages to be paid to the injured person, or directing the surrender of certain property to the injured person, or the performance or prohibition of some other act.

B. Judgments – Compensation

The judgment shall fairly compensate the injured person for the loss he has suffered or shall follow any rules of compensation set out in any ordinance or section of the Karuk Tribal Code pursuant to which the action is brought.

C. Costs in Civil Actions

The Court may assess costs of the case against the person against whom judgment is given. Such costs shall include the expenses of voluntary witnesses for which either party may be responsible under this Code, and the fees of jurors in jury cases, and any further incidental expenses or fees connected with the procedure required by this Code as the Court may direct. Unless provided by a Tribal law or ordinance, costs do not include attorney fees.

D. Judgments - Duration and Interest

A judgment of the Tribal Court shall be valid until satisfied in full, including interest upon the judgment. Judgments shall expire if not satisfied or renewed in ten (10) years from entry of judgment.

E. Interest on judgments shall accrue as follows:

- 1 Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contract, provided, that said interest rate is set forth in the judgment.
- 2 Except as provided under subsection (1) of this section, judgments shall bear interest from the date of entry at the maximum rate of ten percent (10%) per annum on the date of entry thereof, provided, that in any case where a judgment entered on verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

F. Judgments of Other Jurisdictions

1. Application. Any person may apply to the Court by written application for an order accepting a civil judgment from another tribal court or a state or federal court as a judgment of the Court. Child support orders shall proceed per the Tribe's agreements, if any, with local jurisdictions, and wage garnishment orders shall be filed with the Tribal Court for review and enforcement.
2. Review by Court. The judge shall review the application within thirty (30) calendar days of its filing. The judge shall then decide whether to enter the judgment of the other court as a Tribal Court judgment. Unless prohibited by federal law, the judge shall have discretion to decide whether to accept the judgment of a foreign court and shall be guided by the best interests of the Tribe and the parties.
3. Payment of Judgment. Upon the entry of the order declaring the other court's judgment to be a judgment of the Tribal Court, all provisions of these Rules regarding judgments shall be applicable. The Court shall issue a satisfaction of judgment once the judgment has been paid in full

RULE 16: PROCEEDINGS INVOLVING CHILDREN

- A. Unless there is a contested issue of fact or law, the proceedings shall be conducted in a nonadversarial atmosphere.
- B. A child may testify in chambers and outside the presence of the child's parent, guardian, custodian or other adult relative if the parent, guardian, custodian or other adult relative is represented by counsel who is present, and the Court determines that any of the following circumstances exist:
 1. Testimony in chambers is necessary to ensure truthful testimony;
 2. The child is likely to be intimidated by a formal courtroom setting; or
 3. The child is afraid to testify in front of the parent, guardian, custodian or other adult relative. In determining whether there is a basis for the child's in-chambers testimony, the Court may consider any relevant report or other offers of proof. If the Court orders the child to testify in-chambers, the parent, guardian, custodian or other adult relative may elect to have the Court play back the child's testimony.

- C. After completion of the Petitioner's case, and the presentation of evidence by the child, the Court may, on motion of any party or on the Court's own motion, order whatever action the law requires if the Court, based on all the evidence then before it, finds that the moving party has met its burden of proof. If the motion is denied, the Respondent may offer evidence, including testimony from the child, the parent, guardian, custodian or other adult relative.
- D. Upon a sufficient showing, the Court may recognize the child's present or previous custodians as *de facto* parents and grant standing to participate as parties in initial hearings and any hearing thereafter at which the status of the child is at issue. The *de facto* parent may:
 - 1. Be present at the hearing;
 - 2. Be represented by retained counsel or, at the discretion of the Court, by appointed counsel; and
 - 3. Present evidence.

RULE 17: PRACTITIONERS IN TRIBAL COURT

A. Attorneys/Advocates/Spokespersons

To practice as an advocate or attorney in the Karuk Tribal Court, a person must be a member in good standing of the Karuk Bar. Other spokespersons may be specially admitted for the purposes of limited appearances or for any other reason deemed sufficient by the presiding Judge.

RULE 18: BUILDING SECURITY

The Tribal Court or Tribal Council may adopt and implement policies to address courtroom security.

RULE 19: APPELLATE PROCEDURES

- A. Any party to a Tribal Court proceeding may appeal a final Court order by filing a written notice of appeal with the Court Clerk no later than twenty (20) calendar days after notice of the final order has been given.
- B. Upon receipt of a Notice of Appeal to the Tribal Court, an Appellate Judge from the Northern California Tribal Court Coalition ("NCTCC") Appellate Panel, will be appointed to hear the appeal within a reasonable time pursuant to the NCTCC Appellate guidelines.

- C For purposes of appeal, a record of proceedings shall be made available to the parties and others upon court order. The appealing party shall pay costs of obtaining this record.
- D Upon good cause and request by a party or the Court's own motion, a court order may be stayed by such appeal.
- E. Conduct of Proceedings

All appeals shall be conducted in accordance with the Tribe's Rules of Court as long as those provisions are not in conflict with other provisions of Tribal law.

CERTIFICATION

The undersigned Judge of the Karuk Tribal Court hereby certifies that the foregoing Rules of Court and Civil Procedure is a true and correct copy of the Rules of Court and Civil Procedure for the Karuk Tribal Court that was duly adopted by the Karuk Tribal Court on June 21, 2019.

These Rules of Court and Civil Procedure replace the Rules of Court originally adopted April 8, 2004 (*Revised 02/28/07, 9/23/2008, 04/15/10 and 09/01/16*).

April E. Attebury

: 06/21/2019

Date

April Attebury
Judge / Administrator

Joseph J. Wiseman

: 06/21/2019

Date

Joseph J. Wiseman
Judge

TRIBAL COURT FEE SCHEDULE

Filings paid with checks that are returned without payment will be automatically void if not paid with cash or money order within 7 business days¹ of notice of insufficient funds. A \$20.00 fee will be assessed for returned checks. Checks and money orders are preferred.

Child & Family Law “Self-Help” Fees

Initial Processing Fee for Application for Services <i>Not legal advice, includes 1 packet for filing</i>	\$5.00
Initial Processing Fee for Application for Services - Elders <i>Not legal advice, includes 1 packet for filing</i>	\$5.00

Peacemaker Mediation Forum (PMF) Processing Fees

Initial Request For Mediation <i>includes pre and post mediation services for Tribal Court and for State Court family law division ordered or referred mediation</i>	\$50.00
Addition Mediation Fee to be charged in addition to the \$50.00 <i>for mediations over 2 hours in duration</i>	\$30.00/ hour for each hour after initial 2 hours.

Family Law Fees:*

Petition – General	\$40.00
Response to Petition	\$10.00 (Elders - \$5.00)
Motions	\$40.00
Complex Case Designation <i>if the Court determines that a case is complex and will require extraordinary time of the Tribal Court a complex case fee will be required of both Petitioner and Respondent per party.</i>	\$435.00 per party
Name Change Petition	\$40.00
Adoption Step-Parent with consent	\$40.00
Domestic Violence Protection Order	No Fee
Transfer of ICWA Case to Tribal Court	No Fee
Marriage License	\$40.00

¹ Definition: Business days are every official work day of the week. Typically, these are the days between and including Monday to Friday and do not include holidays and weekends.

Unlawful Detainer Fees:

Unlawful Detainer Petition	\$435.00
Response	\$25.00
Motions	\$50.00

Commercial Litigation Fees

Petition	\$435.00
Response	\$25.00
Motion	\$50.00

Copying and Certification Fees:

Copy Per Page	20 cents per page
Certified Copy of any Filed Paper	\$10.00
Notary Services (if available)	\$TBD

Miscellaneous Fees:

Search Records or Files	\$25.00 minimum
Transcripts (Costs to be determined, as reasonable)	\$25.00 minimum
1. All Papers for which Charge is not Stated Elsewhere 2. A Packet for Self Help filings(ie.,custody, guardianship)	\$5.00
Spokesperson / Attorney / Advocate Tribal Bar Application	\$50.00

**If not noted, filing fees for Elders for all cases shall be \$20.00*

Additional Fee Schedules and Fee Waiver Policies may be created as necessary.

The Tribal Court may refer to the California State Court fee schedule for guidance for additional filing types not stated in this fee schedule.