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RESOLUTION

- WHEREAS,** the Kalispel Business Committee is the duly Constituted governing body of the Kalispel Tribe by the authority of the Constitution and By-Laws for the Kalispel Tribe; and
 - WHEREAS,** under the Constitution and By-Laws of the Tribe, the Kalispel Business Committee is charged with the duty of protecting the health, security and general welfare of the Kalispel Tribe and all Reservation residents; and
 - WHEREAS,** the Kalispel Business Committee adopted the Kalispel Tribal Law and Order Code (“KLOC”) for the purpose of protecting the lives, property, culture and natural resources of the Kalispel Tribe of Indians and the people within the boundaries of the Kalispel Reservation; and
 - WHEREAS,** the Kalispel Business Committee established the Kalispel Tribal Court (“Tribal Court”) as a legislative court through the KLOC and established the Tribal Court’s jurisdiction and authority; and
 - WHEREAS,** Chapter One of the KLOC, titled “Kalispel Tribal Court”, does not currently contain court rules that uniformly govern certain court procedures; and
 - WHEREAS,** the Kalispel Tribal Court has identified a need to establish a defined set of court rules that provide clarity to parties before the Tribal Court of expected courtroom behavior and legal practice formalities; and
 - WHEREAS,** the attached Section 1-18 “Court Rules” would amend the KLOC and is recommended by the Tribal Court to provide the necessary delegated authority and a jurisdictional means for the Tribal Court to address courtroom procedure and decorum concerns.
- THEREFORE, BE IT RESOLVED,** the Kalispel Business Committee hereby amends Chapter One of the KLOC to include the attached Section 1-18 “Court Rules”.

CERTIFICATION

The Kalispel Business Committee adopted the foregoing RESOLUTION at a meeting held on the 16 day of Nov, 2021, at the Tribal office on the Kalispel Indian Reservation near Usk, Washington, with the required quorum present by a vote of 3 FOR and 0 AGAINST.

Glen Nenema
GLEN NENEMA, CHAIRMAN
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2023)

Nick Pierre for:
NICK PIERRE, SECRETARY
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2022)

20211116.01



SECTION 1-18: COURT RULES

1-18.01 COURT DECORUM

All persons present in the courthouse or before the Court will be required to behave in a courteous, dignified, and respectful manner. Failure to conduct business before the Court in an appropriate manner could give rise to a violation of Section 1-15 of the Kalispel Law and Order Code.

1-18.02 COURT SAFETY

No person, except for duly and regularly commissioned law enforcement officers of the Kalispel Tribe, any relevant state law enforcement agency with business before the Court, or the United States government are allowed in the Court while armed with any firearm, taser, explosive device, knife, billy club, blackjack, truncheon, bat, or other dangerous weapon, nor shall any person be in the courthouse while possessing any gas gun, or other device for the spraying of tear gas, mace or other noxious chemical substance, or any incendiary device. Any person found having any of the articles or devices mentioned in this rule is subject to having such articles or devices removed and held for the duration of the Court session by law enforcement officers, bailiffs on court order, or as otherwise directed by the Court. Lawfully permitted items may be returned at the discretion of the Court.

1-18.03 COMMUNICATION WITH JUDGES

Unless explicitly permitted in the Kalispel Law and Order Code, no one shall have ex parte communications. A judge shall not consider other communications made to the judge outside of the presence of the parties concerning a given matter before the Court. This rule will have the following exceptions:

- (1) When exigent circumstances arise that require ex parte communications, and such circumstances do not concern the substantive issues of the matter before the Court, the judge is authorized to engage in ex parte communications provided the Judge believes no part will gain a tactical benefit as a result of the ex parte communications, and the Judge notifies all parties of the substance of the ex parte communications and allows for a response.
- (2) The Judge may seek the advice of a disinterested expert on the law applicable to a matter before the Court if the judge gives notice to all parties and allows for a response.
- (3) A Judge who received an ex parte communication in violation of this section shall place on

the record of the pending matter all written communication received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the Judge received an ex parte communication. The Judge shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record. If necessary, to eliminate the effect of an ex parte communication received in violation of this section, a Judge who receives the communication may be disqualified, and the portions of the record pertaining to the communication may be sealed by protective order.

1-18.04 FILING REQUIREMENTS FOR COMMENCEMENT OF A NEW ACTION

- (1) Personal Service and Certificate of Service Required: At the time of the commencement of a new action, the filing party must personally file the pleading with the Court. At the time of the filing, a certificate of service may also be filed with the Court to ensure compliance with all other requirements of the Kalispel Law and Order Code. If a certificate of service is not filed at the time of the filing, it must be filed within twenty (20) calendar days, unless otherwise established in another Chapter of the Kalispel Law and Order Code.
- (2) Exemptions to Personal Service Requirement: Protection orders, criminal matters, and emergency orders will be exempt from the personal service requirement.
- (3) Failure to Comply with Filing Requirements: If a certificate of service has not been filed within thirty (30) calendar days, the Court will issue a notice that failure to comply with these requirements will result in dismissal.

1-18.05 ELECTRONIC FILING

Parties will be authorized to file electronically with the Court Clerk under certain conditions, excluding the filing at the commencement of a new action, which is outlined above. This section is not intended to modify any specific requirement for filing established elsewhere in the Kalispel Law and Order Code.

The following requirements must be satisfied to constitute a proper filing under this section:

- (1) All parties will be required to indicate a preferred email address for the purposes of electronic

filing at the time of the initial filing, under this section. Pro se litigants will have the option to opt out of 1-18.05 Electronic Filing, which will be made explicit at the time of the initial filing. Pro se litigants shall provide a current mailing address and current contact information.

- (2) Filings may be submitted electronically by emailing the Court Clerk and opposing counsel. All deadlines outlined in the Kalispel Law and Order Code or in scheduling orders must be followed for a proper filing.
- (3) A certificate of service will be required at the time of the electronic submission that will indicate the date, the email addresses, and any mailing addresses that the submission was sent to at the time of submission and shall be signed. The certificate of service shall be attached to the electronic filing. For the purposes of electronic filing, a document that bears the filer's own signature scanned shall be permitted. All pleadings will require the contact information of the filer.
- (4) The email subject line shall contain both the case number and/or caption, and the body of the email shall contain the contact information of the filer.
- (5) Attachments shall not exceed the total capacity threshold of the Kalispel Tribe's email system. Any attachment that is too large to send shall be personally filed with the Tribal Court.
- (6) Service to be made upon other parties may occur electronically, unless service is otherwise governed by a specific section of the Kalispel Law and Order Code.

1-18.06 DOCUMENTS REQUIRING NOTARIZATION

The following documents will require notarization in order to be submitted and successfully filed by the Tribal Court: Requests for admissions pursuant to Discovery under 1-18.09, affidavits, and documents attesting to voluntary submission and acceptance of Tribal Jurisdiction where applicable.

1-18.07 EXHIBITS

Petitioners shall mark all exhibits with letters, starting with "Exhibit A" and proceeding through "Exhibit Z," at which point the lettering will continue at "Exhibit AA." Respondents shall mark all exhibits with numbers, starting with "Exhibit 1."

1-18.08 PROMPT ATTENDANCE

All parties shall appear for all proceedings before the Court in a prompt fashion. Failure to appear at

the time indicated on a notice issued by the Court may result in the Court issuing a directed verdict or default judgment against that party, or a bench warrant in criminal matters. A party will be deemed absent for an appearance if they are tardy by a period of time that exceeds a grace period of five (5) minutes from the start time of the proceeding. An extension may be given for good cause if that is communicated to the Court Clerk or opposing party and is allowed by the Court.

1-18.09 DISCOVERY

- (1) Scope: Parties may obtain discovery of nonprivileged and non-protected material that is relevant to any party's claim or defense. If a discovery request is in question, a party may petition the Court for an order clarifying scope. The Court may limit the scope of discovery.
- (2) Limitations: Requests for Production, Admission or Interrogatories will be permissible, so long as they are reasonable, not overly burdensome upon the opposing party, and do not exceed twenty-five (25) interrogatories.
- (3) Timing: Unless otherwise stipulated or established by Court order, all pre-trial disclosures must be made at least thirty (30) calendar days before trial.
- (4) Objections: Any objections to the disclosures must be made within fourteen (14) calendar days from the date of receipt. Any objection not made within this timeframe will be waived.
- (5) Protection Orders: Any party may file a motion for a protective order regarding disclosures under this Section. Such an order may forbid discovery or disclosure, place a disclosure under protective seal, designate an individual to receive confidential information, or any other reasonable stipulation as determined by the Court.
- (6) Supplemental Disclosures: Parties are obligated to provide any additional or supplemental disclosures in a timely manner after they discover that it will render previous disclosures incomplete or incorrect or would otherwise significantly alter a disclosure previously made under this Section.
- (7) Form: All disclosures must be in writing, signed, filed with the Court and served to opposing party. Failure to comply with these requirements could give rise to a violation of Section 1-15 of the Kalispel Law and Order Code, subject to the discretion of the Court.

1-18.10 INDIGENCY

The Kalispel Tribe of Indians is empowered to provide individuals with legal counsel for proceedings in Tribal Court. The Kalispel Tribe of Indians has determined that that the following

circumstances will allow for the appointment of counsel. This is subject to the budgetary constraints of the Kalispel Tribe of Indians.

- (1) **Indigent Defendants:** Defendants are presumed indigent if they fall below 125% of the federal poverty guidelines. Once a financial form has been filled out and verified by the Tribal Court as satisfying a financial threshold, an individual will be provided counsel in certain types of proceedings.
- (2) **Qualifying Proceedings for Appointed Counsel:** Indigent defendants will be entitled to appointed legal counsel in criminal proceedings, or when facing incarceration. Indigent parties may be appointed legal counsel in Youth in Need of Care cases under Chapter 7 of the Kalispel Law and Order Code. The Tribal Court has the discretion to appoint counsel for matters that are otherwise related substantively to matters that would qualify an indigent party for counsel. Any matter outside of this scope will not be grounds for the appointment of legal counsel, despite otherwise satisfying indigency status.
- (3) **Qualifications of Appointed Counsel:** Counsel appointed by the Tribal Court will be admitted to the Kalispel Tribal Bar and will meet any other criteria established by the Tribal Court to ensure adequate representation.

1-18.11 STRUCTURING OF FILING FEES

The following actions will be assessed the corresponding fee in conjunction with the filing of the case of action. These fees are final, and a party shall not be exempt from them unless otherwise specified in the Kalispel Law and Order Code. In issues of hardship or duplication of payment, the Tribal Court has the discretion to reduce or waive fees.

Type of Action	Filing Fee
Adoption	\$0.00
Child Custody	\$100.00
Child Support	\$50.00
Civil Action	\$100.00
Court Bar Admission	\$75.00
Court Bar Renewal	\$50.00

Dependency (YINOC)	\$0.00
Dissolution	\$100.00
Domestic Partnership	\$100.00
Elder Protection	\$0.00
Exclusion Appeal	\$100.00
Guardianship/Long Term Tribal Placement	\$0.00
Harassment Protection Order	\$0.00
Land Use and Development Appeal	\$100.00
Marriage	\$100.00
Name Change	\$100.00
Paternity	\$100.00
Probate	\$100.00
Protection Order	\$0.00
Traffic Appeal	\$100.00
Tort Claim	\$250.00
Unlawful Detainer	\$100.00