

## TITLE I – COURTS

### CHAPTER 1. ESTABLISHMENT AND OPERATION OF TRIBAL COURT

#### **Sec. 101. Establishment of Tribal Court**

There is hereby established a Chitimacha Tribal Court of general jurisdiction as a court of record.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

#### **Sec. 102. Composition of the Courts**

There shall be a Chitimacha Tribal Court consisting of a Chief Judge, who shall be appointed by the Chitimacha Tribal Council. In the event that the Chief Judge is unable for any reason to hear a case, the Chitimacha Tribal Council shall appoint a Judge Pro Tempore to serve in his or her stead.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

#### **Sec. 103. Records of the Court**

The Chitimacha Tribal Court shall keep a record of all proceedings of the Court, showing the title of the case, the names and addresses of the parties, attorneys, lay counselors and witnesses; the substance of the complaint; the dates of all hearings or trials; the name of the judge; the findings of the Court or verdict of the jury and judgment; the preservation of testimony for perpetual memory by electronic recording, or otherwise; together with any other facts or circumstances deemed of importance to the case. A record of all proceedings leading to incarceration shall be submitted to the Area Director, to be made a part of the records of the Eastern Area Office as required by 25 U.S.C. 200. Unless specifically exempted by this Code, the records of the Court shall be public.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

#### **Sec. 104. Rules of Court**

The Chief Judge of the Chitimacha Tribal Court may prescribe written rules of court, consistent with the provisions of this Code, including rules establishing the time and place of court sessions. The rules shall be approved by the Chitimacha Tribal Council before becoming effective.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 105. Services to Court by Tribal or Federal Employees**

The Court may request and utilize social service, health, education or other professional services of tribal employees as requested, and of federal employees as authorized by the Secretary of the Interior or his authorized representative.

**Sec. 106. Jurisdiction of the Court**

The jurisdiction of the Chitimacha Tribe of Louisiana, including the Chitimacha Tribal Court, extends to all persons, activities, and property within the territory of the Chitimacha Tribe of Louisiana based on the inherent sovereign authority of the Chitimacha Tribe of Louisiana and federal law. The territory of the Chitimacha Tribe of Louisiana is comprised of all lands within the Chitimacha Tribe of Louisiana Reservation, all lands held by the United States in trust for the Chitimacha Tribe of Louisiana or any member of the Chitimacha Tribe of Louisiana, and all other lands which are now and hereafter owned or acquired by the Chitimacha Tribe of Louisiana. The jurisdiction includes but is not limited to air, water, surface, subsurface, natural and cultural resources, and any interests therein. Jurisdiction over persons shall extend beyond the territory of the Chitimacha Tribe of Louisiana whenever the person is acting pursuant to, or jurisdiction is created or affirmed by, either:

- (a) The inherent sovereign authority of the Chitimacha Tribe of Louisiana;
- (b) A Chitimacha Tribe of Louisiana code, statute, ordinance, resolution, or other authorization;
- (c) Federal statute, regulation or other authorization pertaining to the Chitimacha Tribe of Louisiana or its members; or
- (d) Any compact, contract or other agreement entered into pursuant to applicable law pertaining to the Chitimacha Tribe of Louisiana.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009; Revised by Ordinance #01-17; Effective: February 1, 2017; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 107. Jurisdiction Over Suits Commenced by Tribe**

Notwithstanding any other provision of this Code, the Chitimacha Tribal Court shall have jurisdiction of all civil actions commenced by the Chitimacha Tribe of Louisiana, or by any agency or officer thereof expressly authorized to file suit by the Chitimacha Tribal Council.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009; Revised by Ordinance #01-17; Effective: February 1, 2017; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 108. Tribe Immune from Suit**

The Chitimacha Tribe of Louisiana shall be immune from suit. Nothing in the Code shall be construed as consent of the Chitimacha Tribe of Louisiana to be sued.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009; Revised by Ordinance #01-17; Effective: February 1, 2017; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 109. Limitation on Tribal Judgments**

In a Civil tort action for monetary compensation, the maximum allowable judgment that may be entered against the Chitimacha Tribe of Louisiana, or a corporation or entity owned in whole or in part by the Tribe, shall be Five Hundred Thousand Dollars (\$500,000.00).

(Revised by Ordinance #1-95; Adopted: January 12, 1995; Effective: January 12, 1995; Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009; Revised by Ordinance #01-17; Effective: February 1, 2017; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**CHAPTER 2. ESTABLISHMENT AND OPERATION OF COURT OF APPEALS**

**Sec. 201. Creation of Court of Appeals.**

There is hereby created a Chitimacha Court of Appeals.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 202. Jurisdiction of Court of Appeals**

The jurisdiction of the Chitimacha Court of Appeals shall extend to all appeals from final orders and judgments of the Tribal Court. The Court of Appeals shall review all determinations of the Tribal Court on matters of law, but shall not set aside any factual determinations of the Tribal

Court if such determinations are supported by substantial evidence. The Court of Appeals shall also have jurisdiction over attorney disciplinary hearings.

(Revised by Ordinance #2-93; Adopted: May 10, 1993; Effective: May 10, 1993; Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 203.      Composition of Court of Appeals**

The Chitimacha Tribal Council shall appoint a Chief Judge and two Associate Judges of the Chitimacha Court of Appeals, none of whom shall be Judges of the Chitimacha Tribal Court. Appointment shall be a two-thirds (2/3) vote, taken by secret ballot, of those members present at a meeting of the Tribal Council at which a quorum is present. The Chitimacha Tribal Council shall set the term of each appointment and the compensation of each Judge.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 204.      Records of Court of Appeals**

The Court of Appeals shall keep a record of all proceedings of the Court, showing the title of the case, the name and addresses of all parties and attorneys, the briefs, the date of any oral argument, the names of the Judges who heard and decided the case, and the judgment, together with any other facts and circumstances deemed of importance to the case. A record of all proceedings leading to incarceration shall be submitted to the Area Director of the Eastern Area Office, to be made a part of the records of the Office as required by 25 U.S.C. Subsection 200. Unless specifically exempted by this Code or Rule of Court, all decisions and opinions of the Court shall be published in a format that shall be available to the public at the Tribal Office.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 205.      Right of Appeal**

(a) Criminal cases. The defendant in a criminal case shall have an appeal as of right from a judgment of conviction. The Tribe shall have no right of appeal from a jury verdict of "not guilty" in criminal cases, but shall have a right of appeal from a judgment of "not guilty" rendered by the Tribal Court without a jury. Appeals in criminal cases shall be taken as provided in Section 206.

(b) Civil cases. Any party who is aggrieved by a final order or judgment of the Tribal Court may file a petition requesting the Court of Appeals to review that order or judgment as provided

in Section 207.

**Sec. 206. Procedure on Appeal of Criminal Cases**

(a) Time to appeal and how to appeal. Any appeal must be taken within (15) fifteen days of receipt via certified mail of the judgment appealed from by filing a written notice of appeal with the Clerk of Court. No extension of the fifteen (15) day period shall be granted. Upon request, the Clerk of Court shall prepare the notice of appeal.

(b) Notice of appeal. The notice of appeal shall specify the part or parties taking the appeal, shall designate the judgment, or part thereof appealed from, and shall contain a short statement of reasons for the appeal. The Clerk shall mail a copy of the notice of appeal to all parties other than parties taking the appeal.

(c) Release on bond pending appeal. In criminal cases the defendant may be continued on release or be released on bail. The appellant may petition the Court of Appeals, or Chief Judge thereof, to review any decision of the Tribal Court taken under this subsection.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 207. Procedure on Decision for Review in Civil Cases**

(a) Time to petition and how to petition. A party to a civil case may petition for review. The petition for review must be taken within fifteen (15) days from the date of receipt via certified mail of the entry of the final order or judgment appealed from by filing such petition with the Clerk of the Tribal Court together with the docket fee and any bond required pursuant to this section. No extensions of the fifteen (15) day period shall be granted.

(b) Contents of petition for review. The petition for review shall specify the parties taking the appeal, shall designate the final order or judgment, or part appealed from, and shall contain a short statement why the petition should be granted. The Clerk shall mail a copy of the petition for review to all parties other than the petitioner. Other parties shall have fifteen (15) days to respond to the petition for review, after which time the Court of Appeals, through its Chief Judge or designated Associate Judge, after consideration of the petition for review and the record thereof, shall grant the petition and allow the appeal to be heard, or shall deny the petition.

(c) Docket fee and bond. The petition for review shall be accompanied by a docket fee and a bond to be set by the Court.

(d) Stay on appeal. In civil cases the petitioner may request the Tribal Court to stay the judgment pending action on the petition and on the appeal if the petition is granted, and either party may request the Tribal Court to grant or stay an injunction pending appeal. The Court may condition a stay or injunction pending appeal on the depositing of cash or bond satisfactory to the Tribal Court. The appellant's bond shall be sufficient to cover the damages awarded by the Tribal Court together with interest. The cash or bond may be deposited at or after the time petition is filed. The stay shall be effective when the deposit of cash or bond is approved by the Tribal Court. The appellant may petition the Court of Appeals to review any decision of the Tribal Court under this Section.

(Revised by Ordinance #6-95; Adopted: August 31, 1995; Effective: August 31, 1995; Revised by Ordinance #1-98; Adopted: June 18, 1998; Effective: June 18, 1998; Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 208.      Judgment Against Surety**

Any surety to a bond in criminal cases thereby submits himself to the jurisdiction of the Tribal Court, and irrevocably appoints the Clerk of the Court as his agent upon whom any papers affecting his liability on the bond may be served. The liability of a surety may be enforced on motion without the necessity of an independent action. The motion and such notice of motion as the Court prescribes may be served on the Clerk of the Court who shall forthwith mail copies to the surety at his last known address.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 209.      Record on appeal**

Within thirty (30) days after a notice of appeal is filed in a criminal case or a petition for review is filed in a civil case, the Clerk of the Tribal Court shall certify and file with the Court of Appeals all papers comprising the record of the case.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 210. Briefs and Memoranda**

Within thirty (30) days after the notice of appeal is filed, or a petition for review is granted, or within such other time as the Court allows, the appellant may file a written brief, memorandum or statement in support of his appeal. An original and one (1) copy for each appellee shall be filed with the Clerk who shall mail one copy, registered or certified mail, return receipt requested, to each appellee. The return receipt shall then be filed with the Clerk. The appellee shall have fifteen (15) days after receipt of the appellant's brief, memorandum or statement, or such other time as the Court of Appeals allows, within which to file an answer brief, memorandum or statement if he desires. An original and one (1) copy for each appellant shall be filed with the Clerk who shall mail one copy, registered or certified mail, return receipt requested, to each appellant. The return receipt shall be filed with the Clerk. No further briefs, memoranda or statements shall be allowed, without leave of Court.

**Sec. 211. Oral Argument**

The Court of Appeals shall assign all criminal cases for oral argument. The Court may in its discretion assign civil cases for oral argument or may dispose of civil cases on the briefs without argument.

**CHAPTER 3. JUDGES**

**Sec. 301. Term**

The Chief Judge of the Chitimacha Tribal Court shall hold office for a term of four (4) years and shall be eligible for reappointment. A Judge Pro Tempore may be appointed on a temporary basis on such terms and conditions as the Tribal Court shall establish in making the appointment. A person appointed to fill an existing vacancy created by the death, resignation, or removal for cause of a Judge shall be appointed initially only for the unexpired portion of the term for which the appointment is made, and shall be eligible for reappointment.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 302. Appointment**

The Chief Judge and all Judges Pro Tempore of the Chitimacha Tribal Court shall be appointed by the Chitimacha Tribal Council, by a two-thirds (2/3) vote, taken by secret ballot, of those members present at a meeting of the Tribal Council at which a quorum is present.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 303. Qualifications of Judges**

To be eligible to serve as a Judge, a person must be twenty-five (25) years of age or older, be of good moral character and integrity, possess a high school diploma or its equivalency, be capable of carrying out the duties of office and never have been convicted of a felony offense.

**Sec. 304. Salary and bond**

The Chief Judge of the Chitimacha Tribal Court and any Judges Pro Tempore shall be paid a salary to be determined by the Tribal Council. The salary of any Judge shall not be reduced during his or her term of office. The Chief Judge of the Chitimacha Tribal Court shall be bonded in the amount of Five Thousand Dollars (\$5,000.00) as an authorized collector of fines, fees, and costs for the Tribal Court.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**CHAPTER 4. CHITIMACHA CODE OF JUDICIAL CONDUCT**

(Added by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 401. Preamble**

The Chitimacha Court System is based on the principle that an unbiased, fair and competent judiciary is essential to the administration of tribal justice. The purpose of the Chitimacha Code of Judicial Conduct is to encourage a spirit of equity toward all persons brought before the courts of the Chitimacha Tribe of Louisiana and to ensure fundamental fairness and due process in all court proceedings.



**Sec. 402. Scope**

The Code of Judicial Conduct is intended to establish basic standards to govern the conduct of all Chitimacha tribal judges. It consists of an Application Section, broad statements called Canons and specific Rules set forth under each Canon. The text of the Application Section, the Canons and the Rules is authoritative.

When the text uses "shall" or "shall not," it is intended to impose binding obligations the violation of which can result in disciplinary action, which may include removal of a judge from office. When "should" or "should not" is used, the text is intended as hortatory and as a statement of what is or is not appropriate conduct but not as a binding rule under which a judge may be disciplined. When "may" is used, it denotes permissible discretion or, depending on the context, it refers to action that is not covered by specific proscriptions.

The Code is designed to provide guidance to judges and to provide a structure for regulating their conduct in accordance with the laws of the Chitimacha Tribe of Louisiana. It is not designed or intended as a basis for civil liability or criminal prosecution.

The Code is to be applied consistently with applicable constitutional requirements, tribal laws, rules of court, decisional law, tribal tradition and custom, common sense and in the context of all relevant circumstances.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 403. Application**

Any person, whether or not an attorney, who is an officer of the Chitimacha Court System and is performing judicial functions is a judge for the purpose of this Code. All judges should comply with this Code except as provided below:

(a) Part-time judges. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by Chitimacha Tribal law to devote time to some other profession or occupation. A part-time judge:

- (1) is required to comply with this Code unless otherwise specifically exempted;
- (2) shall not practice law either as an attorney or a lay counselor: (i) in the Chitimacha Tribal Court; or (ii) in the Chitimacha Court of Appeals; and

(3) shall not act as an attorney or lay counselor in a proceeding in which he or she has served as judge or in any related proceeding.

(b) Judge Pro Tempore. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge pro tempore:

(1) is required to comply with this Code unless otherwise specifically exempted;  
and

(2) shall not appear as an attorney or lay counselor in a proceeding in which he or she has served as a judge or in related proceedings.

## **Sec. 404. Canons and Rules**

### **CANON 1**

**A judge shall uphold the integrity and independence of the judiciary.**

#### **Rule 1.1**

An independent and honorable judiciary is essential to justice in the Chitimacha tribal community. A Chitimacha tribal judge should help create and maintain such a judiciary, and should observe high standards of conduct toward achieving this goal.

#### **Rule 1.2**

A judge shall maintain a separation between the judicial branch and other branches of tribal government, and shall avoid any contact or duty that violates such a separation.

#### **Rule 1.3**

A judge shall not serve as an elected governmental official of the Chitimacha Tribe of Louisiana.

### **CANON 2**

**A judge shall avoid impropriety and the appearance of impropriety in all of his or her activities.**

#### **Rule 2.1**

A judge shall respect and comply with the laws, traditions and customs of the Chitimacha Tribe of Louisiana and should at all times act in a manner that promotes public confidence in the honesty and impartiality of the Chitimacha judiciary.

## **Rule 2.2**

A judge shall not allow family, social or other personal relationships to influence his or her judicial conduct. He or she shall not attempt to use the prestige of his or her judicial office to advance the private interests of others; nor shall he or she convey the impression that anyone has special influence on him or her as judge.

## **CANON 3**

**A judge shall perform the duties of the office impartially and diligently.**

### **Rule 3.1**

The judicial duties of a judge shall take precedence over all other activities. The judicial duties of the judge include all the duties of the office prescribed by Chitimacha Tribal law. In the performance of these, the following standards apply:

(a) Adjudicative responsibilities.

(1) A judge shall adhere to the laws, traditions and customs of the Chitimacha Tribe of Louisiana. He or she shall not be swayed by partisan interests, public clamor, political pressure, or fear of criticism and shall resist influences on the Court by other tribal officials, governmental officials or any others attempting to improperly influence the judge.

(2) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, attorneys, lay counselors and others with whom he or she deals in his or her official capacity and should require similar conduct of other persons in court proceedings and those court personnel who are subject to the judge's direction and control.

(3) A judge shall give to every person who has a legal interest in a proceeding, or his or her attorney or lay counselor, a full right to be heard according to Chitimacha Tribal law.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(4) A judge shall refrain from all out-of-court or other communications with parties, witnesses, tribal officials, agents or others concerning a pending proceeding unless all parties to the proceedings are present or represented. A judge may initiate or consider any ex parte communication when expressly authorized by law. A judge may, however, obtain the advice of a disinterested expert on federal, state or tribal law, custom or tradition or on other sources of law applicable to a proceeding before the Court if the request for advice is limited to points of law or tradition or custom or on other sources of law applicable to a proceeding before the Court and does not involve the particular merits of the case. The parties shall be given a reasonable opportunity to respond to information provided by the expert.

(5) A judge shall maintain order in the Court. He or she shall not interfere in the proceedings except where necessary to protect the rights of the parties or the dignity of the Court. A judge shall not act as an advocate. A judge shall rely only on those procedures which are prescribed by, or are consistent with, the laws, rules, traditions or customs of the Chitimacha Tribe of Louisiana.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(6) A judge shall dispose promptly of the business of the Court.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(7) A judge shall not comment publicly on any proceeding pending in court and shall also prohibit other court personnel from making such public comment.

(b) Administrative Responsibilities

(1) A judge shall discharge the judge's administrative responsibilities without bias or prejudice and shall maintain professional competence in judicial administration. A judge should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall diligently discharge the judge's administrative responsibilities in an efficient and expeditious manner.

(3) A judge shall require his or her staff and court officials to observe high standards of honesty and diligence.

(4) A judge shall take appropriate disciplinary actions against an attorney or lay counselor for unprofessional conduct of which the judge may become aware. A judge having knowledge that another judge has committed a violation of this Code shall inform the Judicial Conduct Review Board.

(c) Disqualification.

(1) A judge shall disqualify himself or herself on the judge's own initiative in any proceeding in which the judge has reason to believe that he or she could not act with complete impartiality. A judge acting under this subsection (1) need not state the grounds of disqualification.

(2) A judge shall disqualify himself or herself in a proceeding in which his or her impartiality might reasonably be questioned, including instances where: (i) The judge has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts; (ii) The judge served as attorney, lay counselor or personal representative in the matter before the Court, or a person with whom the judge has been associated in a

professional capacity served as a lawyer, lay counselor or personal representative concerning the matter; (iii) The judge knows that he or she individually (or any member of the judge's family) has a financial interest in the subject matter in controversy or in a party to the proceeding, or has any other interest that could be substantially affected by the proceedings; (iv) The judge, his or her spouse, or a person in reasonably close family relationship to either of them, or the spouse of such a person: (a) is a party to the proceeding, or an officer, director, or trustee of a party; (b) is acting as an attorney or lay counselor in the proceeding; (c) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; or (d) is to the judge's knowledge likely to be a material witness in the proceeding.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(d) Alternatives to Disqualification.

(1) A judge disqualified by the terms of Canon 3, Rule 3.1(c)(2)(iii) or Rule 3.1(c)(2)(iv) may, instead of withdrawing from the proceeding, disclose on the record the basis of his or her qualification. If based on such disclosure, the parties and attorneys, independently of the judge's participation, all agree in writing that the judge's participation is not prejudicial or that his or her financial interest is insubstantial, the judge is no longer disqualified, and may participate in proceeding. The agreement, signed by all parties and attorneys, shall be incorporated in the record of the proceeding.

(2) A judge may decline to disqualify himself or herself in any proceeding in which disqualification might otherwise be required under subsections (1) or (2) of this section, if no other judge is available and disqualification will result in a failure of justice. In such a case, the judge shall disclose on the record the basis for disqualification and shall thereafter disqualify himself or herself if at any time it is possible to transfer the proceeding to another judge without a failure of justice.

## **CANON 4**

**A judge may engage in activities to improve the law, the legal system and the administration of justice.**

### **Rule 4.1**

A judge may engage in the following activities, if in doing so, he or she does not cast doubt on his or her capacity to decide impartially any issue that may come before the Court:

(a) The judge may speak, write, lecture, teach and participate in other activities concerning Chitimacha Tribal law, tradition and custom, the legal system of the Chitimacha Tribe of Louisiana and the administration of justice.

(b) The judge may appear at a public hearing before a tribal executive or legislative body or official on matters concerning the tribal judiciary system and the administration of justice, and he or she may otherwise consult with a tribal or executive or legislative body or official but only on matters concerning the general administration of justice or the improvement of the law or the legal system.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

## **CANON 5**

**A judge shall regulate his or her extra-judicial activities to minimize the risk of conflict with judicial duties.**

### **Rule 5.1**

(a) Extra-Judicial Activities in General. A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (2) demean the judicial office; or
- (3) interfere with the proper performance of judicial duties.

(b) Avocational Activities.

(1) A judge may write, lecture, teach and speak on legal and non-legal subjects, and engage in the arts, sports and other social and recreational activities of the Chitimacha Tribe of Louisiana or elsewhere if these activities do not interfere with the performance of his or her duties.

(2) No judge shall engage in any form of gaming, of any kind (including charitable games), at the Cypress Bayou Casino, Shorty's or any other gaming enterprise owned or operated by the Chitimacha Tribe of Louisiana. Nothing herein shall preclude judges from utilizing other amenities at Cypress Bayou Casino or Shorty's, including, but not limited to, restaurants, shops, shows, banquet facilities, or hotel accommodations, provided such utilization does not otherwise violate this Code.

(c) Civic and Charitable Activities.

(1) A judge may participate in civic, charitable and other tribal activities that do not adversely reflect upon his or her impartiality or interfere with the performance of his or her judicial duties. A judge may participate in any tribal educational, religious, charitable or similar organization. A judge shall not participate in any activity if it is likely that the organization will be involved in proceedings which would ordinarily come before him or

her or will be involved in adversary proceedings in either the Chitimacha Tribal Court or the Chitimacha Court of Appeals.

(2) A judge shall not use or permit the use of the prestige of judicial office for political fund-raising or membership solicitation. A judge should not be a speaker or the guest of honor at an event held primarily for political fund-raising, but a judge may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

(d) Financial Activities

(1) A judge should avoid financial and business dealings that tend to reflect adversely on his or her impartiality, interfere with the performance of his or her judicial duties, exploit his or her judicial position or involve him or her in frequent transactions with attorneys or others likely to come before the Court on which he or she serves.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(2) Except as allowed by the laws and traditions of the Chitimacha Tribe of Louisiana, neither a judge nor a member of his or her family should accept a gift, meal, bequest, favor or loan from anyone which would affect or appear to affect his or her impartiality in judicial proceedings, or on the judge's appearance of fairness. A judge may accept: (i) a gift incidental to a public testimonial, books, tapes, and other resource materials supplied by publishers on a complimentary basis for official use, or an invitation to the judge and the judge's spouse or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system or the administration of justice; (ii) ordinary social hospitality; (iii) a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate to the occasion and the relationship; (iv) a gift, meal, bequest, favor or loan from a relative or friend, if the relative or friend is one whose appearance or interest in a case would in any event require the disqualification of the judge under Canon 3, Rule 3.1(c); (v) a loan from a lending institution in its regular course of business on the same terms and based on the criteria applied to other applicants; or (vi) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants.

(3) A judge may receive income, honoraria and reimbursement of expenses attributable to the extra-judicial activities permitted by this Code, if the source of payments does not give the appearance of impropriety. (i) Income and honoraria shall not exceed a reasonable amount nor shall they exceed what a person who is not a judge would receive as a result of the same activity. (ii) Expense and reimbursement or payment shall be limited to the actual cost of travel, food and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse or guest. Any payment in excess of such an amount shall be treated as an honorarium.

(e) Extra-judicial appointments. Unless allowed by Chitimacha Tribal law or tradition, a judge should not accept appointment to any tribal government entity or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the tribal justice system or the administration of justice. A judge, however, may represent the Chitimacha Tribe of Louisiana on ceremonial occasions or in connection with historical, educational and cultural activities.

## **CANON 6**

**A judge shall refrain from political activity inappropriate to his or her judicial office.**

### **Rule 6.1**

Unless authorized by Chitimacha Tribal law or tradition, a judge shall not engage in any tribal political activity except on behalf of measures to improve the law, the tribal justice system or the administration of justice.

### **Sec. 405. Discipline and Removal of Judges**

In order to ensure compliance with the provisions of this Code, it is necessary to establish a means of enforcement. The disciplinary procedures contained within the Code shall not be utilized in substitution for the judicial appeal process. The Judicial Conduct Review Board is the entity charged herein with the responsibility of reviewing complaints made against judges of the Chitimacha Tribe of Louisiana. The Board is comprised of a broad range of persons and is designed to allow for participation in decision-making by both legal professionals and tribal community members.

(a) Filing of Complaints. Complaints filed against a judge shall be made in writing and shall be signed by the complainant. Each complaint shall be filed with the Chitimacha Clerk of Court, who shall assign a docket number, and acknowledge receipt of the complaint. Upon receipt of such a complaint, the Clerk shall immediately notify the Judicial Conduct Review Board.

(b) Judicial Conduct Review Board. The Judicial Conduct Review Board is hereby established and has the authority to hear complaints concerning the conduct of judges, to recommend disciplinary actions against them, and/or to recommend their removal from the Chitimacha judiciary if warranted, after a fair hearing.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(c) Board Composition. The Board shall consist of one judge of the Chitimacha Court of Appeals; the Chief Judge of the Chitimacha Tribal Court, or one other Court of Appeals judge in the event that the Chief Judge is the subject of the Board's focus; one member of the Chitimacha Tribal Bar or of a comparable roll of attorneys admitted to practice before the Court, chosen randomly by the Clerk of Court; and the Chair and Vice-Chair of the Chitimacha Tribal Council, or the designee of the Chair or Vice-Chair of the Chitimacha Tribe Council so long as such designee is a tribal



member of the Chitimacha Tribe of Louisiana. The judge of the Chitimacha Court of Appeals shall serve as chairperson for the Board and shall have the right to vote in all decisions of the Board. If two Court of Appeals judges serve on the Board, the senior Court of Appeals judge shall service as chairperson for the Board.

No person shall serve on the Board if that person has reason to believe that he or she could not act with complete impartiality or if such person's impartiality might be reasonably questioned. No action shall be taken by the Board except by vote of a majority of the Board and except as provided by subsections (m) and (n) herein.

(d) Investigative Authority. The Board shall conduct such investigation as it deems fit. At any stage of such an investigation the Board shall have subpoena power and may require a person to appear or produce evidence before the Board, and to provide evidence under oath. If the Board determines that the complaint is unfounded, the Board shall dismiss the matter, notifying any complainant of its action.

(e) Confidentiality. All proceedings before the Board shall be confidential, and no information shall be published by the Board except:

(1) Upon written request of the Chitimacha Tribal Council in connection with the consideration of the appointment or reappointment of a person who is or has been a Chitimacha judge, the Board shall provide information on any complaints made against the judicial candidate and the Board's disposition thereof; and

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(2) Upon request of the person whose conduct is being investigated, or by a majority vote of the Board, after giving that person an opportunity to express his or her views on the question, any hearing held shall be public.

(f) Determination to Proceed. The Board shall meet at the Chitimacha Courthouse on a day not more than fifteen (15) days after the filing of the complaint. The Board shall consider each complaint received to determine whether it is within the Board's authority to hear.

(1) If the Board is unable to make that determination, it may request additional information.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(2) If the Board determines that the complaint is not a type within its authority, it shall dismiss the complaint, notify in writing the complainant of its decision, and notify the judge complained against of the nature of the complaint and the Board's decision.

(3) If the Board determines that a complaint is within its authority to hear, it shall communicate the complaint to the judge complained against by providing him or her with a copy of the complaint and shall request a written response. The Board may conduct such

investigation of the matter as it deems appropriate. If the Board determines that the complaint is unfounded or frivolous or otherwise provides insufficient cause for proceeding, it shall dismiss the complaint and notify the complainant and the judge complained against of its decision.

(4) The dismissal of the complaint does not preclude later consideration of the matters involved in that complaint to the extent that they may evidence a pattern or practice of misconduct, or are otherwise relevant to the consideration of any other complaint or matter properly before the Board under these rules. A dismissed complaint may be reconsidered if new information is received upon the basis of which the Board determines that such reconsideration is necessary to fulfill the purposes of the disciplinary process.

(g) Hearings. The Board shall hold a hearing at the request of a majority of its members or of the individual whose conduct is being investigated. Such hearing shall be had before the Board on the record. The Board shall have subpoena power and every witness shall be sworn.

(h) Rights of the Judge. The judge shall be entitled to be present at the hearing, to be represented by counsel at the judge's own expense, to testify on his or her own behalf, to introduce evidence, to examine and cross-examine witnesses, and to subpoena documents and witnesses.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(i) Written Notice. The Board shall issue to the judge a written notice containing a statement of alleged misconduct, including any section of the Chitimacha Code of Judicial Conduct or Oath taken upon admittance to office alleged to have been violated, or other alleged improper conduct. Such notice shall be served by registered or certified mail, or be personally delivered to the judge. The notice shall state alleged facts upon which such charges are based. The Board shall make available to the judge all information concerning such charges as the Board has acquired.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(j) Response to Notice. Within twenty (20) days after receipt of notice, the judge shall file a written response setting forth any admission, denial, affirmative defense, or other matter upon which he or she intends to rely at the hearing.

(k) Discovery. Discovery shall be allowed under the Board's direction upon request to and with the approval of the Board.

(l) Evidence. The Chitimacha Rules of Evidence shall guide evidentiary matters.

(m) Board Decision. After hearing a matter, the Board shall decide whether it is satisfied by clear and convincing evidence that:

(1) The judge has violated a provision of the Chitimacha Code of Judicial Conduct and that the violation is of such serious nature as to warrant formal disciplinary action; or

(2) The judge has been convicted of a crime the nature of which casts into doubt his or her continued willingness to conform his or her conduct to the Chitimacha Code of Judicial Conduct; or

(3) The judge is suffering from a disability which materially affects his or her ability to perform his or her duties.

(n) Board Findings and Actions. The Board shall make findings of fact and conclusions of law in its written decision. The decision of the Board shall be by unanimous vote. If the Board decides that a charge has not been established, it shall dismiss the matter and provide written notice to both the judge complained against and any complainant. If the Board has decided that a charge has been established, it shall report its written decision to both the judge and the complainant and promptly recommend to the Chitimacha Tribal Council appropriate disciplinary action. For all judicial disciplinary actions, except removal, the Tribal Council shall impose discipline upon the affirmative vote of a majority of all Tribal Council members present at the valid meeting where the charges are considered.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(o) Removal shall be by an affirmative vote by secret ballot of two thirds (2/3) of the members of the Tribal Council present at a valid meeting called for the purpose of considering such removal, after a hearing. The decision by the Tribal Council to remove a Judge shall be final.

**Sec. 406. Miscellaneous**

(a) Title and Citation. This Code may be known and cited as the CHITIMACHA CODE OF JUDICIAL CONDUCT.

(b) Repeal of Inconsistent Laws. Any provisions in the general laws of the Chitimacha Tribe of Louisiana which are inconsistent with the provisions of this Code are hereby repealed.

(c) Effective Date. This Code shall be effective on the date that the Code is adopted by the Chitimacha Tribal Council.

(d) Amendments. Amendments to this Code shall be effective upon adoption by the Chitimacha Tribal Council.

(Added by Ordinance # 02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**CHAPTER 5. ATTORNEYS AND LAY COUNSELORS**

**Sec. 501. Qualifications for admissions as attorney or lay counselor**

(a) Attorneys. No person may practice as an attorney before the Tribal Court or Court of Appeals

unless admitted to practice and enrolled as an attorney of the Tribal Court upon written application and approval of the Chief Judge. To be eligible to practice as an attorney before the Tribal Court, a person;

- (1) must be a member in good standing of the bar in any state or federal court; and
- (2) must be of high moral character and integrity.

The Chief Judge may make inquiry as to the attorney's knowledge of the Chitimacha Code of Justice and of Federal Indian law before admitting the attorney. Each individual wishing to be admitted to practice before the Tribal Court must be recommended by an individual already admitted; provided that this requirement shall take effect once ten individuals have been admitted to practice.

(b) Lay counselors. Any person who meets the qualifications established in this Section shall be eligible for admission to practices before the Court as a lay counselor upon written application and approval of the Chief Judge. To be eligible to serve as a lay counselor, a person;

- (1) must be at least twenty-one (21) years of age;
- (2) must be of high moral character and integrity;
- (3) must have knowledge of the Chitimacha Tribal Code and of Federal Indian law;
- (4) must be a high school graduate or equivalent;
- (5) must not have been convicted of a felony in any jurisdiction; and
- (6) must not have been convicted of child abuse or neglect in any jurisdiction.

(Added by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(c) As employed in this Code, the term “attorney” or “lawyer” includes lay counselors.

(Added by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(Added by Ordinance # 3-90; Adopted: November 7, 1990; Effective: March 13, 1992; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

## **Sec. 502. Roll of attorneys and lay counselors**

A roll of attorneys and lay counselors admitted to practice before the Court shall be maintained by the clerk of court.

(Added by Ordinance # 3-90; Adopted: November 7, 1990; Effective: March 13, 1992)

**Sec. 503. Right to counsel**

Any person at his/her own expense may have assistance of counsel in any proceeding before the Tribal Court.

(Added by Ordinance # 3-90; Adopted: November 7, 1990; Effective: March 13, 1992; Added by Ordinance # 02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 504. Attorney Discipline**

Any lawyer or lay counselor violating their Oath, or having been convicted of a crime, or violating the most recent version of the Rules of Professional Conduct as promulgated by the American Bar Association may be subject to discipline or disbarment.

(Added by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 505. Disciplinary Process**

(a) Any claimed violation of the Chitimacha Rules of Professional Conduct as set forth herein may be reported in writing to the Chief Judge of the Chitimacha Court of Appeals.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(b) Written notice of such complaint shall be provided to the lawyer or lay counselor against whom the complaint is filed. Notice to the respondent shall be given by mail addressed to the addresses listed with the lawyer's state bar association membership directory and in the current edition of the roll of attorneys admitted to practice before the Chitimacha Tribal Courts as maintained by the Clerk of Court, or be personally delivered to the lawyer or lay counselor. The lawyer shall have a period of fifteen (15) days from the date of the notice within which to respond to the complaint.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(c) Based on the complaint and the attorney's response, the Chief Judge of the Chitimacha Court of Appeals shall determine whether or not there is probable cause to believe that a violation of the Rules of Professional Conduct has been committed. Such determination shall be made within forty-five (45) days of the date that the lawyer's response is due. If no such determination can be made based on the complaint and response, the Chief Judge may hold a hearing to determine whether probable cause exists. Both the complainant and the lawyer shall receive written notice of such determination by the Court, and the reasons therefore.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(d) When a determination has been made that there is no probable cause that a violation of the Rules of Professional Conduct has been committed, the matter shall be closed, and shall be sealed until further order of the Court.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(e) When a determination has been made that there is probable cause that a violation of the Rules of Professional Conduct has been committed, the Chief Judge of the Chitimacha Court of Appeals shall then appoint, at the Court's expense, an ad hoc Special Tribal Counsel to conduct an investigation into the matter and represent tribal interests for the remainder of the case. No lawyer shall serve as a Special Tribal Counsel if that lawyer has reason to believe that he or she could not act with complete impartiality or if such person's impartiality might be reasonably questioned. The Chief Judge of the Chitimacha Court of Appeals shall then appoint one Associate Judge to conduct a hearing. The Special Tribal Counsel shall present the case against the lawyer. The Court shall provide notice of such hearing to all parties to the complaint, setting forth the date, time and place at which the hearing will be conducted. Such hearing shall be closed to the public and subject to the following:

- (1) continuances may be granted in the discretion of the Court for good cause shown;
- (2) any motions filed in the matter shall be filed no later than seven (7) days in advance of the date upon which the complaint is to be heard;
- (3) any oral or documentary evidence may be received by the Court as may be consistent with the Chitimacha Rules of Evidence, but the Court shall exclude irrelevant, immaterial or unduly repetitious evidence;
- (4) when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;
- (5) documentary evidence may be received in form of copies or excerpts if the original is not readily available. Upon reasonable and timely requests, the parties may be given an opportunity to compare the copy to the original;
- (6) parties may be represented by legal counsel; and
- (7) any of the parties or their legal counsel may conduct direct and cross-examination of witnesses.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(f) After the close of the hearing, the panel of the Court of Appeals Associate Judge shall decide by an affirmative vote of at least two-thirds (2/3) of the members whether it is satisfied by clear and convincing evidence that a violation of the Rules of Professional Conduct has been committed, and shall render its decision within thirty (30) business days. Upon completion of the hearing and rendering of a decision, the matter shall be deemed conclusively determined.

(g) The Court of Appeals shall have the power to take any of the following action with respect to a lawyer determined to have violated the Rules of Professional Conduct after hearing duly held:

- (1) privately reprimand the lawyer;
- (2) publicly reprimand the lawyer;
- (3) impose monetary fines against the lawyer;
- (4) suspend the lawyer from practice before the courts of the Chitimacha Tribe of Louisiana for a definite period of time; or
- (5) order the disbarment of the lawyer.

(h) For any violation of these Rules occurring before the Chitimacha Tribal Court or before the Chitimacha Court of Appeals, the judge observing such violation may take immediate action concerning such violation and shall then refer such matter to the other judicial officers of the Chitimacha Court System in accordance with the procedure set forth herein.

- (i) The Chief Judge of the Court of Appeals shall transmit a certified copy of the order imposing discipline, except an order of private reprimand, on the lawyer resulting from the disciplinary proceedings herein to the disciplinary authority of any other jurisdiction in which the disciplined lawyer is licensed or authorized to practice.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 506.      Reciprocal Discipline**

(a) Upon the receipt of a certified copy of an order that a lawyer admitted to practice before the courts of the Chitimacha Tribe of Louisiana has been subject to discipline in another jurisdiction (including any tribal, state or federal court or any tribal, state or federal administrative body or agency), the Chitimacha Court of Appeals shall enter an order of notice containing a copy of the order from the other jurisdiction and directing the respondent lawyer to inform the Chitimacha Court of Appeals within thirty (30) days from service of the order of notice of any claim that the imposition of the identical discipline by the Chitimacha Court of Appeals would be unwarranted and the reasons therefor. Special Tribal Counsel appointed by the Chief Judge of the Chitimacha Court of Appeals shall cause this order of notice to be served upon the respondent lawyer by registered or certified mail with restricted delivery and return receipt requested.

(b) In the event that the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline to be imposed by the Chitimacha Court of Appeals may, but need not, be deferred.

(c) Upon the expiration of thirty (30) days from service of the notice under subsection (a) above, the Chitimacha Court of Appeals, after reasonable notice and hearing, may enter such order as the

evidence warrants and may impose the identical discipline unless Special Tribal Counsel or the respondent lawyer established, or the Chitimacha Court of Appeals concludes, that:

- (1) the procedure in the other jurisdiction did not provide reasonable notice or opportunity to be heard;
- (2) there was significant infirmity of proof establishing the misconduct;
- (3) imposition of the same discipline would result in grave injustice; or
- (4) the misconduct established does not justify discipline under these Rules.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 507. Conviction of Crimes**

(a) Upon notice of a lawyer's conviction of a crime by any jurisdiction, the Chief Judge of the Chitimacha Court of Appeals shall appoint a Special Tribal Counsel to investigate the circumstances of said conviction. Upon the filing with the Chitimacha Court of Appeals by Special Tribal Counsel of a certificate of the clerk of any court establishing that a lawyer has been convicted of a crime demonstrating unfitness to engage in the practice of law, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after a trial or otherwise, the Chitimacha Court of Appeals shall, if satisfied that the crime demonstrates unfitness to practice law, enter an order to show cause why the lawyer should not be immediately suspended from the practice of law, regardless of the pendency of an appeal of the conviction, pending final disposition of any disciplinary proceeding affording the lawyer opportunity to be heard, may make such order of suspension as may be advisable in the interest of the tribal community and/or the public, the tribal bar or comparable entity if any, and the Chitimacha Tribal Courts. The Chitimacha Court of Appeals may, in its discretion, choose to defer the hearing on the order to show cause until all appeals from the conviction are concluded.

(b) A certificate of final judgment of conviction of a lawyer for any crime shall be conclusive evidence of the commission of a crime in any disciplinary proceeding based upon the conviction subject to the provisions of paragraph (c) below.

(c) A lawyer suspended hereunder will be reinstated immediately upon the filing of a certificate that the underlying conviction for a crime has been reversed or set aside. The reinstatement need not terminate any disciplinary proceeding then pending against the lawyer.

(d) The clerk of the Chitimacha Tribal Court wherein a lawyer has been convicted of a crime covered by paragraph (a) shall transmit a certificate thereof to the Chief Judge of the Chitimacha Court of Appeals and to Special Tribal Counsel within ten (10) days of said conviction.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)



**Sec. 508. Funding and Reimbursement**

(a) The operational expenses of the Chitimacha Tribal Courts in the performance of duties under these rules, including the Special Tribal Counsel and his or her expenses and administrative costs, and expenses of the Chitimacha Court of Appeals judges, shall be paid from the following sources of revenue:

(1) Fee Assessment. Lawyers admitted to practice law in the Chitimacha Tribal Courts shall pay an annual disciplinary fee assessment in accordance with rules established by the Court.

(2) Annual Payment. On or before November 1, 2009, the Chitimacha Tribe of Louisiana shall pay \$5,000 to a dedicated account established and managed by the Chitimacha Tribal Courts. On or before November 1, 2010, the Chitimacha Tribe of Louisiana shall pay \$2,500 to a dedicated account established and managed by the Chitimacha Tribal Courts. The Chitimacha Tribe of Louisiana shall make no further annual payments after the fiscal year 2010-2011 payment unless it appears in the interests of justice to do so.

(b) Reimbursement of Costs and Expenses

(1) Assessment. Upon order of the Court, or upon stipulation, in any case in which a sanction is imposed upon a lawyer, costs and expenses as herein defined may be assessed against the lawyer. Legal interest shall also be assessed on unpaid costs and expenses.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(2) Costs. The term "costs" for the purposes of this rule shall include all obligations in money reasonably and necessarily incurred by the Chitimacha Tribe of Louisiana or the Chitimacha Tribal Courts in the performance of its duties under these rules, whether incurred before or after the filing of formal charges. Costs shall include, by way of illustration and not of limitation:

- (i) investigatory costs;
- (ii) charges for service of process;
- (iii) witness fees;
- (iv) the services of a court reporter;
- (v) copying costs; and
- (vi) telephone charges.

(3) Expenses. "Expenses" for the purposes of this rule shall mean a reasonable charge for attorney fees and administrative and staff expenses incurred by the Chitimacha Tribe of

Louisiana or the Chitimacha Tribal Courts.

(4) Payment of Costs and Expenses. A lawyer ordered to pay costs and expenses shall do so within thirty (30) days of the date upon which the assessment becomes final unless a periodic payment plan has been approved by the Chitimacha Court of Appeals and the Special Tribal Counsel.

(5) Failure to Comply with Assessment of Costs and Expenses. Any lawyer who fails to pay costs and expenses when ordered to do so or who fails to comply with the terms of an agreed upon periodic payment plan shall be mailed, at the addresses listed with the lawyer's state bar association membership directory and in the current edition of the roll of attorneys admitted to practice before the Chitimacha Tribal Courts as maintained by the Clerk of Court, or be personally delivered to the lawyer, a notice of delinquency and imminent certification of ineligibility to practice law. Any attorney who fails to comply with this notice within thirty (30) days of mailing shall be summarily certified ineligible to practice law by the Court. The certification of ineligibility may be cancelled by the Court subsequent to receipt of all outstanding costs and expenses have been paid.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

(6) Waiver. In any case in which costs and expenses are sought pursuant to this rule, the assessment of any or all such costs and expenses may be waived where it appears in the interests of justice to do so.

(Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**Sec. 509. Other Provisions and Interpretation of Rules**

(a) Nothing contained in these Rules shall be construed to repeal or limit any provisions contained in Chitimacha Tribal Law regarding the conduct of lawyers and disciplinary measures applicable thereto.

(b) These Rules shall be read in such a manner as to achieve uniformity in interpretation with applicable Chitimacha Tribal law.

(Added by Ordinance # 02-09; Adopted: December 3, 2009; Effective: December 3, 2009; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)

**CHAPTER 7. PROSECUTOR**

(Added by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

**Sec. 701. Term**

A Tribal Prosecutor may be appointed on such terms and conditions as the Chitimacha

Tribal Council shall establish in making the appointment. The Tribal Prosecutor shall be eligible for reappointment.

**Sec. 702. Appointment**

The Tribal Prosecutor shall be appointed by the Chitimacha Tribal Council, by a two-thirds (2/3) vote, taken by secret ballot, of those members present at a meeting of the Tribal Council at which a quorum is present.

**Sec. 703. Qualifications**

To be eligible to serve as the Tribal Prosecutor, a person must be at least twenty-five (25) years of age, must be a member in good standing of the bar in any state or federal court, must be of good moral character and integrity, must be eligible for admission or already admitted to practice and enrolled as an attorney before the Chitimacha Tribal Courts, must have at least one (1) year of experience in criminal litigation, and have knowledge of the Chitimacha Comprehensive Codes of Justice and Federal Indian law.

**Sec. 704. Duties**

The Tribal Prosecutor shall represent the People of the Chitimacha Tribe of Louisiana by enforcing criminal offenses, criminal traffic offenses, civil traffic infractions, environmental infractions and juvenile delinquency matters. The Tribal Prosecutor shall also provide legal assistance and counsel to the Chitimacha Social Services Department and the Chitimacha Police Department.

**Sec. 705. Salary**

The Tribal Prosecutor shall be paid a salary to be determined by the Tribal Council. The salary of the Tribal Prosecutor shall not be reduced during his or her term of office.

(Added by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009)

## **CHAPTER 8. COURT ADMINISTRATION**

### **Sec. 801. Office of Clerk**

The Tribal Council shall appoint a Clerk of Court to be compensated at a rate fixed by the Tribal Council. The Clerk shall be bonded and shall be subject to discharge with or without cause by the Tribal Council.

### **Sec. 802. Qualifications**

To be eligible to serve as Clerk of Court, a person;

- (a) must be at least 21 years of age;
- (b) must be of high moral character and integrity;
- (c) must be a high school graduate or equivalent;
- (d) must be proficient in typing;
- (e) must never have been convicted of a felony; and
- (f) must be physically able to carry out the duties of the office.

### **Sec. 803. Duties**

The Clerk shall render assistance to the courts, to the authorized law enforcement officers of the Reservation, and the Indians of the Reservation, in drafting complaints, subpoenas, warrants, (notices of appeal), and any other documents incidental to the lawful functions of the Court. The Clerk shall attend, and keep written records of, all proceedings of the Court, administer oaths and collect fines, costs, fees and other monies. The Clerk shall be bonded and shall account to the Tribe for all monies collected.

(Revised by Ordinance #02-09; Adopted: December 3, 2009; Effective: December 3, 2009; Revised by Ordinance #01-22; Adopted: March 24, 2022; Effective: March 24, 2022)