

**Title I
(1)
COURTS**

ORDINANCE NO. 103-21

Standing Rock Sioux Tribal Code of Justice



RESOLUTION NO. 025-21

Approved April 13, 2021

by

Standing Rock Sioux Tribal Council

RESOLUTION NO. 025-21

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 5, shall post all proposed ordinances introduced at a Tribal Council Meeting in each district for not less than ten days prior to final adoption by the Tribal Council for public inspection. All enacted ordinances shall be made available to the Local District Councils; and

WHEREAS, the Standing Rock Sioux Tribal Council pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[c] is empowered to promote and protect the health, education and general welfare of the members of the Tribe; and to administer charity and such other services as may contribute to the social and economic advancement of the Tribe and its members; and

WHEREAS, the Tribal Council received proposed amendments from the Tribal Council in regard to the Standing Rock Sioux Tribal Code of Justice, Title I. Courts, which make necessary changes to the current law and approved to post these recommended changes for thirty (30) days in order to allow for public inspection and comment; and

WHEREAS, the Tribal Council did not receive any public comments during the period of posting;

WHEREAS, the Standing Rock Tribal Council believes the proposed amendments to be in the best interest of the Standing Rock Tribe and approves for them to be enacted and made available online and to the Local Districts;

NOW THEREFORE BE IT RESOLVED, the Tribal Council hereby approves the enactment of Ordinance 103-21 approving and enacting the amendments to the Standing Rock Sioux Tribe Code of Justice, Title I Courts; and


BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.


CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of [17] members, of whom 13 constituting a quorum, were present at a meeting thereof duly and regularly, called, noticed, convened and held on the 13TH day of APRIL, 2021, and the foregoing resolution was duly adopted by the affirmative vote of 10 members, with 0 opposing, and with 3 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.**

DATED THIS 13TH DAY OF APRIL, 2021.

ATTEST:


Susan Agard, Secretary
Standing Rock Sioux Tribe


Mike Faith, Chairman
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

**STANDING ROCK SIOUX TRIBAL COURT
STANDING ROCK SIOUX TRIBE INDIAN RESERVATION**

RULES OF COURT

Promulgated: February 28, 2007

Amended: January 24, 2020

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Rule 1. **Rules of Civil Procedure.**

The Federal Rules of Civil Procedure in effect at the time of the trial or other state of the proceedings are adopted as rules of procedure for civil cases under Title II, §2-108(a), of the Standing Rock Sioux Tribe Code of Justice, unless such rules are in conflict with provisions of the Code, these Rules, or established traditions of the Standing Rock Sioux Tribe.

The Federal Rules of Civil Procedure, as they apply to proceedings of the Tribal Court, are amended, in their application, as followed:

Service of Process. The provisions of Rule 5(b)(2)(B)(ii) are supplemented in the following manner: Service by leaving copies with resident of dwelling. If the Defendant, or other person to be served notice, cannot be conveniently located at the address he/she provided to the Court, service may be made by leaving a copy at the dwelling upon a suitable person of at least fourteen (14) years of age or older who resides at the dwelling. The Defendant may also be served notice at his/her place of employment, personally, or by and through a direct supervisor.

The provisions of Rule 26, requiring Initial Disclosure and mandatory scheduling conferences before the Tribal Court shall not apply. The specific discovery to be pursued by the parties shall be determined by the parties as permitted by the rules of discovery otherwise permitted under Rules 26 through 37, inclusive. The parties or the Court may call for a scheduling conference or conferences, which may be conducted telephonically, unless otherwise ordered by the Court.

To the extent that Rules 52 and 58 require separately stated denominated Findings of Fact, Conclusions of Law and Order for Judgment or that the Order for Judgment and Judgment by entered as separate documents, they are amended in their applications so that the Order for Judgment and Judgment may be prepared and entered as a single document and that separately denominated findings of fact and conclusions of law need not be prepared, as long as the factual and legal bases for the Court's actions are clearly stated, sufficiently to allow for appellate review of the decision.

Rule 2. **Rules of Criminal Procedure.**

The Federal Rules of Criminal Procedure in effect at the time of the trial or other state of the proceedings are adopted as rules of procedure for criminal cases under Title III, §3-506(a), of the Standing Rock Sioux Tribe Code of Justice, unless such rules are in conflict with provisions of the Code, these Rules, or established traditions of the Standing Rock Sioux Tribe.

Rule 3. **Rules of Evidence.**

The Federal Rules of Evidence in effect at the time of the trial or other state of the proceedings are adopted as rules of evidence for civil and criminal cases under Title II, §2-108(a) and Title III, §3-506(a), of the Standing Rock Sioux Tribe Code of Justice, unless such rules are in conflict with provisions of the code, these Rules, or established traditions of the Standing Rock Sioux Tribe.

Rule 4. **Conduct in Court.**

A. Decorum

1. Anyone entering the courtroom while court is in session shall immediately be seated. Everyone shall behave in a quiet and orderly manner. No person may enter or leave the courtroom while the court is charging the jury, except in an emergency.
2. All statements and communications by counsel to the court must be clearly and audibly made from the counsel table. While the court is in session, counsel may not approach the bench for conversation without permission of the court. Discussion between Counsel shall be made respectfully and in order when Court is in session.
3. To the extent practicable, the examination of a witness must be conducted from the counsel table. Only one counsel for a party may examine any witness without permission of the court.
4. Whenever practical and appropriate, in the civil and criminal courtrooms, a judge must be robed while presiding over the trial of a case.
5. Counsel, parties and witnesses may not leave the courtroom until proceedings are adjourned or as otherwise permitted by the court.

B. Cameras and Recording Devices

No cameras, sound recorder, or other device, except one operated for an official purpose, by or under the direction of the court, may be used to photograph, record, or broadcast a proceeding of the court, nor may those devices be brought in or allowed to remain in the courtroom while a proceeding is in progress. Unless the court permits otherwise, any wireless communication device in the courtroom must be turned off or muted.

C. Arguments of Counsel

1. Unless otherwise permitted by the court, only one counsel appearing for a party may be allowed to argue any question to the court or jury.
2. The court may set time limits for arguments.
3. Disruptive or contumacious behavior may be punished, after one warning, as either civil or criminal contempt.

D. Ex Parte Contact with the Court

Ex Parte contacts by attorneys, lay advocates and any parties or potential witnesses as to the merits of any pending case are forbidden.

Rule 5. **Recusal of Judge.**

Upon filing of a request for recusal of any judge based upon personal bias or prejudice, under §1-308 of the Code, the clerk shall serve the request on all other parties if the requesting party has not done so and notify the presiding judge of the demand. An actual conflict of interest, demonstrated bias or appearance of impropriety must be shown by the requesting party. Discontent with a ruling or outcome, or random allegations are not a satisfactory reason to request recusal. The presiding judge shall have the opportunity to respond to any allegations questioning his/her impartiality and either recuse him/herself or deny the request for recusal. A denial of the request shall be in writing. If the request is granted, the Chief Judge shall promptly reassign the matter to another judge.

Rule 6. **Filing of Papers.**

- A. All papers filed with the court shall be clearly readable. Except as otherwise permitted by the court all papers must be prepared on 8½” by 11” format. All papers must be filed by the clerk flat and unfolded and each set of papers firmly fastened together. Proof of service must accompany any documents received from lawyers or lay advocates, who are responsible for service. Service for unrepresented parties shall be done by the clerk, and the Court Administrator may charge for such service at such for filing subject to prompt receipt of the originals.
- B. To the extent feasible, all filings should contain the mailing address and physical address of the named parties.
- C. Electronic filing will be permitted, provided the filing is followed by submission of the original pleading within ten (10) days, excluding weekends.
- D. Juvenile and Involuntary Commitment files are closed to all persons not directly involved in those matters and copies of the file contents are available only on court order.
- E. Other files are open to the public, unless any portion may be closed by the court. The Court Administrator may provide for reasonable charges for copies. No files, however, may be removed from the custody of the Clerk, without written approval by the Court Administrator or a Judge.

Rule 7. **Motions.**

- A. In General.** Once a case is filed, a party applying to the court for an interim order must do so by motion.
- B. Form.** A motion—except when made during a trial or hearing—must be in writing. A motion must state the grounds on which it is based and the relief or order sought. All motions must be signed. Motions may be accompanied by the filing of briefs containing legal analysis.

The adverse party must be provided with a copy of each written motion. At the time a Motion is filed with the Court, it must be stamped with the time and date of receipt.

C. Content. A party may raise by motion any defense, objection, or request that the court can determine without a trial on the merits.

1. Motions That May Be Made at Any Time:

- a. The court lacks jurisdiction
- b. Motion in Limine
- c. Motion for Summary Judgment
- d. Motion to Dismiss

2. Motions That Must Be Made Before Trial. Absent good cause for delay, motions of the following type must be filed 20 calendar days before trial:

- a. A violation of the right to speedy trial
- b. Suppression of evidence
- c. Severance of charges or defendants
- d. Discovery violations
- e. Motion to join
- f. Notice of lack of criminal responsibility by reason of mental disease or defect defense
- g. Notice of alibi defense
- h. Notice of intent to use expert

3. Post-Trial Motions

All post-trial motions, such as Motion for Judgment Notwithstanding the Verdict, must be filed within 15 calendar days after entry of judgment, except

- a. A Motion to Correct Judgment may be made at any time.
- b. The post-trial motion deadline is automatically extended to 15 calendar days after the discovery of new evidence, mistakes; inadvertence; excusable neglect; fraud, etc.

4. Responses and Replies

The adverse party shall have 10 calendar days to respond in writing to any motion. The response shall meet the allegations of the motion and shall specify the type of relief, order, or other action sought. After the filing of a response, the moving party may submit a reply within five (5) days. After a reply has been filed or the deadline has passed, the Court shall set a hearing on the motion if requested by the parties.

5. Ruling

Unless otherwise ordered by the Court, motions shall be considered on briefs, without a hearing. Any party may request a hearing. The court may take testimony at its discretion. Any appearances at hearing may be telephonic or via audio-visual electronic means.

The court must decide every pretrial motion before trial unless it finds good cause to defer a ruling. The court must not defer ruling on a pretrial motion if the deferral will adversely affect a party's right to appeal. When factual issues are involved in deciding a motion, the court must state its essential findings on the record.

Rule 8. **Dismissal for Lack of Prosecution.**

Any civil action in which there has been no prosecution of a claim upon which a party has an affirmative burden of proof; e.g. complaint, counterclaim, or cross claim; for more than one year may be dismissed without prejudice by the court on its own motion, with notice to the parties at their last address of record. In divorce actions in which the 60-day waiting period has not been waived, the time runs from expiration of the waiting period.

Rule 9. **Continuance.**

- A. Continuances are completely within the discretion of the Court. Except in case of emergency or other exceptions in the civil or criminal rules, any civil or criminal case of matter scheduled for hearing, trial or other appearance before the court will not be continued or rescheduled at the request of any party unless:
1. A request for continuance or rescheduling has been filed and served at least 5 days prior to such hearing, trial, or appearance, and
 2. The request is for good cause (as determined by the Court) and documented by supporting information provided by the requesting party.
- B. Emergency shall include:
1. Sickness or injury, requiring hospitalization or medically ordered bed rest of a complaining witness, a criminal defendant or civil party, or any subpoenaed witness.
 2. Attendance at a funeral for an immediate relative (mother, father, sister, brother, husband, wife, child, grandparent, grandchild, or any persons having such degree of relationship under the accepted traditions and customs of the Tribe) by a complaining witness or criminal defendant, or civil party, or any subpoenaed witness.
 3. Other case of *bona fide* emergency, at the discretion of the court.
 4. The unexpected failure of any person to appear under summons, subpoena or other lawful process, and having material impact on the moving party's case.
 5. The appearance in a state of intoxication or under impairment of drugs of any person appearing under summons, subpoena or other lawful process, and having a material impact on the moving party's case.
 6. Administrative necessity of the court.

Rule 10. **Criminal Complaints.**

The following shall be contained and plainly stated in all criminal complaints prepared pursuant to §3-101 of the Code

- A. The date and time of the alleged offense,
- B. A specific description of the location of the alleged offense,
- C. The name and date of birth of the person who allegedly committed the offense,
- D. A detailed description of the offense, stating the Code section allegedly violated and the elements alleged to constitute said offense,
- E. The specific elements upon which the arresting officer determined probable cause to detain, if an arrest was made without a warrant for arrest.

The specification required by this Rule may be provided by attachment referenced in the Complaint, if additional room is necessary.

Rule 11. **Filing Criminal Complaints.**

The Prosecutor, Assistant Prosecutor and Prosecutor Advocate are designated as the individuals who have the authority to file a criminal complaint with the Court.

Rule 12. **Screening and Approval of Criminal Complaints.**

The Prosecutor, Assistant Prosecutor and Prosecutor Advocate are designated by the Court as individuals authorized to screen complaints, for sufficiency. They have the discretion to disapprove all complaints not found sufficient or when disapproval is necessary to serve the interest of justice. When a complainant is not reasonably available to sign, the Prosecutor, Assistant Prosecutor or Prosecutor Advocate may approve the issuance of complaints on information relayed by electronic means, including telephone, radio or fax, in their sound discretion, subject to subsequent verification.

Rule 13. **Statement of Probable Cause.**

In all criminal cases in which an arrest has been made without a warrant, the Complaint shall state the probable cause for arrest and shall be submitted to the Prosecutor's office who after finding probable cause shall file with the Clerk of Court. This does not preclude submission of additional documents demonstrating foundation for probable cause for arrest.

Rule 14. **Scheduling of Criminal Trials.**

At the time of arraignment, if a Defendant pleads not guilty, all misdemeanor charges shall be scheduled for a pre-trial conference and all felony charges shall be scheduled for a preliminary hearing, unless waived by the Defendant. The court may, at its discretion set the matter for further interim hearing or conference upon a party's motion for good cause or on its own Motion.

Rule 15. **Speedy Trial.**

In all criminal trials, whether the Defendant is in custody or out on bond and the evidence to proceed to trial is in the possession of the Prosecutor or law enforcement, the matter shall be brought to trial within:

- (a) One (1) year from the date the Defendant is arraigned for a case involving a felony charge. All time between the filing of a motion and the conclusion of the hearing on that motion, and up to 30 days when the Motion is under advisement, shall be excluded in computing time under this Speedy Trial rule.
- (b) Six (6) months for a case involving a Class A Misdemeanor, Class B Misdemeanor, or Infraction.
- (c) The Defendant waives the right to a speedy trial upon failing to appear in the matter, resulting in a warrant, or by requesting a continuance.
- (d) Time of delay caused by a continuance of the matter shall be attributed to the party requesting the continuance.

Rule 16. **Criminal Sentencing.**

- A. The court may pronounce sentence immediately upon the acceptance of a guilty plea or upon conviction of any offense, or schedule a sentencing hearing at a later date to allow the parties to gather prior criminal history, character testimony, and victim impact statements. If a Sentencing Hearing is held at a later date, the Court shall either release the Defendant to reappear, issue a bond and proper release conditions, or detain the Defendant pending Sentencing.
- B. The Court has discretion to sentence the Defendant to incarceration, community service, SCRAMX AM/EM, and probation with various conditions. The Court also has the ability to defer imposition of sentence, in which the matter shall be dismissed after a specified time period in which Defendant must comply with various conditions.
- C. If it appears that the person being sentenced suffers from a cognitive disability or may be addicted to alcohol or drugs, which substantially contributed to the offense, and the court deems it to be appropriate to consider it in passing sentence, the court may delay or defer sentencing until an evaluation of that person may be conducted and reported to the court. Time spent in inpatient treatment shall be credited as time spent in detention and credited to the sentence at the discretion of the Court. Outpatient treatment without detention may be credited to the sentence, in the Court's discretion. Persons held in detention who have already been sentenced to incarceration may be released on a temporary pass, as necessary and appropriate to conduct any evaluation or treatment.
- D. Before the court sentences any person, the Prosecutor shall advise the court if that person is under any suspension or deferment of sentence and of any prior convictions and sentences which the Prosecutor may deem pertinent.

Rule 17. **Modification of Sentence.**

- A. All requests for modification of sentence shall be by motion identifying the case in question, the sentence, the grounds for the request and the proposed change in sentence.
- B. Reductions in sentence may be granted to correct manifest injustice or due to unforeseen pertinent circumstances arising since sentencing or in the interests of justice. Reductions in sentence may not be granted solely based on the time of sentence that has already been served.
- C. The Judge has discretion, on a case by case basis, to grant modification of a sentence to allow for inpatient treatment in lieu of incarceration for non-violent offenders.

Rule 18. **Bench Warrants.**

- A. Whenever a person fails to appear in court as duly required by an order to show cause, subpoena, summons or other process requiring that person's appearance, in any civil or criminal case, the court may issue a bench warrant directed to any law enforcement officer directing the arrest and detention of said person for appearance before the court. The warrant shall be served in the same manner an arrest warrant.
- B. When a witness fails to appear for a criminal matter after receiving a subpoena, the Tribe or Defendant may request the Court to issue an Order to Show Cause and allow the individual to appear and explain why they should not be held in contempt for failing to appear upon a court-ordered subpoena.

Rule 19. **Temporary Passes from Incarceration.**

- A. All requests for temporary passes shall be submitted to the court after notice to and approval or disapproval by the Prosecutor, in writing. All requests shall be brought through the office of the Public Defender, or such lawyer or lay advocate who has appeared as counsel of record, or through the SRST Probation Department.
- B. Temporary leave or passes may be granted in the discretion of the Court.
- C. Absent good cause, temporary leave or temporary passes will only be granted to persons who have exhibited good behavior while in confinement and the lawyer, lay advocate or Probation Department seeking release shall determine and accurately represent this to the court, as officers of the court. Persons who have pending charges or past convictions for escape, failure to return to detention or failure to appear in court shall not be eligible, except for compelling circumstances in the discretion of the court.
- D. Temporary passes in excess of 8 hours will be granted only under exceptional circumstances.

E. Failure to abide by any conditions of a pass shall constitute criminal contempt, and failure to return on a timely basis, escape.

F. Temporary passes may be granted in the discretion of the Court for funeral purposes. Passes for funerals shall be granted if the decedent is a family member (grandparent, parent, uncle, aunt, brother, sister, child, cousin, niece, or nephew). The Defendant must provide some type of statement or proof of relation. Funeral passes may also be granted if the Defendant is named as a participant in the official announcement of services.

G. Work passes shall be granted upon the Defendant showing proof of legitimate employment. Work passes shall not be granted for unofficial or ad hoc employment. The Defendant must show proof that he/she was employed prior to incarceration and provide a work schedule for purposes of release. Work passes shall not be granted to care for a relative unless the Defendant shows proof they are a paid care taker.

Rule 20. **Assisting in Drafting Civil Complaints.**

The Clerks of Court shall provide procedural assistance to any party not represented by a lawyer or lay advocate in the drafting of any Complaint or Petition to the court for relief. This assistance shall not constitute legal advice. The assistance shall be deemed merely procedural in nature.

Rule 21. **Closure of Juvenile and Involuntary Commitment Proceedings and Records.**

All juvenile proceedings and hearings for involuntary commitment proceedings shall be closed to the general public. Only parties, witnesses, or persons with a legitimate interest in the proceedings may attend. Immediate family shall be deemed to have legitimate interest, unless excluded by the court for good cause.

Confidential records shall remain sealed and shall only be disclosed upon a showing of necessity and in the discretion of the Court. Custody of minor children may be disclosed to the schools, in the discretion of the court, in order for the school to determine legal custodians of the children in their care. Records of involuntary commitment may be disclosed upon consent of the Respondent and in order to seek treatment services. When disclosed all records shall be redacted as necessary.

Rule 22. **Jury Expenses.**

Jury expenses may not be assessed in a criminal case unless, without justifiable or reasonable excuse, a defendant fails to appear for a jury trial. All defendants facing incarceration have an absolute right to a jury trial and their consideration of exercising that right shall not be influenced based on the expense of the trial.

Rule 23. **Practice by Students and Interns.**

It is in the interest of the Tribe that students gain a competence in Indian Law and Tribal Court practice. The Chief Judge may permit the practice by students before the Tribal Courts, on the following conditions:

1. That any student practicing before the Tribal Court shall be subject to supervision by an Attorney or advocate admitted to Tribal Court and subject to the same limitations of practice as provided by the Tribal Code.
2. The supervising attorney or advocate shall be responsible to the Tribal Court and the student's ability to practice before the Tribal Court shall be ancillary to ~~under~~ the Tribal license of the supervising attorney or advocate.
3. Lay Advocates/Paralegal students from the Sitting Bull College may practice before the Tribal Court prior to graduation and shall be subject to supervision by an attorney and/or advocate admitted to practice before the Tribal Court.

Rule 24. **Computation of Time.**

The following rules apply in computing any time period specified in these rules or in any statute of the tribal code that does not specify a method of computing time:

1. Any time period of 10 days or less, does not include weekends or holidays.
2. Any time period of 10 days or more, includes weekends and holidays.
3. Exclude the day of the event that triggers the period.
4. Include the last day of the period.
5. All documents must be filed by 3:00 p.m. on the last day.
6. If the last day falls on a weekend or holiday, the time period will expire the next business day.

**ADMINISTRATIVE ORDER
ADOPTING RULES OF COURT**

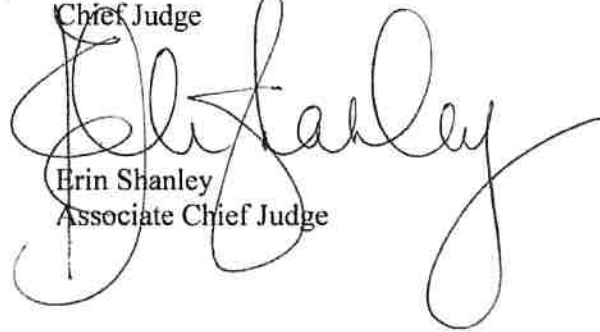
Pursuant to the authority of the Standing Rock Sioux Tribe Code of Justice, Section 1-104, the foregoing Rules of Court, as amended are hereby adopted as the Rules of Court for the Standing Rock Sioux Tribal Court

So ordered this 24th day of January, 2020

BY THE COURT



Michael T. Swallow
Chief Judge



Erin Shanley
Associate Chief Judge

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TITLE I. COURTS

Chapter 1. Standing Rock Sioux Tribal Court

1-101. Creation of the Court.

There is hereby established the Standing Rock Sioux Tribal Court as a court of record.

1-102. Composition of the Court.

The Court shall consist of a Chief Judge and an Associate Chief Judge, the duties of whom shall be regular and permanent, and as many Associate Judges as the Tribal Council may from time to time determine to be necessary to carry out the business of the Court. Associate Judges may be regular and permanent, or may be called in as special judge by the Chief Judge.

1-103. Record of Court.

The Court shall keep a record of all proceedings of the Court, which shall consist of: a showing of the title of the case; the names and addresses of the parties, attorneys and witnesses appearing in the case; the substance of the complaint; the dates of hearings or trials; the name of the Judge; the verdict of the jury and/or the judgment or any other order issued by the Judge; the preservation of testimony and complete hearings and trials held in the Court, for perpetual preservation by electronic recording or other reliable means; pleadings and evidence submitted by a party to the Court in the case; and any other facts, documents or circumstances deemed of importance to the case. A record of all proceedings leading to incarceration of an Indian by the Tribal Court shall be submitted to the Superintendent, Standing Rock Agency, to be made a part of the records of the Agency office as required by 25 U.S.C. § 200. A record of all proceedings leading to incarceration of a non-Indian under any applicable provision of the Standing Rock Sioux Tribal Code of Justice, including Chapter 17 of Title IV, shall either be submitted to the Superintendent, Standing Rock Agency, to be made a part of the records of the Agency office, or maintained by the Tribal Court for a period of no less than ten (10) years following the date of conviction. Unless specifically exempted by the Standing Rock Sioux Tribal Code of Justice or regulations promulgated thereunder, the records of the Court shall be public.

1-104. Rules of Court.

The Chief Judge and Associate Chief Judge, together, may prescribe written rules of Court consistent with the provisions of this Code. The rules shall be made available to the public, and a copy shall be delivered to the Chairman of the Standing Rock Sioux Tribal Council. To the extent such rules do not conflict with the Constitution of the Standing Rock Sioux Tribe or any provision of the Standing Rock Sioux Tribal Code of Justice, the Rules of Court shall be incorporated by reference into this Title, and need not be approved by the Tribal Council prior to implementation.

1-105. Services to Court by Tribal or Federal Employees.

The Court may request and utilize social, 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.

1-106. Criminal Jurisdiction of the Standing Rock Sioux Tribal Court.

The Court shall have criminal jurisdiction over all offenses committed by an Indian within the boundaries of the Standing Rock Indian Reservation against the law of the Tribe as established by duly enacted ordinances of the Tribal Council. In addition, the Court shall have special, expanded jurisdiction over offenses committed by both Indians and non-Indians as provided in Chapter 17 of Title IV of the Standing Rock Sioux Code of Justice and in compliance with the Violence Against Women Reauthorization Act of 2013, P.L. 113-4.

1-107. Civil Jurisdiction of the Standing Rock Sioux Tribal Court.

The Court shall have civil jurisdiction over all cases in law and equity arising under the Tribal Constitution, Tribal custom and tradition, or the laws of the Tribe as set forth in the Standing Rock Sioux Tribal Code of Justice or properly-adopted regulation or policy of the Tribe; and/or any case in which the Tribe, a member of the Tribe, an Indian residing on the Reservation, or a corporation or entity owned in whole or in substantial part by any Indian shall be a party.

1-108. Tribe Immune from Suit.

The Tribe shall be immune from suit, except to permit garnishment of Tribal employee wages in accordance with Section 2-211 of the Standing Rock Sioux Tribal Code of Justice or in the event the Tribe knowingly and explicitly enters into a contract providing for a limited waiver of its sovereignty for certain purposes when said contract has been approved by the Tribal Council.

1-109. Suits Against Tribal Officials.

- (a) Suits for Money Damages. No elected official or employee of the Tribe shall be subject to suit for money damages for actions taken in the course of his official duties, or in the reasonable belief that such actions were within the scope of his official duties unless, in the case of a tribal employee who does not hold elected office, it is established that such action was taken with malicious intent and in bad faith.
- (b) Suits Seeking Declaratory and Equitable Relief. The Tribal Court shall have exclusive jurisdiction over all suits in which tribal officials are defendants, except habeas corpus proceedings authorized by 25 U.S.C. 1303, where only declaratory and equitable relief is sought and where service of process has been made under Section 2-102(c) and proof of such service has been received by the Court. Such habeas corpus proceeding may be sought only

after exhaustion of all Tribal remedies.

1-110. Jurisdiction over Persons or Entities Who Enter Consensual Relations with Standing Rock Sioux Tribe.

- (a) For the purpose of this Title, the term "person," includes a corporation, partnership, business or any other legal entity.
- (b) Every person who enters a contract with the Standing Rock Sioux Tribe, or an agency, instrumentality or corporation of the Tribe shall be required to consent to the civil jurisdiction of the Tribe. Consultant agreements and other contracts shall contain the following clause, or language substantially similar to the same:
- (c) "This agreement constitutes a consensual relationship with the Standing Rock Sioux Tribe, and, as such, the contractor shall be deemed to consent to all applicable Tribal Laws and Regulations and agree to resolve any dispute in regard to this agreement in the Standing Rock Sioux Tribal Court, unless specifically and explicitly waived by the Standing Rock Sioux Tribe."
- (d) Every request for bids or request for proposals for a contract for construction, professional services, or sales of durable goods, shall contain the following clause, or language substantially similar to the same:
- (e) "The person or firm awarded the contract shall be entering a consensual relationship with the Standing Rock Sioux Tribe, and, as such, the contractor shall be deemed to consent to all applicable Tribal Laws and Regulations. "
- (f) Every lease for Tribal land shall include a provision or an addendum containing the following clause, or language substantially similar to the same:
- (g) "This lease agreement constitutes a consensual relationship with the Standing Rock Sioux Tribe, and as such, the lessee consents to all applicable Tribal Laws and Regulations. "
- (h) The Tribal Council may waive the requirements of this Section, upon a finding of good cause therefore which finding shall be indicated by approving an agreement with language or provisions in variance to those provided in this Section by a majority vote taken at a meeting with at least two-thirds (2/3) of the Tribal Council members present and voting on the question.

1-111. Judgments/Decisions.

There shall be no time limit on when a judgment or decision must be rendered by the Tribal Court, provided that the Tribal Court shall act in good faith and with reasonable promptness, while giving each matter and issue due regard and consideration.

Chapter 2. Supreme Court of the Standing Rock Sioux Tribe

1-201. Creation of the Supreme Court.

There is hereby created a Supreme Court of the Standing Rock Sioux Tribe.

1-202. Jurisdiction of the Supreme Court.

The Supreme Court shall have exclusive jurisdiction of all appeals from final orders and judgments of the Standing Rock Tribal Court. The Supreme Court, or the Chief Justice alone, shall have jurisdiction: (a) to take all steps necessary to preserve and protect the jurisdiction of the Court; (b) during the pendency of any appeal, to release the appellant on their own recognizance or bail pursuant to Section 3-402 of this Title; (c) to make any order appropriate to preserve the status quo or to protect any ultimate judgment of the Supreme Court; and (d) to perform any duties or responsibilities required or authorized in Chapter 7 of this Title.

1-203. Composition of the Supreme Court.

The Court shall consist of a Chief Justice and two Associate Justices, none of whom shall be Judges of the Standing Rock Sioux Tribal Court.

1-204. Records of the Supreme Court.

The Supreme Court shall keep a record of all proceedings of the Court, which shall consist of: a showing of the title of the case; the names and addresses of all parties and attorneys appearing in the case; the briefs and any other pleadings filed in the case; the date of any oral argument; the preservation of any oral argument or other hearing held before the Court, for perpetual preservation by electronic recording or other reliable means; the names of the Justices who heard and decided the case; all judgments, opinions, or orders issued by the Court in the case; and any other facts, documents or circumstances deemed of importance to the case. A record of all proceedings regarding the appeal in the Supreme Court shall be submitted, after the appeal has been decided, to the Superintendent, Standing Rock Indian Agency, to be made a part of the records of the Agency office as required by 25 U.S.C. 200. A record of all proceedings regarding the appeal shall be maintained by the Tribal Court. Unless specifically exempted by the Standing Rock Sioux Tribal Code of Justice, or any regulations promulgated thereunder, the records of the Court shall be public. Any records containing confidential information of minor children or victims of crime shall be redacted prior to public release.

1-205. Place and Time of Sessions of the Supreme Court.

- (a) If the business of the Supreme Court requires, the Court shall hold up to four (4) sessions a year to be held in Fort Yates, North Dakota. The docket for each session shall be any matter

properly appealed to the Supreme Court in which at least 30 days has elapsed since the date on which the last brief was due or allowed under Section 1-210 of this Title, which shall ensure the Supreme Court has had adequate time to review the record and all briefs filed in the matter prior to hearing or deliberation of the appeal while the Court is in session. If there are no appeals properly before the Court pursuant to this Section that the Court would consider at any given session, the session shall be cancelled. The sessions of court shall begin on: the First Monday of February, the first Monday of May, the first Monday of August, and the first Monday of November, unless any such Monday is a tribal holiday, in which case the session shall commence on the next day that is not a tribal holiday. The Court shall consider all appeals on the docket before it ends the session. The Chief Justice may convene special sessions of Court at such times and places as may be necessary, to either: (1) hear an expedited matter upon the written, knowing consent of all parties to the appeal, or (2) hold additional deliberations of the Court on matters already properly brought before the Court.

- (b) Each session of the Court shall be utilized for hearing oral argument on a matter properly before the Court pursuant to this Section, and/or for deliberations of the Court on an appeal. Oral arguments shall be open to the public. Deliberations of the Court shall be closed to the public.

1-206. Right of Appeal.

- (a) Criminal Cases. The defendant in a criminal case shall have the right to an appeal from a judgment of conviction, provided such defendant must affirmatively appeal the judgment and follow all requirements for an appeal as set forth in this Title. 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 Standing Rock Sioux Tribal Court without a jury. Appeals in criminal cases shall be taken as provided in Section 1-207. A public defender shall be provided for defendants appealing a conviction under Chapter 17 of Title IV of the Standing Rock Sioux Tribal Code of Justice and in cases where the Tribe appeals a "Not Guilty" verdict rendered by the Tribal Court without a jury. Otherwise, a public defender is not guaranteed for any individual appealing a matter before the Standing Rock Supreme Court.
- (b) Civil Cases. Any party who is aggrieved by any final order or judgment of the Standing Rock Sioux Tribal Court may file a petition requesting the Supreme Court to review that order or judgment as provided in Section 1-208.
- (c) Ethical Violations. Any party that has a Complaint filed against them for an Ethical Violation as set forth in 1-702, shall have the Ethical Violation resolved by the SRST Supreme Court. The Complaint shall be processed by the Clerk of the SRST Supreme Court.

1-207. Procedure on Appeal of Criminal Cases.

- (a) Time to Appeal and How to Appeal. An appeal must be taken within 45 days from the date of judgment appealed from by filing a written notice of appeal with the clerk of the Tribal Court. No extensions of the 45-day period shall be granted.
- (b) Notice of Appeal. The notice of appeal shall specify the party 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 the party taking the appeal.
- (c) Designation of Parties. The party taking the appeal is an appellant. All other parties are appellees.
- (d) Stay of Sentence and Release on Bond Pending Appeal. In criminal cases, the defendant may motion the Tribal Court for a Stay of Sentence and Release on Bond, once his/her appeal has been officially accepted for review by the Standing Rock Supreme Court. If denied by the Tribal Court, an appellant may petition the Supreme Court, or the Chief Justice thereof, to review any decision of the Standing Rock Sioux Tribal Court taken under this Section.

1-208. Procedure on Petition for Review of Civil Cases.

- (a) Time to Petition and How to Petition. A party to a civil case may petition for review. A petition for review must be taken within 30 days from the date of entry of the final order or judgment appealed from by filing such petition with the clerk of the Tribal Court together with any bond required pursuant to Section 2-208.
- (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 thereof appealed from, and shall contain a short statement of reasons 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 15 days to respond to the petition for review, after which time the Supreme Court or the Chief Justice thereof shall grant the petition and allow the appeal to be heard, or shall deny the petition and state the grounds for denying the appeal in writing.
- (c) Designation of Parties. The party taking the appeal is an appellant. All other parties are appellees.
- (d) Stay on Appeal. In civil cases, the petitioner may request the Standing Rock Sioux 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 Standing Rock Sioux 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 a bond satisfactory to the Tribal Court. The cash or bond may be effective when the deposit of cash or bond is approved by the Tribal Court. The appellant may petition the Supreme Court, or the Chief Justice thereof, to review any decision of the

Standing Rock Sioux Tribal Court under this Section.

1-209. Record of the Standing Rock Sioux Tribal Court.

Within five (5) days after a notice of appeal is filed in criminal cases, or petition for review is filed in civil cases, the clerk of the Standing Rock Sioux Tribal Court shall certify and file with the Supreme Court all papers comprising the record in the case as set forth in Section 1-103 of this Title. Either party may obtain a copy of the record in the appeal to which they are provided; provided that a party to a civil matter may be charged a reasonable fee for making copies of the record. No charge for copying may be taxed to a defendant appealing his or her criminal conviction.

1-210. Briefs and Memoranda.

- (a) Within 30 days after the notice of appeal is filed under Section 1-207, or a petition for review is granted under 1-208, the appellant shall file a written brief, memorandum, or statement in support of his appeal. An original, and one 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 be filed with the clerk.
- (b) The appellee shall have 15 days after receipt of the appellant's brief, memorandum, or statement, or such other time as the Court allows, within which to file an answer brief, memorandum, or statement if he desires. An original, and one 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. If the appellant failed to file a written brief, memorandum or statement in support of their appeal, the appellee may still file an answer brief, memorandum or statement, if filed within 15 days of the date when the appellant's brief, memorandum or statement was due under this Section, and may answer the grounds set forth in the notice of appeal.
- (c) Upon good cause shown, and provided an extension would not cause prejudice to the non-requesting party or irreparable harm, the Supreme Court may grant extensions of time for either party to an appeal to file a brief, memorandum or statement under this Section.
- (d) No further briefs, memoranda, or statements shall be allowed without leave of Court.

1-211. Oral Argument.

- (a) Criminal Appeals. The Supreme Court shall assign all criminal cases for oral argument.
- (b) Civil Appeals. The Supreme Court may, in its discretion, or upon request of either the appellant or appellee, assign civil cases for oral argument. If request is made for oral argument, the Court shall determine whether oral argument should be permitted, and thereafter inform all parties whether argument has been granted and, if so, the date, time and

place for argument. If the Court does not grant oral argument after such argument is requested, it shall explain why. If no request for oral argument is made, the Court shall determine whether oral argument should be scheduled, and thereafter inform all parties whether argument has been scheduled and, if so, the date, time and place for argument. If, regardless of whether oral argument has been requested, the Supreme Court does not believe oral argument is necessary to decide the appeal, the Court may dispose of civil cases on the briefs without argument.

1-212. Separate Docket for Supreme Court.

A separate docket shall be maintained for the Supreme Court in which all actions taken at each stage of the proceedings in the Supreme Court shall be recorded. Said docket shall be posted publicly.

1-213. Rules of Supreme Court.

Written rules of Supreme Court consistent with the provisions of this Code may be prescribed by the Chief Justice of the Supreme Court. The rules shall be made available to the public, and a copy shall be delivered to the Chairman of the Standing Rock Sioux Tribal Council.

1-214. Scope of Review.

- (a) The Supreme Court shall not hear any issue or evidence for the first time on appeal which was not first brought, or introduced, before the Standing Rock Sioux Tribal Court.
- (b) In civil matters, the Supreme Court may reverse, affirm, or modify a judgment or order; may order a new trial of the case; or may remand the matter to the Tribal Court.
- (c) In criminal matters, the Supreme Court may set aside, affirm, or modify any or all of the proceedings subsequent to or dependent upon the verdict, judgment or order on appeal; may order a new trial; or may remand the case with proper instructions to the Standing Rock Sioux Tribal Court.

1-215. Judgments/Opinions.

After any oral argument scheduled and held on an appeal, and deliberations on an appeal, the Justices shall remit a final judgment through an opinion of the Court after a majority of the Justices have agreed upon a decision in the appeal. There shall be no time limit on when an opinion on an appeal must be issued by the Supreme Court, provided that the Supreme Court shall act in good faith and with reasonable promptness, while giving each appeal and issue due regard and consideration. Any opinion rendered by the Supreme Court shall be sent to the Tribal Court and to each party to the appeal. Upon receipt of the opinion, the Tribal Court shall note the opinion on the docket, and the Tribal Court shall take any further action which may be required or necessary as a result of the decision of the Supreme Court.

Chapter 3. Judges and Justices

1-301. Qualifications of Judges and Justices.

To be eligible to hold the office of Judge or Justice, a person must: (1) be at least 25 years of age; (2) be of high moral character and integrity; (3) have never been convicted of a criminal offense, other than traffic offenses, for which a punishment of imprisonment was imposed; (4) not have been dishonorably discharged from the Armed Services; (5) be physically able to carry out the duties of the office. The Chief Judge, Chief Justice, and the Associate Chief Judge must have a degree in law from an accredited law school and be a member in good standing of the bar of any state or federal court. All other Associate Judges and Justices must demonstrate adequate education, training, and experience in the law.

1-302. Initial Appointment of Judges and Justices.

Each Judge and Justice shall initially be appointed by a two-thirds (2/3) vote of the Tribal Council taken by roll call at a meeting at which a quorum is present. Judges and Justices shall be appointed for an initial term commencing with the date fixed by the Tribal Council and ending at the next regular tribal election, unless removed for cause as provided in the Tribe's Amended Constitution and this Title.

Should a vacancy in a judgeship occur, between sessions of the Tribal Council, the Chairman of the Tribal Council may fill the vacancy, subject to confirmation by a two-thirds (2/3) vote of the Tribal Council taken by roll call vote at the next meeting of the Tribal Council at which a quorum is present.

1-303. Oath of Office.

On taking office, each judge shall take an oath as follows:

"I _____ do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the Standing Rock Sioux Tribe and uphold tribal law and the Treaty of April 29, 1868, and will faithfully discharge the duties of my office according to the best of my ability, so help me God. "

1-304. Referendum of Judges and Justices.

- (a) Each Judge or Justice appointed by the Council who is validly holding office on May 11, 1984, shall be subject to a referendum at the regular tribal election for the year of 1984. Each Judge or Justice appointed shall be subject to a referendum at the next regular tribal election following the appointment. At the election, the qualified voters of the Tribe shall vote by referendum on whether each such Judge or Justice shall be retained in Office. The referendum shall read, in substance: "Whether _____ (name) _____ shall be retained as a Judge (or Justice) of the Standing Rock Sioux Tribal Court (or Standing Rock Sioux Supreme Court) YES // NO //."

- (b) The referendum on each Judge or Justice shall appear on a Notice of Election at least 30 days prior to the election, provided that the Council may fix a shorter period if necessary. In all other respects the referendum elections regarding Judges and Justices shall be as provided in Title XV of this Code.
- (c) If a majority of the votes cast by qualified voters of the Tribe are in favor of retaining the Judge or Justice in office, the Judge or Justice shall serve a four (4) year term, beginning with the date of the election, unless removed for cause as provided in the Tribe's Constitution and this Title. If a majority of the votes cast by the qualified voters of the Tribe are against retaining the Judge or Justice in office, the Tribal Council shall appoint a successor and the Judge or Justice shall remain in office until his successor is so appointed and sworn in.
- (d) Each Judge or Justice whose four (4) year term expires shall be subject to another referendum election at the regular tribal election that is concurrent with the expiration of that term.

1-305. Duties of Judges and Justices.

- (a) The Judges and Justices shall administer justice and discharge all duties imposed upon them by law and shall hear and decide cases and enter judgments or orders disposing of each case. The Chief Judge of the Standing Rock Sioux Tribal Court shall be responsible for the administration of the Court, the assignment of cases and the management of the Court's calendar and business and shall, in the absence of a clerk of Court, perform the clerk's duties in addition to his own. All judges of the Court shall have the power to receive cash bail whenever the clerk is not available.
- (b) All Judges of the Standing Rock Sioux Tribal Court shall: (1) issue arrest warrants, search warrants and summonses when occasion requires; (2) deputize special tribal police officers when occasion requires; and (3) perform all other duties specifically assigned to them by this Code.

1-306. Compensation of Judges and Justices.

The compensation of the Chief Judge, Chief Justice, Associate Chief Judge, Associate Judges and Associate Justices shall be fixed by the Tribal Council. The rates of compensation so established may not be decreased during their term of office. Justices of the Supreme Court shall receive compensation only for those days they sit as members of the Supreme Court or otherwise perform the duties of their office. Upon consideration of the budget for the Supreme Court, reasonable limitations may be placed on compensation for Supreme Court Justices that may limit the amount of time for which said Justices will be compensated outside of the time they spend in sessions required by this Title.

1-307. Removal of Judges and Justices Based on Cause.

- (a) A Judge of the Tribal Court or Justice of the Supreme Court may be sanctioned by the Tribal

Council upon cause - including being removed from office upon a two-thirds (2/3) vote of the Tribal Council at a meeting at which a quorum is present.

- (b) For the purpose of this Section, "cause" shall be synonymous with "specific misconduct in office," which shall be defined as a violation of the ethical standards applicable to Judges and Justices on the Standing Rock Indian Reservation as set forth in Section 1-702(a) of this Title.
- (c) Upon a finding by the Standing Rock Supreme Court that a Judge or Justice committed an ethical violation the Clerk of the Supreme Court shall forward its Judgment to the Chair of the Standing Rock Sioux Tribal Council Judicial Committee, who shall arrange to have a "Sanction Hearing" placed on the agenda of the next meeting of the Tribal Council not scheduled within 25 days of the Judicial Committee Chair's receipt of the Supreme Court Judgment. The Judicial Committee Chair shall then ensure that the Judge or Justice to be sanctioned, receives written notice, no later than 20 days prior to the date of the Sanction Hearing, either by U.S. Mail or hand-delivery, of the date on which the Sanction Hearing is to be held. Receipt shall be deemed to have occurred on the date the notice was hand-delivered, or three (3) days after such notice was placed in the U.S. Mail.
- (d) At the Sanction Hearing, the Tribal Council shall comment upon the sanction recommended by the Supreme Court. The Judge or Justice to be sanctioned shall then have the opportunity to respond regarding the sanctions. The Tribal Council may permit, at its discretion, the presentation of witnesses and relevant evidence to aid it in determining sanction, provided that each party receives equal opportunity to do so, and receives the opportunity to cross-examine and impeach the witnesses or evidence offered by the other party.
- (e) After providing Judge or Justice to be sanctioned adequate time to be heard, the Tribal Council shall deliberate in open session on sanctions, and shall vote on an appropriate sanction. The Tribal Council may issue any sanction available under 1-707(a), and shall consider the factors enumerated under 1-707(b). Any sanction other than removal may be adopted by a majority vote of the Tribal Council members voting on the question. A sanction for removal shall only be adopted by a two-thirds (2/3) vote of the entire Tribal Council, present at the hearing.
- (f) After the Tribal Council has formally adopted a sanction, the Secretary of the Tribal Council shall ensure that a copy of the minutes pertaining to the sanction motion is forwarded to the Supreme Court for its records, and that a copy of the minutes pertaining to the sanction motion is delivered to the sanctioned Judge or Justice.

1-308. Removal for Medical Inability to Carry Out the Duties of Office.

Pursuant to the Constitution of the Standing Rock Sioux Tribe, a Judge or Justice may be sanctioned - including through removal - for medical inability to carry out the duties of office. A proceeding upon such grounds may not be initiated solely due to the existence of a medical ailment of a Judge

or Justice, but such medical ailment must have caused the Judge or Justice to breach his or her ethical responsibilities, and that the medical condition will continue to cause imminent and certain harm to the public due to likely future violations of the Judge or Justice's ethical standards. Any such proceeding shall be initiated pursuant to the relevant provisions of Chapter 7 and Section 1-307 of this Title. Any variations from Title 7 and Section 1-307 required to properly adjudicate such a proceeding may be made by Order of the Chief Justice of the Supreme Court, or Associate Chief Justice if the Chief Justice is the Judge or Justice subject to the complaint, upon his or her own directive or upon motion of either the Ethics Prosecutor or the Judge or Justice subject to the complaint.

1-309. Disqualification of Judges or Justices in Particular Cases.

A Judge or Justice shall disqualify him/herself in any proceeding in which his/her impartiality might reasonably be questioned, in which he/she has any personal bias or prejudice concerning any party, in which he/she or a member of his/her immediate family might be a witness or has any personal knowledge of disputed evidentiary facts concerning the proceeding, in which he/she or any member of his/her immediate family is a party or has any financial or other interest in the proceeding or has acted or is acting as a lawyer or lay counselor in the proceeding, or in which he might otherwise appear to be biased or prejudiced. Any individual who is a party to an action, who believes the Judge or Justice presiding over or hearing his or her matter should be disqualified under this section, may petition the Court to have the Judge or Justice disqualify him/herself; provided that such disqualification shall be discretionary unless the Judge or Justice or any member of his/her immediate family is a party or has any financial or other interest in the proceeding or has acted or is acting as a lawyer or lay counselor in the proceeding, in which case disqualification shall be required.

Chapter 4. Court Administration

Subchapter A. Clerks of Court

1-401. Office of Clerk.

There shall be a Chief Clerk of Court, and such assistant clerks of Court as may be necessary. The Chief Clerk shall serve as clerk of both the Standing Rock Sioux Tribal Court and Supreme Court.

1-402. Qualifications.

To be eligible to serve as Chief Clerk of Court, a person must: (1) be at least 21 years of age; (2) be of high moral character and integrity; (3) be a high school graduate or equivalent (4) never have been convicted of a felony within the past ten (10) years; (5) be physically able to carry out the duties of the office; and, (6) be a member of the Standing Rock Sioux Tribe. To serve as an assistant clerk of Court, a person must satisfy all the foregoing requirements except that an assistant clerk shall be at least 18 years of age. Preference for Chief Clerk of Court and assistant clerks of Court shall be given to persons able to speak the Lakota/Dakota Language.

1-403. Appointment, Compensation and Bond.

The Chief Clerk and assistant clerks of Court shall be hired as provided in the Personal Policies and Procedures of the Standing Rock Sioux Tribe. The compensation of the Chief Clerk and the compensation of assistant clerks shall be fixed by the Tribal Councilor SRST Human Resources Department.

1-404. Oath of Office.

Before entering upon the duties of office, the Chief Clerk and assistant clerks shall take the following oath or affirmation:

"I _____, having been appointed clerk of the Tribal Court, do solemnly swear (or affirm) that I will truly, faithfully, and impartially discharge all duties of my office to the best of my abilities and understanding. So help me God. "

1-405. Termination of Services.

Termination of services of the chief or any assistant clerk shall be governed by the Personnel Policies and Procedures of the Standing Rock Sioux Tribe.

1-406. Duties.

The Clerks of Court shall assist the Courts, the authorized law enforcement officers of the Reservation, and Indians of the Reservation, in preparing all necessary papers including complaints, subpoenas, warrants, and notices of appeal, petitions for review, and other documents relating to the functions of the Courts. The Clerks of Court shall attend and keep written records of all proceedings of the Courts, administer oaths and collect fines, costs, fees, and other moneys. The clerks shall create and maintain a docket of cases and schedule cases accordingly. The Clerks of Court shall account to the authorized authority for all moneys collected.

Subchapter B. Tribal Court Administrator

1-407. Tribal Court Administrator.

A Tribal Court Administrator shall be hired as provided in the Personnel Policies and Procedures of the Standing Rock Sioux Tribe.

1-408. Qualifications.

To be eligible to serve as the Tribal Court Administrator, a person must: (1) be at least 25 years of age; (2) be of high moral character and integrity; (3) be a college graduate or equivalent; (4) has not been convicted of a felony within the past ten years; and, (5) be physically able to carry out the duties of the office. Preference shall be given in selection of the Tribal Court Administrator to members of

the Standing Rock Sioux Tribe, and to persons able to speak and understand the Lakota/Dakota language.

1-409. Compensation.

The compensation of the Tribal Court Administrator shall be fixed by the Tribal Council or SRST Human Resources Department.

1-410. Oath of Office.

Before entering upon the duties of office, the Tribal Court Administrator shall take the following oath or affirmation:

"I, _____ having been appointed Tribal Court Administrator of the Tribal Court, do solemnly swear (or affirm) that I will truly, faithfully, and impartially discharge all duties of my office to the best of my abilities and understanding. So help me God."

1-411. Termination of Services.

The services of the Tribal Court Administrator may be terminated as provided in the Personnel Policies and Procedures of the Standing Rock Sioux Tribe.

1-412. Duties.

- (a) The Tribal Court Administrator shall be responsible for the planning and management of the administration of the Supreme Court and the Standing Rock Sioux Tribal Court. He/she shall supervise all employees of the Supreme Court and the Standing Rock Sioux Tribal Court, except for Judges, Justices, Chief Prosecutor and the Tribal Public Defender or any other contracted professional staff. The Tribal Court Administrator shall plan, prepare, and manage the budget, acquisition of supplies and services, and the necessary financial accounting practices of the Courts, and shall oversee all recordkeeping and reporting of the Courts.
- (b) Any duties or responsibilities of the Tribal Court Administrator may be moved or invested in any other appropriate Tribal Court employee, as may be necessary, upon a reorganization or restructuring of the Tribal Court officially adopted or approved by the Standing Rock Sioux Tribal Council. Any such reorganization or restructuring shall be incorporated by reference into this Title to the extent necessary.

Chapter 5. Tribal Court Prosecutor and Public Defender

Subchapter A. Tribal Court Prosecutor

1-501. Office of Tribal Court Prosecutor.

There shall be a Chief Prosecutor, and such assistant prosecutors and prosecutor advocates as the Tribal Court may determine.

1-502. Qualifications.

- (a) To be eligible to serve as a Chief Prosecutor, a person shall: (1) be an active member in good standing of the bar of any state or federal court; (2) be at least 21 years of age; (3) be of high moral character and integrity; (4) have a degree in law from an accredited law school; (5) have never been convicted of a felony; (6) not have been dishonorably discharged from the Armed Services; (7) be physically able to carry out the duties of the office;
- (b) To be eligible to serve as an Assistant Prosecutor or Prosecutor Advocate, a person shall: (1) be at least 21 years of age; (2) be of high moral character and integrity; (2) have a degree in Criminal Justice, Paralegal Studies, or commensurate experience; (3) be physically able to carry out the duties of the office.

1-503. Appointment and Compensation.

The Chief Prosecutor shall be appointed by a two-thirds (2/3) vote of the Tribal Council taken at a meeting at which a quorum is present. Assistant tribal prosecutors shall be appointed by a majority vote of those voting at a meeting of the Tribal Council at which a quorum is present. Prosecutor Advocates shall be hired by the Tribal Court through the human resource department. The Tribal Court shall establish rates of compensation of the Tribal Court prosecutor and any assistant prosecutors.

1-504. Oath of Office.

Before entering upon the duties of office, the Tribal Court prosecutor and assistant prosecutors and advocates shall take the following oath or affirmation:

"I _____, do solemnly swear (or affirm) that I will truly, faithfully and impartially discharge all duties of my office as prosecutor to the best of my abilities and understanding. So help me God "

1-505. Terms of Employment.

The terms of employment for the Chief Prosecutor and assistant prosecutors shall be established pursuant to contract between the prosecutor and the Tribe, and may include probationary periods. At the end of the contract period, the prosecutor and Tribe may negotiate whether to extend or renew the contract under the same or different contract provisions. Unless otherwise provided in the contract, the Tribal court prosecutor and assistants shall be exempt from the Personnel Policies and Procedures of the Standing Rock Sioux Tribe.

1-506. Duties.

The Chief Prosecutor and assistant prosecutors and advocates shall, in the name of the Tribe, prosecute criminal cases in Tribal Court. The prosecutors shall supervise the gathering of evidence by law enforcement officers to make sure each case is promptly and fairly presented, shall be authorized to represent the Tribe at arraignments, and shall be authorized to dismiss or amend any criminal complaint that is not supported by sufficient evidence or is improvidently brought.

The Chief Prosecutor, Assistant Prosecutors, Prosecutor advocates, and Presenting Officer shall represent juveniles in Juvenile Court proceedings where parents or guardians are charged with neglect, abuse or abandonment, or where the custody of a child is disputed. The Chief prosecutor(s) shall make recommendations from time to time to the Tribal Court on the administration of justice on the Reservation.

In accordance with Section 1-412(b), the Chief Prosecutor shall have the duty of supervising all staff of the SRST Prosecutors Office, including but not limited to the Assistant Prosecutors, Advocates, Presenting Officer, Victim/Witness Coordinators and other support staff that work with or through the Prosecutor's Office. Supervising staff includes training, directing, assisting, and assigning daily tasks and duties in order to carry out all duties of the Prosecution Office.

1-507. Termination of Services of Chief Prosecutor or Staff within the Prosecution Office.

- (a) The services of the Chief prosecutor or any assistant prosecutor may be sanctioned by the Tribal Council upon cause and as set forth in 1-702(b). The Prosecutor must be notified of the allegations of any wrong-doing in writing and given an opportunity to be heard in regard to the allegations. Any sanction imposed upon the Chief Prosecutor shall be the least restrictive means to address the wrong-doing or area of concern with the most serious reprimand consisting of termination upon a two-thirds (2/3) vote of the Tribal Council - at a meeting at which a quorum is present and the Prosecutor has the ability to appear and be heard. Sanctions imposed upon any Assistant Prosecutor or Prosecutor Advocate shall be handled according to the Tribe's Personnel Policies and Procedures.

Subchapter B. Tribal Public Defender

1-508. Office of Tribal Public Defender.

- (a) The Tribal Court shall have a public defender's office upon the Tribe having sufficient funding to sustain such office. Regardless of whether the Tribe has a permanent, full-time Tribal public defender, any assistants or Defense Advocate, the Tribe shall employ a qualified public defender to represent defendants when required under a specific provision of the Code of Justice, such as an offense under Chapter 17 of Title IV, or an appeal for a conviction under Chapter 17 of Title IV.
- (b) When the Tribe has a public defender employed in a permanent, full-time capacity, or by contract, the following individuals shall be entitled to the services of a public defender in Tribal Court when charged with a crime: (1) any Indian regardless of income; and (2) any individual charged with an offense under Chapter 17 of Title IV of the Standing Rock Sioux Tribal Code of Justice.
- (c) The remaining sections of this subchapter shall be deemed to apply when the Tribe has retained a full-time, permanent Tribal public defender and any assistants under subsection of this Section.

1-509. Qualifications.

- (a) To be eligible to serve as Tribal Public Defender, a person shall: (1) be a member in good standing of the bar of any state or federal court; (2) be at least 21 years of age; (3) be of high moral character and integrity (4) have a degree in law from an accredited law school; (5) have never been convicted of a felony; (6) not have been dishonorably discharged from the Armed Services; (7) be physically able to carry out the duties of the office; and (8) be qualified to be admitted to practice under the relevant provision of Section 1-601 of this Title.
- (d) To be eligible to serve as an assistant tribal public defender or advocate, a person shall: (1) be at least 21 years of age; (2) be of high moral character and integrity (3) have a degree in Criminal Justice, Paralegal Studies, or commensurate experience; and (4) be physically able to carry out the duties of the office.

1-510. Appointment and Compensation.

The Tribal public defender and any assistants shall be appointed by a majority vote of those voting at a meeting of the Tribal Council at which a quorum is present. The Tribal Council shall establish rates of compensation for the Tribal public defenders and assistants. Provided sufficient funds are available, a Public Defender Advocate shall be hired pursuant to the Tribe's Personnel Policies and Procedures.

1-511. Oath of Office.

Before entering upon the duties of office, the Tribal public defender and assistant defenders and advocates shall take the following oath or affirmation:

"I _____, do solemnly swear (or affirm) that I will truly, faithfully, and impartially discharge all duties of my office as defender to the best of my abilities and understanding. So help me God."

1-512. Terms of Employment.

The terms of employment for the Tribal public defender and any assistants shall be established pursuant to contract between the defender and the Tribe, and may include probationary periods. At the end of the contract period, the defender and Tribe may negotiate whether to extend or renew the contract under the same or different contract provisions. Unless otherwise provided in the contract, the Tribal public defender and any assistants shall be exempt from the Personnel Policies and Procedures of the Standing Rock Sioux Tribe.

1-513. Duties.

The Tribal public defender and assistants shall, without charge, represent persons accused of crimes in Tribal Court with consent of the defendant. The public defenders shall also represent juveniles in delinquency cases, where the offense charged would be a felony if committed by an adult. Representation shall be provided at all stages of the proceeding following the filing of a complaint. Representation on appellate cases shall be at the discretion of the public defender. The appointed defender shall take all necessary steps to investigate the facts of any case and shall have access to all Tribal and BIA social services personnel.

In accordance with Section 1-412(b), the Tribal Public Defender shall have the duty of supervising all staff of the Tribal Public Defender, including but not limited to the Assistant Public Defender, Advocates, or other support staff that works with or through the Defender's Office. Supervising staff includes training, directing, assisting, and assigning daily tasks and duties in order to carry out all duties of the Public Defender's Office.

1-514. Termination of Tribal Public Defender.

- (a) The services of the Chief Public Defender or any assistant public defender may be sanctioned by the Tribal Council upon cause and as set forth in 1-702(b). The public defenders must be notified of the allegations of any wrong-doing in writing and given an opportunity to be heard in regard to the allegations. Any sanction imposed upon the Public Defender shall be the least restrictive means to address the wrong-doing or area of concern with the most serious reprimand consisting of termination upon a two-thirds (2/3) vote of the Tribal Council - at a meeting at which a quorum is present and the public defender has the ability to appear and be heard.

- (b) For the purpose of this Section, "cause" shall be defined as the commission of a violation of the ethical standards applicable to attorneys admitted to practice law on the Standing Rock Indian Reservation as set forth in Section 1-702 of this Title, which violation was found to have occurred by the Standing Rock Supreme Court pursuant to Section 1-705 of this Title.
- (c) The procedure for removal of a Chief Public Defender shall be the same procedure provided for the removal of judges and justices under Section 1- 307(c)(g) of this Title.

Chapter 6. Other Attorneys and Lay Counselors

1-601. Qualifications to Admission as an Attorney or Lay Counselor.

- (a) No person may practice as an attorney before the Standing Rock Sioux Tribe Court or the Supreme Court of the Standing Rock Sioux Tribe, or practice as an attorney under a contract with the Standing Rock Sioux Tribe or one of its entities, agencies or departments, unless admitted to practice and enrolled as an attorney with the Tribal Court upon written application. Any attorney at law who is a member in good standing of the bar of any state or federal court shall be eligible for admission to practice before the Tribal Court unless he or she has been disbarred from the Tribal Court pursuant to Section 1-604. Any attorney admitted to practice in the Tribal Court shall abide by ethical standards applicable to attorneys admitted to practice law on the Standing Rock Indian Reservation as set forth in Section 1-702 of this Title.
- (b) Any person can apply to the Tribal Court for admission as an Advocate upon application accompanied by proof satisfactory to the Court that: (1) he/she is at least 21 years of age; (2) he/she is a person of good moral character and integrity; (3) he has successfully received a high school diploma or its equivalent and has either a college degree in Criminal Justice, Paralegal Studies, or commensurate experience; (6) he is not a member of the Tribal Council or a Judge, Justice or employee of the Tribal Court or Supreme Court. In addition, any Advocate admitted to practice before the Court shall abide by ethical standards applicable to Advocates admitted to practice on the Standing Rock Indian Reservation as set forth in Section 1-702 of this Title.
- (c) Nothing in this section shall affect the right of any person to represent himself in any proceeding, with the approval of the Court.

1-602. Oath Upon Admission.

As a condition to admission, each attorney and advocate shall take the following oath or affirmation:

"I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States of America and the Standing Rock Sioux Tribe against all enemies, foreign and domestic; that I will faithfully discharge all duties incumbent on me as an attorney/advocate

to the best of my abilities and understanding. So help me God."

1-603. Licensing.

Each attorney admitted to practice in the Standing Rock Tribal Court must pay a licensing fee and complete any further requirements set out by the Court prior to practicing.

A roll of attorneys and advocates licensed by the Standing Rock Tribal Court and admitted to practice before the Court shall be maintained by the clerk of Court, and such roll shall be updated from time to time.

1-604. Sanction.

Any attorney or advocate admitted to practice law on Standing Rock Reservation may be sanctioned as provided under this Title.

1-605. Right to Counsel.

Any person at his own expense may have assistance of counsel of his choice.

1-606. Council Members Shall Not Practice as Attorneys or Advocates.

No member of the Tribal Council shall practice before the Tribal Court or the Supreme Court during his/her term of office.

Chapter 7. Ethical Standards and Violations

1-701. Purpose.

The purpose of this Section is to set forth the standards that apply to attorneys and advocates, Tribal Court prosecutors, Tribal public defenders, Tribal Judges and Tribal Justices and the process that shall be followed when a complaint is made against one of the above practicing on the Standing Rock Reservation.

1-702. Ethical Standards.

The following ethical standards shall apply as follows:

(a) Judges of the Tribal Court and Justices of the Supreme Court:

1. Shall follow the American Bar Association Model Code of Judicial Conduct;
2. Shall not be convicted of a felony, or a misdemeanor involving dishonesty or acts

offensive to the morals of the community;

3. Shall follow all laws of the Tribe applicable to him or her;
4. Shall not be disbarred by a federal or state court; and
5. Shall not commit repeated abusive or clearly incompetent performance of duties in office, or repeated failure to perform the duties of office.

(b) Tribal prosecutors, Tribal public defenders, Attorneys and Advocates admitted to practice in Tribal Court:

1. Shall follow the American Bar Association Model Rules of Professional Conduct;
2. Shall not be disbarred by a tribal, federal, or state court;
3. Shall follow all laws of the Tribe applicable to him or her; and
4. Shall not make a false statement under oath or similar affirmation.

1-703. Time.

When computing time under this Chapter, exclude the day of the event that triggers the period, and count every day (including intermediate Saturdays, Sundays and tribal holidays), provided that if the last day is a Saturday, Sunday or tribal holiday, the time period shall be extended to the next day that is not a Saturday, Sunday or tribal holiday.

1-704. Supreme Court Review.

The Standing Rock Sioux Tribal Supreme Court is hereby delegated the authority to handle any properly-filed complaints made against attorneys and advocates admitted to practice on the Standing Rock Reservation and Judges.

If any of the three justices recuse themselves for conflict of interest, the Chief Judge shall appoint the current special judge to serve on the Commission for that case.

1-705. Procedure.

- (a) Any individual who reasonably believes she or he has firsthand knowledge of an ethical violation committed by any individual admitted to practice law on the Standing Rock Sioux Tribe may bring a complaint as provided in this Section. Any complaint against an attorney or advocate admitted to practice in Standing Rock Tribal Court - including any complaint against a Judge, Justice, Tribal Court prosecutor or Tribal public defender shall be submitted to the Clerk of the Supreme Court. Such complaint shall be in writing, signed by the individual

bringing the complaint, and be accompanied by any supporting documentation, including pleadings and affidavits.

- (b) Upon receipt of a complaint, the Clerk of the Supreme Court shall forward the complaint and all accompanying documentation to the members of the Supreme Court.
- (c) Upon receipt of a complaint, any member of the Supreme Court who has a conflict of interest shall recuse him/herself. If more than one member of the Supreme Court has a conflict of interest on a given complaint, the Tribal Chairman shall be promptly notified and, as provided in this Chapter, may make emergency appointments, without requiring ratification by the Council for the specific complaint requiring additional appointments.
- (d) For purposes of this Chapter, a member of the Supreme Court has a conflict of interest if she or he:
 - 1. Is the individual subject to the complaint;
 - 2. Is the individual who brought the complaint; or
 - 3. Has a family, social, professional or other relationship with the individual subject to the complaint or individual who brought the complaint where the member's impartiality might reasonably be questioned.
- (e) The Clerk of the Supreme Court shall, within twenty (20) days after receipt of the complaint, provide written notification to the individual attorney or advocate or Judge- through certified mail or personally served at their address on record with the Tribal Court or last-known address, whichever is more current. The individual who is subject to the complaint shall further be notified that:
 - 1. The Supreme Court is presently determining whether the complaint has merit, that if the complaint is found to have merit it shall be heard before the Standing Rock Sioux Supreme Court at which time the individual shall have the right to respond and appear at a hearing if requested, and if the complaint is found to not have merit, it shall be dismissed;
 - 2. The individual subject to the complaint has the right to file a written response, including any arguments on fact or law and any accompanying documents, to the Clerk of the Supreme Court 15 days of his/her receipt of the notice. Receipt shall be deemed to have occurred on the day of service, whether by certified mail or personal service.
- (f) Upon receipt of the response submitted by the individual subject to the complaint, or at the expiration of the timeframe for submission of such a response, the Supreme Court shall review the complaint and any accompanying documents submitted with the complaint, the response and any accompanying documents submitted with the response, and all applicable laws and

rules.

- (g) The Supreme Court shall meet on the complaint to review all documents submitted in the matter, as all applicable laws and rules at its next regularly scheduled session. Such meeting shall not be a public meeting.
- j) The Supreme Court shall have the authority to review the Complaint and make a determination of whether the Complaint has merit. If the determination is made that the Complaint is without merit, the Chief Justice shall draft a legal opinion, and explain the reasoning why the complaint was found not to have merit. Such legal opinion shall be provided to the Clerk of the Supreme Court who shall cause a copy of the opinion to be sent to the complainant and the individual subject to the complaint, and shall cause all records pertaining to the complaint to be archived with the Supreme Court.
- (k) If a complaint is found to have merit, the Clerk of the Supreme Court shall ensure that the matter is scheduled for hearing at the next session of the Supreme Court

1-706. Hearing.

- (a) If the Supreme Court determines that a complaint has merit, a hearing shall be scheduled at the next regular session of the Supreme Court.
- (b) If it is shown that it is more probable than not that the individual has committed misconduct and there is a substantial threat that the public may be harmed absent an interim suspension, the Supreme Court has the discretion to temporarily suspend the license of the subject of the complaint until disposition of the hearing.
- (c) The Supreme Court and individual subject to the complaint may both compel by subpoena the attendance of witnesses and production of pertinent books, papers and documents pursuant to the rules of procedure generally followed by the Tribal Court.
 - 1. At the hearing on the complaint, the Supreme Court shall hold an evidentiary hearing that follows all relevant rules of procedure and evidence followed by the Tribal Court. The individual subject to the Complaint may be present and present evidence and call witnesses in their favor.
- (d) At the close of the hearing, the Supreme Court shall deliberate on the matter, by majority vote determine the matter, and issue a written judgment on the matter as provided in Section 1-216 of this Title that sets forth the decision of the Court and the reasoning behind the decision. Such judgment shall either:
 - 1. Find that an ethical violation has occurred; or

2. Find that an ethical violation did not occur, and dismiss the matter.

(e) If the Supreme Court finds that an ethical violation has occurred:

1. If the individual subject to the complaint is a Judge or Justice, send a copy of the Judgment to the Chair of the Standing Rock Sioux Tribal Council Judicial Committee for further proceedings under Section 1-307 of this Title, with a recommendation for a sanction, and the reasoning behind the recommendation;
2. If the individual subject to the complaint is a Tribal Court prosecutor or assistant prosecutor, send a copy of the Judgment to the Chair of the Standing Rock Sioux Tribal Council Judicial Committee for further proceedings under Section 1-507 of this Title, with a recommendation for a sanction, and the reasoning behind the recommendation;
3. If the individual subject to the complaint is a Tribal public defender or assistant public defender, send a copy of the Judgment to the Chair of the Standing Rock Sioux Tribal Council Judicial Committee for further proceedings under Section 1- 514 of this Title, with a recommendation for a sanction, and the reasoning behind the recommendation;
or
4. If the individual subject to the complaint does not fall under subsections (f)(1), (2) or (3) of this Section, sanction the individual as provided in Section 1-707 of this Title.

(f) A decision of the Standing Rock Supreme Court under this Section is final.

(g) After a decision is rendered under this Section, the Clerk of the Supreme Court shall cause all records pertaining to the complaint to be archived with the Supreme Court.

1-707. Sanctions.

- (a) The following sanctions shall be available for the Supreme Court to order or recommend to the Tribal Council in a sanctions hearing upon a finding under subsection 1-705(f)(1):
1. Censure;
 2. Restitution to persons financially injured by the ethical violation;
 3. Suspension of admission to practice law in Tribal Court for a period not to exceed three (3) years; or

4. Disbarment in which case the person is not eligible for readmission for five (5) years.
- (b) In determining which sanction to issue or recommend, the Supreme Court shall consider the following factors:
1. The severity of the violation;
 2. The number of previous violations the individual was formally found to have committed on the Standing Rock Sioux Reservation or any other jurisdiction; and
 3. The damages that persons suffered as a result of the violation.

Chapter 8. Probation

1-801. Purpose.

There is hereby established within the Standing Rock Tribal Court an Adult and Juvenile Probation Department. The Probation Department shall be responsible for monitoring and/or supervising those individuals who have been convicted and sentenced and placed on Probation by the Court.

1-802. Probation Defined.

Probation is the conditional freedom of an individual and may also be considered an alternative to incarceration. Probation is the least restrictive alternative for individuals and serves to reintegrate the individual back into the community. Probation can be either unsupervised or supervised, depending on the sentence imposed by the Court.

1-803. Composition.

Subject to the availability of funding, the Probation Department shall consist of a Lead Probation Officer, Adult Probation Officer(s) and Juvenile Probation Officer(s). The Lead Probation Officer shall report directly to the Court Administrator and shall supervise the remaining Probation Officers. All probation employees shall be considered Tribal employees and subject to the Tribes personnel policies and procedures. In addition, the probation employees shall be required to sign and adhere to the Tribal Court Confidentiality Agreement and the Probation Department Policy and Procedures manual.

1-804. Duties.

The Probation Department duties include supervising and following probation and parole of adults and juveniles, preparing recommendations for imposition, modification, or revocation of sentences, probation or parole, being present in court for dispositional hearings, sentences, and modification or revocation hearings, preparing temporary passes for CSWP and Motions to Release from Probation Status and further assisting the court as requested by any Judge in matters relating to any case.

The Probation Department shall provide those services related to probation, including but not limited to: Anger Management/Domestic Violence/Parenting/Minor in Consumption (MIC)/Drug & Alcohol Awareness classes, Random P.B.T.s, Random UA Testing and Drug Patch application, SCRAMx Alcohol Monitoring (AM) and Electronic Monitoring (EM) and Supervision of the Community Service Work Program.