



## Walker River Paiute Tribe

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**RESOLUTION OF THE GOVERNING BODY  
OF THE  
WALKER RIVER PAIUTE TRIBE  
RESOLUTION NO. WR-46-2021**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:**

**WHEREAS,** the governing body of the Walker River Paiute Tribe ("Tribe") is organized under the provisions of the Indian Reorganization Act of June, 1934, as amended, to exercise certain rights of home rule and to be responsible for the promotion of the economic and social welfare of its members, and

**WHEREAS,** the Tribe's Constitution and By-Laws create the foundation for the governance of the Tribe and the framework for all Tribal operations and authorizes the Walker River Paiute Tribal Council to act on behalf of the Walker River Paiute Tribe and to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Reservation, and

**WHEREAS,** pursuant to this power, the Tribal Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's jurisdiction, and

**WHEREAS,** the Tribal Council has recognized the importance of reviewing and updating the Law & Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living, visiting and working on Tribal lands, and

**WHEREAS,** to meet this goal, the Tribal Council drafted a new Title 1 of the Law & Order Code titled "Tribal Court", and

**WHEREAS,** the new proposed Title 1 was posted for at least thirty days to allow for public comment, the Tribal Council considered the comments and is now prepared to take action to approve Title 1,

**NOW THEREFORE BE IT RESOLVED,** by the Walker River Tribal Council, the governing

body of the Walker River Paiute Tribe, hereby adopts, approves and promulgates the attached version of Title 1 titled "Tribal Court" of the Tribe's Law and Order Code, which shall go into effect on June 1, 2021, and which shall supersede and replace any and all prior versions of Title 1, and

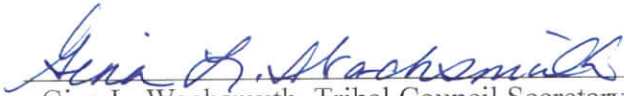
**BE IT FURTHER RESOLVED**, that the Walker River Tribal Council hereby directs that the Tribal Court make Title 1 of the Law & Order Code available to those Tribal members and attorneys/advocates who request a copy. The expense for each copy will be at the cost of the requester, and

**BE IT FURTHER RESOLVED**, that the Tribal Chairwoman or her designee is hereby authorized to effectuate any and all administrative actions necessary for the implementation of this resolution and the approved Title 1 of the Law & Order Code, and

**BE IT FINALLY RESOLVED**, that nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Tribe.

#### CERTIFICATION

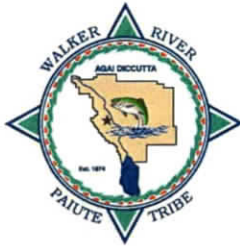
It is hereby certified that the foregoing resolution of the Walker River Paiute Tribal Council of the Walker River Paiute Tribe composed of seven members, of whom 7, constituting a quorum were present a meeting held on the 29<sup>th</sup> day of April 2021, and that the foregoing resolution was adopted by the affirmative voter of 6-FOR and 0-AGAINST and 0-ABSTENTION, pursuant to the authority contained in Article VI, Section I (e), of the Constitution and Bylaws of the Walker River Paiute Tribe of Nevada, approved on March 26, 1937.

  
Gina L. Wachsmuth, Tribal Council Secretary  
WALKER RIVER PAIUTE TRIBE

#### RE-CERTIFICATION

It is hereby certified that the foregoing resolution of the Walker River Paiute Tribal Council of the Walker River Paiute Tribe composed of seven members, of whom 6, constituting a quorum were present a meeting held on the 8<sup>th</sup> day of July 2021, and that the foregoing resolution was adopted by the affirmative voter of 5-FOR and 0-AGAINST and 0-ABSTENTION, pursuant to the authority contained in Article VI, Section I (e), of the Constitution and Bylaws of the Walker River Paiute Tribe of Nevada, approved on March 26, 1937.

  
Gina L. Wachsmuth, Tribal Council Secretary  
WALKER RIVER PAIUTE TRIBE



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**Walker River Paiute Tribe**  
*Tribal Court*

# Title 1 Tribal Court

Title 1 Approved by Walker River Tribal Council April 29, 2021  
Resolution No.: WR-46-2021  
Effective: June 1, 2021

LAW AND ORDER CODE  
TITLE I – THE TRIBAL COURT

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LAW AND ORDER CODE  
TITLE 1 - THE TRIBAL COURT

1-10 AUTHORIZATION AND DEFINITIONS –

1-10-010 Establishment of the Tribal Court – Pursuant to the authority granted to the Tribal Council by Article VI, Section 1(j) of the Constitution and By-laws of the Walker River Paiute Tribe there is hereby established a Tribal Court to be known as the Walker River Tribal Court. The Walker River Tribal Court is established for the purpose of:

- (a) Resolving disputes involving members of the Walker River Paiute Tribe,
- (b) Providing a forum for the resolution of other disputes arising within jurisdiction of the Tribal Court, and
- (c) The enforcement of Law and Order.

1-10-020 Definitions – The following words have the meanings given below when used in this Law and Order Code:

- (a) Clerk: Clerk of the Court.
- (b) Code: The Law and Order Code of the Walker River Paiute Tribe.
- (c) Court: The Walker River Court.
- (d) Juvenile Court: The Walker River Juvenile Court.
- (e) Law and Order Code: All ordinances and titles of the Law and Order Code of the Walker River Paiute Tribe..
- (f) Reservation: The territory within the jurisdiction of the Walker River Paiute Tribe as set forth in the Tribal Constitution.
- (g) He, him, and his: These words include the feminine gender when appropriate.
- (h) Tribe: The Walker River Paiute Tribe.
- (i) Tribal Court: The Walker River Tribal Court.

1-20 JURISDICTION OF THE TRIBAL COURT –

1-20-010 Territorial Jurisdiction of the Tribal Court – The territorial jurisdiction of the Tribal Court shall extend to all territory within the present boundaries of the Reservation as defined by the Tribe’s Constitution, including trust and non-trust land, and all roads, water and bridges, and to any lands which may be added to the

Reservation in the future or which may become subject to the jurisdiction of the Tribe by virtue of an Executive Order, a declaration or regulations of the United States Department of the Interior, a declaration or order of a court of competent jurisdiction, or other lawful means.

1-20-020 Civil Jurisdiction – The Tribal Court shall have jurisdiction over all civil actions as defined in Title 2 and other relevant titles of the Law and Order Code. Personal jurisdiction shall exist over all defendants, Indian or non-Indian, served within the territorial jurisdiction of the court, or consenting to such jurisdiction, or otherwise served in compliance with applicable law. The act of entry upon territory within the jurisdiction of the court shall be considered consent to the jurisdiction of the court with respect to any civil action arising out of such entry. The act of entry upon territory within the jurisdiction of the court by an off-Reservation seller or his agent to deliver goods shall be considered consent by the seller to the jurisdiction of the Tribal court for any dispute arising out of the sale, regardless of where the contract was entered.

1-20-030 Criminal Jurisdiction – The Tribal Court shall have criminal jurisdiction over all offenses enumerated in this Law and Order Code and any subsequent ordinance adopted by the Tribe when committed by any person within jurisdiction of the court.

1-20-040 Probate Jurisdiction – To the extent permitted by federal law, the Tribal Court shall have probate jurisdiction over all of the real and personal property located within the jurisdiction of the court at the time of death, and the personal property, wherever located, of any person who is a resident of the Reservation at the time of death, Indian or non-Indian.

1-20-050 Juvenile Jurisdiction – The Tribal Court shall have exclusive original jurisdiction in all proceedings and matters affecting children under the age of eighteen, when such children are residing or apprehended within the jurisdiction of the court. When exercising such jurisdiction, a case may be transferred to the Tribal Court if the child is a Tribal member or eligible to be a Tribal member, and the case is pending in a State Court.

1-30 LAW TO BE APPLIED BY THE TRIBAL COURT –

1-30-010 Tribal Law and Order Code – The Tribal Court shall apply the provisions of this Code and any additional ordinance hereafter adopted by the Tribe.

1-30-020 Tribal Customs and Usage –

- (a) In matters not covered by Tribal ordinance or the Law and Order Code, the Tribal Court shall apply traditional customs and usages of the Tribe.
- (b) The Tribal Court shall not consider whether the customs and usages of the Tribe apply unless this issue is raised by one of the parties. It shall be the obligation of the party wishing to benefit by the application of this section to present evidence of such custom and usage, but only after providing written

notice to the other party at least ten days prior to the court hearing addressing this issue.

- (c) When in doubt as to such customs and usages, the Tribal Court may request the advice of counselors familiar with them.

1-30-030 Federal Law – In any matters not covered by Sections 1-30-010 and 1-30-020, the Tribal Court shall apply any laws of the United States that could be applied by any courts of general jurisdiction of any state, and any regulation of any administrative agency of the United States that may be of general or specific applicability.

1-30-040 Inapplicability of Nevada Law and 25 Code of Federal Regulations Part 11 – Upon the passage of this Code, neither Nevada law nor 25 Code of Federal Regulations (C.F.R.), Part 11, shall be applied by the Tribal Court unless specifically incorporated into this Code by ordinance.

1-40 JUDGES OF THE TRIBAL COURT –

1-40-010 Composition of the Tribal Court –

- (a) The Tribal Court shall consist of one Chief Judge and as many Associate Judges as the Tribal Council shall find necessary to conduct the business of the court.
- (b) Although the specific number of Associate Judges is left up to the Tribal Council under subsection (a) of this section, there shall always be one Chief Judge and at least one Associate Judge of the Tribal Court.

1-40-020 Qualifications of the Chief Judge –

- (a) The Chief Judge may be any person, whether Indian or non-Indian and whether a resident or non-resident of the Reservation provided such person:
  - (1) Is twenty-one (21) years of age or older.
  - (2) Has never been convicted of a felony unless a full pardon has been received for the offense.
  - (3) Is a person of integrity and high moral character as defined by the Tribal Council.
  - (4) Is not a member of the Tribal Council.
  - (5) Is willing to attend training sessions for Tribal Judges.
- (b) It is preferred, though not required, that the Chief Judge be a person licensed to practice law in one of the United States, or the District of Columbia.



1-40-030 Qualifications of the Associate Judge – The Associate Judge may be any person, whether Indian or non-Indian, who meets the requirements for Chief Judge set out in subsection (a) of Section 1-40-020 above.

1-40-040 Appointment of Judges –

- (a) All Judges shall be appointed by the Tribal Council. If time allows, the Judges shall be chosen from a list of qualified applicants recommended by the Tribal Law and Order Committee, but if the Tribal Council feels no one on the list is qualified, it may require the Law and Order Committee to submit another, different, list.
- (b) Nothing in the Section shall prohibit the Tribal Council from receiving funding from the Bureau of Indian Affairs.

1-40-050 Term of Office –

- (a) All Judges shall serve for a term of four (4) years and thereafter until their successors take office, unless removed for cause.
- (b) Judges shall be eligible for reappointment.

1-40-060 Oath of Office – Before taking office, each Judge shall take the following oath or affirmation, administered by the Chairman of the Tribal Council or his designee:

“I, \_\_\_\_\_, do solemnly (swear/affirm) that I will administer justice impartially and perform all the duties incumbent upon me as Judge with the best of my abilities and understanding.”

1-40-070 Duties and Powers of Judges –

- (a) The Chief and Associate Judges of the Tribal Court shall have the duty and power to conduct all court proceedings, and issue all orders and papers incident thereto, in order to administer justice in all matters within the jurisdiction of the Tribal Court. In so doing, they shall:
  - (1) Be responsible for establishing and maintaining rules of court regulating conduct in the Tribal Court. Such Rules must be approved by the Tribal Council.
  - (2) Hold court regularly at a designated time and place on the Reservation. As needed, Court may be held virtually using telephone or video conferencing at the discretion of the Judge.
  - (3) Hear and decide all cases.
  - (4) Enter all appropriate orders and judgments.

- (5) Issue all appropriate warrants and subpoenas.
  - (6) Keep such records as are required by Tribal ordinance and the Rules of the Court.
  - (7) Perform the duties of the Clerk in the absence of a Clerk.
  - (8) Perform such other duties as are required by this Code or by ordinance.
  - (9) Perform such other duties as are necessary and proper in the administration of justice.
- (b) Unless a coroner is appointed in accordance with the provisions of this Code, the Chief Judge shall have the authority to perform the duties of a Coroner. The Chief Judge can designate a coroner in his absence.
  - (c) The Chief Judge shall hear all cases except those that are assigned to an Associate Judge or which must be heard by an Associate Judge in order to ensure the prompt administration of justice.

1-40-080 Appointment of Temporary Judges –

- (a) If, due to the disqualification or other unavailability of the Chief and Associate Judges, an additional Judge is needed to adjudicate matters, the Tribal Council shall have the power to appoint a temporary Judge to hear the case.
- (b) The Tribal Council must make such an appointment within ten (10) days of receiving the request when it is necessary to ensure the prompt administration of justice.

1-40-090 Compensation of Judges –

- (a) The compensation of all Judges of the Tribal Court shall be set by resolution of the Tribal Council. No Judge shall have his compensation reduced during his term of office.
- (b) Nothing in this Section shall prohibit the Tribal Council from receiving funding from the Bureau of Indian Affairs.

1-40-100 Removal of Judges –

- (a) Judges may be removed for good cause by a two-thirds (2/3) vote of the Tribal Council.
- (b) Procedures to be followed in removing a Judge:

- (1) No action will be taken except on a written complaint to the Tribal Council setting forth specific facts that justify removal.
- (2) The Judge shall be immediately notified of the charges against him.
- (3) Within sixty (60) days of receiving a complaint against a Judge, the Tribal Council shall decide by majority vote of a quorum whether the complaint requires a hearing before the Tribal Council to determine if the Judge should be removed. Notice of this decision must be sent by certified mail to both the Judge accused and the complainant within five (5) days of the Tribal Council decision. No Judge shall be removed except following a hearing on the complaint and a subsequent decision by the Tribal Council that removal is appropriate.
- (4) If the Tribal Council decides a hearing is required, it shall set a date for such hearing, at least thirty (30) days but not more than sixty (60) days in advance. The Tribal Council shall notify the accused Judge and the complainant of the date of the hearing in the notice required in subsection (b)(3) of this section. The accused Judge shall be suspended from his duties from the date on which the Tribal Council decides that a hearing is necessary.
- (5) At the hearing scheduled pursuant to subsection (b)(4) of this section, both the accused Judge and the complainant shall be given an opportunity to present evidence, call witnesses, and make a statement to the Tribal Council in support of their contention.
- (6) After a hearing is held, the Tribal Council shall vote on whether or not the evidence presented establishes that good cause exists for removing the Judge. The parties shall be notified of the Tribal Council's decision in the manner provided for in subsection (b)(3) of this section. Any Judge not removed is restored to his duties as of the decision of the Tribal Council.

1-40-110 Disqualification of Judges; Conflict of Interest –

- (a) No Judge shall hear or determine any case when he has a direct interest in the outcome of such case or where he is related by blood or marriage to one of the parties as: husband, wife, brother, sister, father, mother, grandfather, grandmother, grandson, granddaughter, son, daughter, uncle, aunt, nephew, or niece. Any party or the Judge may raise the question of conflict of interest. If conflict of interest exists that Judge is disqualified, and another Judge shall hear the matter.
- (b) A Judge related to one or both of the parties in one of the blood or marriage relationships listed in subsection (a) of this section may hear a case if both

or all parties know or are advised of the relationship and consent in writing to have that Judge hear the case.

- (c) A writing which documents the consent referred to in subsection (b) of this section shall be made part of the record of the case.

1-40-120 Filling Vacancies – When a Judge’s position becomes vacant before the end of the term, the Tribal Council shall fill the vacancy by appointment. The Judge appointed to fill a vacancy will serve the remainder of the original term and be eligible for reappointment.

1-50 CLERK OF COURT –

1-50-010 Qualifications of Clerk – The Clerk shall:

- (a) Be willing to attend training sessions for Tribal Court Clerks.
- (b) Be qualified to perform the duties of the Clerk as set forth in Section 1-50-030.

1-50-020 Appointment of Clerk – The Clerk shall be appointed by the Tribal Council.

1-50-030 Duties of the Clerk –

- (a) The Clerk shall keep the records of the Court, including but not limited to a case file with an identifying number containing all of the pleadings and all papers filed in each case.
- (b) The Clerk shall send out all notices required by Tribal law to be sent by the Tribal Court.
- (c) The Clerk shall assist all persons or organizations with business before the Court so as to ensure the efficient operation of the Tribal Court. Such assistance may not include help with the preparation of papers to be filed with the Tribal Court.
- (d) The Clerk shall collect all fines paid, pay out all fees authorized by law, and account for all monies to the Tribal Council.
- (e) The Clerk shall attend all sessions of the Tribal Court to administer oaths and otherwise assist the Judge in the conduct of the court.
- (f) The Clerk shall be under the supervision of the Chief Judge and shall perform such other duties with regard to the Tribal Court as the Chief Judge may direct.

- (g) Nothing in this section shall be construed to prohibit the Clerk from having other duties consistent with the Office of Clerk, such as matron, bookkeeper, etc.

1-50-040 Judge May Assume Duties of the Clerk – When, for whatever reason, the position of Clerk is vacant or the Clerk is unavailable, a Judge may assume and perform the duties of the Clerk.

1-50-050 Termination of Clerk – Termination of the Clerk shall be in accordance with Tribal Personnel Policy.

1-60 RECORDS OF THE TRIBAL COURT –

1-60-010 Court Files –

- (a) Court files on a particular case are not open to the public. Only the parties and persons authorized by the parties or the Tribal Judge may inspect the records of a case and obtain copies of documents included therein.
- (b) Authorized persons may inspect such files only during the ordinary working hours of the Clerk or the Judge, to ensure the integrity of court records. Under no circumstances shall anyone except a Judge hearing the case take a file from the Clerk's office without an order from the Judge.
- (c) A copy of any document contained in a court file may be obtained from the Clerk by any authorized person for a reasonable charge to cover the expenses of copying. The Clerk shall certify that such copies are accurate copies of the document on file.

1-60-020 Recording Court Proceedings –

- (a) When requested to do so by one of the parties, the Clerk shall record the proceedings of the court. The recording shall be identified by case number by the Clerk and kept for one year for use in appeals or collateral proceedings in which the events of the hearing or the manner in which it was conducted are in issue.
- (b) To preserve the integrity of the recording, the Clerk shall store it in a safe place and release it only to the relevant court, or pursuant to an order of the Judge.

1-60-030 Forms of Decisions –

- (a) Each decision of the Tribal Court, whether at trial or on appeal, shall be recorded on a form approved by the Tribal Council for such purpose. The decision form shall provide for recording the date, the case number, the parties, the substance of the complaint, a brief summary of the evidence presented, the Judge's decision, and the judgment of the court.

- (b) This decision form shall be placed in the case file as an official document of the Tribal Court.

1-70            RULES OF COURT –

1-70-010        Preparation of Rules – The Chief Judge may prepare Rules of Court concerning conduct in the Tribal Court. Such rules may include the time and place of court sessions, the form and filing deadlines of pleadings, decorum in the court room and other matters that will make the Tribal Court function more efficiently.

1-70-020        Approval of Rules – The Rules of Court shall be reviewed by the Tribal Council and become effective upon approval by the Tribal Council.

1-70-030        Amendment of Rules – The Rules of Court may be amended by a resolution of the Tribal Council. Such a resolution should specify which rules are superseded and include the text of the new rules.

1-70-040        Sanctions –

- (a) The Tribal Court may require observance of the Rules of Court before taking any action in a matter:
- (1) Where one party suffers actual monetary damages, including fees to a representative.
  - (2) Due to delay in the proceedings.
  - (3) When the failure of some other party before the court to obey the Rules of the Court.
- (b) The party injured may sue to recover the actual damages.

1-80            PRACTICE BEFORE THE TRIBAL COURT –

1-80-010        Right to Employ a Representative – Any party to any case before the Tribal Court may employ a representative to help present his case.

1-80-020        Who May be a Representative –

- (a) Any person may be a representative and appear on behalf of another upon payment of a twenty-five dollar (\$25.00) annual fee to the Tribal Court and subscribing to the following oath:
- “I, \_\_\_\_\_, do hereby (swear/affirm) that I am familiar with the Tribal Law and Order Code and that I will conduct myself with honor towards those I represent and with respect before the Tribal Court.”
- (b) All representatives, including Licensed Attorneys and Advocates, must complete at least two (2) hours of advocate training and successfully complete the Walker River Tribal Court Attorney/Representative Exam

prior to practicing in Tribal Court. Licensed attorneys may use proof of two (2) hours of state bar continuing education to satisfying the advocate training requirement. Individuals acting as a representative prior to the adoption of this section shall have six (6) months to complete any necessary training and pass the Tribal Court Attorney/Representative Exam before they will be prohibited from acting as a representative in the Tribal Court.

- (c) A list of persons who have fulfilled the requirements of this section shall be kept by the Clerk.

1-80-030 Representatives Right to Appear –

- (a) A representative may be denied the privilege of appearing before the Tribal Court, permanently or for a stated period of time, on any of the following grounds:
  - (1) Swearing in court to facts known to him to be false.
  - (2) Conviction within the last year of a Class A or B offense in Tribal Court, as defined in Law and Order Code Sections 4-70-070 and 4-70-130, or conviction in another court of an equally serious offense.
  - (3) Other actions taken that would violate standard and recognized ethical rules applicable to attorneys and that the Tribal Court determines constitute sufficient grounds to suspend that representative's privilege to appear.
- (b) No representative may be denied the privilege of appearing before the Tribal Court under subsection (a) of this section without a hearing before the Tribal Court in which the necessary charges must be proven by a preponderance of the evidence.
- (c) After the hearing provided for in subsection (b) above, the Tribal Court Judge presiding shall decide whether the charges against the representative are true and whether they are grounds for discipline. If discipline is appropriate, the Judge may suspend the representative's right to appear for a designated period of time as determined by the Judge.
- (d) At the discretion of the Judge, representatives may appear electronically via telephone or video conferencing.

1-90 APPEALS FROM TRIBAL COURT –

1-90-010 Composition of the Court of Appeals –

- (a) The Tribal Court of Appeals shall consist of all of the Judges of the Tribal Court except the Judge from whose decision the appeal is taken.

- (b) When necessary, the Tribal Council shall appoint a temporary Judge to sit on the Tribal Court of Appeals. Whenever possible such temporary Judges shall have experience as a tribal court Judge.
- (c) Nothing in this section shall prevent the Tribal Council from entering into an agreement with other Tribes, reservations, and colonies of Nevada Indians whereby the Tribal Court Judges are shared among the various Tribal Courts for the purpose of hearing Appeals. Any such agreement by the Tribal Council shall take precedence over the general provisions contained in subsections (a) and (b) of this section. The Bureau of Indian Affairs is to handle all Walker River Tribal Court appeals including costs. Walker River Paiute Tribal Council will recognize that the Bureau of Indian Affairs Court of Appeals decisions to be final.

1-90-020

Appeal Procedure –

- (a) Any party dissatisfied with a decision of the Tribal Court, except the prosecution in a criminal case, may appeal by filing a written notice of appeal with the Clerk within fifteen (15) days of the Judge's decision, and complying with Section 1-90-030. Where a decision is not delivered at a hearing with both parties present, the fifteen (15) days does not begin to run until the party who wishes to appeal receives formal notice of the decision.
- (b) Upon receiving the notice of appeal, the Clerk shall draw up an appellate case file and transfer the entire record, including any notation indicating the existence of a recording of the proceedings, to the Court of Appeals.
- (c) The filing of briefs and other procedural matters regarding the conduct of an appeal shall be governed by the provisions of Title 2, or if these provisions do not address the matter then the rules of the applicable court of appeals.
- (d) Whenever possible, appeals shall be decided on the record of the case, including the decision form and any recording of the proceedings, in order to eliminate unnecessary travel and delay. The Court of Appeals may require a hearing or oral argument if it considers that they would be necessary or helpful.
- (e) After the decision by the Court of Appeals, a Judge thereof shall fill out a decision form stating the result and reason for the result on appeal. A copy of the completed decision form shall be sent to each party to the appeal by certified mail. The original shall be filed in the case file and remain a part of the record of the case in any further proceedings.



CERTIFICATION

As a duly-elected official of the Walker River Paiute Tribe, I do hereby certify that at a meeting duly called, noticed, and convened on the 29<sup>th</sup> day of April, 2021, at which time a quorum of 6 was present, the Title 1, Tribal Court Code was duly amended by a vote of 6 FOR, 0 AGAINST, 0 ABSTAINED, and said Code has not been rescinded or amended in any form.

Amber Jones

Tribal Council Chairperson

4/30/2021

Date

ATTEST:

Gene L. Macintosh

Tribal Secretary

4/30/2021

Date