

TITLE 4: RULES OF COURT

CHAPTER 1 General Rules

§ 4.1.01 Conduct

All court proceedings shall be conducted in a dignified and respectful manner. All persons attending the Court shall arise and shall speak in a clear and courteous manner.

§ 4.1.02 Time

All trials, both civil and criminal, shall be commenced at a designated time determined by the Court with reasonable notice of such time being given to the parties.

§ 4.1.03 No Discussion With Jurors

No person, including members of the Court's staff, any of the parties or witnesses, or any other person, shall discuss with any known juror any case pending before such juror or which may come before such juror, either before or during the trial and any juror who has any personal knowledge about the case or who has discussed it with any of the parties, witnesses or Court officials shall be excused by the Judge.

§ 4.1.04 No Discussion With Judge

No witness or party to any case shall under any circumstances either before or during trial attempt to discuss any case pending before the Court with any of the judges, except in open court, and with either the Clerk of the Court or one of the other judges present and then shall, under no circumstances, attempt to influence the Court's decision unless in the course of regular Court proceedings.

CHAPTER 2

Trial Procedure

§ 4.2.01 Impaneling a Jury

In cases to be tried to a jury, the Clerk shall draw by lot twelve names from the jurors' list. Six members shall then be seated. The parties then shall be permitted alternately to question the jurors as to their impartiality and fairness and the Judge may excuse any juror if he feels in his judgment that the juror would not be completely fair and impartial. Any party to the case may challenge and have dismissed any juror for cause. The Judge shall decide as to the sufficiency of a challenge for cause. Each of the parties shall then have an opportunity to excuse three jurors without cause, commencing with the complainant and alternating until each has exercised as many challenges as he wishes, not to exceed three. As a juror is excused, the Clerk shall draw the name of another juror to take his place, and the parties alternately shall have an opportunity to examine such juror as to his fairness.

§ 4.2.02 Swearing In a Witness

All witnesses shall be administered an oath by the Court as follows: "Do you swear (or affirm) to tell the truth in the matter now before you?"

§ 4.2.03 Conduct of Trial

A trial shall commence with the impaneling of the jury, if the case is to be tried to the jury. Complainant shall then make the opening statement setting forth the charge or charges against the defendant. The defendant shall have an opportunity to make a statement of his position. Upon the conclusion of such statement, the complainant shall call such witnesses and produce such exhibits as he may see fit. The defendant then shall have an opportunity to call such witness and produce such evidence as he may see fit. The complainant shall thereafter, in rebuttal, have an opportunity to call such witnesses and produce such evidence as he may see fit to rebut the evidence produced by the defendant. Both the complainant and defendant shall have the right to cross-examine witnesses produced by the other side.

§ 4.2.04 Final Argument

Upon the conclusion of the evidence, the complainant shall be given an opportunity to argue his case. The defendant shall then be given an opportunity to argue his case, and the complainant shall be given an opportunity to make a closing argument. Further argument may be allowed at the Court's discretion.

CHAPTER 3

Jury Instructions - Judgments

§ 4.3.01 Judgment in Non-Jury Cases

After final arguments in cases tried without a jury, the Judge shall decide the case and render a judgment within a reasonable time.

§ 4.3.02 Jury Instructions - Generally

In all jury cases, after final argument, the Court shall instruct the jury as to the particular section of the Law and Order Code, Tribal ordinance or enactment or other applicable law that is involved in the case and read them the provisions thereof.

§ 4.3.03 Jury Instructions - Civil

In a civil jury case, the Court shall instruct the jury that the complainant has the burden of proving his case by the greater weight of the evidence and that if they find that he has proved his case by the greater weight of the evidence, then their verdict should be for the plaintiff, but, if on the other hand, they find that he has not proved his case by the greater weight of the evidence, then their verdict should be for the defendant.

§ 4.3.04 Jury Instructions - Criminal

In a criminal jury case, in addition to reading the particular section of the Law and Order Code or Tribal ordinance or enactment that may be involved, the Court shall instruct the jury that the defendant is presumed to be innocent and must be proven guilty beyond a reasonable doubt and that if the jury believes beyond a reasonable doubt that the defendant is guilty, then they should find him guilty, but if they do not believe beyond a reasonable doubt that he is guilty, then they should find him not guilty.

§ 4.3.05 Jury Instructions By a Party

In all jury cases, either party may propose instructions to the jury which may be allowed by the trial judge if he finds that such instructions further the interests of justice.

§ 4.3.06 Jury Instructions - Final

In all jury cases, the Judge shall instruct the jury that they shall retire to consider the matter and that each juror shall be given an opportunity to state his opinion, that they shall elect a foreman and that their decision shall be by a unanimous vote in criminal cases and at least a five to one majority in civil cases.

§ 4.3.07 Verdict and Judgment

After the jury has returned its verdict in open court with the parties present, the Court shall thereafter enter judgment upon such verdict, in accordance with the provisions of this Code.

§ 4.3.08 Appeal

Any person aggrieved by the verdict of the jury or the judgment of the Court shall have the right to appeal such decision as provided in this Code.