

**IN THE NORTHERN CHEYENNE COURT
OF AND FOR THE NORTHERN CHEYENNE TRIBE
LAME DEER, MONTANA**

RULES OF COURT

NORTHERN CHEYENNE TRIAL COURT

REVISED: October 1, 2025

DATE OF IMPLEMENTATION: October 1, 2025



NORTHERN CHEYENNE RULES OF COURT

RULE 1 CONFLICT WITH EXISTING ORDINANCES

No Rule of Court shall conflict with any provision of the Law and Order Ordinances of the Northern Cheyenne Tribe (NCT Code). If a conflict should exist, the provision of the Code shall prevail. Interpretation of these shall be the obligation of the Chief Trial Judge; in the absence of the Chief Trial Judge the Associate Judge shall make Interpretations of these Rules.

RULE 2 APPLICABILITY OF RULES

Rules of Court are applicable to all persons appearing on behalf of a party to a court action including a party pro se (a party providing self-representation). For purpose of these rules, reference to an attorney includes a legal counsel, a legal advocate, a prosecutor, a spokesperson, and a party pro se, and may be used interchangeable in these rules.

RULE 3 COURT BAR MEMBERSHIP

Any person representing a party in a court action must be a member of the Northern Cheyenne Court Bar, pursuant to the NCT Code, Title II, Chapter 12 of the Revised Law and Order Code. A party pro se is exempt from this rule. The fee for court bar membership shall be paid by any party, including the Prosecutors Office and any spokesperson who shall file on behalf of a client, unless (*Title II, Chapter 12, §2.12.10*) they appear without charge to their client, the admission fee shall be waived.

The Court Bar Application Filing Fee is \$200.00 (Title II, Chapter 12, §2.12.4 (b.)). If the Court bar application meets the criteria to be accepted, the Chief Trial Judge shall set a date for when a Court Bar Exam will be administered upon the applicant. Upon meeting the qualifications of this Court, the Chief Trial Judge may either admit the applicant or deny and provide in writing why the applicant has been denied to practice with the Northern Cheyenne Court.

RULE 4 NOTICE OF APPEARANCE

An attorney or lay advocate shall file a Notice of Appearance prior to the initial appearance in writing with the Court and a Copy upon the Prosecutor..

RULE 5 ATTORNEY DRESS CODE

An attorney must be dressed appropriately at every court appearance. At a minimum, pants or jeans must be full length, clean and without disrepair or irreparable damage. Shirts must be clean, without disrepair or irreparable damage, full length, and with a minimum of a 4" sleeve. Close toes shoes must be worn. Hats are not to be worn by an attorney or defendant into the Court room or while a court proceeding is taking place.

RULE 6 DEPARTMENT OF COURT

- (a) The Judicial Branch of the Northern Cheyenne Tribe consists of the Trial Court, the Appellate Court, and the Constitutional Court.
- (b) The process for Trial Court filings shall be filed with the Clerk of Court, bearing the heading of **"IN THE NORTHERN CHEYENNE TRIAL COURT OF AND FOR THE NORTHERN CHEYENNE TRIBE, LAME DEER, MONTANA 59043"**
- (c) The process for Appellate Court filings shall be filed with the Clerk of Court, bearing the heading of **"IN THE NORTHERN CHEYENNE COURT OF APPEALS OF AND FOR THE NORTHERN CHEYENNE TRIBE, LAME DEER, MONTANA 59043."**
- (d) The process for Constitutional Court filings shall be filed with the Clerk of Court, bearing the heading of **"IN THE NORTHERN CHEYENNE CONSTITUTIONAL COURT OF AND FOR THE NORTHERN CHEYENNE TRIBE, LAME DEER, MONTANA 59043."**

For the convenient classification and division of business, the Trial Court will be divided, subject to change, into three departments designated as Criminal Department, Civil Department, and Juvenile Department.

- Criminal Department will consist of all adult criminal matters.
- Civil/Juvenile Department(s) will consist of all other matters.

Case Assignments will be equitable between the Chief Trial Judge and Associate Judge. The Chief Trial Judge shall be responsible for all Civil matters and will share equally all Adult Criminal Matters with the Associate Judge. The Associate Judge will be assigned all Juvenile Matters and will share equally all Adult Criminal Matters.

(c) General Correspondence to the Court regarding general inquiries, administrative matters, procedural inquiries, or other matters shall be directed to the Clerk of Court as follows:

CLERK OF COURT
Northern Cheyenne Court
P.O. Box 1199
Lame Deer, MT 59043

All correspondence to the Appellate Court or the Constitutional Court shall be directed to the Clerk of Court.

RULE 7 JUDGE ASSIGNMENTS

All cases will be assigned immediately upon the acceptance of the filing. The Chief Judge will assign all cases. The Clerk of Court or his/her designee; if so authorized by the Chief

Trial Judge may assign cases, only upon written authorization by the Chief Trial Judge. Unless disqualified, all judicial business arising in the designated department shall be heard by the assigned judge except that in the absence or unavailability of the assigned judge, an unassigned judge may hear Ex Parte matters, issue preliminary orders including but not limited to arraignments, omnibus hearings, preliminary pre-trial conferences, petition for commitments, calendaring, and matters which do not go to the merits of the case and remain assigned to the assigned Judge.

By this Rule, counsel will be deemed to have advance notice of the judge assigned to the case.

The parties have the right to move for a disqualification for a judge, by filing a motion to recuse and paying the motion fee on the current Fee Schedule of the Northern Cheyenne Court. All motions to recuse must be filed within 10 days following an initial appearance as a defendant or respondent, with their initial pleading if they are the plaintiff or petitioner, or with a showing of cause during any proceeding of the Court up to the opening session of the final hearing. The motion must be pursuant to Title V, Rule 23 of the Revised Rules of Criminal Procedure, Affidavit of Bias and Prejudice of a Judge, Judge Disability. If such motion is not filed, the assigned Judge must preside. A Memorandum of Recusal signed by the recused Judge must be entered within 5 days of recusal. The last order prior to the recusal shall remain in effect unless by stipulation of the parties and approved by the Judge recused until a substitute Judge is assigned.

Pro Se parties are not excused from complying with all rules of the Court and it will be the duty of Pro Se parties to advise themselves of the Rules of Court applicable to their particular cause.

Each Judge within the Northern Cheyenne Judicial System, will fix the terms of court for each case assigned, provided the terms conform to these rules of Court, and the Rules/Procedures of the Revised Law and Order Code of the Northern Cheyenne Tribe.

RULE 8 EMERGENCY COURT PROCEEDINGS

The Northern Cheyenne Court shall reserve Wednesdays to hear all Emergency Petitions, unless the specific criteria qualify the Court to issue an order on Petitions of Temporary Guardianship, Temporary Restraining Orders, Orders of Protection, CINC/CINI, Injunctions, etc. All Emergency Court Proceedings shall be heard at the immediate conclusion of Adult Criminal Arraignments held on Wednesdays, or any other day as approved by the Chief Trial Judge.

RULE 9 ASSIGNMENT OF CAUSES TO JUDGES

Upon the filing of every cause, the Clerk of Court shall create a file, assign a Cause No. and route to the Judge, depending on which department it is the following schedule shall be adhered to, unless amended in written format by the Chief Judge:

- Associate Judge
 - Juvenile Matters

- Criminal Matters: Assignment of Adult Criminal Matters received from Chief Trial Judge
- Chief Judge
 - Civil Matters
 - Probate of Will & Adjudication of Intestacy Proceedings
 - Criminal Matters: All other months not assigned to the Associate Judge

This schedule can be changed in writing by the Chief Trial Judge.

RULE 10 ATTORNEY DUTIES—PRO TEM JUDGES—ARRANGEMENTS

To avoid conflicts when a Pro Tem Judge is assigned to preside over a civil matter, it shall be the duty of counsel to make any arrangements reasonably in advance or at the time of any hearing conference or omnibus hearing to include requests for telephonic appearance, or motions of continuance if there is substantial reason to believe the court proceeding will not be able to proceed due to either party not being able to be present; in-person or telephonically, for medical reasons, or any other extenuating circumstance.

RULE 11 DAILY STATUS REPORT ON PRISONERS

The BIA/OJS Corrections shall be ordered to provide daily status reporting on the persons being held in jail for matters that are pending or will be filed before the Trial Court to the following; Chief Trial Judge, Associate Judge, Criminal Clerk. The report shall contain the person's name, age, reason for incarcerations, and the date which the person became incarcerated. A copy of this report is also ordered to be provided to the Prosecutor of the Northern Cheyenne Tribe.

RULE 12 GUN PERMITS

No gun permit shall be issued by the court without the applicant first submitting and meeting all preliminary criteria as outlined on the Standard Concealed Weapons Permit Application, provided by the Northern Cheyenne Court. Gun permits issued prior to the adoption of these rules shall not be deemed invalid.

RULE 13 PRELIMINARY PRE-TRIAL CONFERENCE

In lieu of Notice of Readiness for Trial, counsel may arrange for preliminary pre-trial conferences to establish a time schedule and generally explore the cause. Upon arrangement by counsel with approval of the court, the preliminary pre-trial conference may be held telephonically. In the event of any procedural issues that may arise, the Court may convene an Omnibus Hearing to discuss and resolve procedural issues.

RULE 14 PRE-TRIAL MEMORANDUM – CIVIL CAUSES

A pretrial memorandum shall be filed and served on opposing counsel at least 5 days in advance of a pre-trial conference, which will contain; (a) a brief statement of what the plaintiff expects to prove in support of their claim, or a brief statement of what the defendant expects to prove as a defense; (b) similar statements as to any counter-claim or cross-claim; (c) a brief statement of the points of law and a citation of authorities in support of each point upon which the party intends to rely on at the trial; (d) any amendments required of the pleadings; (e) any tender of issue in the pleadings that is to be abandoned; (f) any stipulation of facts that the party is willing to make, or on which the party requests an admission; (g) the details of the damages claimed or of any other relief sought, as of the day of the pre-trial conference; (h) a list of all exhibits such party expects to offer at the trial, with a description of each exhibit sufficient for identification; the purpose for which offered and specifying those which will be conceded to be genuine or to which a concession is requested; (i) a list of all witnesses and what each witness is expected to testify to; and, (j) any other pre-trial relief which the party contestant will request. If counsel does not furnish pre-trial memoranda as provided for in this rule, the Court may, in its discretion, vacate the pre-trial conference at the expense of the non-complying party.

RULE 15 EXCEPTION TO HOLDING PRE-TRIAL CONFERENCE

The Court may order counsel to submit a pre-trial order for the Court's inspection when a pre-trial conference is unnecessary.

RULE 16 STIPULATIONS AND SETTLEMENTS

All attorneys at the pre-trial conference shall have the authority from their clients to enter into stipulations and to discuss and make a settlement of the action.

RULE 17 CRIMINAL PRE-TRIAL EVENTS

Unless otherwise ordered by this Court, the following pre-trial procedure will be used in criminal matters to, except where necessary;

1. Provide a check list, suggesting to defense counsel the various procedures and tools available to them;
2. Secure discovery by the Tribe and Defense within the timeframes in Title V, Rule 12 of the Revised Rules of Criminal Procedure;
3. Encourage voluntary discovery by the Tribe of its basic cause;
4. Rule upon and supervise additional discovery requested by the parties;
5. Provide a period of time prior to the actual trial date for disclosure, exploration, and plea discussions between counsel;
6. Provide a period of time prior to the actual trial date for disclosure, exploration, and plea discussions between counsel;
7. Allow the defendant discovery so that he may make an informed decision as to a plea of guilty;
8. Use the pre-trial events as far as possible for those cases where either;
 - a. Sufficient information has not been secured for an informed plea, or

- b. There is probably cause for the case to move to trial;
9. Postpone for formal hearing on those matters which will require of necessity, preparation of written documents, affidavits, memorandum and/or the calling of witnesses.
 - A. PRE-TRIAL Schedule events are as follows:
 - a. Criminal arraignments each Monday, Wednesday and Friday at 10:30 a.m.
 - b. Pre-trial conference shall be held the first Tuesday of each month at 9:00 a.m.
 - c. Bench status conference shall be held the second Tuesday of the following months at 9:00 a.m.:
 - i. March, June, September, December
 - d. Jury status conference every second Tuesday of the following months at 9:00 a.m.:
 - i. January, April, July and October
 - e. Plea change conferences are held every Friday at 11:00 a.m.
 - f. Criminal motions hearings may be scheduled at the discretion of the Court, in accordance with Rule 13 of the Revised Rules of Criminal Procedure.
 - B. Discovery is a continuous event until final disposition of the cause. It is the obligation of the defendant or legal counsel to set a date and time with the prosecutor to view the evidence. It is the obligation of the prosecutor to immediately notify the defendant or legal counsel when new evidence is obtained. The prosecutor must file an evidence list by the date of initial discovery. Additional evidence may be filed as obtained, but no later than Status Conference, except for exigent circumstances.
 - C. The tribe's witness list shall be included with initial discovery. Defendant's witness shall be submitted no later than five (5) working days before Trial. Witness lists may be amended without objection through the Status Conference, and unless stipulated to by the defendant and the prosecutor, each subsequent witness shall testify only with approval of the court. Witnesses requiring a subpoena must include in writing a physical location where the witness can be served during the normal working hours of the court. A mailing address may be used for any witness who resides outside of the exterior boundaries of the Northern Cheyenne Reservation. The Pre-Trial mechanism that will be substantially adhered to is:
 - a. At the time of arraignment, if not guilty plea is entered, the case will be set for pre-trial conference;
 - b. Full discovery, exploration and plea discussions shall be on-going between counsel and throughout the duration of the cause;
 - c. Continuances may be considered and granted if more time is needed based upon individual circumstance and timeliness of the motion to the court;
 - d. Plea agreements or plea changes will be accepted by the Court at any time after the Tribe has concluded presentation of all evidence and up to the beginning of presentation of the defendant's evidence during a trial. A plea agreement or plea change entered into after jurors have received a subpoena will result in the assessment of juror costs against the defendant.

- e. Trial dates set at the pre-trial conference are initial dates, and scheduled at the status conference. Failure of the defendant or any party of the cause to appear at Pre-Trial Conferences and get trial dates shall be cause of this court to issue a Bench Warrant for Failure to Appear.
- f. Bench Trials shall be scheduled to begin on the second week of the months of January, April, July and October. Jury Trials shall be scheduled to begin on the second week of each of the following months, February, May, August, and November.

RULE 18 ARRAIGNMENTS – PURPOSE

The purpose of arraignment hearings is so the Court can read to the defendant their rights, provide a copy of the complaint, determine if the defendant understands the charges; and accept a plea of the defendant by entering a plea of Guilty, Not Guilty or No Contest. If the defendant enters a plea of guilty the court shall consult with the Tribe and take under advisement the recommendations of the Prosecutor and impose a sentence; should the defendant enter a plea of No Contest, the same procedure for a Plea of Guilty shall be followed, as this court shall recognize a Plea of No Contest as a plea of Guilty without the admission of Guilt by the Defendant; if the defendant pleads Not Guilty, bail will be set. This court will order appropriate mental health evaluations if it appears the defendant does not understand the proceedings and may be unable to assist in his or her defense; and to set bail for the offense charged for a not guilty plea. No evidence will be accepted at arraignment unless it is pertinent to bail or mental or other impairments. Complaints filed and not approved by the Judge shall be docketed, and the Judge shall provide in open court the reason for the failure to approve the complaint.

RULE 19 CASH BAIL AND BONDS

The primary purpose of bail is to ensure the appearance of the defendant. Bail is set relative to the offenses charged, the risk to the community, the health of the defendant, the ability to post bail, and the nature of the offense. Bail shall be posted by money order or certified cashier's check at the Northern Cheyenne Court during regular working hours. If the court is closed, bail may be posted at the next regular business day of the Courts; BIA Corrections may NOT accept bail. Bail schedule for class B and Class C Offenses shall be adopted by the Court and posted at the Court and at the Bureau of Indian Affairs Corrections, pursuant to Rule 9 of the Rules of Criminal Procedure, Revised Northern Cheyenne Law and Order Code. Class A offenses shall require an appearance before a judge before bail is set and if the defendant pleads not Guilty at the arraignment hearing, bail may be set by the presiding judge, unless the Northern Cheyenne Tribal Council adopts by resolution a bail schedule for Class A offenses, or authorizes the Northern Cheyenne Court to include a bail schedule for Class A offenses within its authority. If the defendant fails to appear at a scheduled event, and bail shall be forfeited. If the criminal charge requires a mandatory appearance, bail will be forfeited and the bench warrant will be issued and bail sufficient to ensure the appearance will be set, but will not exceed twice the maximum allowable fine for the offense.

Utilization of Bail Bondsmen by a defendant is prohibited until such a time that policies and procedures may be adopted by the court to ensure payment by the bail bondsmen in the event defendant fails to make an appearance.

RULE 20 CLERK OF COURT'S DUTY REGARDING FAILURE TO PERFORM

In any matter wherein, a party is subject to an order of the court and fails to perform in a timely manner, or is actively proceeding in accordance with an order, the Clerk of Court shall call the performance deficiency to the attention of the seated Judge. The Judge will issue an order whose purpose is to bring forth the party before the court to SHOW CAUSE why the person should not be held in Contempt of Court, and to order other appropriate measures including vacating an order of conditional release, incarceration in lieu of an unpaid fine, terminated as a special or personal representative, guardian, or executor, or other measures to ensure the intent of the order is met according to the law of the Northern Cheyenne Tribe.

RULE 21 BRIEFS, DEPOSITIONS, AND INTERROGATORIES – CIVIL CAUSES

At least 5 days before the trial of all contested matters which require a legal determination, counsel shall present to the Judge presiding; a trial brief, setting forth authorities upon which they rely as to both the law of the case and in support of the claim.

Briefs, depositions, and interrogatories shall not be filed as permanent court records, except upon written order of the court. After final disposition of the case, upon order of the court, the clerk shall destroy or return to counsel, the Briefs and discovery documents hereinafter provided for.

Documents of discovery including depositions up on oral examination, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed except under Rule 31,

When any motion is filed relating to document of discovery, the parties shall bring all discovery documents relevant to said motion to the court at the time of the hearing. Thereafter, the discovery documents shall be received by the Clerk of Court office and be kept in a separate file marked, "Discovery Documents: Cause No." which shall be disposed of as hereinbefore provided.

RULE 22 CLERK CUSTODIAN OF COURT'S FILES

The Clerk of Court is the custodian of the files and records of this court, allowing papers to be taken from the office as seen fit, provided that no will, bond, depositions, exhibit, or undertaking shall be taken from the Clerk's office under any circumstance, and no judgement before it is recorded, except by Order of this court in writing. No papers, records, or exhibits in a criminal action shall be taken from the files before trial, without a written order from the presiding Judge. Original files may not be removed from the Court, unless authorized in writing by the Clerk of Court and the Chief Judge, no exceptions shall be given to this rule, unless authorization is granted by the Chief Judge and Clerk of Court. Should an authorization to remove files from the court be granted, all files shall be immediately returned no later than 24 hours after the authorization was provided and shall only be granted for the purpose of completing an order or memorandum pertinent to the case at hand when it is a matter of

convenience to complete the task at a home office, and only when a copy of the original file will not suffice, or it is not feasible to create a copy of the original file. Sealed records contained within a file are prohibited from being duplicated or being removed from the Court.

RULE 23 ATTORNEY'S MAILING DUTIES

If counsel requests procedural orders and notices and desires of the Clerk of Court to mail copies, counsel shall furnish copies of documents to the Clerk of Court together with stamped, addressed envelopes for mailing. Otherwise it will be the duty of counsel without notice from the Clerk to attend to the mailing or service.

RULE 24 RESTRAINING ORDERS AND ORDERS OF PROTECTION

A restraining order will be granted only if a valid complaint is the basis for the action, and irreparable harm is evidenced on the face of the pleading. Initial hearings on petitions for restraining orders and orders of protection will be scheduled Wednesday afternoons of each week. Each party to a Restraining Order or Order of Protection shall be notified by First Class Mail to the address on record with this Court, only in extraordinary circumstances shall service of paperwork be considered as a means to expedite serving a party or representative of a Notice or Order on any decision as it relates to Restraining Orders and Orders of Protection.

RULE 25 DISMISSAL OF ACTIONS, CLERK'S DUTIES

In any proceeding, wherein no action has taken place by either the plaintiff or the defendant without a three-year period following the last action taken in that case, the Court will issue an order to show cause, with 15 days' notice, as to why the proceeding shall not be dismissed. The Clerk shall notify the presiding judge of such occurrence of the inaction.

RULE 26 APPEALS

A request for appeal and any pleading thereafter will be returned by the Clerk of Court to the party filing without being presented to an appellate judge if the pleading fails to meet the substantive requirements pursuant to the NCT Code, with no hearing on the time limitations. No appeal will be accepted unless the filing fee is attached. A \$10.00 fee and a black cd shall accompany the request for transcripts.

RULE 27 STIPULATIONS

No agreement or consent between parties, or their attorneys in respect to the proceedings in a cause will be regarded by the Court, unless the same shall have been made in open court, and taken down by the Deputy Clerk of Court, and at the time entered into the minutes; or unless the same shall be in writing, subscribed by the party against whom the same may be urged, or if represented, by his attorney. It shall be the duty of the party relying up on such minute entry to see that the same is duly entered.

RULE 28 COMPLETION OF DISCOVERY BEFORE TRIAL

Counsel shall have discovery completed in accordance with Rule 12, Title V; Revised Rules of Criminal Procedure. A Notice of Alibi Defense shall be due by written notice to the Court and prosecutor at least five (5) working days before trial. The names of any witnesses upon whom the defense intends to rely to provide an alibi defense for the defendant. Failure to provide such notice will prevent the use of such witnesses by the defense unless it can be shown by the defense that prior notice was impossible or that no prejudice to the prosecution resulted, in which case the Judge may order the trial delayed or make such other orders as tend to assure a just determination of the case.

RULE 29 SUBPOENA, PRAECIPES, PROCESS SERVER DUTIES

When a criminal case is set for trial, counsel for the respective parties shall in conformance with the Memorandum Order following a Pre-Trial Conference, file with the Clerk of Court a praecipe for subpoena for all witnesses so far as known, and shall file a praecipe for a subpoena for any additional witness desired as soon as the name of said witness is ascertained. The respective counsel shall specify in their respective praecipes, the address, place of residence, and a physical location where the subpoena can be served during normal working hours, for each witness so far as known, or notifying the Process Server of such address or place of residence. No motion for a continuance by reason of an absent witness will be entertained unless a substantial compliance with this rule is shown.

If the Process Server shall be unable to find any witness names, in any subpoena delivered to him for service, he shall notify the attorney who had such subpoena issued of such failure and request such attorney to furnish him any information obtainable as to the whereabouts of such witness before returning said subpoena.

RULE 30 WAIVER OF FEE FOR REASON OF INDIGENCY

The Northern Cheyenne Court has not yet established a(n) application process for community members who are indigent.

RULE 31 VOIR DIRE OF JURY & JURY DUTY FEES

The only proper purpose of voir dire of jurors is to select a panel of jurors who will fairly and impartially hear the evidence presented and render a just verdict and to determine the ground for any challenge for cause prescribed by Title V, Rule 21 of the Northern Cheyenne Rules of Criminal Procedure Code. Counsel will not:

1. Ask questions of individual jurors that are susceptible of being asked collectively;
2. Ask questions covered by and answered in juror questionnaires except to explore some questionnaire answer in greater depth;
3. Repeat questions asked and answered, though asked by opposing counsel;
4. Use voir dire for the purpose of attempting to instruct the jury on the law, except, the jurors may be examined as to the standard instruction, i.e., preponderance of the evidence in civil cases, and in criminal cases reasonable doubt, burden of proof, and capital punishment;

5. Use voir dire for the purpose of arguing the case;
6. Ask a juror what his verdict might be under hypothetical situations based upon any expected evidence or otherwise.

Upon failure of counsel to abide by this rule, the Court may assume voir dire of the Jury. The court may in such case require counsel to submit in writing, specific questions to be asked by the Court.

**The jury fee shall only be paid to those Jurors who have been selected and were seated as a Juror to any Court proceeding of the Northern Cheyenne Court. Mileage shall be paid to Jurors who reside on the Northern Cheyenne Reservation, and the fee commensurate to compensate a Juror for their time shall be \$30.00 per day per Juror, mileage will be paid at the rate the tribe pays for POV travel. Jurors who were examined but ended up being excused are only eligible to be compensated for mileage to the Northern Cheyenne Courts. No exceptions to this rule shall be given unless otherwise provided by the Chief and Associate Judges of the Northern Cheyenne Court.

RULE 32 ATTORNEY'S CONDUCT AT TRIAL

On the examination of witnesses, but one attorney on each side will be permitted to examine or cross-examine the same witness, except by permission of the Court. ALL THOSE ADDRESSING THE COURT MUST STAND WHEN DOING SO.

If the attorney of either party offers himself as a witness on behalf of his client and give evidence on the merits of the trial, he shall not argue the case to the jury, except by permission of the Court. On the trial of any cause or in the presentation of any matter before the Court, all attorneys engaged therein shall occupy positions at the attorney's table. No arguments, motion, or suggestion to the Court other than formal objection to the evidence will be entertained unless the attorney making the same shall first rise in his place and address the court.

Opposing counsel will remain seated while the other counsel is examining a witness. The court will allow exceptions under given situations/circumstances, i.e., to view diagrams or exhibits or to hear the witness. Respect for the Court and its judgements shall be promoted by counsel by yielding gracefully to rulings of the Court. Remarks to the contrary shall be avoided, both in court and out of court. Easy and ample means to correct errors is afforded by orderly procedure. All personalities between attorney's shall be avoided. Their personal history or colloquies between counsel that cause delay or promote confusion shall be avoided. Adverse witnesses and suitors shall be treated with fairness and due consideration. No abusive language or offensive personal references shall be indulged in.

The conduct of lawyers before the Court and with other lawyers shall be characterized by candor and fairness. The contents of a paper, argument of opposite counsel or the language of a decision or other authority cited shall not be knowingly misinterpreted. Evidence known to be inadmissible shall not be offered. In an argument addressed to the Court, remarks or statements shall not be interjected to influence the jury or those in attendance in the public gallery.

Suggestions of counsel looking to the comfort or convenience of jurors shall be made to the Court out of jury's hearing. Before and during the trial, a lawyer shall attempt to avoid communicating with jurors, even if they pertain to matters foreign to the case. Exceptions to this rule are voir dire, opening statements, and closing arguments.

RULE 33 EXAMINATIONS OF WITNESSES, LIMITS

During the trial of any action, the Court will not permit any re-direct examination of re-cross examination, for any purpose. Once the Defense or Plaintiff rests, the witness shall be excused and not recalled unless circumstances prevail to have them called to the stand in sworn testimony for a second time.

RULE 34 TIME LIMITS, ORAL ARGUMENT, AND VOIR DIRE

The Court, in its own discretion, will fix time limits for Voir Dire examinations and oral arguments.

RULE 35 PRESENTING ORDERS, JUDGMENT, ADDENDUMS OR DECREE IN WRITTEN FORM AT THE TIME OF APPLICATION

The attorney or party obtaining any order, judgment or decree shall have the duty to present the same in written form for the signature of a Judge at the time of applying. This shall apply to all addendums that are requested by the party or attorney, and so shall be accompanied by a fee of \$20.00 payable to the Court in Money Order form, non-refundable. The receipt for this fee shall accompany any order, judgement, decree or addendum before being routed to a Judge for review and signature.

RULE 36 ATTORNEY FEES

Attorney's fees may only be set by the Court where provided by law, provided by contract, or permitted under the equitable powers of the Court and then only for any amount the Court believes to be a reasonable value of the services performed, after an evidentiary hearing, or an itemized statement by the attorney served upon opposing counsel allowing for 10 days to respond, provided that any attorney's fees so set by the Court shall not exceed the amount of the awardee party's obligation.

RULE 37 FEES IN PROBATE PROCEEDINGS

In all supervised probate proceedings, the fees of the personal representative, special administrator and attorney, in all guardianship proceedings, the fees of the guardian and in all protective proceedings, the fees of the conservator, shall not be paid without Court approval. One-half of said fee shall not be paid until the services are terminated and the probate is closed.

RULE 38 STAYING THE EXECUTION OF MONEY JUDGEMENTS

If a notice of intention to file a motion for new trial accompanied by a motion for stay of execution of judgement is filed promptly after notice of entry of judgement, execution by the prevailing party will be stayed pending a hearing on the motion for a new trial, unless the prevailing party shows to the Court, good cause for immediate execution.

RULE 39 TIME FRAME ON MOTIONS FILED AND COURTS DUTY TO RESPOND

All Motions and Supporting documents must be served upon the other party at the same time they are filed with the Court. The adverse party shall have ten (10) calendar days after receipt of the motion and supporting documents to file and serve a response brief. Upon the filing of the response brief, or upon the eleventh (11th) day after the filing of the motion if not response brief is filed, the motion shall be deemed made and submitted, and taken under advisement by the Court, or the Court may set the motion for a hearing if the Court believes a hearing would be beneficial to resolving the Motion. The Court, may in its own discretion, proceed to decide a motion without a hearing and issue a written decision. Failure to file briefs within the prescribed time may subject any motion to summary ruling.

RULE 40 IMPLEMENTATION OF CITATIONS FOR CLASS B & CLASS C OFFENSES

In accordance with Title V, Rule 3 (D.) of the Northern Cheyenne Rules of Criminal Procedure, The Chief Law Enforcement Officer and Judges of the Northern Cheyenne Reservation have the authority to develop and implement a citation procedure where arrests made by police officers for some crimes can be processed to conclusion with citations only. The Northern Cheyenne Court and BIA-OJS/Northern Cheyenne Agency, BIA-OJS Law Enforcement Officers and the Chief Judge have developed a Citation and Procedure which is as follows:

RULE 41 PAYMENT OF FEES

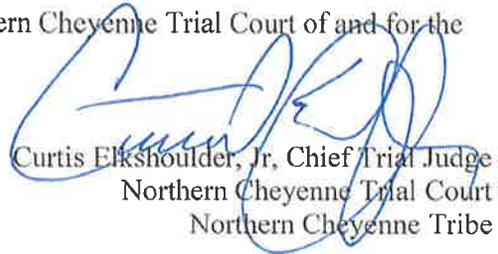
All filing fees as adopted by the Northern Cheyenne Tribal Council by Tribal Council Resolution DOI-042 (2025) shall be paid by all parties filing any action with the Northern Cheyenne Court. The Prosecutor of the Tribe. Inmates who are Pro Se shall be exempt from the motions fee. The Prosecutor shall be exempt from being required to remit payment for filing fees.

RULE 42 DATE OF IMPLEMENTATION OF THESE RULES OF COURT

The Northern Cheyenne Court hereby adopts, amends the foregoing Rules of Court for the practice and proceedings of said Court, and the same be entered upon the minutes of this Court, and that they be printed for distribution among the attorney's, lay advocates, and spokesperson of this Court; i.e., Court Clerks, Prosecutor of the Tribe.

IT IS HEREBY ORDERED that the foregoing Rules of Court shall take effect on the 1st day of March, of 2025 and that thereupon all former rules of the Court are abrogated.

Signed on this 1st day of OCTOBER, 2025 in the Northern Cheyenne Trial Court of and for the Northern Cheyenne Tribe.


Curtis Elkshouder, Jr, Chief Trial Judge
Northern Cheyenne Trial Court
Northern Cheyenne Tribe

ATTEST: 
Clerk of Court, Northern Cheyenne Court