WHITE EARTH RESERVATION

CHAIRMAN Michael Fairbanks SECRETARY-TREASURER Jacob McArthur
DISTRICT I Henry Fox DISTRICT II Alrick "Son" Accobee DISTRICT III Laura Lee Erickson

NOTICE TO TRIBAL MEMBERSHIP

Date: November 2, 2026
From: Laurie York, Executive Director
Re: Tribal Court Statute

Laurie York

Attached please find the proposed White Earth Tribal Court Statute that would amend the White Earth Judicial Code. Pursuant to White Earth Reservation Business Committee Resolution No. 001-16-0174, this notice to membership will be posted for a 15-day comment period. All comments may be made in writing and shall be respectful and constructive. Comments may be dropped in person at the Legal Department front office in the RBC headquater building or emailed to:

PublicForumLegal@whiteearth-nsn.gov

The proposed amendment is currently under consideration by the White Earth Reservation Business Committee.

After completion of of the 15-day comment period, all comments will be considered by the White Earth Reservation Business Committee. The comments will be summarized, this summary and summary responses will be publicly posted.

Thank you in advance for your consideration and input.

WHITE EARTH BAND OF OJIBWE

TITLE #1.01: TRIBAL COURT STATUTE

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CHAPTER 1: GENERAL PROVISIONS

§1.01 Title

This statute shall be called "The White Earth Band Tribal Court Statute."

§1.02 Findings

The White Earth Band finds that:

1. The White Earth Band is a constituent member of the Minnesota Chippewa Tribe, organized under Section 16 of the Act of June 18, 1934 (48 Stat. 984), and recognized as by the United States of America as an Indian tribal government;
2. The Constitution of the Minnesota Chippewa Tribe provides that each constituent member shall be governed by a Reservation Business Committee, and the White Earth Reservation Committee is populated by duly elected Band members;
3. The Associate Solicitor of Indian Affairs to the Assistant Secretary of the Interior for Indian Affairs Ada Deer issued a formal legal opinion concluding that a constitutional amendment to the Constitution of the Minnesota Chippewa Tribe is unnecessary for the White Earth and other constituent Bands to establish and exercise its judicial authority through a Tribal Court system; and
4. The Minnesota Chippewa Tribe, in its Tribal Constitution Interpretation 8-20, determined that the exercise of judicial authority is an inherent and necessary power of self-government and sovereignty; and
5. A system of Tribal Courts is necessary and proper to fully exercise the sovereignty and jurisdiction of the White Earth Band and to promote access to justice for all persons subject to its jurisdiction.

§1.03 Purpose

The new code shall be liberally interpreted and construed to fulfill the following expressed purposes:

1. To establish the White Earth Tribal Courts as a system for the administration of the White Earth Band's judicial powers and authority;
2. To provide for the efficient and robust administration of justice for all persons and causes within the jurisdiction of the White Earth Band; and
3. To support the full exercise of the White Earth Band's civil, criminal, and regulatory jurisdiction.

§1.04 Jurisdiction

1. In addition to the jurisdiction granted to the Tribal Court throughout this statute, the Tribal Court shall have the exclusive authority to hear and decide all cases and controversies related to this statute that arise within the jurisdiction of the White Earth Band, and to declare the rights, duties, and legal status of any party to a foreseeable case or controversy.

§1.05 Amendment; Repeal; Superseding Law; Severability

1. This statute may be amended by a majority vote of the White Earth Reservation Business Council according to its legislative procedures.
2. This statute or any part thereof may be repealed by a majority vote of the White Earth Band Reservation Business Council according to its legislative procedures.
3. This statute supersedes, repeals, and replaces any provision of any prior law, statute, resolution, or regulation that conflicts with any provision of this statute. However, enactment of this statute does not void or vacate any prior court order made under former applicable laws.
4. Inclusion by reference or implication of language, definition, procedures, or other statutory or administrative provisions of the State of Minnesota or any other state, federal, or tribal entities within this statute shall not be deemed adoption unless expressly stated, nor shall inclusion or reference to the laws of other jurisdiction be considered deference or consent to the application of that law or jurisdiction to the White Earth Band, its citizens, its entities, persons under its jurisdiction, and all activities within its Reservation.

§1.06 Statutory Construction

1. In construing the provisions of this statute, the following rules shall apply:
   (a) Words in the present tense include future and past tenses;
   (b) Words in the singular number include the plural, and words in the plural include the singular;
   (c) Words of the masculine, feminine, or neutral gender (i.e., "chairperson" or "committeeman") shall be construed as neutral and as inclusive of the masculine, the feminine, and the neutral.
   (d) Use of the word "shall" is mandatory, and use of the word "may" is permissive. However, the phrase "may not" is mandatory.

§1.07 General Definitions

The following definitions shall be used for words within this entire statute.

1. Case: Any action that is or has been before the Tribal Court. Cases must have a case caption and an assigned case number.
2. Case Caption: The official title of the case. Examples include: *White Earth Band vs. Paul Bunyan* or *In re: R.M.J., minor*.
3. Confidential: Information that is only accessible to those individuals specified by statute or court rule.
4. Jurist: A person who is sworn as a judge or justice in the Tribal Courts.
5. Law Enforcement Agency: The White Earth tribal entity established and maintained by the White Earth Band to appoint or employ law enforcement officers. This includes other agencies acting under cooperative agreements with the White Earth Band, including, but not limited to,

county law enforcement, Minnesota State Police, the Bureau of Indian Affairs, and the Federal Bureau of Investigation.

6. Limited Access Information: Information that is not accessible except as defined by statute or court rule.

7. Nonpublic Information: Information that is only accessible to the court and to the attorneys and parties to a specified case. Records may be designated as nonpublic in whole or in part by statute, court rule, or court order.

8. Natural Person: An individual human being.

9. Person or Persons: All natural persons, corporations, joint ventures, partnerships, trusts, trust funds, public or private organizations, or any business or legal entity of any kind, whether members or non-members of the White Earth Band.

10. Public Information: Information that is accessible to any person, subject to any fee that may be imposed for access or copying by court rule.

11. Record: Recorded information of any kind created by the court or filed with the court according to its rules. Records include, but are not limited to:

    (a) Documents and attachments to documents;

    (b) Discovery materials and other materials filed with the Court Clerk;

    (c) Recordings, data, and other recorded information created or handled by the court, including all data produced in conjunction with the use of any system for the purpose of transmitting, accessing, reproducing or maintaining court records.

12. Reservation: The land reserved to the White Earth Band of Ojibwe as recognized under the 1867 Treaty of Washington between the Mississippi Band of Chippewa Indians and the United States, 16 Stat. 719, including all lands which are now or in the future located within the exterior boundaries of the aforementioned treaty; any and all land held in trust for the Tribe or its citizens by the United States; and all other land considered "Indian Country" as defined by 18 U.S.C. §1151 that is associated with the Tribe.

13. Reservation Business Committee: The governing body of the White Earth Band of Ojibwe established Article III, Section 2 of the Constitution of the Minnesota Chippewa Tribe.

14. Restricted Personal Information: Information that leads directly or by investigation to any of the following about an identifiable person or entity:

    (a) A complete or partial social security number, employer identification number, or other taxpayer identification number;

    (b) Any financial account number other than the last four digits of an account number, unless the last four digits are the same as the last four digits of the social security number or other taxpayer identification number of an owner on the account;

    (c) Personal Identification Number (PIN) or passcodes to any financial account or electronic device;

(d) Financial source documents which contain restricted personal information, including, but not limited to, W-2 and 1099 forms, wage stubs, credit card statements, financial institution statements, check registers, and other financial information deemed a financial source document by court order;

(e) Any medical or genetic information concerning an individual

15. Tribe or Tribal: Pertaining to the White Earth Band, and as may be applicable, the Minnesota Chippewa Tribe, unless context expressly uses the word in reference to a different federally recognized Indian Tribe, or in a general sense as to any tribe or tribes.

16. Tribal Law: The laws of the White Earth Band, including without limitation, statutes, ordinances, resolutions, motions, case law, court decisions, court orders, common law, and traditional law, as well as all the constitution and all applicable laws, statutes, ordinances, decisions, opinions, interpretations, and motions of the Minnesota Chippewa Tribe. Tribal law may also include the application of state or federal laws to cases or individuals arising within the jurisdiction of the White Earth Band.

17. White Earth Band or Band: The White Earth Band of Chippewa recognized, described, and organized by the Constitution of the Minnesota Chippewa Tribe.

CHAPTER 2: ESTABLISHMENT AND OPERATION OF TRIBAL COURTS

§2.01 Tribal Courts Established

1. The White Earth Band Tribal Courts are established and vested with all sovereign judicial authority of the White Earth Band to uphold, interpret, and apply tribal laws and, as applicable, state and federal laws. The Tribal Courts shall consist of:
2. A Tribal District Court, to exercise original jurisdiction over all matters arising under the laws of the White Earth Band;
3. A Tribal Appellate Court, to act as a court of the highest resort over all matters arising under the laws of the White Earth Band, and to exercise original jurisdiction as provided herein; and
4. An advisory Panel of Elders to assist and support the Tribal Court jurists by providing a perspective on White Earth Band's traditions and culture as they may relate to any matter pending before the Tribal Courts.

§2.02 Jurisdiction of the Tribal Courts

1. The jurisdiction of the Tribal Courts shall extend to all actions arising under or based on the application of tribal law, whether within or beyond the White Earth Reservation, and shall apply to all persons and places within the jurisdiction of the White Earth Band.
2. The jurisdiction of the Tribal Court shall further extend to all White Earth Band members, and over all persons whose actions involve or affect the White Earth Band or its members, and over all persons who enter into consensual relationships with the Band or its members through commercial dealings, contracts, leases, or other arrangements of any kind.
3. Nothing in this statute or in any law of the White Earth Band shall be construed to diminish the sovereignty or jurisdiction of the White Earth Band, nor shall any provision of law be applied to cede authority or jurisdiction to any state or the United States where such jurisdiction is concurrent.

§2.03 Appropriations, Budget, and Accounting

1. The White Earth Reservation Business Council shall appropriate and authorize the expenditure of tribal funds for the operation of the Tribal Court.
2. The Chief Judge of the Tribal Court and the Court Clerk shall prepare and present a budget on a schedule consistent with the Band's fiscal operation cycle to inform the Reservation Business Committee of the Tribal Court's budgetary needs for the efficient and robust administration of justice.
3. The Tribal Court shall establish and administer a trust account for receipt of court costs, fines, and fees collected through its processes, and said monies shall be applied towards the Tribal Court's budget.
4. In addition to appropriations by the Reservation Business Committee, the Tribal Court shall identify, pursue, deposit, and expend funding from all available sources, including, but not limited to, its receipts through costs, fines, and fees, and identified grant opportunities.

5. The Tribal Court shall cooperate with the Finance Department, which shall have authority as with all governmental entities to conduct audits, accounting, and full exercise of its responsibilities.

§2.04 Tribal District Court – Authorities and Responsibilities

1. The Tribal District Court shall be administered by the Court Clerk under the supervision of the Chief Judge who shall be appointed according to the process described in Chapters 5 and 3 of this statute, respectively.

2. The Tribal District Court shall consist of a Chief Judge and a maximum of two Associate Judges.

3. The District Court shall have and exercise original jurisdiction over all actions and suits brought under White Earth traditional or customary law, common law, and positive law, whether memorialized by legislative statute, statute, or resolution.

4. The District Court shall have and exercise jurisdiction of initial review over administrative decisions of the White Earth Band RBC or other White Earth Band entities if designated by tribal law.

5. The District Court shall have exclusive authority within the jurisdiction of the White Earth Band to interpret the laws of the Minnesota Chippewa Tribe and the White Earth Band, though the RBC through statute may provide for the initial review and application of tribal law by designated administrative bodies.

6. The District Court shall promulgate, in consultation with all jurists of the Tribal Court, rules of practice and procedure governing the conduct of representatives, parties, witnesses, and court employees, as well as the filing and disposition of all matters, except for rules of appellate procedure. The District Court shall defer to the Appellate Court on matters of appellate procedure.

7. The District Court shall have the authority to hold a person in contempt for violation of its orders or disruption of its proceedings, whether the violation or disruption occurs within or outside of the presence of the court, and to punish those it finds to be in contempt of court according to its promulgated rules.

8. The District Court shall have authority to issue warrants for arrests or searches, subject to this section:

   (a) Arrest warrants

      (i) A judge of the District Court may issue an individual's arrest upon a showing by law enforcement of probable cause in a complaint, or a complaint together with other sworn statements. A judge of the District Court may examine a complaining witness under oath to ascertain his or her knowledge of the fact alleged in the complaint and/or other sworn statements. The judge shall deny the issuance of a warrant if the judge finds that there is not probable cause to believe that the named suspect committed the offense described in the complaint or other sworn statement.

(ii) An arrest warrant shall contain all of the following information:

(A) The name or description and location, if known, of the person to be arrested;

(B) The date the warrant is issued;

(C) The description of the offense charged; and

(D) The signature of the judge of the District Court who issues the warrant.

(b) Search and seizure warrants

(i) A judge of the District Court may issue an order for the search and/or seizure of specified people, places, premises, or property upon a finding of probable cause that the search will reveal proof of theft, embezzlement, or possession of contraband, or property that has been used or is being used to commit a criminal offense, or property that constitutes evidence of a criminal offense. A probable cause affidavit shall be submitted in request for a search and/or seizure warrant and shall be written, signed, and sworn to by a law enforcement officer based upon his or her knowledge or upon proven, reliable information. A warrant may provide for reasonable execution without announcement if the application sets forth exigent circumstances showing that announcement will precipitate destruction of property or evidence, or result in danger to law enforcement officers and/or the public.

(ii) The warrant shall describe with reasonable particularity the property, place, or premises to be searched, and any property or items to be seized, the time of day during which the warrant may be executed, and the time by which the warrant must execute. The executing officer(s) shall return the warrant to the District Court within the time limit shown on the face of the warrant, which in no case shall be longer than five days from the warrant issues. Warrants not returned within such time limit shall be void.

9. The District Court may, in its discretion, implement through administrative order alternative justice programs that support traditional, cultural, or alternative redress, including, but not limited to, peacekeeping programs, restorative justice programs, mediation, or arbitration, provided that no case shall be disposed under a program established by this section without the express consent of all non-dispensable parties except as otherwise provided by tribal law.

§2.05 Tribal Appellate Court – Authorities and Responsibilities

1. The Appellate Court shall be administered by the Court Clerk under the supervision of the Chief Judge. The Chief Judge shall have responsibility for administrative oversight of the Appellate Court, preparation of its budget, provision of staff, resources, and materials needed for its work, but shall have no direct oversight of or direction to the Appellate Court in its exercise of substantive appellate review of Tribal Court cases.
2. The Appellate Court shall consist of a Chief Judge and a maximum of four Associate Appellate Justices.

3. The Appellate Court shall have jurisdiction of final recourse over all decisions of the District Court, including all decisions of the District Court in its application and interpretation of any law.
4. The Appellate Court shall promulgate, in consultation with all jurists of the Tribal Court, rules of appellate procedure, including, but not limited to, its applicable standards of review of District Court decisions.
5. The Appellate Court shall have original jurisdiction for actions of supervisory control over the District Court, with authority to order the District Court to comply with tribal law, rules of procedure, or to take any ministerial or administrative action to give effect to the efficient and robust administration of justice.
6. The Appellate Court shall have original jurisdiction for actions to remove a judge, justice, or Elder from the Tribal Court as provided in Chapter 6 of this statute.
7. The Appellate Court shall have the authority to hold a person in contempt for violation of its orders or disruption of its proceedings, whether the violation or disruption occurs within or outside of the presence of the court, and to punish those it finds in contempt according to its promulgated rules.

§2.06 Advisory Panel of Elders

1. The White Earth RBC shall maintain an advisory Panel of Elders, appointed to a roster to be maintained by the Tribal Court and randomly assigned to matters before the District Court or Appellate Court upon request of any party, assigned judge, or assigned justice in any matter in which all parties are members of the White Earth Band or the Minnesota Chippewa Tribe.
2. A member of the Panel of Elders shall be made available to advise the Tribal Court as to the laws, customs, and traditions of the White Earth Band, but shall not enter rulings, make orders, or vote on disposition of any case.
3. The Court shall maintain a written record of all requests made to the member of the Panel of Elders, and shall memorialize all communications in writing for distribution to the parties and inclusion in the court record.
4. A presiding jurist may deny a request for assignment of an Elder or discontinue an assignment in the interests of justice and expedience.

CHAPTER 3 – APPOINTMENTS; MINIMUM QUALIFICATIONS; DISQUALIFICATION

§3.01 Selection Committee

1. There is established a Selection Committee of three individuals to screen and recommend applicants for the positions of Chief Judge upon vacancy in any of those positions. The Selection Committee shall be composed of:
   (a) one licensed attorney who is not employed by the Tribal Court, preferably a retired judge or judicial officer; and
   (b) The Director of Human Resources for the White Earth Band, or his or her designee; and
   (c) one member of the Band who is an Elder, excluding any person who is seated on the RBC, employed by the Court, or seated on the Elders Advisory Panel;
2. The Selection Committee shall act with such frequency as is required for the efficient and robust administration of justice in the Tribal Courts.

§3.02 Recommendation of Chief Judge, Chief Appellate Judge, and Associate Appellate Judge

1. The Selection Committee shall meet to consider applicants for the position of Chief Judge, Chief Appellate Judge, and Associate Appellate Judge for each vacancy or anticipated vacancy of the position.
2. The Selection Committee shall make a recommendation to the Reservation Business Committee for final appointment to the position.

§3.03 Recommendation of Associate Judge

1. The Selection Committee shall meet to consider applications for the position of Associate Judge for each vacancy or anticipated vacancy of the position.
2. The Selection Committee shall make a ranked recommendation to the Chief Judge for final appointment to the position.

§3.04 Criteria for Consideration

1. In making its recommendation, the Selection Committee shall rank each candidate according to the following criteria:
   (a) Whether the applicants meet each of the qualifying criteria for appointment under §3.05 of this statute;
   (b) The length of time the applicant has practiced law in the fields of federal Indian law or tribal law, and the depth of the applicant's experience with trial and appellate litigation as an attorney or a jurist;
   (c) The applicant's membership in the White Earth Band of Chippewa, another Band of the Minnesota Chippewa Tribe, or another federally recognized Indian tribe; and
   (d) Any other substantive criteria considered to impact the candidate's suitability, on the consensus of the Selection Committee and subject to applicable employment and/or discrimination laws.

§3.05 Minimum Qualifications

1. To be considered as a candidate by the Selection Committee, a candidate must meet all of the following criteria:

   (a) Be at least 25 years of age;

   (b) Be a graduate of a law school accredited by the American Bar Association;

   (c) Be an attorney licensed to practice before the highest court of any state of the United States; and

   (d) Have demonstrable, practical experience in the field of federal Indian law and/or tribal law.

§3.06 Disqualification

1. A person is ineligible to be considered or recommended by the Selection Committee if:

   (a) That person has been convicted of a felony in any state or court, as a felony is defined in the jurisdiction where the conviction entered;

   (b) The person is or would simultaneously be employed by the Tribal Courts in any other capacity, or holds office as a member of the White Earth Band Reservation Business Committee;

§3.07 Final Selection and Appointment.

1. From among the ranked candidates recommended by the Selection Committee, the White Earth Reservation Business Council shall select and appoint an individual to the vacant position of Chief Judge, Chief Appellate Justice, and/or Associate Appellate Justice. The final selection and appointment of an individual to the vacant position shall be done within 30 days of receipt of the Selection Committee's recommendation.

2. From among the ranked candidates recommended by the Selection Committee, the Chief Judge shall select and appoint an individual to the vacant position of Associate Judge. The final selection and appointment of an individual to the vacant position shall be done within 30 days of receipt of the Selection Committee's recommendation.

§3.08 Vacancies

1. If the position of any judge or justice becomes vacant by resignation, removal, death, or non-renewal, the Reservation Business Committee shall cause the vacancy or pending vacancy to be promptly posted to allow the Selection Committee sufficient time to review and make recommendations to fill the position.

§3.09 Appointment to Panel of Elders

1. The White Earth Band Reservation Committee shall appoint a person to the advisory Panel of Elders upon application and by majority vote, if a person meets the following criteria:

   (a) The person is an enrolled member of the White Earth Band;

   (b) The person has reached the chronological age of 55 years old;

   (c) The person submits an application or letter of interest to be appointed to the Advisory Panel of Elders; and

(d) The person demonstrates to the White Earth Band Reservation Business Committee that he or she meets the above criteria, and that he or she has a role in the community as a knowledge holder and practitioner of the Band's traditional, customary, and/or cultural practices, traditions, and beliefs.

2. The Court Clerk shall maintain a roster of those appointed to the advisory Panel of Elders, for assignment by rotation upon the request of a party to any matter pending in the Tribal Courts.

CHAPTER 4: TERMS OF OFFICE

§4.01 Oath of Office

1. Each person, prior to assuming the office of judge or justice of the Tribal Court, shall take the following oath before the Chairperson of the White Earth Band Reservation Business Committee:

   "I swear (or affirm) that I will support and defend the Indian Civil Rights Act, the Constitution of the Minnesota Chippewa Tribe, and the laws of the White Earth Band of Chippewa, and that I will faithfully and diligently perform the duties of [Chief Judge / Associate Judge / Chief Appellate Justice / Associate Appellate Justice] of the White Earth Tribal Court, to the utmost of my ability, with impartiality and without improper favor, to the end that justice may be fully served."

§4.02 Length of Term

1. The term of each judicial appointment shall be five years from the date of appointment.

§4.03 Successive Terms

1. At least 90 days prior to the expiration of the term of a judge or justice, the RBC or, in the case of an Associate Justice, the Chief Judge, shall determine whether to continue the appointment for a successive term or to allow the Associate Judge's contracted term to expire.
2. Successive appointments shall be made in the sole discretion of the Reservation Business Council or the Chief Judge, respectively, and shall not be subject to review or recommendation of the Selection Committee.

§4.04 Appointment Contracts

1. The contractual provisions of the position of Chief Judge shall include, but not be limited to:
   (a) A term of five years per appointment;
   (b) Reasonable compensation to the Chief Judge for performance of his or her duties, negotiated to the mutual satisfaction of the contracting parties and reflecting an expectation that the Chief Judge will fully commit their professional time and best efforts to the position on an exclusive basis;
   (c) Access by the Chief Judge to fringe employment benefits as may be available to contracted employees, including, by way of example, health insurance, retirement plans, or paid time off;
   (d) Recitation of the bases for which the Chief Judge may be removed from office, as described in §6.01 and §6.02 of this statute.
2. The contractual provisions for the positions of Associate Judge, Chief Appellate Justice, and Associate Appellate Justices shall include, but not be limited to:
   (a) A term of five years per appointment;

(b) Reasonable compensation to the judge of justice for performance of his or her duties, negotiated to the mutual satisfaction of the contracting parties;

(c) Access by the judge or justice to fringe employment benefits as may be available to contracted employees, but only if the contract reflects that the time commitment of the judge or justice will be the equivalent of a full-time employment position.

(d) Recitation of the bases for which the judge or justice may be removed from office as described in §6.01 and §6.02 of this statute.

3. The contractual provisions for a position on the Advisory Panel of Elders shall include, but not be limited to:

   (a) An indefinite term, subject to recitation of the bases for removal from the Advisory Panel, as described in §6.02 of this statute;

   (b) Compensation by honorarium, to be determined by the Tribal Court; provided, payments or compensation shall be administered by a fee schedule to be published by administrative order of the Court; and

   (c) Recitation of the bases for which the appointee may be removed from the Panel of Elders, as described in §6.02 of this statute.

4. The positions of Chief Judge, Associate Judge, Chief Justice, and Associate Appellate Justice, and on the advisory Elders Panel, shall be by contract and shall not be considered regular, at-will employment with the White Earth Band for purposes of dismissal from employment, employment benefits, worker's compensation, unemployment compensation, or shall be terminable prior to expiration of the contract only by means and for the reasons contained in §6.01 and §6.02 of this statute.

CHAPTER 5: JUDICIAL DUTIES AND AUTHORITIES

§5.01 Chief Judge

1. The Chief Judge of the Tribal Court shall have the following duties:
   (a) To maintain final administrative oversight of the Court Clerk and all other employees of the Tribal Court;
   (b) To hear all cases in the District Court, except as may be subject to his or her recusal for a personal conflict of interest as described in §5.06 of this statute;
   (c) To ensure and maintain the prompt, fair, objective, and unbiased administration of justice in the Tribal Court;
   (d) To fairly and faithfully interpret and apply the constitution and laws of the White Earth Band, the Minnesota Chippewa Tribe, the United States of America and any other applicable laws in the pursuit of the full exercise of this Band's jurisdiction and sovereignty;
   (e) To create and maintain, or cause to be created and maintained, a functional repository of all decisions and opinions of the White Earth Tribal Court for public access and review, subject to duly adopted court rules addressing the personal privacy of crime victims, minors, and vulnerable adults;
   (f) To review and submit to the White Earth Band Reservation Business Council an annual budget for the efficient and robust administration of justice through the Tribal Courts;
   (g) To review and submit to the White Earth Reservation Business Council an annual report describing the business of the Tribal Court, including, but not limited to:
      (i) The number and designation of cases filed with the District Court and the Appellate Court;
      (ii) The disposition and manner of disposition of each case so filed, and whether each case is still pending at the time of the report; and
      (iii)The type and amount of fines or fees collected by the Tribal Court, including, but not limited to, fees or fines assessed for licensing, violations, record preparation, court costs, or otherwise;
   (h) In consultation and cooperation with the Chief Justice, Associate Justices, and Associate Appellate Justices, to prepare, review, maintain, adopt, and amend orders governing the practice, procedure, and policies of the Tribal Court, with deference to the Chief Justice and Associate Appellate Justices for the preparation, review, adoption, and amendment of appellate rules of practice and procedure;
   (i) To enter administrative orders for the efficient and robust administration of the Tribal Courts, including orders setting fees and fines not otherwise established by the White Earth Band Reservation Business Council; and

(j) To promote, expand, and protect the efficient and robust administration of justice at the White Earth Band, by pursuit and expansion of professional capacity, professional training, or grant opportunities.

§5.02 Associate Judge

1. Each Associate Judge of the Tribal Court shall have the following duties:

   (a) To hear all cases as assigned by rotation, except as may be subject to his or her recusal for a personal conflict of interest or bias as described in §5.06 of this statute;

   (b) To ensure and maintain the prompt, fair, objective, and unbiased administration of justice in the Tribal Court; and

   (c) To fairly and faithfully interpret and apply the constitution and laws of the White Earth Band, the Minnesota Chippewa Tribe, and the United States of America in the pursuit of the full exercise of this Band's jurisdiction and sovereignty.

§5.03 Chief Appellate Justice

1. The Chief Justice shall have the following duties:

   (a) To preside on each appellate panel, except as may be subject to his or her recusal for a personal conflict of interest as described in §5.06 of this statute;

   (b) To ensure and maintain the prompt, fair, objective, and unbiased administration of justice in the Tribal Court; and

   (c) To fairly and faithfully interpret and apply the constitution and laws of the White Earth Band, the Minnesota Chippewa Tribe, and the United States of America in the pursuit of the full exercise of this Band's jurisdiction and sovereignty.

   (d) To adopt by administrative order the rules of appellate procedure developed in cooperation with the jurists of the Tribal Court.

§5.04 Associate Appellate Justice

1. The Associate Appellate Justice shall have the following duties:

   (a) To preside on an appellate panel as assigned, except as may be subject to his or her recusal for a personal conflict of interest as described in §5.06 of this statute;

   (b) To ensure and maintain the prompt, fair, objective, and unbiased administration of justice in the Tribal Court; and

   (c) To fairly and faithfully interpret and apply the constitution and laws of the White Earth Band, the Minnesota Chippewa Tribe, and the United States of America in the pursuit of the full exercise of this Band's jurisdiction and sovereignty.

§5.05 Judicial Assignments

1. All matters filed in the District Court shall be assigned to the Chief Judge in the first instance. The Court Clerk may assign matters to one or more Associate Judges by rotation among the Chief Judges and Associate Judge(s) to ensure the efficient and robust administration of justice.

2. All matters heard by the Appellate Court shall be heard by a panel of three, presided over by the Chief Justice or, in the event the Chief Justice is recused, by a member of the panel selected among themselves. The Court Clerk shall assign panels by rotation among the Chief Justice and the Associate Appellate Justices.

§5.06 Judicial Recusal

1. A judge or a justice may only be recused or removed from a matter for a personal conflict of interest and shall not preside over any proceeding which presents a personal conflict of interest.
   (a) A conflict of interest is defined as one pertaining to a matter in which the judge or justice has a personal interest, that is not held in common with members of the public; or one that pertains to person related to or associated with the judge or justice as a relation within the third degree by blood, legal, traditional, or common law marriage, or to a person who previously stood in such a relationship to the judge or justice, or as a ward, guardian, attorney, client, employer, employee, landlord, tenant, business associate, creditor, or debtor. However, it is not a conflict of interest for a judge or justice to preside over a matter involving the White Earth Reservation Business Committee, or the Selection Committee, or any current or former members of those committees.
   (b) Any party, or a judge or justice on their own motion, may file for disqualification on the basis of a conflict of interest within ten days of notice of the judicial assignment or notice of the conflict. Such motions shall be filed, heard, and disposed of by rules of procedure adopted by the Tribal Court.
   (c) A judge that has been named in his or her official judicial capacity as a party to a suit involving the White Earth Band need not recuse himself or herself from a related matter in Tribal Court.

CHAPTER 6: REMOVAL FROM OFFICE

§6.01 Removal by Appellate Court

1. The Reservation Business Committee may, by majority vote with a quorum present, file a petition to the Appellate Court to remove any jurist of the Tribal Court or from the Panel of Elders. The person subject to the petition shall take no part in consideration of the petition.
2. Upon receipt of a petition signed by a number of White Earth Band members that is equal to 20% of the number of on-reservation votes cast in the most recent reservation-wide election, the Reservation Business Committee shall file or cause to be filed a petition to the Appellate Court to remove any jurist of the Tribal Court.
3. The Appellate Court shall have a public hearing at least 21 days after the person subject to the petition is notified that the petition has been filed.
4. The person subject to the petition shall have an opportunity to respond at the hearing, to be represented by counsel at his or her expense, to present evidence and witnesses, and to cross-examine evidence and witnesses brought by the petitioner.
5. The jurist shall be removed from office if a majority of the Appellate Court finds that he or she:
   (a) Violated one or more provisions of the White Earth Band's Code of Judicial Conduct, as adopted by White Earth Band Resolution No. 019-14-001;
   (b) Was derelict of his or her duties as described in this statute;
   (c) Engaged in bribery, theft, embezzlement, or corruption, or conducted Tribal Court business in a way that was habitually abusive, intemperate, or unethical, or otherwise engaged in behavior that calls into question his or her capacity to fairly render justice;
   (d) Willfully violated a duly adopted law of the White Earth Band, or engaged in behavior of sufficient notoriety so as to bring disgrace, embarrassment, or disrepute to the White Earth Band;
   (e) Has become incapacitated or incompetent by reason of physical or mental health, accident, or illness, to the extent that he or she can no longer perform the duties required; or If the person was required to maintain a law license to qualify for his or her position, the person is no longer licensed to practice law by virtue of a disciplinary order, including voluntary relinquishment in response to a disciplinary investigation or order.

§6.02 Finality

1. Removal from office under this Chapter shall be final and is not subject to appeal to any court or tribunal, nor is the decision of the Appellate Court made under this Chapter subject to any rehearing. Removal under this Section shall not be grounds for an action by a person so removed for any cause of action in any court.

CHAPTER 7: COURT CLERK

§7.01 Appointment; Salary

1. The Court Clerk of the Tribal Court shall be appointed by the White Earth Reservation Business Committee as a regular employee of the White Earth Band and shall be paid a reasonable salary.

§7.02 Assistant Clerks

1. The Court Clerk may, in consultation with the Chief Judge, hire and employ Assistant Clerks as necessary for the efficient and robust administration of justice. Such Assistant Clerks shall be considered regular employees of the White Earth Band, subject to all applicable requirements for salary or wages, fringe benefits, and other purposes.

§7.03 Dismissal

1. Any person serving as Court Clerk may be dismissed from that position by a majority vote of the White Earth Band Reservation Business Committee.

§7.04 Title

1. Whenever the formal designation "Clerk" or "Clerk of Court" appears in this statute, such designation shall also refer to the Court Administrator. Any references to Clerk or Clerk of Court refer to the Court Administrator. The terms Clerk of Court and Court Administrator shall be interchangeable in the laws of the White Earth Band.

§7.05 Duties

1. The Court Clerk shall be responsible for the day-to-day administration of the Tribal Court, and for such other administrative and ministerial duties as may be prescribed by the White Earth Band Reservation Business Committee or assigned by the Chief Judge. The duties of the Clerk shall include, but shall not be limited to the following:
   (a) Maintaining records of all Tribal Court proceedings to include identification of the title and nature of all cases, the names of the parties, the substance of the complaints, the names and addresses of all witnesses, the dates of hearings and trials, names and addresses of all parties and witnesses appearing at all hearings and trials, and all Tribal Court rulings, opinions, jury decisions, findings, orders and judgments, and any other facts or circumstances decided by the judges or justices of the Tribal Courts or deemed of importance by the Court Clerk.
   (b) Maintaining all pleadings, documents and other materials filed with the Tribal Court.
   (c) Maintaining all evidentiary materials, transcripts and records of testimony filed with the Tribal Court.
   (d) Establishing and administering a trust account into which all fines, fees and other monies taken into custody by the Tribal Court shall be deposited. Funds in this trust account shall be used only for expenses incurred by the Tribal Court, at the discretion of the Clerk of Court with the approval of the Chief Judge.

(e) Preparing and serving notices, summons, subpoenas, warrants, rulings, findings, opinions, and orders as prescribed by law and as may be designated by the judges of the Tribal Court.

(f) Assisting persons in the completion of forms for Tribal Court proceedings; provided, however, the Clerk and her/his assistants shall not give advice on questions of law, nor shall they appear or act on behalf of any person in any Tribal Court proceeding, nor preside as a finder of fact or law in any case pending in the Tribal Court.

(g) Administering oaths and witnessing the execution of documents.

(h) Maintaining a supply of blank forms to be prescribed by the Tribal Court for use by all persons having business before the Tribal Court.

(i) Providing copies of documents in Tribal Court files to other persons upon request, and upon receipt of a charge therefore to be prescribed by administrative order of the Tribal Court to cover the costs of such services; provided, however, there shall be no charge for such service to the judges or justices of the Tribal Court, and provided further, no copies of documents or material shall be provided from files which are to be kept confidential or unavailable for public inspection pursuant to any provision of law of the White Earth Band, or if prohibited by any court order.

(j) Providing security for all files, documents and materials filed with or in the custody of the Tribal Court, and ensuring that they are not removed from the offices of the Clerk and the Tribal Courts except upon the written and entered order of a judge of the Tribal Court.

(k) Maintaining a library of laws, regulations, orders, opinions and decisions of the United States and its administrative agencies and courts, the White Earth Band, the Minnesota Chippewa Tribe and its Bands, and of the various states, insofar as they may be pertinent to the administration of justice for the Band and within the Reservation. The acquisition of such materials shall be subject to appropriations of funds for the Tribal Court budget. Materials in the library shall be available for use in the office of the Clerk during normal working hours by any person subject to the jurisdiction of the Tribal Court, or such a person's authorized representative.

(l) Maintaining and ensuring timely public access to the repository of court decisions and opinions required by §5.01(1)(e).

(m) Maintaining the repository of court decisions and opinions as required under

(n) Performing such other duties related to the operation of the Court, other than those specifically performed by a judge or a justice, as the White Earth Band Reservation Committee, or the contract establishing judges or justices of the Court and Clerk shall so designate.

§7.06 Prohibitions

1. The Court Clerk and any assistants to the Court Clerk shall not give or provide legal advice or counseling to any person, nor appear on behalf of any person in front of the Tribal Courts.
2. The Court Clerk and any assistants to the Court Clerk shall not act in a judicial capacity in any matter pending before the White Earth Band Tribal Court, including, but not limited to, hearing

any pending matter, making findings of fact or conclusion of law, or entering any order for disposition of any matter of his or her own accord.

3. The Court Clerk and any assistants to the Court Clerk shall not simultaneously hold the position of judge, justice, nor member of the White Earth Band Reservation Business Committee, nor shall the Court Clerk nor any assistant to the Court Clerk be eligible for appointment to the advisory Panel of Elders while so employed.

CHAPTER 8: ATTORNEYS AND LAY REPRESENTATIVES

§8.01 Legal Representation

1. Any natural person who is a party in any trial or proceedings before the White Earth Tribal Court may represent herself or himself.
2. Any natural person who is a party in a trial or proceedings before the White Earth Tribal Court may be represented by any other member of the Band who is licensed to appear before the Tribal Court as a lay representative.
3. Any person who is a party to any trial or proceeding before the White Earth Tribal Court may be represented by a professional attorney, licensed to appear before the Tribal Court pursuant to this statute and any other practice or procedure adopted by the Tribal Court.
4. A person may not be represented in any trial or proceeding by another person who is the Clerk or the Court or an assistant clerk, or by a judge or justice of the Tribal Court, a member of the White Earth Tribal Council, a Tribal Game Warden, a Tribal Police Officer, or a person who is simultaneously appointed to the Advisory Panel of Elders.

§8.02 Lay Representatives

1. A natural person may be represented at a court appearance by a lay representative who is licensed by the Tribal Court to represent parties in matters pending before the Tribal Court.
2. The licensing requirements of a lay representative shall include, at a minimum:

   (a) An affidavit attesting that:

   (i) The applicant is an enrolled member of the White Earth Band, or of another constituent Band of the Minnesota Chippewa Tribe;

   (ii) The applicant has completed a tribal advocacy program approved by the Tribal Court; and

   (iii) The applicant has studied and is familiar with the constitution and laws of the Minnesota Chippewa Tribe, the White Earth Band and Title 25 of the United States Code and Title 25 of the Code of Federal Regulations;

   (b) Payment of an annual license fee set by administrative order of the Tribal Court, though such fee may be waived at the discretion of the Clerk of the Court upon a showing that the lay person provides pro bono representation services for members of the Band appearing before the Tribal Court; and

   (c) Taking the following oath, sworn before the Clerk of the Court in person or by written affidavit:

"I do solemnly swear (or affirm) that I will support all laws of the White Earth Band of Chippewa. I will maintain the respect due to the Tribal Court and its judicial officers; and

I will employ confidentiality for the purposes of maintaining the causes confided to me, and such means only as are consistent with truth and honor, and I will never seek to mislead any judge, justice, jury or elder by any artifice, or by false statement or misrepresentation of fact or law; and I will conduct myself in an orderly, courteous and respectful manner and shall not

misbehave or disrupt, obstruct, or otherwise interfere with the conduct of any proceeding by the Court or the administration of justice by the White Earth Tribal Court."

3. The Tribal Court shall adopt a fee schedule by administrative order to establish the licensing fees for lay representatives, and shall adopt such other orders for a lay representative's licensure, appearance, conduct, and removal as it determines are proper for the efficient and robust administration of justice.

4. A lay representative shall not represent any person in a suit filed against a person who is not a member of the White Earth Band, except in a matter to obtain a divorce or a protective order, or an order regarding the custody, support, and parenting time of a minor child.

§8.03 Professional Attorneys

1. A person may be represented by a professional attorney who is licensed by the Tribal Court to represent parties in matters pending before the Tribal Court.

2. The licensing requirements of a professional attorney shall include, at a minimum:

   (a) An affidavit attesting that:

      (i) The applicant is licensed to practice law before the highest court of any state in the United States;

      (ii) The applicant has studied and is familiar with the constitution and laws of the Minnesota Chippewa Tribe, the White Earth Band and Title 25 of the United States Code and Title 25 of the Code of Federal Regulations;

   (b) Payment of an annual license fee set by administrative order of the Tribal Court, though such fee may be waived at the discretion of the Clerk of the Court upon a showing that the professional attorney only provides pro bono legal services in his or her appearances before the Tribal Court.

   (c) Taking the following oath before the Clerk of the Court, either in person or by affidavit:

"I do solemnly swear (or affirm) that I will support the laws of the White Earth Band of Chippewa. I will maintain the respect due to the Tribal Court and its judicial officers. I will not counsel or maintain any such suit or proceeding that shall appear to me to be without factual or legal merit, nor raise any defense except those as I believe to be honestly valid or debatable under the law. I will employ confidentiality for the purposes of maintaining the causes confided in me, and such means only as are consistent with truth and honor, and I will never seek to mislead a jurist or elder by any artifice, false statement, misrepresentation, or material omission of fact or law. I will employ in the conduct of my duties the highest degree of ethics and moral standards with which my profession is charged, and I will be guided at all times by the quest for truth and justice. In the conduct of my duties as an attorney, I will not impugn the morals, character, honesty, good faith, or competence of any person, nor advance any fact prejudicial to the honor or reputation of any person, except to the extent required by the justice of the cause with which I am charged."

3. The Tribal Court shall adopt a fee schedule by administrative order to establish the licensing fees for professional attorneys, and shall adopt such other orders for a professional attorney's

licensure, appearance, conduct, and removal as it determines are proper for the efficient and robust administration of justice.

§8.04 Law Student Practice

1. Individuals who are enrolled as students in a law school accredited by the American Bar Association may be licensed to appear in Tribal Court.

2. The licensing requirements of a law student shall include, at a minimum:

   (a) An affidavit attesting that:

      i. The applicant is presently enrolled in a law school accredited by the American Bar Association, and has completed at least 30 credit hours of study towards a law degree;

      ii. The applicant has studied and is familiar with the constitution and laws of the Minnesota Chippewa Tribe, the White Earth Band and Title 25 of the United States Code and Title 25 of the Code of Federal Regulations;

   (b) Payment of an annual license fee set by administrative order of the Tribal Court, though such fee may be waived at the discretion of the Clerk of the Court upon a showing that the law student only provides pro bono legal services in his or her appearances before the Tribal Court.

   (c) Taking the following oath before the Clerk of the Court, either in person or by affidavit:

   "I do solemnly swear (or affirm) that I will support the laws of the White Earth Band of Chippewa. I will maintain the respect due to the Tribal Court and its judicial officers. I will not counsel or maintain any such suit or proceeding that shall appear to me to be without factual or legal merit, nor raise any defense except those as I believe to be honestly valid or debatable under the law. I will employ confidentiality for the purposes of maintaining the causes confided in me, and such means only as are consistent with truth and honor, and I will never seek to mislead a jurist or elder by any artifice, false statement, misrepresentation, or material omission of fact or law. I will employ in the conduct of my duties the highest degree of ethics and moral standards with which my profession is charged, and I will be guided at all times by the quest for truth and justice. In the conduct of my duties as an attorney, I will not impugn the morals, character, honesty, good faith, or competence of any person, nor advance any fact prejudicial to the honor or reputation of any person, except to the extent required by the justice of the cause with which I am charged."

3. A licensed law student shall not appear in Tribal Court nor work on any legal matter within the jurisdiction of the White Earth Band unless the student is under the supervision and responsibility of a professional attorney licensed by the highest court of a state and by the White Earth Tribal Court.

4. A license issued under this section shall expire on the date of a licensee's graduation from law school, without prejudice to the licensee's application to appear as a lay representative or professional attorney.

§8.05 Revocation of Licenses to Appear

1. Any license issued pursuant to this Chapter may be revoked by the Tribal Court after notice and hearing.
2. An action to revoke the license of a lay representative or professional attorney may be initiated on the Court's own motion or on the sworn complaint of any member of the White Earth Band.
3. The Tribal Court shall provide the lay representative or professional attorney with notice of the revocation hearing, which shall take place before all jurists of the Tribal Court except for those recused for a personal conflict of interest.
4. The Tribal Court may revoke or suspend the license of a lay representative or professional attorney if, after hearing, the Tribal Court finds that:
   (a) The licensee has been disbarred or suspended from the practice of law by any jurisdiction in which he or she has been licensed to practice law; or
   (b) The licensee has been ordered to discontinue the unauthorized practice of law in any jurisdiction; or
   (c) The licensee filed a false statement with the Clerk of the Court to obtain his or her license, or violated his or her oath, or engaged in misconduct or unethical conduct in the course of his or her duties before the Tribal Court; or
   (d) If the licensee is an enrolled law student, his or her enrollment ends without the award of a law degree, or the licensee is suspended from law school, or placed on academic probation while enrolled.

§8.06 Prohibited Representatives

1. Except for matters of self-representation, no person shall appear before the Tribal Court as a lay representative or professional attorney if they are:
   (a) Employed or contracted as any judge or justice of the White Earth Tribal Judiciary, or a member of the Panel of Elders;
   (b) Employed or contracted as any clerk or assistant clerk of the White Earth Tribal Judiciary;
   (c) Employed or contracted as an attorney to represent the White Earth Band, except for those attorneys with whom the White Earth Band may contract with or retain expressly to provide legal services to White Earth Band members;
   (d) A member of the White Earth Tribal Council;
   (e) A Tribal law enforcement officer or Tribal game warden; or
   (f) Otherwise disbarred or ineligible to appear before the Tribal Court.

CHAPTER 9: COURT PROCEDURES

§9.01 Court Rules and Procedures

1. In addition to the court procedures established by this statute, the Tribal Court shall establish and promulgate additional rules of procedures, practice, and evidence as may be required for the robust and efficient administration of justice. \

§9.02 Sessions of Court

1. The Tribal Court is in continuous session. The Tribal Courts may hold sessions in any suitable location designated by the Chief Judge or Chief Appellate Justice as deemed necessary, in consultation with the jurists assigned to a particular case.

§9.03 Case Assignments

1. Judicial assignments to matters filed in the District Court shall be to the Chief Judge. In the event that the Chief Judge is recused for a personal conflict of interest, or as caseload requires, the Clerk of the Court shall assign matters to Associate Judges by rotation.

2. Judicial assignments to the Appellate Court shall be to panels of three, each of which shall be presided over by the Chief Appellate Justice. In the event that the Chief Appellate Justice is recused for a personal conflict of interest, the three assigned justices shall determine a presiding member among themselves. The Clerk of the Court shall assign judicial panels by rotation.

§9.04 Application of Law

1. The Tribal Courts shall apply the Constitution of the Minnesota Chippewa Tribe and the laws of the Minnesota Chippewa Tribe, and the laws adopted by statute, regulation, or resolution of the White Earth Band.

2. The Tribal Courts may refer to the laws of other constituent Bands of the Minnesota Chippewa Tribe, other Anishinaabeg tribes or bands, other tribal nations, or other jurisdictions as instructive in the absence of explicit law on a question presented.

3. The Tribal Courts may consider, apply, and follow traditional laws and tribal customs of the White Earth Band. Any traditional law, custom, or cultural practice so considered and applied by the Tribal Courts shall be reduced to a writing with a historical justification for its application to the matter. These writings shall be maintained by the Tribal Courts as precedential guidance for application of the otherwise unwritten traditions, laws, and customs.

4. The Tribal Courts may request assistance from the Elder of Panels to determine the veracity and appropriateness of a traditional law or custom.

§9.05 Data Practices

1. The Tribal Courts shall adhere to the data practices in this section. If this section conflicts with any other law adopted by the White Earth Band, the stricter of any conflicting provision shall control.

2. Restricted Personal Information as defined in this statute is prohibited in any document or other record filed with the Tribal Court, except as may be ordered admissible by the Court on finding that the Restricted Personal Information is germane and necessary for its consideration of appending issue. Any information or documents containing Restricted Personal Information must be submitted on a separate form. Such forms shall not be nonpublic.

3. Cases listed in these sections shall be classified as follows:

   (a) Juvenile Justice Records – Records of any case brought under the White Earth Juvenile Justic Code, as enacted and as may be amended, are nonpublic and confidential, subject to access as ordered under the Juvenile Justice Code.

   (b) Children's Court Records – Records of any case brought under the White Earth Band Child/Family Protection Code, as enacted and as may be amended, are nonpublic and confidential, subject to access as ordered under the Child/Family Protection Code.

   (c) Vulnerable Adult and Elder Protection Code – Records of any case brought under the White Earth Band Vulnerable Adult and Elder Protection Code, as enacted and as may be amended, are nonpublic and confidential, subject to access as ordered under the Vulnerable Adult and Elder Protection Code. Nothing in the Vulnerable Adult and Elder Protection Code, nor in this Tribal Courts Statute, shall be construed as prohibiting or restricting a vulnerable adult or elder subject to a petition from disclosing any information or records pertaining to their case.