

THE MINNESOTA CHIPPEWA TRIBE

ORDINANCE NO. 15

WHEREAS, the Chippewa People were a sovereign people and exercised their inherent powers of sovereignty through their tribal governments before the creation of the United States of America and did reside in what is now known as the State of Minnesota before it became a territory and then a State of the United States, and

WHEREAS, the Chippewa People of the White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), Grand Portage, and Non-Removal Mille Lacs Bands did reorganize as The Minnesota Chippewa Tribe pursuant to the provisions of Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended, and

WHEREAS, the Minnesota Chippewa Tribe has retained all of its inherent powers as a sovereign Indian Tribe to engage in self government and has adopted a written Constitution and Bylaws, and

WHEREAS, the Constitution and Bylaws of The Minnesota Chippewa Tribe set out in the preamble that The Minnesota Tribe adopts its constitution for the purpose of:

In order to form a representative Chippewa Tribal organization, maintain and establish justice for our Tribe, and to conserve and develop our tribal resources and common property; to promote the general welfare of ourselves and descendants....

Article I – Section 3, of the Constitution of the Tribe sets forth the purpose of the Tribe as:

The purpose and function of this organization shall be to conserve and develop tribal resources and to promote the conservation and development of individual Indian trust property; to promote the general welfare of the members of the Tribe; to preserve and maintain justice for its members and otherwise exercise all powers granted and provided the Indians, and take advantage of the privileges offered by the Act of June 1934, (48 Stat. 984) and acts amendatory thereof or supplemental thereto and all the purpose expressed in the preamble hereof.

Article XIII – Rights of Members provides:

All members of The Minnesota Chippewa Tribe shall be accorded by the governing body, equal rights, equal protection and equal opportunities to participate in the economic resources and activities of the Tribe and no member shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the United States, including but not limited to freedom of speech, the rights to orderly association or assembly, the rights to petition for action or the redress of grievances and due process of law, and

WHEREAS, the Tribal Executive Committee as the governing body of The Minnesota Chippewa Tribe has determined that a Tribal Court is required to maintain and establish justice; to promote the general welfare of the tribal members; and to provide due process of law and that establishing a court system is within inherent sovereign power of the Tribe and to do so is to exercise said inherent powers as well as the powers provided by the Act of June 18, 1934 (48 Stat. 984) as amended.

NOW THEREFORE BE IT RESOLVED, that the following Ordinance be enacted:

Section 100 – Judicial Power

100.01 – The Judicial Power of the Tribe is vested in the Minnesota Chippewa Tribal Court and such other courts, judicial officers and commissioners with jurisdiction inferior to the Tribal Court as the Tribal Executive Committee may establish.

100.02 – The Tribal Court shall consist of one Chief Judge to be appointed by the Tribal Executive Committee and not less than three (3) nor more than six (6) associate judges as the Tribal Executive Committee may establish. It shall have original jurisdiction in such cases as are prescribed by tribal or band ordinances but there shall be no trial by jury in the Tribal Court.

The Tribal Court shall have appellate jurisdiction as may be prescribed by Tribal Ordinances and by Reservation Business Committee ordinances.

Judges of the Tribal Court may also act as judges of Band Courts but may not hear any appeals of a Band case that they heard as a Band Judge.

Section 200 – Establishing Number of Judges

200.01 – By \_\_\_\_\_, 1985, The Tribal Executive Committee shall establish the number of judges who shall serve on the Tribal Court. The Tribal Executive Committee shall appoint the Chief Judge and set his term of office for \_\_\_\_\_ years. Vacancies in the office of Chief Judge shall be filled by the Tribal Executive Committee for the remainder of the unexpired term.

200.02 – The Chief Judge shall be reappointed and if the Chief Judge ceases to be a judge of the Tribal Court, the office of the Chief Judge also becomes vacant.

200.03 – The Chief Judge shall exercise general administrative authority over the court. The Chief Judge shall make assignments of judges to serve on the panels of the court and shall designate the time and places for cases to be heard.

Section 300 – Selection of Judges

300.01 – One judge of the court other than the Chief Judge shall be selected by the Reservation Business Committee for each of the six Bands comprising the Tribe. The Reservation Business Committee may select a judge by majority vote of the Reservation Business Committee or provide for a Reservation election of the Judge.

Each Tribal Court Judge shall serve a term of \_\_\_\_\_ years. Any vacancy occurring during a judge's term of office shall be filled by appointment for the unexpired term of office by the Reservation Business Committee from which Reservation he was selected/elected.

300.02 – In the event a Reservation Business Committee does not select a judge to serve on the Court then the Tribal Executive Committee may appoint a judge to serve for the position for which a Reservation Business Committee has failed to appoint a judge. The Tribal Executive Committee also has the option to leave that unfilled judgeship as long as there are at least three (3) other judges appointed to the Court, in addition to the Chief Judge.

300.03 – Oath – Before entering upon the duties of office each judge shall take and subscribe an oath in the form prescribed by the Tribal Executive Committee for judicial officer.

300.04 – Qualifications – Judges selected for the Court must be graduate of an accredited law school. This requirement may be waived by the Tribal Executive Committee upon showing that any appointee is qualified because of other education or training or is currently serving as a judge and has sufficient experience to serve on the Court.

300.05 – Compensation – The salary of the judges of the Tribal Court shall be \$\_\_\_\_\_ (dollars) per annum and shall be paid on a \_\_\_\_\_ basis.

The salary of the Chief Judge shall be \$\_\_\_\_\_ (dollars) per annum and shall be paid on a \_\_\_\_\_ basis. Travel and other expenses shall be paid by the Tribe in the same manner and amount as for other employees of the Tribe.

#### Section 400 – Clerk Of Court

400.01 – A Clerk of The Minnesota Chippewa Tribal Court shall be appointed by the Tribal Executive Committee. The Clerk shall serve under the administration of the Chief Judge and shall have responsibilities assigned by the Chief Judge. The salary of the Clerk of Court shall be set annually by the Tribal Executive Committee. The Clerk shall be responsible for preparing an annual budget for the office to be submitted to the Chief Judge for approval and recommendation to the Tribal Executive Committee.

#### Section 500 – Chambers

500.01 – The Chamber of The Minnesota Chippewa Tribal Court shall be in the Tribal Government Center at Cass Lake, Minnesota.

#### Section 600 – Final Decisions

600.01 – The Court shall have appellate jurisdiction over final judgements or orders from Band Courts as provided for in Section 100.02.

#### Section 700 – Rules of Procedures

700.01 – The Court shall adopt written rules of procedure to govern cases or original jurisdiction and it shall adopt written rules of appellate procedure to govern appeals.

#### Section 800 – Interlocutory Decisions

800.01 – The Court shall have appellate jurisdiction of interlocutory orders, decrees, injunctions and other matters as may be prescribed in the rules of appellate process.

#### Section 900 – Ancillary Jurisdiction

900.01 – The Court shall have jurisdiction to issue all writs and orders necessary in aid of its jurisdiction with respect to cases pending before it and for the enforcement of its orders or judgement.

#### Section 1000 – Decision of the Court

1000.01 – Composition of Panel – Each appellate case shall be submitted to a panel of at least three (3) judges. The Chief Judge shall have the discretion to submit any appellate case to all of the judges of the Court to be heard en banc. The decision of the majority of the judges to which it is submitted shall be the decision of the Court. However, the Court shall not be empowered to interpret the Constitution of The

Minnesota Chippewa Tribe. If the appellate panel determines that a decision requires an interpretation of The Minnesota Chippewa Tribe's Constitution, then the issue shall be certified forthwith to the Tribal Executive Committee for its consideration. Pending a final constitutional interpretation by the Tribal Executive Committee, the appeal shall be stayed.

1000.02 – Assignments of Judges to Panels – In assigning judges to panels, the Chief Judge shall rotate assignments so that each judge serves an appropriate time with every other judge. The Chief Judge shall also rotate assignments to various locations for hearing.

1000.03 – Decisions – A decision shall be rendered in every case within thirty (30) days after oral argument or after final submission of briefs or memoranda by the parties, whichever is later. The Chief Judge may waive the thirty (30) day limitation for any proceeding before the Court for good cause shown. In all cases the decision of the Court shall be reduced to writing and shall state the reason for its decision and be indexed and made readily available.

1000.04 – Interlocutory Matters – The rules of appellate procedure may provide for the decision of interlocutory or procedural matters by a single judge.

#### Section 1100 – Place of Hearing

1100.01 – Oral arguments, if allowed, shall be heard at the Tribal Government Center, Cass Lake, Minnesota.

1100.02 – Trials in cases of original jurisdiction shall be held at a location convenient to all parties. In most instances, the most convenient location shall be upon the Reservation where the case arises. Oral arguments in trials shall be heard at the location where the case is tried.

1100.03 – The rules of appellate procedure may provide for a change of the place of hearing upon motion of any party and a showing of good cause or the place of hearing may be changed by the Court as set forth in the rules of appellate procedure.

1100.04 – Cases without Oral Argument – The rules of appellate procedure may provide for the submission of certain cases or classes of cases without oral argument.

#### Section 1200 – Accelerated Review

1200.01 – The Court may grant an accelerated review of any appellate case pending upon the petition of any party. The Court shall establish rules for such petitions. A petition should be granted only upon a showing that the case is of such public importance as to justify the deviation from normal appellate process and to require immediate settlement in the Court.

We do hereby certify that the foregoing Ordinance was duly presented and acted upon by a vote of 6 For, 3 Against, 0 Silent, at a Regular Meeting of The Minnesota Chippewa Tribal Executive Committee a quorum present, held on April 29 & 30, 1985 at Minneapolis, Minnesota.

Darrell Wadena, President  
THE MINNESOTA CHIPPEWA TRIBE

ATTEST: Daniel Morrison, Sr., Secretary  
THE MINNESOTA CHIPPEWA TRIBE