

Chapter 2

Civil Contempt Non-Indians

Rule Purpose and Scope.

2.000

This Tribal Court Rule applies only to non-Indians, who are defined as citizens of the United States who do not otherwise come under the criminal jurisdiction of the Tribal Court. The Tribal Court shall exercise all available civil (not criminal) remedies to enforce the judgment and administration of the Tribal Court, including the power of civil contempt, for non-Indian contemnors. The Tribal Court reserves the right to enforce its orders and to ensure the orderly administration of its court system through all criminal and civil contempt procedures available to all other persons who are subject to the criminal jurisdiction of the Tribal Court.

Rule 2.001 Prohibited Conduct.

Acts or failures to act for which the Court may find non-Indians to be in contempt of Court:

- (1) Disorderly, contemptuous, or insolent behavior committed during the holding of any Tribal Court session in the immediate view and presence of the presiding Judge or Magistrate of the Tribal Court and directly tending to interrupt its proceedings or to impair the respect due to its authority.
- (2) A breach of the peace or loud or boisterous conduct which tends to interrupt the course of a judicial proceeding.
- (3) Misbehavior in office or other willful neglect or violation of duty as a counselor, attorney, or other spokesperson appointed, elected, or hired to perform a representative, judicial, or ministerial service in connection with the operation of the Court.
- (4) Deceit or abuse of process or proceedings of the Court by a party or counselor to proceeding.
- (5) Disobedience or resistance to any order, judgment, subpoena, warrant, rule, decree, command, or other process of the Court.
- (6) Assuming to be an officer, spokesman or other official of the Court and acting as such without authority.
- (7) Recusing or taking any person or property from the Court or an officer acting under Court order, contrary to the order of the Court.

- (8) Refusing to be sworn or affirmed as a witness or refusal to answer as a witness after being sworn or affirmed.
- (9) Detaining or otherwise interfering with a witness or party to any action or Tribal Court proceeding while such person is going to or from or attending Court.
- (10) Any other interference with the processes, proceedings or dignity of any Tribal Court or Judge or Magistrate while in the performance of his or her duties.

Rule 2.002 Procedure.

All alleged contemnors shall be subject to a show cause hearing at which the person accused of contempt is given notice and an opportunity to be heard. The burden of proof shall be by a preponderance of the evidence on the contemnor to demonstrate that (1) the alleged contemptuous behavior was not willful or intentional, and (2) that the accused did not have the ability to comply with the Court's order.

Rule 2.003 Civil Remedies.

All civil remedies are available to enforce the judgment and orderly administration of the Tribal Court. Relief in a civil contempt proceeding may be coercive or compensatory in nature as to the complaining party and may include but are not limited to payment of a civil fine to the Court, the posting of a bond, or subjecting the contemnor to imprisonment to encourage prospective, future compliance with a previously issued court order.

Adopted for Immediate Effect by the Tribal Council on April 1, 2019, by a vote of 9 for, 0 opposed, and 0 abstaining.