

Chapter 1
Pokagon Band of Potawatomi Indians
Procedures for Adoption of Court Rules

Table of Contents

Section 1.	Scope, Purpose, and Definitions.....	Page 1-2
Section 2.	Notice Soliciting Public Comment.....	Page 2
Section 3.	Posting Period and Notice Format.....	Page 2
Section 4.	Publication Period, Method, and Distribution.....	Page 2-3
Section 5.	Receipt of Comments.....	Page 3
Section 6.	Review and Adoption.....	Page 3
Section 7.	Record Keeping.....	Page 3
Section 8.	Short Title, Effective Date, Citation Format and Certificate of Adoption	Page 3-4
Judicial History	Page 4

Chapter 1
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Section 1. Scope, Purpose, and Definitions.

- A. **Scope.** The Court of Appeals is responsible for the establishment of general rules for practice, procedure and evidence for the Tribal Court and Court of Appeals pursuant to the Pokagon Band Tribal Court Code Section 7(A).
- B. **Purpose.** The purpose of this Chapter of Court Rules is to establish the procedures by which Court Rules are adopted and posted for public comment.
- C. **Definitions.** The following terms have the following meanings:
1. *“Band”* and *“Tribe”* are synonymous and mean the Pokagon Band of Potawatomi Indians.
 2. *“Chief Judge”* means the Chief Judge of the Pokagon Band Tribal Court.
 3. *“Chief Appellate Judge”* means Chief Appellate Judge of the Court of Appeals or his/her designee by order of the Chief Appellate Judge.
 4. *“Court”* and *“Tribal Court”* are synonymous and mean the trial level court of the Band.
 5. *“Court of Appeals”* means the appellate level court of the Band.
 6. *“Court Rules”* means set of rules that govern practice and procedure as related to cases moving through Tribal Court and the Court of Appeals.
 7. *“Day”* means Calendar Day.
 8. *“Judge”* means a judge appointed to the Court of Appeals or to the Tribal Court.
 9. *“Tribal courts”* means the trial level court and appellate level court of the Band.

Section 2. Notice Soliciting Public Comment. Upon completion of a final draft of a proposed chapter of Court Rules approved for posting by the Court of Appeals, a “*Notice Soliciting Public Comment*” must be created by the Court Administrator.

Section 3. Posting Period and Notice Format.

- A. **Period.** The “*Notice Soliciting Public Comment*” must be issued for a period of thirty (30) days.
- B. **Format.** The “*Notice Soliciting Public Comment*” includes:
1. The start and end day of the thirty (30) day period.
 - a. **Start Date.** The start date is calculated by estimating five (5) days later than the expected mailing date of the Tribal Newspaper, *Poke`gnek Yajdanawa*.
 - b. **End Date.** The end date is calculated by counting thirty (30) days after the start date.
 2. The title of the proposed Court Rules;
 3. A brief description of the proposed Court Rules;
 4. The public offices in which the “*Notice*” will be posted;
 5. The address, phone, and fax number of the Tribal Court; and
 6. Directions for obtaining a complete copy of the proposed Court Rules.

Section 4. Publication Period, Method, and Distribution.

- A. **Method.** The “*Notice Soliciting Public Comment*” must be published and posted:
1. in the *Poke`gnek Yajdanawa*;
 2. in the public offices of the Band; and
 3. on the Pokagon Band Tribal Court webpage.

B. **Mandatory Distribution.** Copies of the “*Notice*” and a complete draft of the proposed chapter of Court Rules must be distributed to:

1. the Tribal Chairman;
2. each member of the Tribal Council; and
3. General Counsel of the Band.

C. **Distribution Upon Request.** Complete copies of the proposed chapter of Court Rules must be distributed to all Band Members that have submitted their names to the Court Administrator requesting a copy. Such request may be made:

1. in person;
2. via telephone;
3. e-mail; or
4. in writing.

Section 5. Receipt of Comments. Comments must be submitted to the Court Administrator prior to the expiration of the time period specified on the “*Notice Soliciting Public Comment.*”

Section 6. Review and Adoption. The Court of Appeals must review all comments received during the public comment period and deliberate the merits of all comments prior to the adoption of the proposed chapter of Court Rules.

Section 7. Record Keeping. Court Rules adopted by the Judges of the Court of Appeals are records of the Band pursuant to the Pokagon Band Tribal Court Code Section 7(A). Comments received by the Court Administrator in compliance with these rules are also records of the Band pursuant to the Pokagon Band Tribal Court Code Section 7(A).

Section 8. Short Title, Effective Date, Citation Format and Certificate of Adoption.

A. **Short Title.** These *Rules* are titled “Procedures for the Adoption of Court Rules.”

- B. **Effective Date.** These *Rules* become effective when adopted by the members of the Court of Appeals of the Pokagon Band of Potawatomi Indians.
- C. **Citation.** The official abbreviated citation form to these *Rules* is: PBCR Chapter 1.
- D. **Certificate of Adoption.** The Justices of the Court of Appeals unanimously adopted the above *Rules* on September 17, 2003.

JUDICIAL HISTORY

On September 17, 2003: The *Court Rules of Adoption and Publication for Public Comment of Court Rules* were unanimously adopted by the Justices of the Court of Appeals.

On July 27, 2006: Technical revisions were made to this Chapter of Court Rules for simplicity and clarification of the title to *Procedures for Adoption of Court Rules* and to provide uniformity in formatting and nomenclature for all Chapters of Court Rules pursuant to Administrative Order 06-001-CA.

On August 29, 2012: Technical revisions were made to the *Judicial History* to provide uniformity in formatting for all Chapters of Court Rules. Revisions were made to Section 8 to: (1) incorporate the *Certificate of Adoption* provision into Section 8; (2) eliminate the signature lines under the *Certificate of Adoption*; and (3) add the words "Certificate of Adoption" to the title of Section 8. Revisions were made to Section 1(A) and 7(A) to remove the symbol "§" and replace it with the word "Section."