

INTRODUCTION

Unlike rules written by outside consultants, these rules were written with input from actual practitioners in the community over the course of several years by the sitting Judges and Clerks of the Courts of the Colorado River Indian Tribes, who are familiar with the intricacies of Tribal law, federal Indian law, and the actual practice in neighboring jurisdictions and in the present Tribal Court system.¹

In modern times, our government created the present Tribal Court system under the Wheeler-Howard Reorganization Act of 1934 (48 Stat. 984; 49 Stat. 378; 25 U.S.C. §476). Prior to this, life among the Colorado River People was controlled by established tribes and their clan systems. These systems contained a Chief or Chiefs, family leaders, spiritual leaders, advisors, warriors, and those who had the responsibility of daily chores. The Warriors of the tribes often served as the police or judicial body, as with the Mohave.

Gone are the days that the present Tribal Court system served only the local Indian community. Today the Tribal government is composed of Mohave, Chemehuevi, Hopi and Navajo members. In addition, many others have chosen to enter and remain in the territory of the Tribes and therefore, as when entering any other government's territory, become subject to its jurisdiction. With the growing government-to-government relationships between the Tribes and other tribes, States and the federal government, we often find a need to resolve disputes among all those present on the Reservation who should be able to look to the Courts of the Tribes for the just and fair resolution of their disputes.

Our goal in writing these Rules, therefore, was to define and illuminate Tribal law and procedure in light of particularities of Tribal and federal Indian law and the mandate of the Tribal government to provide a forum for all residents of the Reservation.

As part of this, we sought to publish in one volume all the procedures and forms needed to practice in the Courts of the Tribes.

¹ Among the many persons to whom we are indebted for their assistance, we wish to specially thank Mr. Steven J. Bloxham, Assistant Attorney General of the Navajo Nation, whose erudition and original insights in the field of federal Indian law and tribal law are truly brilliant; to Mr. Steven McHugh, In-house Counsel for the Las Vegas Paiute Tribe, whose knowledge of not only federal Indian law, but of general federal law and public policy, and most particularly of federal courts, is profound and was indispensable to us; and to the Tribal Council, whose assistance has been unfailing. As the Judge assigned with final redaction, any errors in this publication are my own. Judge F. Thomas Bartlett.

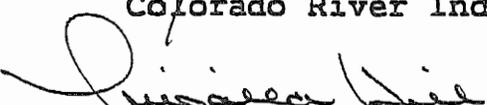
So, as the title says, this publication brings together the rules of court, both trial and appellate, the Tribal Constitution and Bylaws, basic² code provisions, most of the forms used by parties practicing in the Courts of the Tribes, and the full text of the prominent court decisions in existence as of the date of this publication. Placing these in a single volume allows the reader to use the index and annotations to cross-reference and quickly access subjects and applicable law. In addition, three inserts supplement this publication: Insert A, which lists the filing and service fees for the current year; Insert B, which lists the Clerk's standard schedule of hearing and trial settings for various types of cases for the current year; and Insert C, which sets forth all amendments, appellate court opinions and decisions, and other important annotations occurring after June 1, 1995, and until such time as the Tribal Court or Tribal Council establishes an official reporter. You, the reader, are responsible to request current versions of Inserts A, B and C from the Court Clerk.

We did not seek to supplant traditional Indian dispute-resolution mechanisms, but only to optimize the existing Tribal Court system established under the Act of 1934 and the current Constitution, Bylaws and Codes of the Tribes. Even in this we did not seek to merely copy rules from other court systems, whose success or failure can be gauged by even a cursory look at the current crime and recidivist rates, the percentage of the population involved in those systems, and their annual cost to neighboring governments. We evaluated all ideas from the unique perspective of the Colorado River Indian Tribes. We tried to take the opportunity to develop a better forum than alternative ones -- an opportunity unique to each sovereign Indian nation.

Today, our Tribal government continues to pass laws and resolutions to prudently regulate life on the Reservation and strengthen Tribal sovereignty. It is our hope these Rules will do the same.



Hon. Neil T. Flores,
Colorado River Indian Tribal Court



Priscilla Hill, Clerk of Court

² The term 'basic' used here, as in the title, means those Code provisions that establish the Court and judicial system. The use of the term does not imply other Code provisions are less than fundamental to the health, welfare or economic sufficiency of the Tribes or any other part of its system of government.