



NHBP TRIBAL COURT

NOTTAWASEPPI HURON BAND OF THE POTAWATOMI

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COURT RULES OF PROCEDURES FOR THE ADOPTION OF COURT RULES CHAPTER 1

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NOTTAWASEPPI HURON BAND OF THE POTAWATOMI
TRIBAL COURT

PROCEDURES FOR THE ADOPTION OF COURT RULES

CHAPTER 1

Section 1: Title

- A. The name of this Chapter of Court Rules is: *Procedures for the Adoption of Court Rules*.

Section 2: Purpose

- A. The purpose of this Chapter of Court Rules is to establish a transparent, open and public process for the adoption of court rules. Court rules provide uniformity, consistency and fairness in the practice and procedure before the Tribal Courts. Draft rules shall be published for public comment. Only after the comment period ends and all comments received are duly considered shall court rules be adopted.

Section 3: Definitions

- A. For the purposes of this Chapter of Court Rules the following definitions shall be used:
1. “*Band*” and “*Nation*” and “*Tribe*” are synonymous and mean the Nottawaseppi Huron Band of the Potawatomi (NHBP).
 2. “*Tribal Citizen*” and “*Tribal Member*” are synonymous and mean a person enrolled at the Nottawaseppi Huron Band of the Potawatomi (NHBP).
 3. “*Chief Judge*” means the Chief Judge of the Tribal Court.
 4. “*Court*” and “*Tribal Court*” are synonymous and mean the trial level court of the Band.
 5. “*Court Rules*” means the set of rules that govern practice and procedure in the Tribal Court.
 6. “*Day*” means calendar day.

Section 4: Numbering

- A. All court rules will be numbered beginning with this Chapter of Court Rules. They will be numbered sequentially beginning with Chapter 1.

Section 5: Headings

- A. There will be a title or label after each Section number.

Section 6: Court Rule Adoption Procedure

- A. All proposed new or substantively amended court rules (“Court Rules”) shall be drafted by the Chief Judge or his or her designee.
 - 1. The Chief Judge shall approve all proposed Court Rules prior to publication.
- B. All proposed Court Rules shall be in writing.
 - 1. The Chief Judge may assign formatting to Tribal Court Personnel.
- C. The Chief Judge or his or her designee shall publish a Notice with the proposed Court Rules that shall include:
 - 1. The title and chapter of the proposed Court Rules;
 - 2. The purpose of the proposed Court Rules;
 - 3. The time period for public comment, including when the thirty (30) day posting period begins and ends;
 - 4. That a copy of the proposed Court Rules shall be available at the Court Offices for review;
 - 5. That the proposed Court Rules shall be posted on the Tribal Court’s webpage;
 - 6. The process for requesting a copy of the proposed Court Rules;
 - 7. That comments on the proposed Court Rules must be submitted in writing for consideration by the Chief Judge;
 - 8. The process for submitting comments for consideration by the Chief Judge; and
 - 9. The deadline for submitting comments for consideration by the Chief Judge.
- D. The Chief Judge shall forward the final draft to the Tribal Court Administrator.
- E. The Tribal Court Administrator shall:
 - 1. Submit the Notice information to the appropriate governmental department for posting on the electronic Tribal Bulletin Boards in governmental buildings.

2. Submit the Notice information to the appropriate governmental department for sending a Honeywell message or other telephonic or electronic methods of communicating such information to Tribal Citizens.
 3. Post a copy of the Notice and proposed Court Rules on all governmental Tribal Bulletin Boards.
 4. Post a copy of the Notice at the Tribal Court Offices.
 5. Print a copy of the Notice and proposed Court Rules for public review at the Tribal Court Offices.
 6. Post a copy of the Notice and proposed Court Rules on the Tribal Court webpage.
 7. Distribute a copy of the Notice and proposed Court Rules to the Chairperson, each Tribal Council Member, the Chief Executive Officer, and the Chief Legal Officer in person, by regular mail, or by email.
 8. Distribute a copy of the Notice and proposed Court Rules to any person requesting a copy.
- F. Proposed Court Rules shall be available for review at the Tribal Court Offices and posted on the Tribal Court webpage for thirty (30) days.
- G. Any person may submit comments on proposed Court Rules for consideration by the Chief Judge by:
1. Submitting the comments in writing to the Tribal Court Administrator in person, by regular mail, or by email.
 - a. Comments must be submitted by the deadline in the Notice to be considered by the Chief Judge.
- H. The Tribal Court Administrator shall collect and forward all written comments submitted to the Chief Judge for his or her consideration.
- I. The Chief Judge may adopt non-substantive amendments to current Court Rules without a posting comment period.
1. Non-substantive amendments include, but are not limited to: correcting typographical errors; correcting formatting; adding definitions from other adopted Court Rules.
 2. Notice that non-substantive amendments have been adopted shall be posted to the Tribal Court webpage.

Section 7: Adoption

- A. Prior to the adoption of the proposed Court Rules, all comments shall be duly considered by the Chief Judge.

Section 8. Official Court Rules


- A. Once adopted by the Chief Judge, Court Rules shall be posted on the Tribal Court webpage.
 - 1. The Court Rules adopted by the Chief Judge and posted to the Tribal Court webpage shall be the official Court Rules and shall govern all Court proceedings.

Section 9. Short Title, Effective Date and Citation Format

- A. **Short Title.** The short title for these *Rules* is “Procedures for the Adoption of Court Rules.”
- B. **Effective Date.** These *Rules* become effective when adopted by the Chief Judge of the Tribal Court.
- C. **Citation.** The official abbreviated citation form to these *Rules* is: NHBPCR Chapter 1.

CERTIFICATE OF ADOPTION

The Chief Judge of the Tribal Court adopts the above *Chapter of Court Rules* on July 6, 2016.



Hon. Melissa L. Pope, Chief Judge

August 9, 2017

Date of Adoption

JUDICIAL HISTORY

The Chief Judge adopted the *Court Rules of Procedures for the Adoption of Court Rules* on February 25, 2008. Substantive and technical amendments were adopted on July 6, 2016 and August 9, 2017.