

Title 2  
JUDICIAL CODE  
Village of Dot Lake  
Dot Lake, Alaska

**Table of Contents**

Chapter 1: Dot Lake Tribal Court Organizational Structures ..... 1  
Chapter 2: Dot Lake Tribal Court..... 8  
Chapter 3: Dot Lake Court of Appeals..... 17  
Chapter 4: Dot Lake Justice Circles ..... 20

**Chapter 1: Dot Lake Tribal Court Organizational Structures**

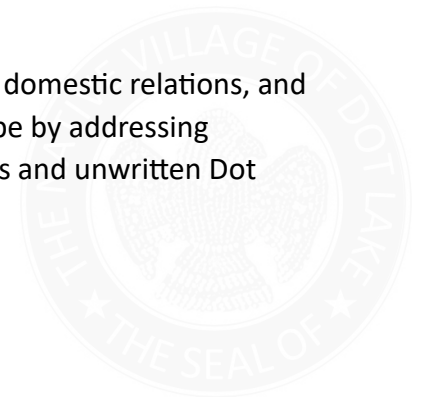
**Section 1. Authority and Reorganization of Dot Lake Tribal Court**

Traditionally, laws and customs of the Dot Lake Tribe were enforced and practiced by the Dot Lake people without outside intervention. In modern times the Dot Lake Tribal Council established and operated a tribal court under the inherent sovereignty of a federally recognized Indian tribe, under any delegated or implied authority by the state and federal governments, and under Article 9 of the Village of Dot Lake Constitution. Upon adoption of this Title, the Dot Lake Tribal Council hereby reorganizes the Dot Lake Tribal Court.

The judicial power of the Dot Lake Tribe shall be vested in the Dot Lake Tribal Judicial System which shall consist of the Dot Lake Tribal Court, Dot Lake Court of Appeals, Dot Lake Justice Circles and other Courts and Intertribal Courts as deemed necessary by the Dot Lake Tribal Council. This Chapter outlines the structure and organization of the Dot Lake Judicial System.

**Section 2. Purposes of the Dot Lake Tribal Court**

The purposes of the Dot Lake Tribal Court are to address internal affairs, domestic relations, and to protect the health, safety, and welfare of the Dot Lake people and Tribe by addressing problems through a fair and consistent application of written tribal codes and unwritten Dot Lake cultural values and traditions.



### **Section 3. Jurisdiction of the Dot Lake Tribal Court**

The Dot Lake Tribal Court shall be a court of general jurisdiction and have the authority to exercise the inherent judicial powers of a federally recognized tribe, provided that the Dot Lake Tribal Court Judges shall have the authority to decide whether or not they shall hear a case filed with the Court.

The Dot Lake Tribal Court shall have the authority to develop and adopt written rules for practices and procedures, provided that they do not conflict with the Dot Lake Tribal Constitution or Tribal Codes.

### **Section 4. Dot Lake Tribal Court Judges**

There shall be a pool of up to 5 Judges of the Dot Lake Tribal Court who are appointed by the Dot Lake Tribal Council.

Appointment by the Council: The Council shall appoint qualified Judges through an affirmative vote of at least 3 Council members.

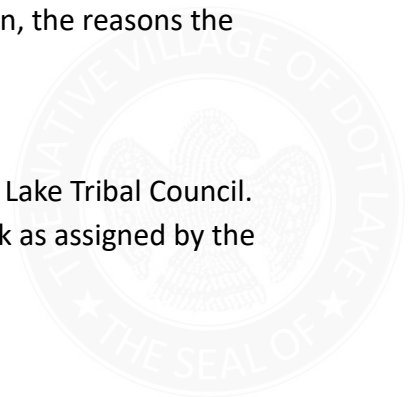
Term Lengths: Judges shall serve for 3-year terms from the date of appointment and taking the oath of office. There shall be no term limits on the number of terms a Judge is appointed. A record of the term for each Judge shall be kept in the Court records.

Qualifications for Dot Lake Judges: The qualifications for serving as a Dot Lake Tribal Court Judge are:

- Enrolled Dot Lake tribal member
- At least 18 years of age
- Have no history of children in need of protection in their custody
- Have not been convicted of felonies or misdemeanors listed in the Indian Child Protection and Family Violence Prevention Act of 1990 as amended, which are listed in Chapter 1 of the Dot Lake Domestic Relations Code, except by an express waiver by resolution of the Dot Lake Council
- Criminal Background Check: All appointed Judges shall get a criminal background check prior to fulfilling the role of a Dot Lake Tribal Court Judge. If the background check shows convictions listed in the Indian Child Protection and Family Violence Prevention Act of 1990 as amended, the person may not serve as a Judge without an express waiver of the Dot Lake Tribal Council that very specifically outlines, by resolution, the reasons the Council believes a waiver is justified.

Judicial Duties:

- Attend judicial trainings and conferences as requested by the Dot Lake Tribal Council.
- Duties may include duties of the tribal court administrator or clerk as assigned by the Dot Lake Tribal Council.
- Attend hearings as assigned.



- Generally oversee the delivery of due process in the Court.
- Be familiar with the tribal codes the Court is enforcing.
- Read documents pertaining to the cases they are assigned. Listen to all evidence presented. Ask questions of parties and witnesses. Determine proper outcome of the hearing.
- Duties may include drafting Orders.

### **Section 5. Quorum to Hear Tribal Court Cases**

A minimum of 2 Judges shall be required to hear cases, although the preferable number is at least 3. Visiting Judges, as described in Section 11 of this Chapter, may be used to make a quorum of 2 if needed. A maximum of 5 Judges may hear cases.

### **Section 6. Presiding Judge**

**Chosen Annually:** The Presiding Judge of the Dot Lake Tribal Court shall be chosen each year through consensus of the Judges.

**Duties:** The duties of the Presiding Judge are to generally oversee the affairs of the Dot Lake Tribal Court, and to be the Presiding Judge on all cases on which he or she are serving.

**Control Courtroom:** The Presiding Judge shall control the Dot Lake courtroom in a fair manner and direct the order of speaking in the Court. Persons in the Court may only speak at the direction of the Presiding Judge.

**Sign Orders and Documents:** The Presiding Judge shall sign all Orders and documents for cases they are serving on.

**Alternate Presiding Judge:** If the Presiding Judge has a conflict of interest or cannot serve on a case for any other reason, an Alternate Presiding Judge shall be selected among the Judges to serve on that case. The Alternate Presiding Judge shall generally assume the duties of the Presiding Judge, managing the court room and signing documents for the cases they are presiding over.

### **Section 7. Judicial Ethical Standards**

All Judges and Court personnel of the Dot Lake Tribal Court have a responsibility through their judicial duties for the health and welfare of the Tribe, tribal members, and the community of Dot Lake. In order to comply with the trust and responsibility of their positions, tribal Judges and Court personnel are expected to live their lives with high ethical standards. Judges and Court personnel shall respect and comply with all applicable laws of the Dot Lake Tribe, as well as applicable state and federal laws, and shall follow these guidelines:

**Alcohol, Marijuana, and Illegal Drugs:** Tribal Court Judges and personnel shall not participate in court hearings, attend any meetings, conferences, trainings, or other events where they are representing the Dot Lake Tribe while under the influence of alcohol, marijuana or illegal drugs. Additionally, Tribal Court Judges shall not hear cases when under the influence of prescribed

pain or other medication which specifies that persons shall not drive motor vehicles while under its influence.

Conflict of Interest: Tribal court Judges and personnel shall not participate in hearings or court decisions when they have a conflict of interest including:

Relatives and Relationships: Judges of the Dot Lake Tribal Court shall remove themselves from hearing a case involving persons with whom they have a conflict of interest including his or her spouse, parents and parent in-laws, grandparents, grandchildren, siblings, children, persons living in the same household or with whom a romantic relationship exists.

Personal Interest: Judges shall remove themselves from any cases in which they have any significant, direct, personal financial or other interest.

Cannot be fair: Judges shall remove themselves from hearing a case in which they cannot be fair for any reason.

Emergency Circumstances: Only under emergency situations where temporary decisions are made, may Judges be so related or conflicted.

Confidentiality: Judges and court personnel shall maintain confidentiality on all cases that come before them. Confidential information received in the course of judicial duties includes information that is not public and is not authorized to be made public. Confidential information includes, but is not limited to information on pending cases that is not already a matter of public record and information concerning the work product of any Judge, Clerk, or other court personnel including, but not limited to files, notes, papers, discussions, and memorandums. Judges and court personnel shall sign a confidentiality agreement provided by the Dot Lake Tribal Council.

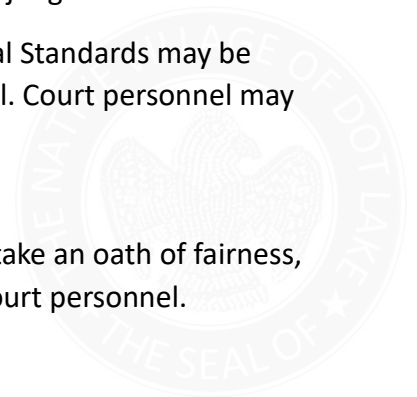
Ex Parte Communication: Judges and court personnel shall not initiate, permit, consider, or in any way discuss cases with any persons outside the Dot Lake Tribal Courtroom, or disclose any information regarding cases through any private or public forums outside the Courtroom.

Nepotism and Favoritism: Tribal court Judges shall not hear cases that fall under the Conflict of Interest provisions of this Section and shall not otherwise exert influence over other tribal court Judges, witnesses, Clerks or Parties to a case to their friends or their family's benefit. Judges shall not allow family or other relationships to influence their conduct or judgment.

Violation of Ethical Standards: Judges who are in violation of these Ethical Standards may be found in contempt of court and subject to forfeiting their seat or removal. Court personnel may be subject to disciplinary action or termination.

## **Section 8. Oath of Fairness, Impartiality, and Ethical Standards**

All Judges and court personnel serving in the Dot Lake Tribal Court shall take an oath of fairness, impartiality and ethical standards prior to assuming duties as Judge or court personnel.



“I \_\_\_\_\_, do solemnly swear and affirm that I will uphold the Constitution, Codes, Customs and Values of the Dot Lake Tribe. I shall maintain respect due the Dot Lake Tribal Court by striving for fairness and impartiality in the tribal court proceedings that come before me. I will follow ethical standards and maintain confidentiality of the Court and will not discuss the proceedings of cases outside of the chambers of the Dot Lake Tribal Courtroom.”

Judges who violate this oath may be subject to forfeiture of their seat, or removal by the Council. Court personnel may be subject to disciplinary action or termination.

### **Section 9. Judicial Immunity**

As a sovereign nation, the Dot Lake Tribe enjoys immunities from suit available to all federally recognized tribes, except to the extent that the Dot Lake Tribal Council expressly waives the Tribe’s sovereign immunity in writing, according to the Constitution and Codes of the Dot Lake Tribe. Any Dot Lake Tribal Court Judge or court personnel acting within the scope of his or her authority shall have judicial immunity from suit.

### **Section 10. Forfeitures, Removal, Vacancies**

**Forfeitures:** Dot Lake Tribal Court Judges shall forfeit their seats if they resign from being a Judge, are convicted of crimes that disqualify them from serving as a Judge of the Dot Lake Court, or have a child protection proceeding filed against them.

**Removal:**

Dot Lake Tribal Court Judges may be removed from their position as a Judge by the Dot Lake Tribal Council when they have been found in violation of the Judicial Ethical Standards provided in Section 7 of this Chapter, gross violation of the written laws of the Dot Lake Tribal Government, when they refuse to step off a case in a situation of conflict of interest, or when the Tribal Council determines that it is in the best interest of the Dot Lake Tribe to do so.

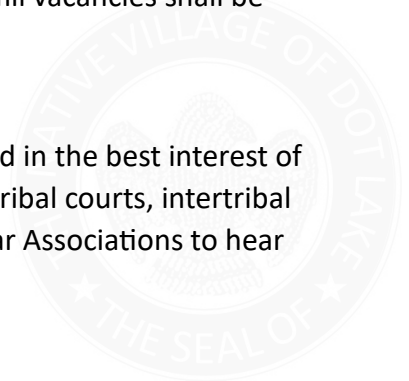
The Judge being considered for removal shall be given an opportunity to speak to the Tribal Council in executive session of the Council, prior to a vote of the Council on the removal.

The decision to remove a Judge must be affirmed by a minimum of 3 Tribal Council Members.

**Vacancies:** Vacancies among the Tribal Court Judges may filled through appointment by the Tribal Council provided that there are at least 3 affirmative votes to support the appointment. Each appointment of a Judge begins a new 3-year term. Clear records to fill vacancies shall be kept in the Tribal Council Office files.

### **Section 11. Visiting Judges**

The Dot Lake Tribal Court may use Visiting Judges when it is necessary and in the best interest of the Tribe to do so. The Dot Lake Tribal Court may use Judges from other tribal courts, intertribal courts, state court Judges, or attorneys licensed by the Alaska or other Bar Associations to hear



cases in situations where the Dot Lake Judges have significant conflicts of interest, or when a case has extreme legal complications.

**Qualifications for Visiting Judges:** Visiting Judges shall sign a statement certifying that they have never been convicted in a state, tribal, or federal court of a crime involving murder, sexual offences, or child abuse ever in their lives or have had felonies or misdemeanors under the Indian Child Protection and Family Violence Prevention Act of 1990 as described in Title 3, Chapter 1 of the Dot Lake Domestic Relations Code. Additionally, that they have no history of child protection cases for children in their custody.

**Comply with Ethical Standards:** Visiting Judges shall agree in writing to comply with the Judicial Ethical Standards provided in this Chapter.

**Financial Agreement in Writing:** When Visiting Judges are used, there shall be an agreement in writing made as to the terms of any financial arrangements made.

**Applying the Laws of the Dot Lake Tribe:** Visiting Judges shall also agree in writing that they shall apply the laws of the Dot Lake Tribe to the fullest extent possible.

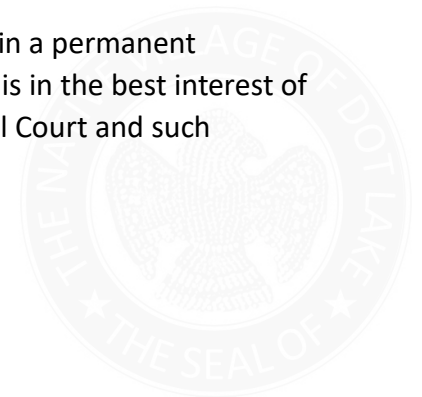
**One Judge from the Dot Lake Tribal Court:** When Visiting Judges serve on a case there shall be at least one Judge from the Dot Lake Tribal Court if possible, to make a quorum of 2. If there are no Dot Lake Tribal Court Judges who are able to serve on a case, the Tribal Court Clerk shall make a note in the court record for that case stating the circumstances.

**Serving as Visiting Judges:** When Dot Lake Tribal Court Judges are asked to serve as Visiting Judges in other Tribal Courts, there shall be an agreement in writing about any financial agreements made, whose codes and rules will be used, and any other special arrangements that need to be made.

## **Section 12. Intertribal Courts**

**Temporary Intertribal Courts:** The Dot Lake Tribal Court may join with other tribal courts to form intertribal courts for specific cases involving persons who are members or eligible for membership in the Dot Lake Tribe and also in another tribe. The Court shall draft an agreement in writing regarding the relationship with the other tribe, such as which tribe has jurisdiction if just one does, which tribes' laws shall apply if joining jurisdictions together, and what will be used for appeals in the event that the case will be appealed.

**Permanent Intertribal Courts:** The Dot Lake Tribal Court may participate in a permanent intertribal court, provided that the Dot Lake Tribal Council determines it is in the best interest of the Dot Lake Tribe to do so. The relationship between the Dot Lake Tribal Court and such intertribal court shall be clearly described in written documentation.



### **Section 13. Tribal Court Administration**

**Ethical Standards:** All Dot Lake Tribal Court personnel shall follow the judicial ethical standards provided in Section 7 of this Chapter.

**Tribal Court Administrator:** The Dot Lake Tribal Council may appoint a Tribal Court Administrator. The Dot Lake Tribal Administrator may serve as the alternate Tribal Court Administrator. Duties of the Administrator may include:

Serving as the primary point of contact of the Dot Lake Tribal Court

Generally overseeing the affairs of the Dot Lake Tribal Court

Supervising the Tribal Court Clerk and other Court personnel

**Tribal Court Clerk:** The Tribal Council shall appoint the Dot Lake Tribal Court Clerk, and an alternate Court Clerk. Duties of the Clerk may include:

Receiving Petitions and complaints filed with the Dot Lake Tribal Court

Answering phone calls and receiving mail for the Court

Maintaining files for the Court

Maintaining the Court calendar

Calling meetings of the Judges

Notifying Parties and Judges of hearings

Setting up teleconference calls if necessary

Recording the proceedings of hearings

Drafting tribal court Orders for Judges to review and sign

Maintaining records of tribal court finances and reporting to the Council, Judges, and tribal membership on the finances

**Tribal Court Records**

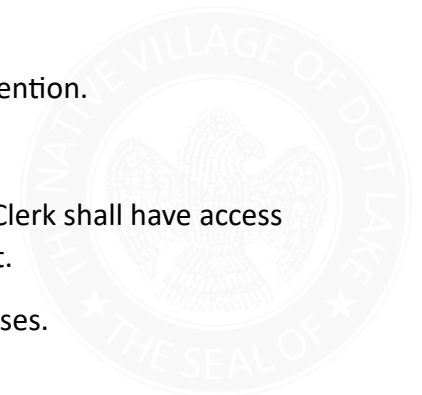
**Maintaining Files:** The Court shall maintain case files for all proceedings of the court including electronic, hard copy, or digital recordings of Court hearings.

**Record Retention:** The Court shall establish a policy for court records retention.

**Access to Records:**

Only the Court Judges who served on that case and current tribal court Clerk shall have access to the Court records without specific authorization of the Dot Lake Court.

Parties shall have access to the documents pertaining to their specific cases.



The Dot Lake Appellate Court shall have access to all records involving cases that are appealed to it.

**Tribal Court Records Security:** All hard copies of tribal court records shall be kept behind at least 2 locks such as a locking file cabinet within a locked office. Files shall not be left in on desks or other places where they are not secure. Tribal Court files shall not leave the Dot Lake Tribal Office. All digital files shall be password protected and access provided only to the Tribal Court Clerk and others who may be specifically authorized by the Council.

#### Tribal Court Finances

**Accounting:** The Tribal Council shall establish a separate line item account for the finances of Dot Lake Tribal Court.

**Fees:** The Dot Lake Tribal Court may charge fees to use the Court. Such fees shall be equal for equal types of cases and matters, and shall be made known to any person who wants to use, or files a Petition with, the Dot Lake Tribal Court.

**Payment of fines or fees:** Fines or fees shall be paid in cash, check, or money order. Checks or money orders shall be made out to the Dot Lake Tribal Government, and the Clerk shall issue a receipt.

## **Chapter 2: Dot Lake Tribal Court**

### *General Procedures*

#### **Section 1. Purpose and Rulemaking Authority of the Dot Lake Tribal Court**

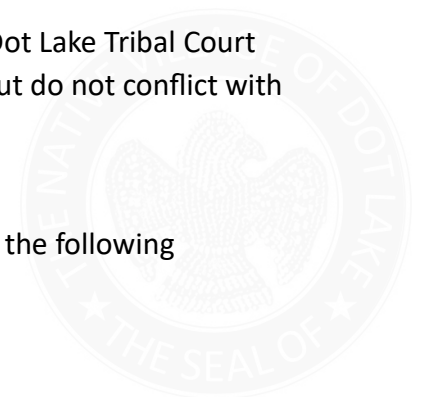
**Purpose:** The purpose of this Chapter is to provide a fair and equitable process for the operation of the Dot Lake Tribal Court that is consistent with the Constitution of the Dot Lake Tribe, tribal codes, the requirements of the Indian Civil Rights Act, and compatible with the customary practices and values of the Dot Lake Tribe.

**General Guidelines:** The procedures provided in this Chapter shall be the general guidelines for the Dot Lake Tribal Court unless otherwise specifically provided for in other places in Dot Lake tribal codes.

**Court Rules:** In addition to the procedures outlined in this Chapter, the Dot Lake Tribal Court may adopt additional policies and rules of procedure that compliment but do not conflict with the Constitution or other Tribal Codes or Policies.

#### **Section 2. Definitions**

The following words and phrases, whenever used in this Title, shall have the following meanings:





“Emergencies” are matters where harm or damage to a person or property may likely occur if the Court had to wait.

“Parties” means Petitioner(s) and Respondent(s) and any other persons the Dot Lake Tribal Court considers to be Parties in a particular case. Petitioners may choose not to be a Party to a case if it is specifically permitted by tribal code or if the Dot Lake Court specifically permits it.

“Petitioner” is the Party filing a Petition to Use the Tribal Court.

“Proof of Service” means written or otherwise documented evidence that Parties have been notified of an action of the court, such as notification of a hearing.

“Respondent” is the person involved in an issue brought before the Court by a Petitioner or against whom a Complaint is filed.

### **Section 3. How Cases Come Before the Court**

Cases may come before the Dot Lake Tribal Court in a variety of ways including:

A Petition to Use the Tribal Court is filed with the court Clerk

A Citation is filed with the court Clerk

A referral or diversion is made through another tribe, or federal or state entity

The Dot Lake Council requests a case to be transferred from a state, federal, or tribal court

### **Section 4. Deciding Whether or not to take a Case**

In all cases, a decision by a minimum of 2 Dot Lake tribal court Judges is necessary to decide whether or not to take cases. If 3 or more Judges are participating in the decision of whether or not to hear a case, they shall decide by a majority vote on whether or not to take a case.

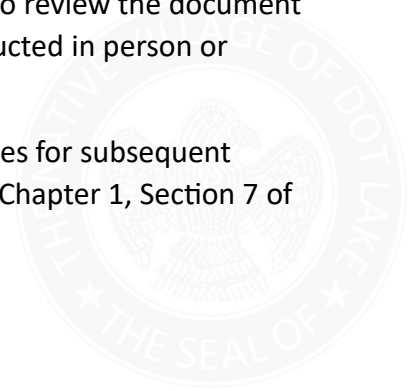
Emergencies:

Emergencies are matters where harm or damage to a person or property may likely occur if the Court had to wait.

Upon the receipt of a Petition to Use the Dot Lake Tribal Court where danger or harm to a person or property is likely imminent, the Clerk shall contact all available Tribal Court Judges.

The Clerk shall meet with a minimum of 2 of Judges as soon as possible to review the document and determine whether or not to take action. The meeting may be conducted in person or telephonically.

If the Judges decide to take a case under emergency circumstances, Judges for subsequent hearings shall comply with the conflict of interest guidelines provided in Chapter 1, Section 7 of this Title.



Non-Emergencies: In non-emergency circumstances, the Dot Lake Tribal Court Judges who do not have a conflict of interest with a potential case may meet on a case-by-case basis to consider Petitions, citations, referrals, or transfers from another jurisdiction to determine whether or not to take the case.

Decision to Take a Case:

If the decision is made to take the case, the Judges shall decide which Judges shall hear the case and appoint visiting judges if necessary.

The Clerk shall schedule the hearing and give proper notification to Parties.

Decision Not to Take a Case: If the Judges decide not take a case, the Clerk shall write a letter of denial to the Petitioner, or referring entity, within 14 days after the decision is made.

Deferring a decision to Take a Case: In some situations, the Dot Lake Tribal Court Judges may defer a decision to take a case when more information is needed or other such circumstances apply. These cases shall be considered 'pending' and Parties shall be notified in writing with an explanation.

## **Section 5. When a Case Begins**

A case formally begins when the Judges decide to take a case and the Petition or other documents requesting the Dot Lake Tribal Court to hear a case are stamped 'accepted' by the Court Clerk.

## **Section 6. Notice**

Notice for Hearings:

Parties shall be given reasonable notice for all scheduled Dot Lake Tribal Court hearings.

Notice may be provided through the most appropriate method for each case. Preferred methods are certified mail, return receipt requested or through personal service. Notice may also take place telephonically, through email, social media, or through newspaper legal sections when necessary.

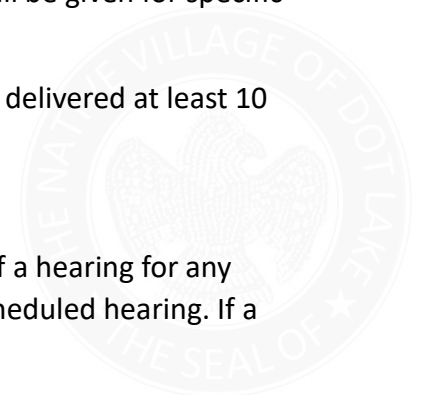
The Clerk, or designee, shall be responsible for serving notice to all Parties.

Dot Lake subject matter codes may specify the length of time notice shall be given for specific subjects and types of hearings.

If the codes are silent on notice requirements, notice shall be personally delivered at least 10 days or mailed at least 15 days before a hearing.

Proof of service for all notices shall be filed or noted in the Court file.

Notice When Hearings are Rescheduled: If the Court changes the time of a hearing for any reason, the involved Parties shall be given reasonable notice of the rescheduled hearing. If a



hearing is rescheduled, notification may be made telephonically, or through the most appropriate method for that case and noted in the case file.

Notice for Emergency Hearings: Notice of emergency hearings shall be given to Parties who are reasonably available to receive notice. If Parties are not reasonably available to receive notice, the Court may hold a hearing without notice being given.

Notice for Witnesses: Parties shall be responsible for serving notice to their own witnesses, and giving the Dot Lake Tribal Court Clerk reasonable notice that they have asked witnesses to attend a hearing. The Clerk shall be responsible for serving notice to witnesses the Court summons.

### **Section 7. Recording Hearings**

The Court shall keep a record of all cases by digital recording or written notes of all hearings.

### **Section 8. Opening Hearings**

Presiding Judges may use a script appropriate for each type of hearing that they preside over. The Presiding Judge may ask that a prayer or words from an Elder be given prior to opening the hearing. The Presiding Judge may follow these guidelines when opening a hearing:

Ask the Clerk to begin recording by digital recording or written notes

State the case number and the date, time, and place of the hearing

Ask all persons in the courtroom or at any teleconference sites to state their full names and relationship to the case for the record

Ask each of the Parties how they were notified of the hearing

Determine if there are any Parties who were notified but are not at the hearing. (If a Party was notified but is not at the hearing, the Court may either proceed with the hearing or reschedule.)

Determine if there are any Parties who should have been notified but were not notified. If it is determined that there is a Party that was not notified, the hearing shall be rescheduled to allow reasonable notification.

State the rights of all Parties including the:

Right to be notified of court hearings

Right to copies of documents submitted to the court and court generated documents

Opportunity to be heard

Opportunity to present witnesses and evidence

Opportunity to question any witnesses



Right to a fair hearing

Right to request a Change of Order if new evidence or circumstances change in the case

Right to appeal the final decision to the Dot Lake Appellate Court within 30 days after receiving the written order

State the relationship of the Judges to the conflict of interest language for the Dot Lake Tribal Court and ask if Parties have a major concern with any Judges. If so, the Judges shall determine the course of action to take in response, including replacing a Judge with another Dot Lake Tribal Court Judge.

Ask all Parties to sign or swear an oath of truthfulness

In cases that are closed to the public, all present at the hearing shall be instructed to maintain confidentiality outside the Dot Lake courtroom proceedings.

The Presiding Judge shall then read the Petition to the Court

### **Section 9. Opening Hearings for Civil Violations:**

In cases of civil violations the Court shall follow the provisions provided in Section 8 of this Chapter and then ask the Respondent how he or she pleads: guilty, not guilty, or no contest. The Presiding Judge shall make sure the Respondent understands the pleas. The Respondent shall say what his or her plea is.

**Guilty or No Contest:** If the Respondent pleads guilty or no contest, the Judges may question the Respondent and any participants in the courtroom to gain information that will help them create an appropriate sentence during their deliberations. They may also counsel the Respondent at that time.

**Not Guilty:** If the Respondent pleads not guilty, the hearing shall be held at this time unless the Court finds it appropriate to delay in order for Parties to gather witnesses and evidence.

**Silent:** If the Respondent is present but will not say anything, the Court shall enter a plea of not guilty.

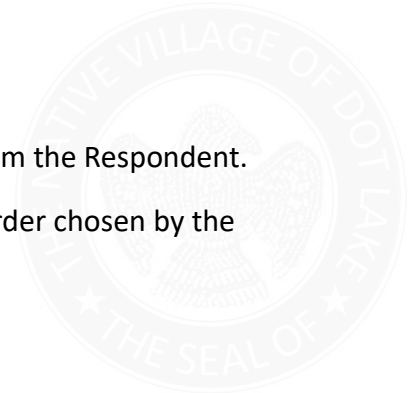
### **Section 10. General Hearing Procedures**

The Presiding Judge shall generally maintain order in the courtroom and direct the order of events.

General Order:

The Presiding Judge will first ask to hear from the Petitioner and then from the Respondent.

Petitioners and Respondents may present witness and evidence in the order chosen by the Presiding Judge.



Each Party shall be permitted to question each other and all witnesses. Judges may question anyone in the Courtroom.

When the Judges determine that all Parties have had sufficient opportunity to speak and present all testimony and evidence they feel is relevant to the case, they shall ask everyone to leave the courtroom while they deliberate.

Telephonic Connections: If anyone is connected to the hearing by teleconference, they shall state their name prior to speaking, and any visual evidence presented to the court shall be described.

Presenting Witnesses and Evidence: Petitioners and Respondents may present witness and evidence in the order chosen by the Presiding Judge. Each Party shall be permitted to question each other and all witnesses and review all presented evidence.

Judges Questioning: Judges may question anyone in the courtroom or on teleconference.

Concluding Hearings: When the Judges determine that all Parties have had sufficient opportunity to speak and present all testimony and evidence they feel is relevant to the case, they shall ask everyone to leave the courtroom while they deliberate.

Deliberations and Decision Making: Judges shall take all testimony and evidence presented into consideration during their deliberations and make their decision by consensus if possible. If consensus is not possible, the decision shall be made by majority vote.

Decisions in Writing: All formal decisions made by the Dot Lake Tribal Court regarding cases shall be written on Order forms unless otherwise specified in the Tribal Code.

## **Section 11. Emergency Hearings**

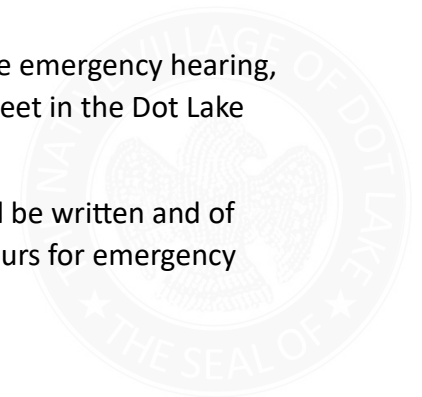
Definition: Emergency hearings shall involve matters where harm or damage to a person or property may likely occur if the Court had to wait.

Hearing upon Reasonable Proof: In cases of emergencies, the Court may hold a hearing as soon as reasonable proof of imminent harm is provided to the Court.

Notice: Notice of emergency hearings shall be given to Parties who are reasonably available to receive notice, but the Court may proceed without notice if Parties are not available to receive it.

Two Judge Minimum: A minimum of 2 Judges is necessary to conduct the emergency hearing, and may be connected telephonically if they are not physically able to meet in the Dot Lake Courtroom under short notice.

Orders of Short Duration: Orders issued during emergency hearings shall be written and of limited duration of up to 20 days for Temporary Protective Orders, 72 hours for emergency custody of children, or as otherwise stated in tribal codes.



## **Section 12. Rights of Parties**

Parties appearing before the Court shall have the following rights, which include those provided by the Indian Civil Rights Act of 1969 as amended:

Parties shall have the right to be notified of court hearings, except in cases of emergency circumstances when a Party is not reasonably available to be notified

Right to copies of Petitions, Citations, and court generated documents

Opportunity to be heard

Opportunity to present witnesses and evidence

Opportunity to question any witnesses

Right to a fair hearing

Right to hire an attorney at their own expense

Right to request a Change of Order if new evidence or circumstances change in the case

Right to appeal the final decision to the Dot Lake Appellate Court within 30 days after the Party has received a final written Order

## **Section 13. Open or Closed Courtroom**

The Dot Lake Courtroom involving domestic relations cases and/or children under 18 shall be closed to persons other than the Parties and those approved by the Dot Lake Tribal Court, except in Circles. Civil violation hearings involving persons 18 and over shall be open unless specifically closed by the Dot Lake Tribal Court.

## **Section 14. Recesses**

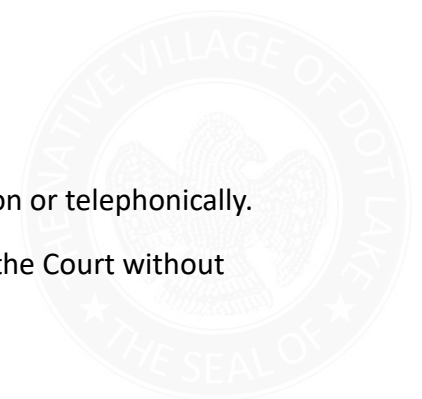
The Court may recess during any type of court hearing.

## **Section 15. Failure to Appear for a Hearing**

If Parties have been given reasonable notice of a hearing but fail to appear for the hearing, the Court may proceed with the hearing as scheduled and make a decision in the absence of the Party, or, the Court may reschedule the hearing.

## **Section 16. Attorneys in the Dot Lake Tribal Courtroom**

1. Parties may hire attorneys at their own expense.
2. Attorneys may submit written documents to the Court.
3. Attorneys shall be allowed into the Dot Lake Tribal Courtroom in person or telephonically.
4. Attorneys may speak with their clients, but may not speak directly to the Court without express permission by the Presiding Judge.



5. Attorneys that cannot abide by the provisions of this Section may be asked to leave the courtroom.

### **Section 17. Motions**

Motions are a request to the Court to ask for an action to be taken or decision to be made.

All motions to the Dot Lake Tribal Court shall be in writing.

Motions may be made by Parties, attorneys for Parties, or by persons asking to be made a Party to a case.

The Dot Lake Tribal Court Clerk shall receive motions and shall schedule a meeting of the Judges serving on that case to consider them.

The Judges may decide whether to grant the motion, to deny the motion, or to schedule a hearing on the motion.

### **Section 18. Witnesses and Associated Costs**

Witnesses may testify in person, telephonically, or through video conferencing when available.

Witnesses may submit affidavits to the Court.

The Dot Lake Tribal Court may summon witnesses to testify at the hearings by issuing a Summons to Testify.

Any travel or telephone costs associated with the testimony of witnesses summoned by the Court shall be paid by the Dot Lake Tribal Government.

### **Section 19. Evidence and Affidavits**

The Dot Lake Tribal Court shall hear all evidence it finds proper.

Hearsay evidence given under oath may be considered proper evidence.

The Dot Lake Tribal Court may Order evidence to be brought before the Court by issuing a subpoena.

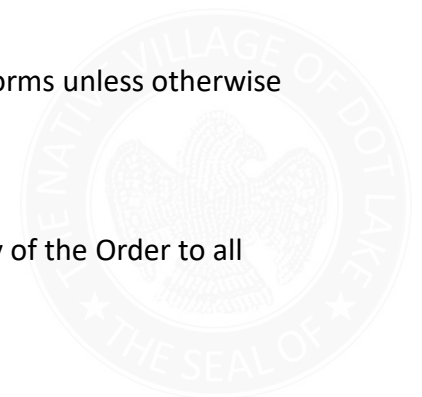
The Dot Lake Tribal Court may accept sworn Affidavits as evidence in cases if the witness is not available to testify.

### **Section 20. Tribal Court Orders**

All Orders made by the Dot Lake Tribal Court shall be written on Order forms unless otherwise specified by Code.

All written Orders and notations shall be filed in the case records.

The Clerk or other designated person shall personally give or mail a copy of the Order to all Parties to the case and file a proof of service.



## **Section 21. Request to Change Order**

Parties may request the Court for a hearing to consider changing an Order.

To make such a request, a Party shall file a Request to Change Order form with the Dot Lake Tribal Court Clerk.

The request shall state the reason the person believes a change should be made. The requesting person shall present new evidence or information to the Court to support the request.

Upon receipt of a Request to Change Order, the Clerk shall schedule a meeting with the tribal court Judges to decide whether to hear the Request or not.

A minimum of two Judges is necessary to make this decision.

The Court may deny the request, or set a hearing date to consider it and notify all Parties.

## **Section 22. Contempt of Court**

Reasons Persons may be found in Contempt of Court: A person may be found in contempt of court if he or she:

Fails to fully comply with an Order of the Dot Lake Tribal Court

Lies to the Court

Disrupts Court proceedings

Violates the Oath of Confidentiality, Fairness, and Impartiality

Violates the Dot Lake Judicial Ethical Standards

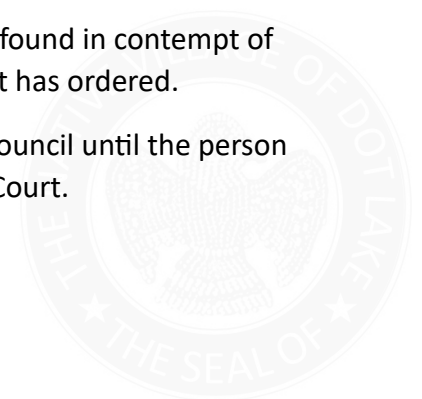
Parties or Others in the Courtroom in Contempt: Penalties for being found in contempt of court may result in orders to leave the courtroom, change in orders for their case, or other penalty as deemed suitable by the Judges to the case.

Failure to Comply for Civil Violation: Failure to comply with an Order of the Court for a civil violation may result in confiscating of personal property, referral to the State for prosecution, or withholding tribal services.

Confiscating Personal Property:

The Tribal Court may seize a person's personal property if that person is found in contempt of court by the Dot Lake Tribal Court, for not doing what the Dot Lake Court has ordered.

The property shall remain confiscated and under the care of the Tribal Council until the person complies with the Court Order to the satisfaction of the Dot Lake Tribal Court.





If the person does not comply with the Court Order within the time limits set by the Dot Lake Tribal Court, Dot Lake Tribal Court may sell the confiscated property after providing at least 60-day notice of the proposed sale to the person.

Refer for prosecution under State or Federal Law: If a person fails to comply with an Order of the Dot Lake Tribal Court on a case diverted from the state, or federal government, the case may be referred to state or federal courts for prosecution.

Withholding Tribal Services: If a person fails to complete a Court Ordered sentence for being found in Contempt, the Dot Lake Tribal Council may withhold tribal services, with the exception of health services.

Judges in Contempt:

Judges shall be in contempt of court for violating the reasons listed in A of this Section.

Additionally, Judges may be found in Contempt of Court if found in violation of the Judicial Ethical Standards in Chapter 1, Section 7 of this Title.

The Tribal Council shall determine how to handle the matter based on the facts of the situation.

Judges may be temporarily or permanently from the Dot Lake Tribal Court by a minimum of 5 affirmative votes of the Tribal Council, under procedures outlined in Chapter 1, Section 10 of this Title.

Tribal Employees in Contempt: Tribal employees shall be in contempt of court for violating any of the reasons listed in A of this Section. Employees may be subject to disciplinary action, including termination of employment.

## **Chapter 3: Dot Lake Court of Appeals**

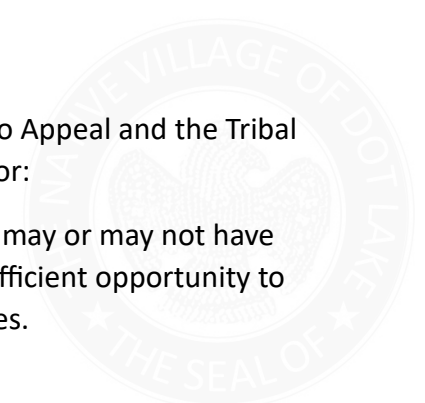
### **Section 1. Purpose and Jurisdiction of the Dot Lake Court of Appeals**

The Dot Lake Court of Appeals is established to assure that a fair judicial process is provided by the Dot Lake Tribal Court. The Dot Lake Court of Appeals shall have jurisdiction to hear appeals from the Dot Lake Tribal Court, unless restricted by express provision of the Dot Lake Tribal Codes.

### **Section 2. Appellate Court Case Review**

The Court of Appeals shall not re-hear cases, but shall review Petitions to Appeal and the Tribal Court Records of cases that have been appealed. The review shall look for:

Violations of Due Process: The Court of Appeals shall determine if there may or may not have been a failure to give sufficient notice to Parties, whether Parties had sufficient opportunity to be heard, and whether the Tribal Court provided fair and impartial Judges.



Inconsistent Application of Tribal Law: The Court of Appeals shall determine if the laws of the Dot Lake Tribe were or were not properly interpreted or applied in a consistent manner.

Lack of Jurisdiction to Hear a Case: The Court of Appeals shall determine if the Tribal Court has or does not have jurisdiction to hear the case being appealed.

### **Section 3. Composition of the Dot Lake Court of Appeals**

Tribal Council: The Dot Lake Tribal Council shall serve as the Dot Lake Court of Appeals, except that Council members may not serve on the Appellate Court under these circumstances:

They served on the case that is under Appeal

They have a conflict of interest with the case being Appealed as described in Chapter 1, Section 7 of this Title

They have been convicted of crimes listed in the Indian Child Protection and Family Violence Prevention Act of 1990 as amended, which are described in Title 3: Domestic Relations, Chapter 1, or have a history of child protection for children under their custody.

Panel of 3: The Dot Lake Court of Appeals shall be composed of a panel of 3 Judges.

Visiting Judges: If there are not 3 Council Judges who are qualified to hear an Appeal, the Council may use Visiting Judges as specified in Chapter 1, Section 11 of this Title.

### **Section 4. Clerk of the Dot Lake Court of Appeals**

The Clerk of the Dot Lake Court of Appeals shall be the same person as the Dot Lake Tribal Court Clerk, unless there is a conflict of interest. Under those circumstances the Council shall designate another person to serve as the Appellate Court Clerk on that case.

### **Section 5. Filing a Petition to Appeal**

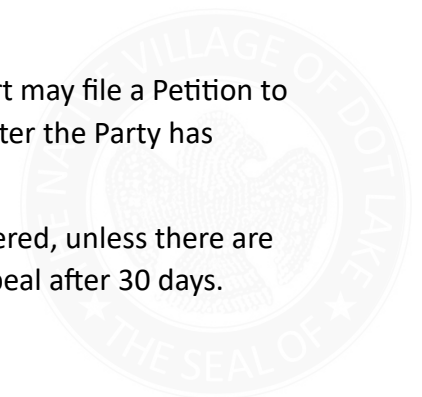
Who May Appeal a Final Order of the Tribal Court: Only a Party recognized by the Dot Lake tribal court may file an Appeal. A person who files an Appeal shall be called the Appellant.

What Orders may be Appealed: Only final Orders issued by the Dot Lake Tribal Court may be Appealed.

30-Day Timeframe to File a Petition to Appeal:

A Party who wishes to Appeal a final decision of the Dot Lake Tribal Court may file a Petition to Appeal with the Clerk of the Dot Lake Court of Appeals within 30 days after the Party has received a final written Order from the Dot Lake Tribal Court.

Appeals filed after 30 days from receipt of the Order shall not be considered, unless there are extenuating circumstances that Council deems sufficient to allow an Appeal after 30 days.



Under no circumstances may the Council allow an Appeal to be filed more than 60 days after a final Order has been received.

Information on the Petition:

The Petition to Appeal shall state the name and address of the Party who is appealing the case, the name of the case, and case number.

The Petition to Appeal shall contain a statement of why the Appellant believes that the case should come before the Dot Lake Court of Appeals. The Appeal should describe how the Dot Lake Tribal Court made a mistake in providing due process, did not appropriately interpret or apply tribal law, or does not have jurisdiction to hear their case.

A copy of the written Order the Appellant is appealing shall be attached to the Notice of Appeal.

## **Section 6. Appellate Court Procedures**

**Receiving and Notifying the Court and Parties of an Appeal:** When a Party has filed a Petition to Appeal with the Tribal Court Clerk, the Clerk shall notify the Tribal Court that a Petition has been filed. The Clerk shall notify all Parties that an Appeal has been filed and shall give a copy of the Appeal to all Parties.

**Court Case Records:** The Clerk shall assemble all documents, recordings, and transcripts of the case being Appealed. The Clerk shall prepare the records for review by the Appellate Court Judges.

**Seating the Appellate Court Judges and Clerk:** The Tribal Council shall determine who the 3 Judges for the case shall be, and if Visiting Judges need to be used. The Council shall also determine if the Tribal Court Clerk shall serve on the appellate case or whether they should select an alternate Clerk.

**Reviewing an Appeal:** The 3 Judges shall meet to discuss the Appeal and the tribal court record of the case.

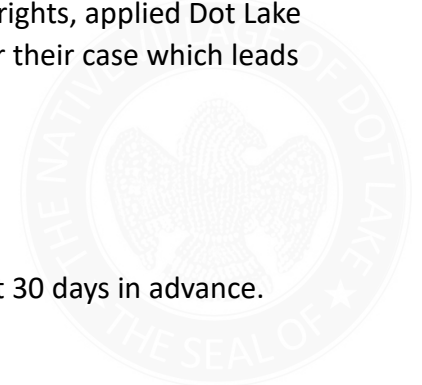
**Accepting an Appeal:**

After reviewing the Appeal and Court Record, the Appellate Court shall accept appeals only if the Petitioner describes how the Tribal Court violated their due process rights, applied Dot Lake Tribal Law inappropriately or inconsistently, or lacked jurisdiction to hear their case which leads them to believe that there is sufficient reason to hear an Appeal.

The Clerk shall then notify all Parties of their decision.

A hearing shall be set within 60 days of their decision.

Notice to all Parties regarding an appellate hearing shall be given at least 30 days in advance.



Denying an Appeal: After reviewing the Appeal and Court Record, the Appellate Judges may deny an Appeal if they decide that due process was not violated, tribal law was appropriately applied, and that the Dot Lake Tribal Court had jurisdiction over the case. The Clerk shall then notify all Parties of their decision and file a record of their decision in the case file.

### **Section 7. Hearing Procedures**

If the Appellate Court accepts an Appeal, the Court shall follow the same hearing procedures as outlined for the Dot Lake Tribal Court in Chapter 2 of this Title.

### **Section 8. Options for the Appellate Court**

The Dot Lake Court of Appeals may:

Let the Tribal Court Decision Stand: If the Appellate Court determines that there was no violation of due process, no inconsistent application of tribal law, and that the Tribal Court had jurisdiction to hear the case, the Appellate Court shall dismiss the Appeal and the Tribal Court decision shall stand; or

Send the Case Back to the Tribal Court: If the Appellate Court determines that there was a violation of due process, or inconsistent application of tribal law the Appellate Court shall send the case back to the Tribal Court to rehear. The Appellate Court shall give specific instructions to the Tribal Court to correct the violation of due process or inconsistent application of tribal law; or

Dismiss the Case: If the Appellate Court finds that the Tribal Court lacked jurisdiction to hear the case, the Appellate Court may dismiss the case. The Appellate Court may only dismiss a case if it finds that the Tribal Court lacked jurisdiction.

### **Section 9. Appellate Court Decisions**

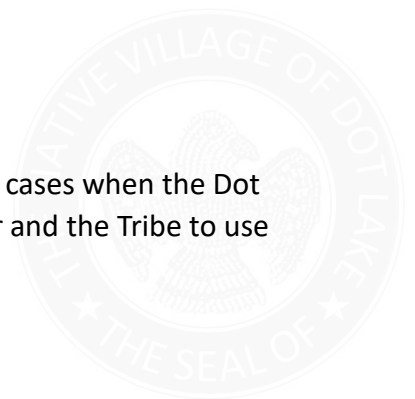
After the Dot Lake Appellate Court hears a case, the Appellate Court designee shall write a Decision of Appeal that shall be certified by the Appellate Court and filed in the Dot Lake Tribal Court records. The Clerk shall make sure that all Parties in a case receive a copy of the Decision of Appeal, and shall file a proof of service in the case records.

## **Chapter 4: Dot Lake Justice Circles**

### **Section 1. Dot Lake Justice Circles**

The Use of Justice Circles:

Justice Circles may be used for sentencing misdemeanor or civil violation cases when the Dot Lake Tribal Court Judges decide that it is in the best interest of the offender and the Tribe to use them.



Justice Circles may be used for family mediation if the Judges decide it would be in the best interest of the family to do so.

Justice Circles may be used for dispute resolution if the Judges decide it would be in the best interest of the parties to do so.

Purposes: The purposes of Dot Lake Justice Circles are to encourage responsible behavior and choices among our tribal members and residents of Dot Lake, to empower our people to participate in decision-making and problem solving when problems arise, and to preserve and promote the cultural practices and values of the Dot Lake Tribe.

Restorative Justice: The decisions and sentences designed by the Dot Lake Justice Circle shall be designed as restorative, to help and heal victims, offenders, families, the Dot Lake Tribe and Village of Dot Lake.

Fair Process: This Chapter outlines the basic procedures of Dot Lake Justice Circles and is intended to provide fair and equitable processes that are consistent with the Tribal Constitution, Tribal Codes, the requirements of the Indian Civil Rights Act, and compatible with the traditional customs and values of the Dot Lake Tribe.

## **Section 2. Deciding to use Justice Circles**

The Dot Lake Tribal Court may decide to use the Justice Circle on a case by case basis. An affirmative vote of at least 2 Tribal Court Judges shall be necessary to decide to use the Justice Circle.

## **Section 3. Justice Circle Clerk**

The Court Clerk for the Dot Lake Tribal Court shall also serve as the Clerk of the Dot Lake Justice Circle, unless the Tribal Council specifically designates another person.

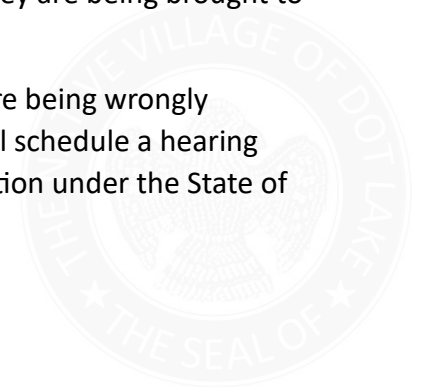
## **Section 4. Notification of Justice Circles**

A. Notifying Parties: The Tribal Court Clerk shall notify the Parties about the date, time, and place of Justice Circles. Notice shall be given at least 7 days in advance, unless the Court finds good reason to hold a Circle in less than 7 days.

Content of Notification:

The notice to the Parties shall include a copy of the Petition or reason they are being brought to the Justice Circle.

For civil violations, the notice shall state that if the Party believes they are being wrongly accused that they may immediately notify the Tribal Court Clerk who will schedule a hearing before the regular Dot Lake Tribal Court or forward the case for prosecution under the State of Alaska or Federal Court System.



Notifying Circle Participants: The Clerk shall also notify specific persons the Court identifies who they wish to sit in the Circles, or, notify the Dot Lake Community if the Court wishes the Circle to be open for all residents to participate.

## **Section 5. Circle Facilitator and Participants**

Circle Facilitator: The Facilitator of each Dot Lake Justice Circle shall be chosen by the Dot Lake Tribal Court Clerk in consultation with at least 2 Dot Lake Tribal Court Judges.

Circle Participants:

In general, participants of Justice Circles for sentencing may include family, friends, teachers, council members, tribal court Judges, law enforcement, residents and youth who are in the Village at the time of the Circle.

Participants for Circles used for family mediation or dispute resolution shall be chosen by the Dot Lake Judges.

Victims may decide if they wish to participate in the Circle or not.

The Tribal Court Clerk, or another specifically designated person, shall be present at Justice Circles in order to write the decision of the Circle on an Order form. They may choose whether or not to participate in the Circle.

## **Section 6. General Procedures of Dot Lake Justice Circles**

The Facilitator of the Circle may begin the Circle process by opening the Circle which may include a prayer or special comments from an Elder, the Facilitator, or someone in the Circle.

The Facilitator may outline the rules of the Circle and ask participants if there are any additional rules they would like to see the Circle go by. The most basic rule of the Circle is that persons shall have respect for one another. Only one person shall speak at a time, which shall be the person with the talking stick, or as directed by the Facilitator of the Circle. Personal matters shared in the Circle shall stay in the Circle, and shall not be discussed outside of the Circle.

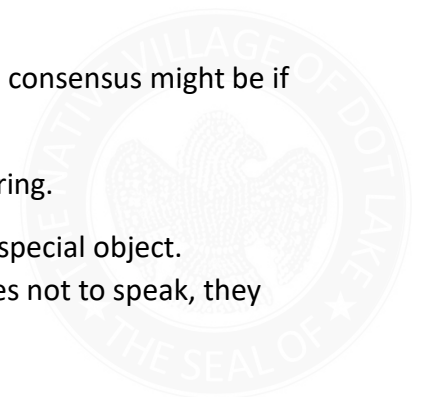
The Facilitator may then ask the participants to agree to an Oath of Confidentiality and Fairness and to agree to the rules of the Circle.

The Facilitator may explain the general process of the Circle, introductions, talking about the situation, then talking about the solution/sentencing

The Facilitator may emphasize the severity of the situation and what the consensus might be if the case was tried in the State of Alaska Court System.

The Facilitator shall state what the situation is that the Circle will be hearing.

The Facilitator shall begin the Circle by passing the talking stick or other special object. Participants shall speak only when they hold the stick. If a person chooses not to speak, they



may pass the stick on to the next person in the Circle. The discussion of the Circle shall continue in this manner unless the Facilitator directs otherwise.

The Facilitator may conduct various rounds of the Circle such as introductions, general thoughts and advice regarding the situation, specific sentencing recommendations or solutions to the situation, and closing of the Circle.

The Facilitator may summarize the highlights of what has been said after each round of discussion.

The Facilitator or other designee may write sentencing suggestions or solutions to the situation on a flipchart for all to see.

The Facilitator shall summarize the final consensus of the Circle, and make sure that it is an accurate representation of the Circle's recommendations

The Facilitator shall give the recommendations from the Circle to the Tribal Court Clerk or Judge to draft in Order form for the Tribal Court to certify.

## **Section 7. Follow-up on Circle Recommendations**

Civil Violations:

Specific Sentencing Order: The Clerk or Judge shall draft an Order with a plan containing specific sentencing activities, timeframe guidelines, who shall monitor each of the assigned activities, and proof of compliance with the Order.

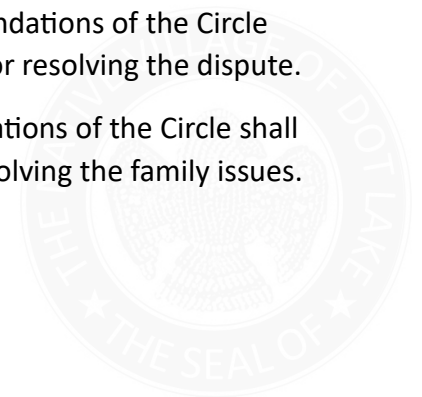
Signing the Order: At least 2 Tribal Court Judges shall approve and sign off on the Order, provided that they may make changes to the Order before signing.

Mentors: Specific adult mentors may be assigned to oversee the progress of offenders in completing their sentences. Mentors shall sign off on proof of compliance forms when an offender completes tasks assigned in Orders. Mentors shall report to the Tribal Court Clerk if an Offender fails to complete assignments made in Orders within the allowed timeframe

Failure to Comply: If an offender is not complying with an Order of the Circle, the person may be brought before the Circle again, ordered to appear before the Dot Lake Tribal Court, or the case may be referred to the State of Alaska or Federal Court System for prosecution.

Dispute Resolution: For Circles used in dispute resolution, the recommendations of the Circle shall be forwarded to the Tribal Court which may draft a plan or Order for resolving the dispute.

Family Mediation: For Circles used in family mediation, the recommendations of the Circle shall be forwarded to the Tribal Court which may draft a plan or Order for resolving the family issues.



## **Section 8. Failure to Appear for a Justice Circle**

If a Party was served with a Notice to Appear for a Justice Circle but fails to show up, the Dot Lake Justice Circle may discuss the case and make sentencing or other recommendations in the absence of the person, or, set another Circle date.

## **Section 9. Proof of Compliance with Circle Orders and Failure to Comply**

Proof of Compliance Form: If an offender is ordered to do something, the offender shall sign a Proof of Compliance form for the Tribal Court Clerk or assigned mentors within the timeframes specified in the Order.

Notify the Court for failure to Comply: The Court Clerk or assigned mentors shall notify the Court in the event the person they are monitoring does not complete the requirements of an Order within the specified timeframes.

Follow-up Circle or Hearing: The Clerk may schedule another Circle or a Court hearing and provide notice to the Party of the hearing.

Forwarding Charges: Failure to comply with a Dot Lake Justice Circle Order may result in the charges being filed in the State of Alaska or Federal Court System for prosecution.

## **Section 10. Appeals**

The Dot Lake Tribal Appellate Court shall serve as the Appellate Court for the Dot Lake Justice Circle. A person who wishes to appeal a case may file a Notice of Appeal with the Tribal Court Clerk within 30 days after receiving a written Order from the Dot Lake Tribal Court.

