



# Tribal Court Personnel

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# Demographics

What kinds of cases?

How many cases per month?

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How many Tribal Judges?

Is this a single tribal court or other -- see later on in training.



# Staffing a Tribal Court

The staffing of a tribal court is an important consideration. While the Tribal Court cannot operate without integral staff members, it is important to keep to a budget that is feasible for the amount of work required. AVCP has been working with the BIA Tribal Justice Support Directive to assist Alaska Native Tribal Courts to develop. Funding is limited and subject to funds being available.





# Potential Staff Members

1

**Clerk of Court:** The Clerk of Court is responsible for being the public representative for the Court. The importance here is that the clerk is not there to advise parties but to guide them through the court process

2

**Judge(s):** There should be at least one (1) judge and an alternative judge. If your tribe wants a panel of judges, then there are various ways to design the budget to accommodate for them.

3

**Tribal Court Administrator:** The Tribal Court Administrator position is usually used for advanced courts and for larger or complicated court systems. Sometimes, however, Tribes feel the need for a Tribal Court Administrator position in the startup phase.

4

**Bailiff:** Some innovative ways of having a bailiff are beneficial for the whole tribe. For instance, a ½ time Bailiff position can also be used as a ½ time maintenance/process server. Some Alaska Tribes have even combined this position with additional funding for a ½ time Bailiff and ½ time Tribal Police Officer.



Is the Tribal Court staff accountable to the Tribal Council?

It depends on the structure of the Tribal Court in the Constitution and the Tribal Code. If separation of powers is the goal, then the code needs to reflect the Tribal Court's autonomy.

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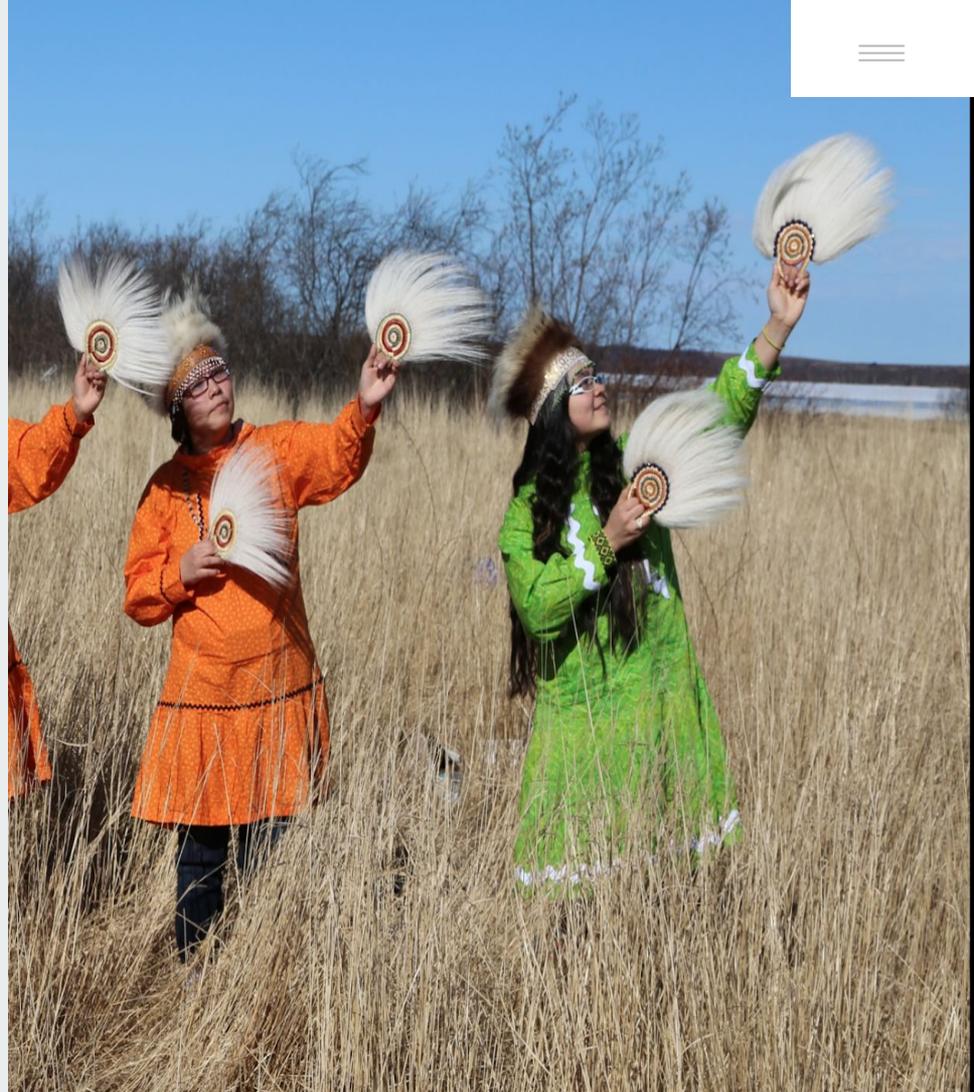
# Job Descriptions

## JUDGE:

<https://turtletalk.files.wordpress.com/2016/04/htc-chief-judge-012014-e80.pdf>

## CLERK:

<https://turtletalk.files.wordpress.com/2017/08/17-08-07-tribal-court-clerk-i.pdf>





# Tribal Court Staff Ethics:

1. Confidentiality -- must not discuss ANYTHING about cases in the public.
2. No appearance of impropriety.
3. No bias/impartiality.
4. No legal advice.
5. Service in other community boards and civic duties.
6. Criminal activity -- cannot engage. If charged with a serious crime - must wait for disposition.

**People of  
INTEGRITY  
generally make  
great judges.**





# Training Opportunities for Court Staff

<https://www.tribal-institute.org/>

<http://www.naicja.org/NAICJA-Conference>

<http://wellnesscourts.org/events/>

<http://www.swclap.org/college/>





# EXERCISE

Rebecca is the clerk of court for her tribe. It is late Friday afternoon and she is alone as the Judge left for the day. Her cousin, Martha, walks into the office and sits down. “Me and Larry are getting a divorce. Can you get me the divorce paperwork and help me fill it out Becky?”

HOW DO YOU RESPOND TO MARTHA?





## Exercise 2

You are the Judge in a Protection Order case that is scheduled for a Show Cause Hearing after a temporary emergency protection order was issued 14 days prior. You see the witnesses waiting in the waiting area on your way into the Court and see that your first cousin is a witness.

- 01** | Call all parties into the Judge's chamber and ask if they are ok with it.
- 02** | Proceed with the hearing as is.
- 03** | Proceed with the hearing, inform the parties of your conflict of interest, order that the temporary protection order is still in place and have the clerk reschedule with a different judge.





# Tribal Court Process with Staff



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## Petition or Complaint is filed in Court

Clerk of Court ensures that the paperwork is complete, notice is included, if necessary, and a Certificate of Service is provided.

## Judge Accepts the Case

Clerk presents Petition or Complaint to the Chief Judge and Judge accepts the case or assigns it if necessary.



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## Hearing is Scheduled

The Clerk of Court schedules a hearing and confirms the hearing notice with the Judge and sends out in a suitable amount of time before the hearing.



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**Thank you. Questions?**

