

Subpart D Administration of the Court

D-1 Court Rules

The Chief Judge of the Tribal Court shall promulgate rules to govern court proceedings, subject to the approval of Tribal Council, provided that such rules shall not abridge, enlarge or modify any substantive rights and shall preserve the right of trial by jury as provided in Subpart F-6 of this Code.

D-2 Tribal Court Fees & Costs

(a) The following shall constitute the fee schedule for Tribal Court cases.

1. Civil Petitions. There will be a one hundred and thirty-two dollar (\$132.00) filing fee assessed on anyone filing a Civil Petition in Tribal Court against another party.
2. Domestic Relations. For domestic relations matters (e.g., divorce, custody, paternity, adoption) the filing fee is one hundred and thirty-seven dollars (\$137.00).
3. Administrative Appeals. For appeals from administrative or regulatory decisions to the Tribal Court, the fee is one hundred and seventeen dollars (\$117.00).
4. Foreign Judgments. The fee for filing a petition to enforce a foreign judgment is one hundred and seventeen dollars (\$117.00).
5. Traffic Citation Hearings. For all traffic hearings, the court cost is seventy-five dollars (\$75.00).
6. Default Judgments. There is a twenty dollar (\$20.00) fee for a default judgment rendered by the Court.
7. Garnishments. There is a one hundred and seventeen dollar (\$117.00) fee for each garnishment filed for recognition in the Tribal Court.
8. Appeals. The filing fee to appeal a case to the Court of Appeals is one hundred dollars (\$100.00).

(b) The following shall constitute the other fees and costs for Tribal Court services.

1. Service of Process. There is a twenty dollar (\$20.00) fee for service of process.
2. Bar Admission Fees. Attorneys shall pay the following fees in order to practice in the Tribal Court:
 - A. Seventy-five dollar (\$75.00) fee due at admission.

- B. Annual renewal fee (due January 15) of twenty-five dollars (\$25.00).
- C. No fee is required for attorneys appointed by Legal Services, attorneys employed by the Pueblo of Pojoaque, or lay advocates.
- 3. Copies. Each page of a legal document copied by the Court Clerk is twenty-five cents (\$0.25). Copies of CDs or DVDs are five dollars (\$5.00) each.
- 4. Certified Copies. The fee for certified copies of court documents shall be fifteen dollars (\$15.00) plus fifty cents (\$0.50) per page.
- 5. Research and Retrieval. For research and retrieval by Tribal Court staff, the fee is twenty-five dollars (\$25.00) per hour, plus fifty cents (\$0.50) page.
- 6. Notary Services. The fee for each signature that is to be notarized is five dollars (\$5.00) per signature.
- 7. Returned Check Fee. A thirty-six dollar (\$36.00) fee shall be imposed for any check returned by an individual's bank for non-payment.

D-3 Court Fees & Costs Guidelines

(a) The fees in Subpart D-2 are not exhaustive and nothing shall prevent the Court from assessing additional fees and costs in accordance with relevant provisions of the Law and Order Code. These fees may include, but are not limited to:

- 1. Witness fees;
- 2. Juror fees;
- 3. Incarceration costs; and
- 4. Fines for contempt of court.

(b) Tribal Officials or Tribal Representatives acting in an official capacity on behalf of the Pueblo are excluded from filing fees.

(c) No fee shall be charged for filing a Domestic Violence Petition.

(d) The Court may waive fees in cases of indigency.

(e) Should the Tribal Court rule in favor of the Petitioner, the Judge may order the Respondent to reimburse the Petitioner for filing fees and Court costs.

D-4 Coroners

(a) The Governor of the Pueblo of Pojoaque may appoint one or more coroners to serve the Pueblo of Pojoaque. Such coroners shall serve without pay but may be reimbursed for actual and necessary expenses upon presentation of proper vouchers of the Governor of the Pueblo.

(b) Whenever a coroner is informed that an Indian has died within the Pueblo, the coroner shall go to the place where the body is located and inquire into the cause of death.

(c) After inspecting the body and conferring with a physician, if the coroner himself is not a physician, the coroner shall make a written report stating the following facts, if known:

1. The name and census number of the dead person;
2. When and where he died and the circumstances of his death;
3. The cause of death;
4. Who caused the death, if caused by act, whether criminal or not;
5. What property is found on the body, other than clothing of ordinary value; and
6. Where the coroner is not a physician, the name and address of any physician consulted.

(d) The coroner shall submit copies of the report to the Pueblo of Pojoaque Police, to the Governor and to the Bureau of Indian Affairs Agency Superintendent.

D-5 Tribal Police

The Governor of the Pueblo shall be recognized as commander of the Tribal Police of the Pueblo of Pojoaque and shall be held responsible for the general efficiency and conduct of the members thereof. It shall be the duty of the Governor or his duly authorized representatives to keep himself informed as to the efficiency of the Tribal Police in the discharge of their duties, to subject them to regular inspection, to inform them of their duties and keep a strict accounting of the equipment issued them in connection with their official duties. It shall be the duty of the Governor to detail such Indian Policemen as may be necessary to carry out the orders of the Tribal Court and to preserve order during Court sessions. The Governor shall investigate all reports and charges of misconduct on the part of Pueblo policemen and shall exercise such proper disciplinary measures as may be consistent with existing regulations.

D-6 Police Training

(a) It shall be the duty of the Governor to maintain from time to time, as circumstances require and permit classes or instruction for the Tribal Policemen. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and humane handling

of prisoners, the keeping of records of offenses and the duties of the police in relation thereto and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation of Pueblo of Pojoaque residents in establishing better social relations.

1. A candidate must be in sound physical condition and of sufficient size and strength to perform the duties required.
2. He must possess courage, self-reliance, intelligence, and a high sense of loyalty and duty.
3. He must never have been convicted of a felony, nor have been convicted of any misdemeanor for a period of one year prior to appointment.

(b) The duties of a Pueblo policeman shall be:

1. To obey promptly all orders of the Tribal Police commissioner or the Governor when assigned to that duty;
2. To lend assistance to brother officers;
3. To report and investigate all violations of any law or regulation coming to his notice or reported for attention;
4. To arrest all persons observed violating the laws and regulations for which he is held responsible;
5. To inform himself as to the laws and regulations applicable to the Pueblo of Pojoaque and the laws of arrest;
6. To prevent violations of the laws and regulations;
7. To report to his superior officer all accidents, births, deaths or other events or impending events of importance;
8. To abstain from the use of intoxicants or narcotics and to refrain from engaging in any act that would reflect discredit upon the Tribal Police Department;
9. To refrain from the use of profane, insolent, or vulgar language;
10. To use no unnecessary force or violence in making an arrest, search or seizure;
11. To keep all equipment furnished to him in reasonable repair and order;

12. To report the loss of any and all property issued by the Federal Government in connection with official duties; and

13. To collect and issue receipts for bail.

D-7 Dismissal

The Governor may remove any Tribal Policemen for any noncompliance with the duties and requirements as set out in the police duty guidelines or for neglect of duty.

D-8 Return of Equipment

Upon resignation, death or discharge of any member of the Tribal Police, all articles or property issued him in connection with his official duties must be returned to the Governor or his representatives.