

**PRAIRIE ISLAND MDEWAKANTON DAKOTA COMMUNITY
JUDICIAL CODE
Title 1: Courts**

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PRAIRIE ISLAND MDEWAKANTON DAKOTA COMMUNITY

Judicial Code

TITLE 1: COURTS

CHAPTER I ESTABLISHMENT AND OPERATION

Section 1. *Establishment of Court.*

There is hereby established the Prairie Island Mdewakanton Dakota Community Tribal Court. The Tribal Court shall consist of a Trial Court, Children's Court and an Appellate Court.

Section 2. *Appropriations.*

- (a) The Tribal Council shall appropriate and authorize the expenditure of Tribal funds for the operation of the Tribal Court. The amounts to be appropriated shall be consistent with the needs of the Tribal Courts for proper administration of justice within the Reservation and for the Tribe as determined by the Tribal Council.
- (b) To assist the Tribal Council in making such appropriations, the Chief Judge of the Tribal Court shall submit proposed budgets and reports of expenses and expenditures to the Tribal Council, at such intervals and in such form as may be prescribed by the Tribal Council. Such budgets and reports shall include the operation of the office of the Clerk of Court.
- (c) The Tribal Council may prescribe a system of accounting for funds received from any source by the Courts of the Tribe and the Clerk of Court.

Section 3. *Tribal Designation.*

Wherever the formal designation "Community" appears in this Judicial Code, such designation shall also refer to Prairie Island Mdewakanton Sioux Tribe, also known as the Prairie Island Mdewakanton Dakota Tribe. Any reference to "Tribal Code" shall mean Prairie Island Mdewakanton Dakota (Sioux) Community Judicial Code.

CHAPTER II JURISDICTION

Section 1. *Prairie Island Mdewakanton Dakota Community Tribal Court Jurisdiction.*

The jurisdiction of the Tribal Court shall extend to:

- (a) The Prairie Island Mdewakanton Dakota Reservation, including all land held in trust by the United States for the Minnesota Mdewakanton Sioux Indians within the confines of the Prairie Island Indian Reservation on May 23, 1936, when the Constitution and Bylaws of the Prairie Island Indian Community were adopted and such other lands as may be or have been acquired within or without said boundary lines by the Department of the Interior or the Community for our use in the State of Minnesota.
- (b) All persons within any geographical area referred to in Subsection (1) above who are subject to the jurisdiction and governmental power of the Tribe, to the extent not prohibited by federal law.
- (c) All members of the Tribe, wherever located, exercising tribal rights pursuant to federal, tribal or state law.
- (d) All persons and property outside the exterior boundaries of the Reservation included within the jurisdiction of the Tribe pursuant to federal or tribal law, including any person who personally or through an agent does any of the following insofar as a cause(s) of action arises from the doing of such act:
 - (1) The transaction of business on the Reservation;
 - (2) The commission of a tortious act on the Reservation;
 - (3) Contracting to insure any person, property or risk located on the Reservation at the time of contracting;
 - (4) The act of sexual intercourse on the Reservation with respect to which a child may have been conceived;
 - (5) Living in a marital relationship on the Reservation notwithstanding subsequent departure from the Reservation, as to all proceedings authorized by Title 3 of this Code as long as the petitioning party and, if an action under Chapter III of Title 3, has continued to reside on the Reservation.
- (e) (1) The Courts of the Prairie Island Mdewakanton Dakota Community shall have exclusive original and appellate jurisdiction in all matters in which the Prairie Island Mdewakanton Dakota Community or its officers or employees are parties in their official capacities.

- (2) Nothing contained in the preceding paragraph or elsewhere in this Judicial Code shall be construed as a waiver of the sovereign immunity of the Tribe or its officers or enterprises. Waivers may only be valid if unequivocally expressed by formal resolution of the Tribal Council.
- (f) The jurisdiction invoked by this Code over any person, cause of action, or subject shall be concurrent with any valid jurisdiction over the same of the courts of the United States, any state, or any political subdivision thereof; provided, however, this Code does not recognize, grant, or cede jurisdiction to any other political or governmental entity in which jurisdiction does not otherwise exist in law.

Section 2. *No Acceptance of State Jurisdiction.*

Nothing in this Code shall be deemed to constitute acceptance of or deference to the jurisdiction of the State of Minnesota over any civil matter, where such jurisdiction does not otherwise exist.

Section 3. *Suits Against the Tribe.*

- (a) Sovereign Immunity of Tribe. The sovereign immunity from suit of the Tribe and every elected Tribal Council member or tribal official with respect to any action taken in an official capacity or in the exercise of the official powers of any such office, in any court, federal, state or tribal is hereby affirmed; nothing in this Code shall constitute a waiver of the Tribe's sovereign immunity. The Tribal Court shall have no jurisdiction over any suit brought against the Tribe in the absence of an unequivocally expressed waiver of that immunity by the Tribal Council.
- (b) Tribal Action Not Waiver of Sovereign Immunity. No enforcement action taken pursuant to this Code, including the filing of an action by the Tribe or any agency of the Tribe in the Tribal Court, shall constitute a waiver of sovereign immunity from suit of the Tribe, or any elected Tribal Council member or tribal official with respect to any action taken in an official capacity, or in the exercise of the official powers of any such office, either as to any counterclaim, regardless of whether the counterclaim arises out of the same transaction or occurrence, or in any other respect.
- (c) Waiver of Sovereign Immunity. The sovereign immunity of the Tribe and any elected Tribal Council member or tribal official with respect to any action taken in an official capacity, or in the exercise of the official powers of any such office, in any action filed in the Tribal Court with respect thereto, may only be waived by a formal resolution of the Tribal Council after consultation with its attorneys. All waivers shall be unequivocally expressed in such resolution. No

waiver of the Tribe's sovereign immunity from suit may be implied from any action or document. Waivers of sovereign immunity shall not be general but shall be specific and limited as to duration, grantee, action, and property or funds, if any, of the Tribe or any agency of the Tribe subject thereto. No express waiver of sovereign immunity by resolution of the Tribal Council shall be deemed a consent to the levy of any judgment, lien or attachment upon property of the Tribe or any agency of the Tribe other than property specifically pledged or assigned therein.

Section 4. *Inclusion of language from other laws.*

Inclusion of language, definitions, procedure, or other statutory or administrative provisions of the State of Minnesota or other state or federal entities in the Prairie Island Mdewakanton Dakota Community Judicial Code shall not be deemed an adoption of that law by the Prairie Island Mdewakanton Dakota Community and shall not be deemed an action deferring to state or federal jurisdiction within the Prairie Island Mdewakanton Dakota Community where such state or federal jurisdiction may be concurrent or does not otherwise exist.

**CHAPTER III
JUDGES**

Section 1. *Number of Judges.*

There shall be a Tribal Court consisting of a Chief Judge and two Associate Judges. By resolution, the Tribal Council may increase the number of Associate Judges.

Section 2. *Terms.*

Each Judge of the Tribal Court shall sit for a term of two years and shall be eligible for reappointment to successive terms of two years each. A person appointed to fill an existing vacancy created by the death, resignation, or removal for cause of a Judge shall be appointed initially only for the unexpired portion of the term for which the appointment is made, subject to eligibility for reappointment for the next full term. The first term of the initial Judges of the Tribal Court shall commence on the date on which the Code becomes effective, and those terms shall expire two years thereafter. All subsequent terms of Judges of the Tribal Court shall expire on the first day of the same month bi-annually thereafter. If the number of Associate Judges is increased pursuant to resolution, to be effective on some date other than the commencement of judicial terms as prescribed by this Code, the additional offices shall be filled by initial appointments as though they were vacancies, for the period of time prior to the commencement of the next full judicial term. Initial interim appointments shall be made pursuant to Title 3, Introduction, Section 3.

Section 3. *Appointment.*

All Judges of the Tribal Court shall be appointed by the Tribal Council, with the Chief Judge specifically appointed to that office.

Section 4. *Qualifications.*

Any person 25 years or older shall be eligible to serve as a Judge of the Tribal Court, except the following:

- (a) The Clerk of Court, Assistant Clerks, and members of the Tribal Council; however, a Tribal Council member may be appointed to an interim position as set forth in Section 3 of the Introduction to the Prairie Island Mdewakanton Dakota Community Domestic Relations Title to this Code.

- (b) Those who have been convicted by a court of the United States or of any State of the United States for a felony, as a felony is defined by the laws of that jurisdiction or misdemeanor within one year immediately preceding the proposed appointment.

Section 5. *Children's Judge and Court.*

The Associate Judge(s) in addition to general judicial duties, may serve as a Children's Court Judge. The designation of a Children's Court Judge from among the Associate Judges shall be made by the Chief Judge. An incumbent Associate Judge serving as Children's Court Judge shall not be relieved of the duties of the latter during her/his term as Associate Judge, except upon her/his request to the Chief Judge or upon her/his removal for cause from the Tribal Court. The Children's Court shall be a division of the Tribal Court but it shall conduct its functions and proceedings separately from all other functions and proceedings of the Tribal Court.

Section 6. *Salary.*

The Chief Judge and the Associate Judges shall be paid either a salary to be determined by the Tribal Council or pursuant to the terms of a contract approved by resolution of the Tribal Council. The salary of any Chief Judge or Associate Judge shall not be reduced during her/his term of office.

Section 7. *Conflicts of Interest.*

No judge shall officiate in any proceeding in which she/he has any personal interest, or in which any party, witness or counsel is related to her/him by blood or marriage, within the third degree, or in which any party, witness or counsel stands in the relationship to the Judge of ward, attorney, client, employer, employee, landlord, tenant, business associate, creditor or debtor.

Note of Amendment: This section was amended on January 5, 1995 by Community Council Resolution Number 95-1-5-3.

Section 8. *Deputy Judges.*

The Tribal Council may by resolution appoint additional persons as Deputy Judges of the Tribal Court, except that only members of federally-recognized Indian tribes, if other than the Prairie Island Mdewakanton Dakota Tribe, may be appointed to serve as Deputy Judges. Each appointment shall be personal and shall not create an office which survives the death, resignation or removal of the appointee. After her/his appointment, a Deputy Judge shall be responsible to the Chief Judge for the performance of such specific duties as may be assigned her/him by the Chief Judge or by resolution of the Tribal Council, and she/he shall serve until cases specifically assigned her/him have been completed, or at the pleasure of the Tribal Council, whichever shall be later.

- (a) A Deputy Judge shall perform the duties and functions of a Judge of the Tribal Court as may be delegated to her/him by resolution of the Tribal Council or by the Chief Judge, subject to any restrictions or limitations prescribed by resolution of the Tribal Council or the Chief Judge, as the case may be. The findings, rulings, opinions, and orders of a Deputy Judge in matters properly submitted to her/him shall be signed "Judge of the Tribal Court" and shall have the same force and effect as if made and entered by the Chief Judge or an Associate Judge.
- (b) Subject to any restrictions or limitations imposed by the Chief Judge, a Deputy Judge shall have all of the prerogatives and authority of office of an Associate Judge.
- (c) The Tribal Council shall prescribe the compensation for each Deputy Judge when she/he is appointed, which may be by salary, by per diem allowance while she/he is performing judicial duties, or other appropriate formula. The rate of compensation for an individual Deputy Judge shall not be reduced during her/his period of service in that office without the approval of the Tribal Council.
- (d) The eligibility of a person to serve as Deputy Judge shall be the same as that prescribed by this Code for any other Judge of the Tribal Court in addition to the qualification of Chapter III, Section 8 of this Title; the provisions of Chapter III, Section 7 shall be applicable to Deputy Judges.
- (e) In any case filed in Tribal Court which involves any action of a Tribal officer or member of the Tribal Council acting in her/his official capacity, any party shall have the right and the Tribal Council shall have the option to have the matter determined by a Deputy Judge who is not an enrolled member of the Tribe or a resident of the Reservation. Under this subsection, the Deputy Judge shall be selected by the Tribal Council from a list of not fewer than three Tribal Court Judges provided by the National American Indian Court Judges' Association upon written request of the Tribal Council. Upon the appointment of such Deputy Judge, any litigant shall have the right to file an affidavit of conflict of interest against such Deputy Judge and the Tribal Council shall review such

affidavit and may remove such Deputy Judge for cause provided in Chapter III, Section 7 hereof and appoint another Deputy Judge from the list of judges supplied by the National American Indian Court Judges' Association.

This sub-section shall not be deemed as a waiver of the Tribe's or any Tribal official's sovereign immunity from suit.

- (f) In any appeal from the decision of a trial Judge, whether Chief, Associate, or Deputy, an Appeals Tribunal of three (3) justices may be constituted from the remaining judges, with the appointment of one (1) deputy justice to complete the panel. If the remaining judges cannot serve for any reason, including disqualification pursuant to Chapter III, Sections 7, 8(e) or 10 herein, three (3) deputy justices may be appointed. Additionally, an appeals tribunal of three (3) justices may be constituted by appointment by the Tribal Council from a list of not fewer than five Tribal Court judges provided by the National American Indian Court Judges' Association upon written request of the Tribal Council, provided, however, that no person removed as a Judge by affidavit of conflict of interest pursuant to Subsections (7) and 8(e) above shall be included on such list. A litigant shall have the right to file an affidavit of conflict of interest against justices on an Appeals Tribunal so constituted or consisting of assigned Deputy Appeals Justices as provided in Chapter III, Sections 7 and 8(e). Such justices of an Appeals Tribunal so constituted shall serve until cases specially assigned them have been completed, or at the pleasure of the Tribal Council whichever shall be later. Such justices of an Appeals Tribunal so constituted may only be removed prior to completion of assigned matters by the Tribal Council pursuant to the provisions of this Code for the removal of a judge of the Tribal Court, Section 10 of this chapter.

Section 9. *Oath of Office.*

Each person, prior to assuming the office of Judge or Justice of the Tribal Court, shall take the following oath before the Chairperson of the Tribal Council:

"I swear (or affirm) that I will support and defend the Constitution, By-laws, and laws of the Prairie Island Mdewakanton Dakota Community, and the Constitution of the United States, and that I will faithfully and diligently perform the duties of (Chief Judge, Associate Judge, Deputy Judge, Appellate Justice, as applicable) of the Tribal Court, to the utmost of my ability, with impartiality and without improper favor, to the end that justice may be fully served."

Section 10. *Removal From Office.*

The Tribal Council may remove any Judge or Justice of the Tribal Court for cause based upon any of the following grounds:

- (a) Misconduct or incompetence in the performance of her/his duties as Judge.
- (b) Personal conduct involving moral turpitude, whether or not related to judicial duties, or conduct which brings the prestige of her/his office or that of the Tribe into public disrepute.
- (c) Habitual neglect of her/his duties as Judge or Justice.
- (d) Persistent illness or other disability which renders her/him incapable or otherwise unable to regularly perform her/his duties as Judge or Justice.

Such removal shall be by an affirmative vote of two-thirds of the Tribal Council at a valid meeting called for the purpose of considering such removal, provided that the subject Judge or Justice shall be given a full hearing and fair opportunity to present testimony and evidence in her/his behalf, and to cross-examine and rebut all witnesses and evidence considered by the Tribal Council in support of removal. The subject Judge or Justice shall be given not less than ten (10) days written notice in advance of the hearing, which notice shall include an itemization of the charges or grounds for removal which are to be considered. Such notice shall be served by registered or certified mail, or delivered personally to her/him by a party duly authorized by the Tribal Council.

CHAPTER IV CLERK OF COURT

Section 1. *Appointment, Salary, Discharge.*

All judges and the Clerk of the Tribal Court shall be appointed by the Tribal Council. The Tribal Council may appoint assistants for the Clerk. The Tribal Council shall prescribe the salaries of the Judges, Clerk of Court and any assistants which shall be paid by the Tribe. Any person serving as Clerk or as Assistant Clerk may be discharged from that position pursuant to unanimous vote of the Tribal Council.

Section 2. *Duties.*

The Clerk shall be responsible for the administration of the Tribal Court, and for such other administrative and ministerial duties as may be prescribed by this Code or assigned to her/him by the Tribal Council or the Chief Judge. The duties of the Clerk shall include but shall not be limited to the following:

- (a) Maintaining records of all Tribal Court proceedings to include identification of the title and nature of all cases, the names of the parties, the substance of the complaints, the names and addresses of all witnesses, the dates of hearings and trials, names and addresses of all parties and witnesses appearing at all hearings and trials, all Tribal Court rulings and jury decisions, findings, orders and judgments, and any other facts or circumstances decided by the judges of the Tribal Courts or deemed of importance by the Clerk of Court.
- (b) Maintaining all pleadings, documents, and other materials filed with the Tribal Court.
- (c) Maintaining all evidentiary materials, transcripts, and records of testimony filed with the Tribal Court.
- (d) Collecting and accounting for fines and other monies and properties taken into custody by the Tribal Court.
- (e) Preparing and serving notices, summons, subpoenas, warrants, rulings, findings, opinions, and orders as prescribed by this Code and as may be designated by the Judges of the Tribal Court.
- (f) Assisting persons in the drafting and execution of complaints, petitions, answers, motions and other pleadings and documents for Tribal Court proceedings; provided, however, the Clerk and her/his assistants shall not give advice on questions of law, nor shall they appear or act on behalf of any person in any Tribal Court proceedings.
- (g) Administering oaths and witnessing execution of documents.
- (h) Maintaining a supply of blank forms to be prescribed by the Tribal Court for use by all persons having business before the Tribal Court.
- (i) Providing copies of documents in Tribal Court files to other persons upon request, and upon receipt of a charge therefor to be prescribed by the Clerk to cover the costs of such services; provided, however, there shall be no charge for such service to the Judges of the Tribal Court, and provided further, no copies of documents or material shall be provided from files which are to be kept confidential or unavailable for public inspection pursuant to any provisions of this Code or other ordinance of the Tribal Council, or if prohibited by any court order.
- (j) Providing security for all files, documents and materials filed with or in the custody of the Tribal Court, and insuring that they are not removed from the

offices of the Clerk and the Tribal Courts except upon the specific instructions of a Judge of the Tribal Court.

- (k) Maintaining a library of laws, regulations, orders, opinions, and decisions of the United States and its administrative agencies and courts, the Tribal Council and the Courts of the Tribe, and of the various states, insofar as they may be pertinent to the administration of justice for the Tribe, and within the Reservation. The acquisition of such materials shall be subject to appropriations of funds therefore by the Tribal Council. Materials in the library shall be available for use in the office of the Clerk during normal working hours by any person subject to the jurisdiction of the Tribal Court, and her/his authorized representative.
- (l) Performing such other duties related to the operation of the Court, other than those specifically performed by a judge, as the Tribal Council shall designate.

CHAPTER V COUNSEL

Section 1. *Legal Representation.*

Any person who is a party in any civil trial or proceedings before the Tribal court may represent herself or himself, or be represented by any other member of the Tribe, except the Clerk, an Assistant Clerk, a Judge of Tribal Court, a member of the Tribal Council, or a Tribal game warden; or be represented by a professional attorney who is not a member of the Tribe, but who is licensed to practice law before the Tribal Court.

Section 2. *Tribal Licensing of Professional Attorneys.*

Professional attorneys who are not members of the Tribe may appear on behalf of any party in any trial proceeding before the Tribal Court, provided they are licensed to practice law before the Tribal Court. Such license shall be issued upon compliance with the following:

- (a) Filing with the Clerk an affidavit that the applicant is licensed to practice law before the highest court of any state.
- (b) Filing with the Clerk of Court an affidavit that the applicant has studied and is familiar with the Constitution and By-laws of the Tribe, this Code, all other Ordinances of the Tribe, Title 25 of the United States Code, and Title 25 of the Code of Federal Regulations.
- (c) Paying an annual license fee of one hundred dollars (\$100.00).
- (d) Taking the following oath before the Clerk of Court:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and By-laws of the Prairie Island Mdewakanton Dakota Community; I will maintain the respect due to the Tribal Court and its judicial officers; I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly valid or debatable under the law;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and I will never seek to mislead any judge or jury by any artifice, or by false statement or misrepresentation of fact or law;

I will employ in the conduct of my duties the highest degree of ethics and moral standards with which my profession is charged, and I will be guided at all times by the quest for truth and justice;

In the conduct of my duties as an attorney I will not impugn the morals, character, honesty, good faith, or competence of any person, nor advance any fact prejudicial to the honor or reputation of any person, unless required by the justice of the cause with which I am charged."

Section 3. *Revocation of Professional Attorney's Tribal License.*

A license issued pursuant hereto may be revoked or suspended by the Tribal Court. Such action may be taken on its own motion or upon sworn complaint by any member of the Tribe. Revocation or suspension shall be ordered only after written notice to the licensee of the motion or complaint and after a hearing before all judges of the Tribal Court unless a conflict of interest prohibits such participation. Following a hearing, the Tribal Court may revoke or suspend the license upon a finding that the licensee has been disbarred or suspended from the practice of law by any court of the United States, any State, Tribal Court or has filed a false affidavit with the Clerk to obtain her/his license, or has violated her/his oath made before the Clerk of Court or has engaged in misconduct or unethical conduct in the performance of her/his duties as an attorney, has violated her/his oath or has been found in contempt of court by the Tribal Court.

**CHAPTER VI
CONTEMPT OF TRIBAL COURT**

Section 1. *Definition of Contempt.*

Willful misbehavior by any person which disrupts, obstructs, or otherwise interferes with the conduct of any proceeding by the Tribal Court, or which obstructs or interferes with the administration of justice by the Tribal Court, or which constitutes disobedience or resistance to or interference with any lawful summons, subpoena, process, order, rule, decree or command of the Tribal Court shall constitute contempt of Tribal Court. The willful failure of a party to comply with the terms of a judgment directed against her/him, with which she/he is able to comply, shall be contempt of the Tribal Court which shall be punished by the Tribal Court in the manner prescribed by this Code.

Section 2. *Contempt in Presence of Court.*

When contempt of Tribal Court is committed in the presence of a Tribal Judge it may be punished summarily by that Tribal Judge. In such case an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt, and prescribing the punishment therefor in accord with Chapter VI, Section 4 of this Code.

Section 3. *Contempt Outside Presence of Court.*

When it appears to the Tribal Court that a contempt may have been committed out of the presence of the Court, the Tribal Court may issue a summons to the person so charged directing her/him to appear at a time and place designated for a hearing on the matter. If such person served with the summons fails to appear at the time and place so designated, the Tribal Court shall conduct a hearing, and if it finds her/him guilty of contempt, an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt, and prescribing the punishment therefor in accord with Chapter VI, Section 4 of this Code.

Section 4. *Punishment for Contempt.*

Any person found in contempt of court or of any ordinances of the Tribe is amenable to a civil fine not to exceed \$200.00 as may be determined by a Judge of the Tribal Court.

**CHAPTER VII
GENERAL COURT PROCEDURES**

Section 1. *Assignment of Cases to Judges.*

Subject to the provisions of this Code for jurisdiction of the Children's Court, the Chief Judge shall be responsible for assignment of cases and other matters for determination or disposition to the respective Judges of the Tribal Court.

Section 2. *Court Rules and Procedures.*

The Chief Judge and Associate Judges of the Tribal Court may establish and promulgate rules of procedure for the conduct of its proceedings which are not inconsistent with this Code or other governing and applicable law.

Section 3. *Sessions of Court.*

The Tribal Court shall hold regular sessions of court at least two days each month, commencing at such time as designated by the Clerk in consultation with presiding judges for that day. Such regular sessions shall be held at a designated Courtroom of the Tribe. The Chief Judge shall provide notice to the public by appropriate method as to the days so assigned. Special sessions of the Tribal Court may be called by the Chief Judge at any time or, in her/his absence by an Associate Judge. Individual Judges may conduct trials or other proceedings for individual cases assigned to them at such times as they may designate, and such trials or proceedings may be recessed and reconvened from time to time by the Judges until they are completed.

Section 4. *Means to Carry Jurisdiction Into Effect.*

When jurisdiction is vested in the Court, all the means necessary to carry such jurisdiction into effect are also included; and in the exercise of its jurisdiction, if the course of proceedings is not specified in this Code per the rules promulgated by the Court pursuant to this Title or Title 2 of this Code, the Court may adopt any suitable process or mode of proceeding which appears to the Court to be fair and just and most consistent with the spirit of Prairie Island Mdewakanton Dakota Community Tribal law.

Section 5. *BIA Relations With the Courts.*

No employee of the Bureau of Indian Affairs shall obstruct, interfere with, or control the functions of the Court, nor shall she/he influence such functions in any manner.

Section 6. *Law Applicable in Civil Actions.*

- (a) In all civil actions the Tribal Court shall apply this Code, all amendments thereto, all tribal laws enacted hereafter and all customs and usages of the Tribe. In the event any doubt arises as to the customs and usages of the Tribe, the Court may request the advice of tribal members familiar with tribal customs and usages.
- (b) In the event that an issue arises in an action which is not addressed by this Code, all amendments thereto, all tribal laws enacted hereafter and all customs and usages of the Tribe, the court may apply statutes, regulations and case law of any tribe or the federal government or state. Application of such law shall not be deemed an adoption of such law or an action to defer to the jurisdiction from which that law originates.

**CHAPTER VIII
FOREIGN JUDGMENTS**

Section 1. *Definition--Foreign Judgments.*

A "foreign judgment" is any final judgment, decree or order (including child support order) of a court of the United States or any other court which is entitled to full faith and credit in the Prairie Island Indian Community. The Tribe shall grant full faith and credit to judgments from other courts, provided the other court jurisdiction grants full faith and credit to judgments from the Tribal Court.

Section 2. *Filing and Status of Foreign Judgments.*

A certified copy of any foreign judgment may be filed in the office of the Court Administrator for the Tribal Court. The Court Administrator shall treat the foreign judgment in the same manner as a judgment from the Tribal Court. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of the Tribal Court, and may be enforced or satisfied in like manner.

Section 3. *Fees.*

Any person filing a foreign judgment shall pay to the Court Administrator the same fee as provided for filing a civil action in Tribal Court. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the Tribal Court.

Note of amendment: Chapter VIII was added to the code by passage of Tribal Council Resolution No. 95-7-10-74 on July 10, 1995.