

USER GUIDE TO LTBB TRIBAL COURT

“Where can I find the LTBB Court rules and procedures?”

- The LTBB Court rules and procedures, including the LTBB Criminal Procedures, LTBB Rules of Civil Procedure, and the Recognition and Enforcement of Foreign Court Judgments, can be found on the LTBB Website at <http://www.ltbbodawa-nasn.gov/Tribal%20Court/TribalCourtRules.html>.

“How do I commence a civil action in Tribal Court?”

- Civil actions are commenced by filing a complaint with the Tribal Court. Once a complaint has been filed, the filing party (or plaintiff) must prepare a summons to be served on the defendant. (See the LTBB Rules of Civil Procedure online for detailed instructions.)

“What’s the difference between a civil action and a criminal action?”

- Civil actions are punitive enforcement measures initiated primarily by the Tribal Prosecutor, not private citizens, in the name of the People of the Little Traverse Bay Bands of Odawa Indians for violations of criminal law. Criminal law typically allows for the imposition of jail time as a punishment for breaking the law.

On the other hand, civil actions generally involve private disputes between persons or institutions seeking monetary damages or injunctive relief requiring that an individual or organization do or not do something.

“What cases may the Tribal Court hear?”

- The Tribal Court is a court of general jurisdiction and hears all criminal and civil cases arising under the LTBB Constitution, Waganakising Odawak Tribal Code of Law (“WOTC”), and any other source of applicable law.

“Are there fees associated with filing actions in Tribal Court?”

- Yes. There is a general filing fee of \$25.00. Additionally, motion fees cost \$10.00, marriage ceremony fees cost \$50.00, jury demand fees cost \$100.00, garnishment fees cost \$15.00, and enforcement of foreign judgment fees cost \$25.00. Please keep in mind, however, that individuals receiving public assistance and other indigent persons may be entitled to a waiver of fees upon request.

“Do my pleadings have to be formatted in a certain way?”

- Yes. Pursuant to LTBB Rule of Civil Procedure VIII, Section 3, all pleadings must include a heading designating the Tribal Court and a caption designating the parties to the suit

and the assigned court rule number, if any. Additionally, all pleadings must be double-spaced with one-inch margins on the left and right sides and two-inch margins on the top and bottom, and submitted to the Court on 8.5" x 11" white paper. With the exception of discovery and motions, all pleadings must also be numbered to identify each allegation and shall separately number each paragraph. All affirmative defenses, counterclaims, or cross-claims must be separately set forth and clearly designated as such.

“When are orders of the Tribal Court considered final?”

- Orders of the Tribal Court are considered final when they are signed by the judge. An order is entered when it is filed in the office of the clerk of court.

“What’s the difference between the LTBB Tribal Court and the LTBB Appellate Court?”

- The LTBB Tribal Court is a trial court of general jurisdiction, responsible for hearing criminal and civil cases filed under the LTBB Constitution, Waganakising Odawak Tribal Code of Law (“WOTC”), and any other source of applicable law. It is the court where cases start, where witnesses are heard, where most evidence is presented, and where facts are determined. All Tribal Court cases are heard by a single judge. The Tribal Court is overseen by the Chief Judge of the LTBB.

The LTBB Appellate Court is the court of last resort for the Tribe. It only hears cases that involve appeals from final orders of the Tribal Court. Unlike the Tribal Court, the Appellate Court does not make findings of fact, and is instead concerned only with determining whether the Tribal Court correctly applied the law at issue. Appellate Court cases are heard by a panel of three justices. The Appellate Court is overseen by the Chief Justice Wenona Singel of the LTBB.

“Who is the Tribal Judiciary?”

- The Tribal Court Judiciary consists of the Chief Judge, one Associate Judge, the Appellate Court Chief Justice, and the two Appellate Court Justices.

“Is the Tribal Court under the authority of the Tribal Chairman or Tribal Council?”

- No. The Tribal Court is part of the LTBB Judicial Branch, which is an independent branch of the LTBB government established under Article IX of the LTBB Constitution. Under the LTBB Constitution, no person exercising the powers of any of the other two (2) branches of government may exercise powers properly belonging to the Judicial Branch of Tribal Government.

The LTBB Judicial Branch is overseen by the Tribal Judiciary. If you feel that any of the Judges of the Tribal Court or Justices of the Appellate Court have practiced unethical conduct, as defined by the LTBB Judicial Conduct Court Rules (see JCCR 5.201-5.207), you

must fill out and submit a formal complaint using the Judicial Misconduct Complaint Form and submit your complaint to the Court Administrator. The complaint will then go under review by the Tribal Judiciary. Judicial Misconduct Complaint Forms can be accessed on the Judicial LTBB Website under Other Court Forms and can also be requested from the Court.

“I am unsatisfied with an order of the Tribal Court. What next?”

- All orders of the Tribal Court may be appealed to the Tribal Appellate Court within twenty-eight (28) calendar days after the entry of a final written order of the Tribal Court.