

## **Chapter 4. Court Administration**

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### **Sec. 401. Office of Clerk.**

The Tribal Executive Board shall appoint a chief clerk of court and such assistant clerks of court as may be required, to be compensated at a rate fixed by the Tribal Executive Board or by the United States, depending on which pays the compensation. The chief clerk shall be bonded.

### **Sec. 402. Qualifications.**

To be eligible to serve as chief clerk of court, a person

- (1) Must be at least twenty one (21) years of age;
- (2) Must be of high moral character and integrity;
- (3) Must be a high school graduate or equivalent;
- (4) Must be proficient in typing;
- (5) Must never have been convicted of a felony;
- (6) Must never have been dishonorably discharged from the Armed Services;
- (7) Must be physically able to carry out the duties of the office; and
- (8) Must be a member of the Tribes. To serve as an assistant clerk of court, a person must satisfy all the foregoing requirements except that an assistant clerk shall be at least eighteen (18) years of age, and preference shall be given to persons able to speak the Assiniboine and Sioux languages.

### **Sec. 403. Duties.**

(a) The clerk shall render assistance to the courts, to the authorized law enforcement officers of the Reservation, and the Indians of the Reservation, in drafting complaints, subpoenas, warrants, notices of appeal, and any other documents incidental to the lawful functions of the courts. The clerk shall attend and keep written records of all proceedings of the courts, administer oaths and collect fines, costs, fees and other moneys. The clerk shall be bonded and shall account to the authority of all moneys collected, and the amount of the bond of the clerk shall be fixed by the Tribal Executive Board or the United States, depending on which pays the compensation.

(b) The clerk shall complete 16 hours of continuing education annually, preferably through the Fort Peck Community College, at the Court Administrator's discretion.

**(AMENDED AS PER RESOLUTION NO. 2153-2001-9, DATED 09/10/01.)**

**Sec. 404. Tribal Court Administrator.**

A Tribal Court Administrator shall be appointed by the Tribal Executive Board to be compensated at a rate fixed by the Tribal Executive Board or the United States, depending on which pays the compensation.

**Sec. 405. Qualifications.**

To be eligible to serve as the Tribal Court Administrator, a person

- (1) Must be at least twenty five (25) years of age;
- (2) Must be of high moral character and integrity;
- (3) Must be a college graduate or equivalent;
- (4) Must never have been convicted of a felony;
- (5) Must never have been dishonorably discharged from the Armed Services; and
- (6) Must be physically able to carry out the duties of the office.

Preference shall be given in selection of the Tribal Court Administrator to members of the Tribes, and to persons able to speak and understand the Assiniboine and Sioux languages.

**Sec. 406. Compensation and bond.**

The Tribal Court Administrator shall be bonded. The compensation of the Tribal Court Administrator and amount of the bond shall be fixed by the Tribal Executive Council or the United States, depending on which pays the compensation.

**Sec. 407. Oath of office.**

Before entering upon the duties of office, the Tribal Court Administrator shall take the following oath or affirmation:

"I, ....., having been appointed Tribal Court Administrator of the Tribal Court, do solemnly swear (or affirm) that I will truly, faithfully, and impartially discharge all duties of my office to the best of my abilities and understanding. So help me God."

**Sec. 408. Duties.**

The Tribal Court Administrator shall be responsible for the planning and management of the administration of the Fort Peck Court of Appeals and Fort Peck Tribal Court. He/she shall supervise all employees of the Court, as designated by the Tribal Executive Court, except for judges and justices. The Tribal Court Administrator shall plan, prepare and manage the budget, acquisition of supplies and services, the necessary financial accounting practices of the courts, and shall oversee all record keeping and reporting of the courts, and shall adjudicate court complaints.

**(AMENDED AS PER RESOLUTION NO. 2154-2001-9, DATED 09/10/01; RESOLUTION NO. 2281-89- 4, DATED 04/24/89. AND RESOLUTION NO. 435-2006-3, DATED 03/14/06)**

**Sec. 409. Termination of services.**

Termination of services of a Tribal Court Administrator, chief clerk of any assistant clerk shall be by a majority vote of the Tribal Executive Board at a meeting at which a quorum is present.

**Sec. 410. Court Complaint Procedure.**

(a) Any complaint to be properly noted against any court employee shall be filed with the Court and shall be reviewed by the Court Administrator. The Court Administrator shall have ten (10) days from the date of the filing of the complaint in which to investigate the complaint, and an additional fifteen (15) days in which to produce a final evaluation of the complaint and to take whatever action deemed necessary by the Court Administrator.

(b) Any complaint against an employee of the court shall be filed within ten (10) days from the date of the specific action and include:

- (1) The name of the complainant (person filing the complaint);
- (2) The name of the court personnel against whom the complaint is brought;
- (3) A detailed description of the specific action of court personnel; and
- (4) The date, time and place of action.

**(ADOPTED AS PER RESOLUTION NO.  
2155-2001-9, DATED 09/10/01).**