

1 IN THE TRIBAL COURT OF THE
2 CONFEDERATED TRIBES OF COOS, LOWER UMPQUA AND SIUSLAW INDIANS

3 In the Matter of Supplemental Court Rules) SUPPLEMENTAL COURT
4) RULE 2002-2
5 _____)

6 REPRESENTATION IN TRIBAL COURT CASES

7 A party to a case in tribal court is not required to be represented by a licensed
8 attorney. Tribal Law (CLUSI 1-1-66) permits a party appearing in tribal court to be
9 represented by any of the following:

- 10 1) himself/herself (*pro se* representation),
11 2) a tribal member representative approved to practice in the tribal court,
12 3) an advocate employed and certified to be qualified by a tribal attorney and
13 approved to practice in the tribal court, or
14 4) a licensed attorney admitted to practice in the Tribal Court. Licensing can be
15 done quickly, but an annual licensing fee is required.

16 The Tribe does not provide individuals with legal representation at tribal expense.
17 Cost is only one factor to consider when deciding whether to retain professional
18 representation. Many individuals appear in court *pro se* and are able to adequately
19 represent themselves. Before making the decision to represent oneself, one should
20 carefully consider the disadvantage an inexperienced person may be working under in
21 opposing professional representation.

22 It should also be remembered that, whether a party appears in court *pro se* or with
23 representation, the court will proceed as follows:

- 24 1. The judge will not discuss pending cases unless all parties are present at a
25 hearing or trial scheduled by the court.

1 2. *Pro se* parties will be expected to follow the same rules as attorneys,
2 advocates, or tribal member representatives. Many of these rules will be found in
3 the Rules of Practice in Code Section 1-1 of the Confederated Tribes of Coos,
4 Lower Umpqua and Siuslaw Indians, copies of which are available for use in the
5 tribal library, the Coos Bay Library, the North Bend Library, Southwestern Oregon
6 Community College Library, the Coos County Law Library, and are available for
7 purchase from the court clerk for \$15.00.

8 3. All parties will be expected to prepare pleadings and other court documents in
9 proper form and to timely and properly serve them pursuant to applicable
10 procedural rules.

11 4. The court will remain neutral. Therefore, the court cannot advocate an
12 interest or position of one party, even if that party does not have professional
13 representation. The court has the discretion, however, to relax strict application
14 of rules to avoid manifest injustice.

15 5. With rare exception, the issues to be heard at the hearing or trial will be those
16 described in the pleadings. The pleadings, therefore, must be carefully written
17 and understood.

18 6. Hearings and trials start on time. Latecomers should expect that late arrival
19 will result in waiver of the right to be heard.

20 7. Hearings and trials proceed in an orderly manner. The party who has made a
21 claim for relief has the burden of proof and presents its case first. The opposing
22 party then presents its case. The claimant then usually has the opportunity to
23 present a rebuttal case. Each witness offered by a party may be cross-examined
24 by the opposing party. All witnesses testify under oath. Each party has the
25 opportunity to offer tangible evidence, such as documents. The admissibility of

1 all testimony and tangible evidence offered by a party may be challenged by the
2 opposing party. The court will allow each party to be heard on all issues involved
3 in the case before the court makes rulings and before the court makes the final
4 decision in the case. The process is orderly and deliberate. There is never a
5 need for a party to interrupt.

6 8. Parties must prepare themselves for hearings and trials. The court will not
7 prepare for a party. The attendance of witnesses must be arranged by each
8 party, and each party must assemble and organize the tangible evidence it
9 wishes to present. Tribal court proceedings are subject to discovery rules
10 governing the sharing of information between parties prior to courtroom
11 appearances. Discovery rules are found in Rule 16 of the Rules of Practice
12 contained in the code of the Confederated Tribes of Coos, Lower Umpqua and
13 Siuslaw Indians.

14 9. In the courtroom, the judge, the clerk, counsel and all parties and witnesses
15 will treat each other respectfully. Proper decorum, attire and grooming will be
16 expected in court. A person whose appearance or behavior in court offends
17 these standards will be asked to leave and may be found in contempt of court.
18

19 DATED this _____ day of _____, 20____.

20
21 _____
22 Don Owen Costello, Chief Judge
23
24
25