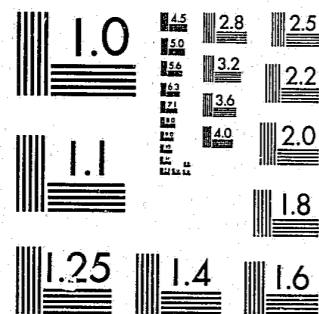


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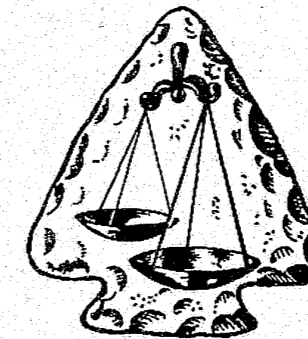
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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

3-29-82

BASIC PROCEDURES IN A CIVIL TRIAL
FOR INDIAN COURT CLERKS



80508

NATIONAL AMERICAN INDIAN COURT CLERKS ASSOCIATION
&
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BASIC PROCEDURES IN A CIVIL TRIAL
FOR
INDIAN COURT CLERKS

INTRODUCTION

The Basic Procedures in a Civil Trial for Indian Court Clerks are intended to provide guidelines for the use of Indian Court Clerks where no such procedures are in effect or to supplement procedures now existing. These procedures are, of course, subject to any Rules of Court or provisions of the Tribal Court. This is the fourth in a series of publications for use of Tribal Court Clerks; the others being Secretarial Guidelines, the Jury Trial Handbook and the Basic Procedures in a Civil Trial.

These procedures might be of some use and value, but before they are placed into effect by any Court Clerks, approval of the Court Administrator should be obtained.

These procedures were reviewed by the Court Clerks during a training session prior to printing and were developed as another effort by the Indian Court Clerks to provide better service to the Court and to the public.

This publication was prepared by Robert Bennett and the Staff of the National American Indian Court Judges Association and Officers and Committee members of the National American Indian Court Clerks Association.

This publication was developed using funds provided by the Law Enforcement Assistance Administration of the Department of Justice. The National American Indian Court Clerks Association Board of Directors and Officers provided invaluable assistance in formulating the original concept, providing the authors with suggestions and reviewing and approving the final publication. Arrow, Inc. provides administrative support and assistance to NAICJA and NAICCA in the implementation of the American Indian Court Judges Training Program.

We thank all those who have contributed to this effort, especially the Indian Court Clerks whose concern and dedication will insure the continued vitality of the American Indian Court System.

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BASIC PROCEDURES IN A CIVIL TRIAL FOR INDIAN COURT CLERKS

1. PREPARATION OF THE FILE

(a) Check with the judge to determine in what order he prefers file to be arranged.

(b) Check for correct addresses (for Clerk's Notice of Entry Judgment). If you do not have addresses, ask parties to write their names, addresses, and firm (if any) on a piece of paper.

Inside of file jacket (blank side opposite papers filed) at the top, write appearances by counsel with notation for plaintiff and for defendant; or if Judge prefers, place business cards or slips of paper with names of counsel on bench under a paper clip on side of blotter in plain view. Then fill out date - court - trial or whatever proceeding had and Judge's name in the file jacket in space provided. If file is to be arranged:

- (1) Complaint on top, followed by
- (2) Answer or Answers, which may contain Counterclaim.

An Amended Complaint supersedes the original Complaint; therefore, if Complaint is amended, put original Complaint at bottom of file. In the

same manner, Amended Answer supersedes Original Answer; also, Amended Cross-Complaint and Amended Answers thereto supersede corresponding originals.

- (3) Cross-Complaint (Remember, Cross-Complaints are not always between the same parties (plaintiff and defendant). Other parties may be brought into the case via a cross-complaint.)
- (4) Answer to Cross-Complaint (There may be more than one Cross-Complaint and Answers thereto, so put them in proper chronological order.)
- (5) Interrogatories from plaintiff to defendant
- (6) Answers of defendant to interrogatories.
- (7) Interrogatories of defendant to plaintiff
- (8) Answers of plaintiff to interrogatories (There may be more than one plaintiff or defendant; therefore you must arrange the interrogatories in proper order. Multiple interrogatories are sometimes confusing, so check filing dates for proper chronological order and the names of the parties.)
- (9) Demand for Bill of Particulars

- (10) Bill of Particulars
- (11) Request for Admissions
- (12) Admissions
- (13) Notice to Produce

- (c) Put Memorandum to Set for Trial at very bottom of file. Put Notice of Trial next. (Note: Some clerks put the above two papers after the Answer to Complaint or Answer to Cross-Complaint. If this is what the Judge wants, then do so.)
- (d) Substitution of attorneys and changes of address are put after the Notice to Produce; then file all other papers chronologically.
- (e) NOTE. Some Judges do not want you to prepare the file as above; if so, leave it as you receive it. Check with the Judge first.

2. PREPARATION OF NOTES AND MINUTES:

- (a) Prepare your note pad (scratch pad, yellow lined legal pad) with the following information: Present date - case number - title of case - lawyers' or parties' names and addresses (so you can start your Judgment papers; Clerk's Notice of Entry of Judgment and envelopes to be made out (if you wish, have counsel make out envelopes) as the trial progresses.

- (b) Prepare Judge's note pad (legal pad) per stamp below. If you do not have a stamp, then write:

Date _____
CASE NO. _____ vs. _____
PLAINTIFF _____ APPEARING BY ATTORNEY _____
DEFENDANT _____ APPEARING BY ATTORNEY _____

If a third-party cross-defendant is appearing, indicate such, and how represented.

- (c) Prepare your minute pad (original and 2 copies— original for Minute book, one for file, and the other for your records kept in the courtroom).

- (1) Stamp all three pages. If you do not have a stamp, then write:

CAUSE TRANSFERRED HEREIN FOR TRIAL FROM
CALENDAR, _____ TRIBAL COURT,
WHEREUPON WITNESSES WERE SWORN, EXHIBITS
FILED, AND THE FOLLOWING PROCEEDINGS WERE
HAD:

If no witnesses were sworn or exhibits
filed, strike WHEREUPON WITNESSES WERE
SWORN, EXHIBITS FILED.

- (d) Opening statements of counsel, if any (may be waived, so note this in your notes). Defendant may reserve his until plaintiff rests.

- (e) When case is recessed to the next day or continued to a future date, stamp or write:

TRIAL RESUMED FROM ____ . M. SESSION OF _____
WITH SAME COUNSEL AND PARTIES PRESENT AS HERETOFORE,
WHEREUPON WITNESSES WERE SWORN, EXHIBITS FILED, AND
THE FOLLOWING PROCEEDINGS WERE HAD:

- (f) If a matter is to be continued or adjourned to a future date, make sure further notice is waived or some party to give notice.
- (g) Listen attentively at all times while court is in session, as you may hear stipulations or motions affecting the pleadings which MUST be noted in the minutes. If you don't understand a stipulation or motion, leave a line or two in your minutes and check with the Judge for proper wording. Do not put your own interpretations of anything in the minutes. Make sure proper wording goes into the minutes. Call the Court Administrator. Always remember that a case may go up on appeal on the Minutes of the Court, so try to have correct minutes.
- (h) Make sure of proper minutes (in case of an appeal). If you don't understand what transpired, ask the Judge so that the proper entry may be made. The most necessary items for minute entry are witnesses

(names properly spelled and for which side), exhibits (identify properly), important motions (by whom), and important stipulations affecting the pleadings. Remember, you will be certifying to the correctness of your minutes. Do not abbreviate any words in minutes.

- (i) If you don't understand how to put into words whatever happens in Court, as to your minutes, call the Court Administrator or ask your judge, if it's relative to a motion or stipulation affecting the pleadings. Learn to keep your "oaths" handy, and memorize them as soon as possible.

NOTE WELL: It is the duty of all Clerks to call each morning and afternoon the status of their courtroom either "open" for trials or on trial.

The defendant is always as he or she has answered, not as sued, for Judgment purposes.

- (j) Don't hurry to write your minutes during the trial. Wait until you are sure (i.e., an exhibit may be offered--you start to write Exhibit #1 or "A" and then it is not received, etc.). Wait until an exhibit or motion (or stipulation or whatever should go in the minutes) is definitely determined by the Judge. In the meantime you can make notes on your

scratch pad until you are sure that it's okay to enter an item in the minutes.

- (k) All exhibits for identification must remain in the custody of clerk--pursuant to appellate ruling. Furthermore, all exhibits received into evidence or for identification are the responsibility of the clerk and must remain in the clerk's custody until time for appeal has passed unless released by the Court under appropriate release procedures.
- (l) Most clerks adhere to the above procedure but deviate if necessary, according to the requirements of their Judge. Always follow the procedure your Judge indicates to you that he wants.
- (m) _____ days to appeal a civil action
- (n) If you know in advance you are to cover a courtroom already covered by another clerk, call the clerk and ask what is in process, other procedures, and the Judge's policy in that courtroom.

3. PREPARATION OF DOCUMENTS FOR TRIAL

- (a) Prepare Judgment papers: original and duplicate (top part only for now), leave bottom until Judgment is rendered. Try to use black pencil carbon paper if possible. If it is a tort action, i.e., auto accident, make an original and two copies of the

Judgment; also you may require a report for the D.M.V. (original and copy) and attach both D.M.V. forms to the third copy of the Judgment. There are several types of Judgment papers, depending on the type of action. There may be printed or mimeographed Judgment forms. D.M.V. reports only if ordered by the Judge, otherwise no. Check your complaint as to location of the accident.

- (b) Prepare Clerk's Notice of Entry of Judgment: Original and one copy for each counsel or parties appearing. Do not fill in the Judgment part at this time, just the heading and the addresses. Prepare envelopes same as above or have the parties do this for you. Don't forget to get correct addresses, either from the pleadings or the parties or from counsel, if you prepare the envelopes.
- (c) Get a few exhibit tags ready, and, if it is the practice of your court, plaintiff by numbers 1 - 2 - 3, etc. - defendant by letters A - B - C, etc. Remember, when you staple an exhibit tag to an exhibit, be sure you do not "block out" or cover any writing or figures. All exhibits, whether marked for identification or received into evidence, are in the custody of the court, and are not to be

released until the time for appeal has lapsed or otherwise released by the court upon request. Keep track of exhibits at all times. Exhibits may be released at the close of the trial on stipulation between counsel or parties, and a "Statement and Receipt for Exhibits" executed and signed by counsel or parties. If a judgment is rendered, release; if not, hold until a judgment is entered; this is now the close of the trial. Do not clutter up the file (of the case submitted). Keep a duplicate copy of the minutes, Judgment papers, Clerk's Notices, and envelopes clipped together, and keep in your desk or in a pending file until a Judgment is rendered; then bring it out and complete it.

(d) If you have a case with a Cross-Complaint, it may be a good idea to ask the Court if all evidence received shall apply to the Complaint and Cross-Complaint. (This is done to save time; if possible, ask the Judge in Chambers first.) Also, remember that sometimes the Court may overlook making a rule on the Cross-Complaint; if so, tactfully bring it to his attention.

(e) When the trial is finished, the Judge may take his notes with him. If he leaves notes on a yellow pad, tear them out and put them in the file with all the

exhibits (if possible, put the exhibits in a large envelope - 9" x 12" or larger, if needed) and then hand the file to the Judge.

(f) If a matter is submitted, prepare submitted form (original and duplicate). Register entry "Cause Submitted (See)." Attach original of this to original of Minutes and the duplicate to the outside of the file jacket. Prepare Clerk's card and file. After the decision, remove the Judge's notes and put back in the yellow pad under the proper date, or make a monthly file for all his notes, unclip the submitted form, put the date decided, and staple to the original of the minutes that you prepare.

4. JURY TRIAL PROCEDURES

(a) Stamp or write:

The following jurors were sworn, examined, and accepted:

- | | |
|----------|-----------|
| 1. _____ | 7. _____ |
| 2. _____ | 8. _____ |
| 3. _____ | 9. _____ |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | 12. _____ |

Jury sworn to try case.

- (b) If you have a Civil Jury, you will write the Jurors' names on the minute pad per above. Write the above in your minutes.
- (c) Prepare Jury seating forms - one for the bench and one for each counsel (mimeograph forms - civil or criminal).
- (d) Prepare Jury Service forms (mimeograph form).
- (e) Get instructions "Given" and "Refused" forms ready.
- (f) Ask both or all counsel for Jury instructions— must have these before trial starts.
- (g) Get reporter fee before trial starts, if reporter is requested.
- (h) Get Jury mileage first day from party requesting Jury.
- (i) The same day or the next day, get Jury, Jury mileage, and reporter fees before court starts. If counsel or party does not have the fees (this occurs especially on a jury trial lasting two or more days), tell your Judge, as fees should be required before trial. Jury fees must be posted _____ days prior to trial or Jury is deemed waived; however, the Court may allow a trial by Jury.

5. USE OF REPORTER

- (a) If a reporter is requested, and when the trial proceedings are such that the following are necessary, proceed as indicated:

- (1) Stamp or write:

"ORDERED THAT REPORTER _____
TAKE DOWN THE PROCEEDINGS AS PROVIDED BY
LAW. \$ _____ FEE PAID BY _____
ON RECEIPT NO. _____."

The above stamp is used when a reporter is requested. Put this stamp (or write) on all three pages of minutes. Prepare accounting form "Memorandum of Reporting Service" in all cases and have reporter sign it. Make Money Receipt - give original to depositor. Make Collection Report - two copies. The Accounting Division or Court Administrator will sign the copy and return it to you.

6. POST-TRIAL PROCEDURES

- (a) If the Judge renders a Judgment after the finish of a trial, complete your minutes, Judgment papers, Clerk's Notice of Entry of Judgment. If a decision

has been made on a submitted matter, prepare the minutes and complete the Judgment papers and Clerk's Notice. Enter the Judgment. If counsel tells the Judge (or you) that they have stipulations to a Judgment, have them execute the "Stipulation for Judgment" form. (Sometimes they stipulate orally and you have to record the stipulation in your minutes; later counsel may dispute what the minutes show as stipulated.) This is why you should have a written stipulation executed. Mimeographed forms should be available. The Clerk's Notice of Entry of Judgment may not be required on Stipulated Judgments.

- (b) Clip original of minutes, completed Judgment papers, Clerk's Notice, and envelopes to outside of file jacket. A second copy of the minutes is placed in the file. Put the exhibits in the file. A third copy of the minutes is left in the courtroom. (A drawer of your desk or a drawer in a file may be used for these.) List the exhibits in all cases on the inside of the file jacket. All files with exhibits only, after you finish recording the Judgment, are put in a file drawer in the File Section. After entry of the Judgment, the Clerk should file the original Minute Sheet, Judgment papers, and Clerk's Notices and envelopes.

- (c) Record Judgments in the Register of Actions.
- (d) Judgments can be prepared by the prevailing party; when you receive them, show them to the Judge for his approval before entering. Always see that the Judge so instructs the party, if represented by counsel, to prepare these types of Judgments. If it is a submitted matter: at the time you notify the parties of the rendition of the Judgment, you will indicate what party is to prepare and submit the Judgment.
- (e) Findings of Fact and Conclusions of Law may be requested up to the time of Entry of Judgment. When the Judgment is rendered, notify all counsel or parties of the rendition of Judgment and what party (usually the prevailing party) is directed to prepare the Findings. Send postcards reciting the Judgment rendered and what party is to prepare, submit, and serve the Findings. If it is a fairly long type of Judgment, then mail a copy of the minutes to each counsel or parties, or you may have the rendition typed and then mail it. Register entry "Judgment for plaintiff John Doe against defendant Sam Smith; plaintiff to prepare, file, and serve Findings of Fact and Conclusion of Law" (do not indicate amounts). Your minutes will

recite the Judgment in full as rendered. When the Findings are received, indicate the date received only and hold for 10 days after service on opposition (plus 2 for mailing days). The reason for holding the Findings is to allow the opposing party time to file objections to the Findings. If objections are received, tell the Judge and set up a date for a hearing on "Settling of Findings of Fact and Conclusion of Law." Set it at least 10 days in the future and notify counsel by postcard. If no objections are received, hold for the number of days indicated and then give to the Judge for approval and signing. If he does sign the Findings, put file stamp in the Findings. (If he does not sign, he will tell you why.)

- (f) Make register entry "Findings of Fact and Conclusions of Law signed and filed," complete your Judgment papers and Clerk's Notices, and enter the Judgment. At this time, the indicated Judgment becomes effective; do not enter a Judgment on the register until the Findings are signed and filed. Proposed Findings, Objections, Points and Authorities, letters of argument and briefs are only communications to the Judge, and you do

not file-stamp these and enter in the Register of Actions; however, check with your Judge, as he may wish them filed and entered in the Register of Actions; in any event, date-stamp them when you receive them, even if the Judge does not want them filed.

7. DEFAULT PROCEDURES

- (a) You do not have to arrange these files if the defendant fails to answer the Complaint.
- (1) Get a business card or address from the plaintiff.
 - (2) Check to see if the defendant was properly defaulted (default papers should be in the file).
 - (3) Ask the plaintiff for the Judgment papers and the Cost Bill. The Cost Bill should be in the file. If not, ask counsel or the party for it.
- (b) No Clerk's Notices of Entry of Judgment are necessary.
- (c) If the defendant has answered and failed to appear for trial:
- (1) You do not have to arrange the file. However, some Judges want the file arranged; check with him first. Check the Notice of

Trial to see if notice was given _____ days prior to the trial. Prepare Minutes, Judgment papers, Clerk's Notice, and envelopes the same as for a trial.

- (2) A Judgment resulting from a trial by Court should be entered forthwith. A trial by Jury may be entered within twenty-four hours.

8. HANDLING OF FUNDS

- (a) Jury Fees, Mileage Fees, and Reporter Fees should be entered in the Register of Actions, showing amount, date received, and receipt number, and depositor.
- (b) Receipt Book (General Receipts)
 - (1) One receipt for reporter.
 - (2) One receipt for Jury Fees and Jury Mileage Fees together.
 - (3) One receipt for Court costs.
 - (4) Original of receipts to party tendering money - one copy to accounting - one copy remains in the book.
- (c) PRINT ALL receipts and refund cards - do not write.
- (d) No checks should be accepted if they are in excess of \$50.00 unless authorized by the Court Administrator, or call the Accounting Division for information.

- (e) On all checks accepted, put your name-stamp - Case # and Receipt #. All checks are made payable to: _____ Tribal Court of Clerk of _____ Tribal Court.

9. CLERK'S PROCEDURE ON SMALL CLAIMS TRIALS

- (a) Call the names of the parties named on complaints or petitions and check off the plaintiffs and defendants who are present for trial.
- (b) "Swear in" en masse all parties ready for trial.
- (c) Ask Small Claim litigants to stand at counsel table, facing the court, after removing chairs from counsel table. (This may not be necessary in some courtrooms - check beforehand with the Judge.)
- (d) In space "Court's Notations" - indicate date, Judge's name and Division number.
- (e) Check for proper service complaint or answer. If service is faulty, inform the Judge.
- (f) Prepare the "Memorandum of Judgment" form (original and duplicate) for each case if a judgment is rendered, filling in the information as indicated, including the judgment.
- (g) Give the plaintiff the original of the completed Memorandum of Judgment and the copy to the defendant, informing them that payment is to be made to the prevailing party, not to the Court.

(h) If the case is taken under submission by the Court, arrange to have the litigants fill out a self-addressed postcard to leave with the clerk for subsequent notification of the Judgment. Make a notation on the complaint or petition when postcards are mailed to the parties: "Postcards mailed to parties."

(i) When the hearings are concluded, take the completed pleadings, together with any exhibits, and make the Entry of Judgment into the Register of Actions, and also mail any postcards on submitted cases. There are ____ days to appeal a Small Claims Action.

____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Case No. _____

____ Plaintiff
vs. _____
____ Defendant } CIVIL COMPLAINT

WHEREIN, _____ is the Plaintiff in this cause of action, and is a resident of _____.

WHEREIN, _____ is the Defendant in this cause is action, and resides at _____.

That on or about _____ month - day - year at _____ place.

The Defendant did: _____

(short, concise statement of facts relating to cause)

And that the Defendant has failed to: _____

WHEREFORE, Plaintiff claims from the Defendant the amount of \$ _____,

or Real or Personal Property, which is described as: _____

as payment/or compensation in this cause: and asks the _____ Tribal Court for

Judgment against the Defendant, including costs of this action:

Dated this _____ day of _____, 19____, at the hour of _____ M.

Complainants Name

Address

Telephone Number

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____
Case No. _____

Plaintiff
vs.

Defendant.

CIVIL SUMMONS

TO: _____

YOU ARE HEREBY NOTIFIED: that Civil Complaint has been filed against you in the _____ Tribal Court.

YOU ARE INSTRUCTED TO FILE A FORMAL WRITTEN ANSWER: to the Complaint within twenty (20) days of the date in which this summons and attached complaint were served upon you.

After the twenty (20) days, the Tribal Court shall set a date for a hearing of this cause, and you will be notified of the time and date that you will be required to appear before the Tribal Court.

At the time and date of this Court hearing, you may bring any papers or documents which will assist you in your defense. You may also bring with you any witness(es) that you may wish to testify in your behalf.

IF YOU FAIL TO APPEAR: before the Tribal Court on the date set for hearing; a Judgment by Default can be entered and the Plaintiff shall be awarded the relief asked for, in the Complaint.

Dated this _____ day of _____, 19____, at _____ M.

S E A L

Judge, _____ Tribal Court

RETURN OF SERVICE

Received this summons on the _____ day of _____, 19____.
I served the Defendant on the _____ day of _____, 19____ at _____ M. (or I was unable to serve the Defendant because)

Signature of Police Officer

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____
Civil No. _____

Plaintiff
vs.

Defendant

ANSWER TO CIVIL COMPLAINT

1. I do not owe the amount of damages claimed by Plaintiff because:

or

The property claimed by Plaintiff should not be ordered to be given to Plaintiff because: _____

2. (If applicable) I have the following claim against Plaintiff:

3. Trial by jury (is) (is not) demanded. (If Plaintiff has already demanded a jury, a jury will be provided and you need not fill in this item.)

Defendant

NOTICE OF ACTION

TRIBAL COURT }

INDIAN RESERVATION }

Plaintiff

vs.

Defendant.

TO: _____, Defendant. (Plaintiff) (Witness)

You are hereby notified that the attached (a) complaint has been filed against you and you are herewith ordered to appear in Court to answer to such complaint on the _____ day of _____, 19____ at _____ o'clock _____ M.

DATED at _____ this _____ day of _____ 19____.

Tribal Judge

REMARKS: _____

I have on this day served the above ORDER upon the above named Defendant.

Date

Officer's Signature

Title

TRIBAL COURT
OF THE _____
RESERVATION

Complainant,

v.

Defendant.

CITATION IN CIVIL ACTION

Pursuant to the complaint heretofore filed in this Court by _____, as complainant, against _____, as defendant, defendant is hereby commanded to appear before this Court for a trial, such trial to be commenced on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., (service of citation must be given not less than five days before commencement of trial) such trial to be held in accordance with the Rules of Tribal Court of the _____ Indian Tribe of the _____ Indian Reservation.

In the event that defendant fails to appear for said trial, judgment will be entered against defendant in accordance with the complaint which is attached hereto.

Dated: _____

Tribal Judge

I have on this day served the above citation upon the above indicated.

Officer's Signature

Title

Date and Time

SUBPOENA

_____ Tribal Court)
_____ Indian Reservation)
_____ Complainant
vs.
_____ Defendant

TO: _____

You are hereby commanded to appear before the above entitled Court at the _____ Tribal Court on the _____ day of _____, 19____, at _____ o'clock _____ M., to serve as _____ in the above entitled case.

Failure to obey this subpoena, without good cause, makes you liable to prosecution.

DATED at _____ this _____ day of _____, 19____.

Tribal Judge

I have on this day served the above order upon the above named.

Officer's Signature

Title

Date and Time

SUBPOENA

DUCES TECUM

_____ Tribal Court)
_____ Reservation)

TO: _____

You are hereby commanded to appear before this court at _____ on the _____ day of _____ 19____ at _____ o'clock _____ M.

You are hereby ordered to bring with you all records, accounts, or documents dealing with the above cause, to wit:

Failure to appear with the above described documents will result in your arrest and charges will be filed for Disobedience to a Court Order.

Dated: _____

JUDGE, _____ Tribal Court

CLERK, _____ Tribal Court

Date Delivered

Signature of Receiving Party

Signature of Officer

TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

NOTICE

An informal hearing has been scheduled to be held here at the _____
Courtroom on the _____ day of _____, 19____,
at _____ (A.M.) (P.M.) regarding a replevin action between _____
and _____.

You, _____ are hereby requested to appear at that
time on your own behalf.

If you fail to appear on the date set forth above, the Judge at his
or her discretion may render a decision to have the company or companies re-
possess their merchandise. This informal meeting is for your benefit.

Dated at _____ on this _____ day of _____
19____.

Tribal Judge
Tribal Court

SERVED BY: _____

TITLE: _____

DATE & TIME: _____

TRIBAL COURT
RESERVATION

Docket No. _____

Case No. _____

Plaintiff

vs.

Respondent

PRE-TRIAL CONFERENCE NOTICE

TO: _____

YOU ARE HEREBY NOTIFIED AND DIRECTED:

To appear for hearing at Pre-Trial Conference, on above cause of action, before
the Judge of the _____ Tribal Court, at the hour of _____ M., on
the _____ day of _____, 19____.

YOU ARE ADVISED: To bring such Documents or evidence relating to this cause as
you may wish to present to the Court.

AND: You may request the Court to summon any person or witness, including
prosecuting or defense attorneys, advocates or lay counselors, to attend this
proceeding, as will tend to further the resolution of the issues of this cause,
and proper disposition, by the Judge conducting this proceeding.

IF YOU FAIL TO APPEAR AS SO ORDERED, A WARRANT WILL BE ISSUED FOR YOUR ARREST.

DATE: _____
Judge, _____ Tribal Court

SEAL

RETURN OF SERVICE

Received this Notice of Pre-Trial Conference on _____ day of _____,
19____, and served it on _____ Plaintiff; _____ Respondent on the _____ day of
_____, 19____, at the hour of _____ M., at _____
within the Jurisdiction of the Tribal Court.

Signature of Police Officer

TRIBAL COURT
RESERVATION

Docket No. _____

Civil Case No. _____

Plaintiff
vs.

Defendant

TEMPORARY RESTRAINING ORDER

THE _____ TRIBAL COURT, having fully been advised in the premises:

WHEREIN: Affidavit for Restraint has been properly filed, and heard before the Court.

WHEREIN: It appearing to the Court that a Restraining Order be Issued.

IT IS HEREBY ORDERED: That the Defendant _____, be restrained as follows:

That this Order of Restraint shall continue until such time as the Court shall hear the Cause as to why this Restraint should not issue, and, or, the Court shall continue this Restraint.

That failure by Defendant to comply with the conditions of this Restraint shall summon Defendant before the Court, on Breach of this Order, and, that Defendant shall be held in Contempt of Court: Wherein, Defendant shall be sentenced to a fine or imprisonment as the Court may direct.

Dated this _____ day of _____, 19____.

Tribal Court Judge

RETURN OF SERVICE

Received this Affidavit and Temporary Restraining Order on _____ day of _____, 19____, and personally serving the defendant on _____ day of _____, 19____.

Police Officer

TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Case No. _____

Complainant

vs.

DISMISSAL OF CIVIL CASE

Defendant

This is to certify that the complainant, _____, has acknowledged settlement in full of Civil Case No. _____.

It is ordered, then, that Civil Case No. _____ be dismissed with prejudice as of this date.

Dated at _____ on the _____ day of _____, 19____.

TRIBAL JUDGE
_____ TRIBE

TRIBAL COURT

RESERVATION

Docket No. _____

Case No. _____

Plaintiff
vs.)

Defendant)

JUDGMENT

The Court having considered the evidence:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff _____
_____ have and recover from the Defendant _____
_____ the sum of \$ _____ together with interest
from date of judgment, until paid, and for the cost of the plaintiff herein
laid out and expended in the sum of \$ _____.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED that _____

DONE IN OPEN COURT THIS _____ day of _____, 19____.

Tribal Judge
_____ Indian Tribe

TRIBAL COURT
OF THE _____
RESERVATION

Docket No. _____

Case No. _____

Plaintiff
vs.)

Defendant)

JUDGMENT TO DEFENDANT

The Court having considered the evidence and having returned a verdict
for the defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff take
nothing by his complaint and that judgment be entered upon the verdict for the
Defendant _____ against the Plaintiff _____
_____, and that the Plaintiff shall pay all costs of
this Action in the amount of \$ _____.

DONE IN OPEN COURT THIS _____ day of _____, 19____.

Tribal Judge
_____ Indian Tribe

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Case No. _____

Plaintiff

vs.

Defendant

RETURN OF EVIDENCE

The above-entitled matter having been concluded and _____ the time
for appeal having elapsed _____ the appeal having been concluded, the fol-
lowing evidence is hereby returned to _____.

Dated this _____ day of _____, 19____.

Clerk, _____ Tribal Court

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Case No. _____

Plaintiff

vs.

Defendant.

EVICTON ORDER

TO: Any Tribal Police Officer:

WHEREAS, by virtue of a judgment of this court dated _____,
the plaintiff is entitled to recovery of possession from defendant of the
following described premises: _____

In the name of the Tribal Court you are, therefore, hereby ordered to
cause the defendant and his goods and chattels to be forthwith removed from
the premises and the plaintiff is to have possession of the premises. In the
event the goods and chattels are not promptly removed by the defendant you
are authorized and directed to cause the same to be removed to a safe place
for storage at defendant's expense. You are further directed to make legal
service and due return of this order.

DATED _____.

Tribal Judge

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Civil No. _____

Plaintiff

vs.

NOTICE OF LEVY

Defendant

TO: _____,

Defendant _____, named in the above entitled action;

PLEASE TAKE NOTICE that by virtue of a certain Execution issued in
this action by _____, Clerk of the _____
Tribal Court, I have this day levied upon the following described personal
property to-wit:

to satisfy the amount unpaid, together with accrued costs, totaling \$ _____.

Any claim or demand you may have for exemption against said levy
must be made by you within ten days from the date of service of this Notice.

Dated this _____ day of _____, 19 _____.

An Officer of the Indian Police

Reservation

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Civil No. _____

Plaintiff

v.

Defendant

W R I T O F E X E C U T I O N

TO: A Full-time Police Officer of the _____ Tribe

You are ordered to take into your possession and control sufficient goods
and belongings of _____ to satisfy a judgment against
(him) (her) in the amount of \$ _____. This judgment was obtained
against _____ from this court on the _____ day of _____
19____, and includes interest on the amount of the judgment at the rate of
_____ per cent per year and any costs of the suit.

You are further ordered to sell the goods and belongings of _____
at a public auction after due notice as required by the _____ Law and Order
Code, and to pay all proceeds from such sale to this court, within _____
days from the receipt of the writ.

_____, 19 _____
JUDGE

NOTICE OF LEVY

To the Officer serving this writ: A copy of this writ should be served on
_____ at least three or more days before you enforce
this writ against him or her.

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Case No. _____

Plaintiff

vs.

Defendant.

ORDER AND NOTICE FOR
PUBLIC SALE

WHEREAS, certain personal property described on the attached list has been held in storage since _____, subject to redemption by the above-named defendant upon payment of incurred storage charges, and defendant has not reclaimed such property.

NOW, THEREFORE, IT IS HEREBY ORDERED that the property described on the attached list shall be sold at public auction to the highest bidder for cash on the _____ day of _____, 19__ (a.m.)(p.m.) at (location) unless prior to that time the defendant appears in Tribal Court, reclaims such property and pays accrued storage charges plus the costs of publishing this notice.

DATED this _____ day of _____, 19__.

Tribal Judge

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Civil No. _____

Plaintiff

v.

Defendant

W R I T O F E X E C U T I O N

TO: A Full-time Police Officer of the _____ Tribe

You are ordered to take into your possession and control sufficient goods and belongings of _____ to satisfy a judgment against (him) (her) in the amount of \$ _____. This judgment was obtained against _____ from this court on the _____ day of _____ 19__, and includes interest on the amount of the judgment at the rate of _____ per cent per year and any costs of the suit.

You are further ordered to sell the goods and belongings of _____ at a public auction after due notice as required by the _____ Law and Order Code, and to pay all proceeds from such sale to this court, within _____ days from the receipt of the writ.

_____, 19__
JUDGE

NOTICE OF LEVY

To the Officer serving this writ: A copy of this writ should be served on _____ at least three or more days before you enforce this writ against him or her.

_____ TRIBAL COURT
OF THE _____ RESERVATION

Docket No. _____

Case No. _____

IN THE MATTER OF THE ESTATE OF:)
_____)

NOTICE OF PROBATE HEARING

TO:

You are hereby notified that a petition concerning the estate of the above-named decedent, has been filed in the _____; and that the _____ Court has appointed the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., at _____, as the time and place for the hearing of the said Final Account and Petition for Discharge and Settlement thereof, and for hearing and determination of the heirship of said decedent, the ownership of the estate and the interest of each respective claimant thereto or therein, and the persons entitled to distribution thereof.

DATE: _____
CLERK, _____ Tribal Court

RETURN OF SERVICE

I have on this _____ day of _____, 19____, served the above Notice of Probate Hearing of the above-entitled case on the above-named, _____.

Name

Title

END