

1 COQUILLE INDIAN TRIBAL COURT

2
3 In the Matter of Supplemental Court Rules)
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SUPPLEMENTAL COURT
RULES 2002-1

6 REPRESENTATION IN TRIBAL COURT CASES

7 A party to a case in tribal court is not required to be represented by a licensed attorney.

8 Tribal Law permits a party appearing in tribal court to be represented by any of the following:

- 9 1) himself/herself (*pro se* representation)
- 10 2) a spokesperson (tribal member or relative of the party) admitted to practice in the
- 11 tribal court, or
- 12 3) a licensed attorney admitted to practice in the Tribal Court. Licensing can be done
- 13 quickly.

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

19 It should also be remembered that, whether a party appears in court *pro se* or represented
20 by spokesperson or attorney, the court will proceed as follows:

- 21 1. The judge will not discuss pending cases unless all parties are present at a hearing or
- 22 trial scheduled by the court.
- 23 2. *Pro se* parties will be expected to follow the same rules as professional advocates.
- 24 Many of these rules will be found in the Coquille Indian Tribal Court Practice Manual,
- 25 copies of which are available for use in the tribal library, the Coos Bay Library, the North

1 Bend Library, Southwestern Oregon Community College Library, the Coos County Law
2 Library, and are available for purchase from the court clerk for \$15.00.

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

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

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

12 6. Hearings and trial start on time. Latecomers should expect that late arrival will result
13 in waiver of the right to be heard.

14 7. Hearings and trials proceed in an orderly manner. The party who has made a claim for
15 relief has the burden of proof and presents its case first. The opposing party then presents
16 its case. The claimant then usually has the opportunity to present a rebuttal case. Each
17 witness offered by a party may be cross-examined by the opposing party. All witnesses
18 testify under oath. Each party has the opportunity to offer tangible evidence, such as
19 documents. The admissibility of all testimony and tangible evidence offered by a party
20 may be challenged by the opposing party. The court will allow each party to be heard on
21 all issues involved in the case before the court makes rulings and before the court makes
22 the final decision in the case. The process is orderly and deliberate. There is never a
23 need for a party to interrupt.

24 8. Parties must prepare themselves for hearings and trials. The court will not prepare for
25 a party. The attendance of witnesses must be arranged by each party, and each party

1 must assemble and organize the tangible evidence it wishes to present. Tribal court
2 proceedings are subject to discovery rules that govern the sharing of information between
3 parties prior to courtroom appearances. Discovery rules are found in the Coquille Rules
4 of Tribal Procedure (CRCP). Rules of admissibility of evidence in court are found in the
5 Coquille Evidence Code (CEC). CRCP and CEC are included in the Tribal Court
6 Practice Manual.

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

11 DATED this 9th day of July, 2002.

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13 /s/ Don Owen Costello
14 Chief Judge
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