

Title 19

Rules of Court

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Chapter 19.01

General Rules

Sections:

19.01.01	Conduct
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19.01.04	No Discussion with the Judge
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Section 19.01.01 Conduct

All court proceedings shall be conducted in a dignified manner. All persons addressing the Court shall speak in a clear and courteous manner.

Section 19.01.02 Time

All Trials, criminal and civil, shall commence as scheduled by the Court with reasonable notice being given to all parties. When a time period is designated by the Court or the Tribal Code, the day of the act or event from which the time begins to run is not included. The last day of the period shall be included unless it is a Saturday, Sunday, or holiday in which case the period runs until the next business day.

Section 19.01.03 No Discussion with Jurors

No person, including parties, witnesses, and members of the Court's staff, shall discuss with any known juror any case pending before a juror, or which may come before a juror either before or during the trial. Any juror who has personal knowledge of the case or who has discussed the case with any other party, witness or Court official shall be excused by the judge and a new juror appointed pursuant to chapter 19.02 of this Title.

Section 19.01.04 No Discussion with the Judge

No witness or party to any case shall, under any circumstances before or during trial, attempt to discuss any case pending before the Court with any judge hearing the case except when in open Court.

Section 19.01.05 No Outside Discussion of Cases

A judge shall not discuss any case, for which they are responsible, with any party to the case. A judge shall not seek advice or opinions from other persons, including judges and lawyers, regarding the merits of a particular case. A judge may, however, discuss general principles affecting cases and hypothetical examples with other judges and lawyers, and may seek specific advice from a law clerk employed to give such advice.

Chapter 19.02

Juries

Sections:

19.02.01	Eligibility of Jurors
19.02.02	Number of Jurors
19.02.03	Jury Selection
19.02.04	Conflict of Interest
19.02.05	Fees

Section 19.02.01 Eligibility of Jurors

A current list of eligible jurors shall be prepared and maintained by the Clerk of the Court. Any eligible voter of the Jamestown Indian Tribal Community and permanent residents of Clallam or Jefferson County who are at least twenty-one (21) years old shall be able to serve as jurors. A person may decline jury duty only upon good cause shown to the trial judge.

Section 19.02.02 Number of Jurors

A jury shall consist of six (6) jurors drawn from the current list of eligible jurors by the judge or the Court Clerk.

Section 19.02.03 Jury Selection

In cases to be tried before a jury, the Court Clerk shall draw by lot twelve (12) names from the current list of eligible jurors. At least eight (8) of the twelve (12) shall be enrolled members of the Jamestown S'Klallam Tribe. Six (6) of the twelve (12) shall then be seated. The parties shall be permitted alternately to question the jurors as to their impartiality and fairness. The parties may excuse up to three (3) jurors without showing cause, commencing with the complainant and alternating thereafter. The parties may challenge any juror for cause and the judge shall excuse any juror they feel would not be completely fair and impartial. There shall be no limit to challenges for cause. As a juror is excused, the Clerk shall draw the name of another juror to be seated and each party shall have an opportunity to examine the juror for fairness and impartiality.

Section 19.02.04 Conflict of Interest

No person shall be eligible to sit on a jury panel in any case in which they:

- A. Have a direct interest; or
- B. Are related to a party by blood or marriage in the first or second degree.

This section shall not be construed as the sole basis upon which a juror may be challenged for cause.

Section 19.02.05 Fees

Any person required to attend court as a potential juror shall be entitled to a fee of five dollars (\$5.00) per day. Those who actually serve as jurors shall be entitled to an additional five dollars (\$5.00) per day for each day they sit on a jury.

Chapter 19.03

Witnesses

Sections:

- 19.03.01 Subpoenas**
- 19.03.02 Swearing in Witnesses**
- 19.03.03 Witness Fees**

Section 19.03.01 Subpoenas

A judge or judicial officer shall issue subpoenas for the attendance of witnesses upon their own motion or upon request of the Tribal enforcement officer or any other party to the case. Failure to obey a subpoena shall be punishable as contempt of court. Service of subpoenas shall be made by a Tribal enforcement officer or other person designated by the Court.

Section 19.03.02 Swearing in Witnesses

All witnesses shall be administered the following oath by the Court: "Do you solemnly swear to tell the truth in the matter now pending before this Court."

Section 19.03.03 Witness Fees

Each witness answering a subpoena shall be entitled to a fee of ten dollars (\$10.00) per day for each day their services are required in court. The fees of witnesses in civil actions shall be paid by the party calling them.

Chapter 19.04

Trial Procedure

Sections:

19.04.01 Conduct of Trial

19.04.02 Final Argument

Section 19.04.01 Conduct of Trial

The complainant shall make an opening statement setting forth the criminal charge or civil complaint against the defendant. The defendant shall then have an opportunity to make a statement of their position. The complainant shall then call witnesses and produce evidence as they may see fit. The defendant shall then have an opportunity to call witnesses and produce evidence. All parties shall have the right to cross examine witnesses produced by the other side.

Section 19.04.02 Final Argument

Upon conclusion of all the evidence, the defendant, then the complainant shall be given an opportunity to argue their cases. Each party, commencing with the defendant shall then be given an opportunity to make a closing argument. Further argument may be allowed in the Court's discretion.

Chapter 19.05

Jury Instructions

Sections:

19.05.01 Jury Instruction, Civil

19.05.02 Jury Instruction, Criminal

19.05.03 Jury Instructions by a Party

19.05.04 Jury Instructions, Deliberation

Section 19.05.01 Jury Instruction, Civil

In a civil jury case, the Court shall instruct the jury as to the complainant's burden of proof, that if the complainant has met their burden of proof that their judgment shall be for the complainant. The Court shall state to the jury that if the complainant fails to meet the burden of proof, judgment should be rendered for the defendant.

Section 19.05.02 Jury Instruction, Criminal

In a criminal jury case, the Court shall instruct the jury that the defendant is presumed to be innocent and that the jury should find the defendant guilty only if they believe the defendant is guilty beyond a reasonable doubt.

Section 19.05.03 Jury Instructions by a Party

In all jury cases either party may propose instructions to the jury which may be allowed by the Trial Judge if they find that such instructions further the interests of justice.

Section 19.05.04 Jury Instructions, Deliberation

In all cases the Judge shall instruct the jury that they shall retire to consider the matter, that they shall elect a foreman, that each juror shall be given an opportunity to state their opinion and that their decision shall be by unanimous vote in criminal cases, and at least five (5) to one (1) majority in civil cases.

Chapter 19.06

Judgment

Sections:

19.06.01 Jury Decision

Section 19.06.01 Jury Decision

After the jury has announced its decision in open Court with the parties present, the Court shall enter judgment in accordance with their decision.

Chapter 19.07

Supplemental Provisions

Sections:

19.07.01 Severability

Section 19.07.01 Severability

If any part of this Title or its application to any person or circumstance is held to be invalid, the remainder of the Title or its application to other persons or circumstances is not affected.

Chapter 19.08

Codification

Sections:

19.08.01 Date of Codification

Section 19.08.01 Date of Codification

This title was codified at a Tribal Council Meeting held on November 8, 2005 with Resolution #38-05.