

Seminole Tribe of Florida



SEMINOLE TRIBAL COURT ORDINANCE

Chapter 3 – Tribal Court

Section 1 – Seminole Tribal Court

Section 1 CREATION OF THE SEMINOLE TRIBAL COURT

3-11. Creation of the Tribal Court There is established under the authority of the Constitution of the Seminole Tribe of Florida, at Article X, a division of the judicial branch of government to be known as the Seminole Court. The powers of the Seminole Court shall be vested in an appellate court and a trial court to be known as the Seminole Tribe of Florida Appellate Court and the Seminole Tribe of Florida Trial Court respectively. The jurisdiction of the Seminole Court shall be civil in nature and shall include the right to issue all orders necessary to carry out the purposes of this code.

3-12. General Powers and Procedures The judicial powers of the Seminole Court shall extend to all cases and controversies brought before it, in law and equity, arising under the Tribal Constitution, Codes, Ordinances and Resolutions of the Seminole Tribe of Florida (“Tribe”) including but not limited to:

- A) Adjudication of all civil matters arising within the jurisdiction of the Tribe or which the Tribe or an enrolled member of the Tribe is a party;
- B) Review ordinances, codes and resolutions of the Tribe to insure they are consistent with the Tribal Constitution and to take such actions necessary for the equitable resolution of those ordinances and resolutions which are determined to be inconsistent with the Tribal Constitution;
- C) Enforce the Tribe’s laws through, but not limited to the imposition of fines and penalties in accordance with Tribal laws and federal law;
- D) Grant writs, injunctions and orders not inconsistent with the Tribe’s Constitution.

3-13. Jurisdiction The Seminole Court shall exercise broad original jurisdiction consistent with Seminole customs and traditions, the Seminole Constitution, laws and ordinances and applicable laws of the United States.

3-14. Persons Subject to the Jurisdiction of the Seminole Court The Seminole Court may exercise jurisdiction over any person who may come within the jurisdiction of the Tribe as provided by the laws of the Tribe and not prohibited by federal law, including but not limited to the following persons:

- A) Any person who is an enrolled member of the Tribe, or who is eligible for enrollment in the Tribe;
- B) Any person who is an enrolled member of a federally recognized tribe;
- C) Any person or entity who does business within the exterior boundaries of the Tribe including but not limited to corporations, partnerships, limited liability companies, governments and agencies, whether incorporated or not;
- D) Any person who voluntarily submits to the jurisdiction of the Seminole Courts.

Section 2 COURT PERSONNEL

3-15. Seminole Tribe of Florida Appellate Court The Seminole Tribe of Florida Appellate Court shall consist of one (1) Chief Justice, a Judicial Advisor, and two (2) Associate Justices. A number of alternate Justices shall be appointed to handle any absent sitting Justice. The Chief Justice may add to the number of Judicial Advisors available for the Court’s needs as necessary.

- A) All Justices shall be selected according to the requirements of the Constitution of the Tribe.
- B) The term of the Justices shall be for eight (8) years, and shall be staggered terms amongst the Justices.
 - 1) The first Chief Justice hired under this Code shall have a term of eight (8) years.
 - 2) The two Associate Justices initially hired under this Code shall have a term of four (4) years and two (2) years respectively.
 - 3) After the initial terms of the first Justices to be hired under this Code, the terms of all the Justices will continue and remain eight (8) years.
- C) Alternate Justices shall be selected according to the requirements of the Constitution of the Tribe. The alternate Justices shall be maintained on a list by the Director of the Administrative Office of the Courts and shall be updated annually.
 - 1) Alternate Justices shall be paid on a per case basis as needed.
 - 2) Alternate Justices may also act in the capacity of an alternate Judge when requested by the Chief Judge.

- 3) When a Justice or Judge of the Seminole Court is unavailable to preside over a case, the Chief Justice shall select an Alternate Justice to preside over that case.
 - 4) Alternate Justices shall be utilized on a rotating basis when possible.
- D) The Justices shall abide by the rules of judicial ethics as set by the Judicial Commission.
 - E) The Chief Justice shall be the personnel administrator of the Appellate Court.

3-16. Seminole Trial Court The Seminole Trial Court shall consist of one (1) Chief Judge, two (2) Judges, and a Judicial Advisor. The Chief Justice may add to the number of Judicial Advisors available for the Court's needs as necessary.

- A) The Judges shall be selected according to the requirements of the Constitution of the Tribe.
- B) The term of the Judges shall be for six (6) years, and shall be staggered terms amongst the Judges.
 - 1) The first Chief Judge hired under this Code shall have a term of six (6) years.
 - 2) The two Judges initially hired under this Code shall have a term of three (3) years and two (2) years respectively.
 - 3) After the initial terms of the first Judges to be hired under this Code, the terms of all the Judges will continue and remain six (6) years.
- C) The Judges shall abide by the rules of judicial ethics as set by the Judicial Commission.
- D) The Chief Judge shall be the personnel administrator of the Trial Court.

3-17. The Administrative Office of the Seminole Court

- A) There shall be a Director of the Administrative Office of the Seminole Court who shall be selected by the Chief Justice and the Chief Judge of the Seminole Court. The Director may only be removed by the Chief Justice after consulting with the Judicial Commission.
- B) The Director shall be the administrative officer of the Seminole Court and shall:

- 1) Supervise all administrative matters relating to the Court Clerks and other administrative personnel of the Court;
 - 2) Prepare and maintain the budget for the administration of the Seminole Courts in consultation with and approval of the Chief Justice and Chief Judge of the Seminole Court;
 - 3) Compile all data necessary for the continued evaluation of the Court process in order to make any necessary recommendations for change;
 - 4) Maintain all databases necessary for the efficient tracking and storage of all cases filed with the Court;
 - 5) Establish procedures for the collection of all fines, restitutions, assessments and other Court fees as required;
 - 6) Ensure compliance with any grants that may be awarded to the Seminole Courts;
 - 7) Perform such other duties as the Chief Justice may assign.
- C) The Director shall hire a Clerk of Court. The Clerk of Court shall administer the day to day operation of the Court and such clerks as needed. The duties of the Clerk of Court and the clerks shall be, but not limited to:
- 1) Maintaining the files of all cases filed with the Court in accordance with the procedures set by the Director of the Administrative Office of the Court;
 - 2) Maintaining all dockets for cases filed in trial and appeals court;
 - 3) Collecting and accounting for all fines and other monies paid to or collected by the Court;
 - 4) Disseminating all summons, notices, subpoenas, warrants, rulings, findings, opinions and orders of the Court;
 - 5) Assisting persons in properly filing documents with the Court; However, no court personnel shall give legal advice nor act on behalf of any person in any action before the Court;
 - 6) Administering oaths, certifying documents and witnessing the execution of documents;
 - 7) Maintaining the security and integrity of all Court documents at all times;
 - 8) Performing other duties as necessary for the efficient operation of the Court.

Section 3 APPEALS

3-18. Jurisdiction The Appellate Court shall have jurisdiction to review final orders and judgments of the Trial Court. On appeal, the record and decision of the Trial Court shall be reviewed for error. The Appellate Court may affirm, modify, or reverse any judgment, decree, or order of the Trial Court; remand the case and

order a new trial; direct the entry of an appropriate judgment, decree or order; and require such other action of further proceedings as may be just in the circumstances. A decision must be by majority of the justices hearing the appeal.

3-19. Right to Appeal Any party aggrieved by any final order, commitment, or judgment of the Trial Court may appeal.

3-110. Finality The decision of the Appellate Court shall be final.

Section 4 RECORDS

3-111. Docket The Court Clerk shall keep a docket which shall include but not be limited to the names of each plaintiff and defendant in any civil proceeding, the type of proceeding, the date of issuance and the return date of any legal order or process issued in the proceeding, the appearance or default of parties summoned, the date and the amount of any judgment, any appeal, and all other proceedings and documents as directed by the Chief Judge. The Court docket shall be available for public inspection, except to the extent that the proceedings and judgment in a matter are sealed by the Court or the case is one that involved children.

3-112. Copies of Proceedings Persons may obtain certified copies of court proceedings at their own expense; the seal of the Court Clerk shall be applied to all copies so certified. This paragraph shall not apply to matters under the Seminole Child Welfare Ordinance or records sealed or expunged by the Court.

3-113. Copies of Laws The Court shall obtain and maintain copies of all Tribal Ordinances, federal, and state laws and regulations that are deemed by the Court to be necessary, helpful, and proper to secure the rights and privileges of persons subject to the jurisdiction of the Court and its judicial powers and responsibilities. Copies of same shall be available for review by any interested party (ies) to a case or controversy filed with the Court.

3-114. Records Management The Clerk of Court shall be responsible for maintaining the security and integrity of all Court documents at all times. Only the policies and procedures of the Administrative Office of the Courts shall apply to the retention and dissemination of any Court document.

Section 5 ATTORNEYS AND LAY ADVOCATE ADMISSION TO PRACTICE

3-115. Right to Representation Any party may, but need not, be represented by the attorney or lay advocate of it's choice, except as prohibited by Tribal law. The cost for legal representation shall be the responsibility of the party. All

attorneys and lay advocates must meet the requirements for admission to the Seminole Courts as set forth in this ordinance.

3-116. Attorney Admission Any attorney wishing to practice before the Seminole Court shall submit an application, along with a filing fee as set by the Director of the Administrative Office of the Courts, to the Clerk of Court with the following information:

- A) Proof of admission to any state or federal court;
- B) An affidavit stating that he or she is in good standing with all Courts in which he or she is admitted. If an attorney is not in good standing with any Court in which the attorney is admitted then an explanation shall be attached detailing the facts;
- C) Acknowledgment that the attorney is aware of and has knowledge of the Seminole Court rules of procedures and all relevant Tribal laws, customs and traditions.

3-117. Lay Advocates An individual may represent a Party in an action before the Seminole Courts upon approval of the Chief Judge, or Chief Justice if representation in the Appellate Court is requested. The following information must be provided unless the Chief Judge or Justice determines an exception is warranted in the interest of justice:

- A) That the individual is at least twenty-one (21) years of age;
- B) Possesses at least a high school diploma or GED Certificate;
- C) Possesses good communication skills, both written and verbal and has the ability to express his/her position clearly and concisely;
- D) Has legal or law-related work experience including but not limited to experience and practice before Tribal Courts;
- E) Knows and understands Tribal traditions and customs;
- F) Has the knowledge and understanding of the Tribal Constitution, Tribal Code, Tribal Court Rules and Procedures, Evidentiary Rules, and the Indian Civil Rights Act;
- G) Has the ability to perform legal research;
- H) Possesses good character and moral fitness to represent clients, including supporting affidavits from at least two people familiar with the applicant's integrity, honesty, moral character, judgment, courtesy

and self-reliance as well as providing background information and permission to contact other references in the Court's discretion.

3-118. Approval or Disapproval of Application for Admission to Practice

- A) After all the required documents and fees have been submitted to the Court, the Chief Judge or Justice shall make a determination on the approval of the application. After an application is approved, the applicant shall be provided with a Certificate of Admission to Practice from the Court.
- B) An applicant for admission to practice shall respond to any additional requests for information or documentation from the Court within twenty (20) days of the date of said request.
- C) An applicant who is denied admission to practice shall receive written notice of the basis for the denial and the applicant may then submit a response within twenty (20) days of the date of said notice. The Court will then review the application materials, the basis for denial, and the applicant's response, and then notify the applicant in writing of the subsequent decision. Also, in the Court's discretion, a hearing may be held to elicit testimony bearing on the basis for the denial prior to making such decision. There is no further appeal in the admission procedure.
- D) A denial for Admission to Practice may include, but is not limited to the following:
 - 1) Failure to meet the admission requirements set forth herein;
 - 2) Refusal to furnish available information or answer questions relating to the applicant's qualifications for Admission to Practice;
 - 3) Knowingly making a false statement of a material fact or failure to disclose a fact necessary to correct a misapprehension or misrepresentation in connection with his/her application; or knowingly omitting a material fact necessary for a complete application.
 - 4) Is the subject of disciplinary action as an attorney in the jurisdiction for the State in which the attorney is so licensed.

3-119. Attorney and Lay Advocate Conduct

- A) While admitted to practice in the Seminole Court, attorneys shall abide by the American Bar Association's Model Rules of Professional Conduct as adopted by the Seminole Court.

- B) Lay Advocates shall abide by the same Rules of Professional Conduct as attorneys as it relates to attorney-client relationship, candor to the Court, and integrity

3-120. Disbarment or Removal as Advocate

- A) An attorney admitted to practice before the Seminole Court may be disbarred for, but not limited to, the following reasons:
 - 1) Disciplinary actions have been taken by the State or Federal Court in which that attorney is licensed to practice;
 - 2) The attorney has violated the Rules of Professional Conduct of the Seminole Court;
 - 3) The attorney has knowingly disrespected the customs and traditions of the Seminole Tribe of Florida.
- B) A lay advocate admitted to practice before the Seminole Court shall be removed as a lay advocate for, but not limited to, the following reasons:
 - 1) The lay advocate has violated the Rules of Professional Conduct of the Seminole Court;
 - 2) The lay advocate has knowingly disrespected the customs and traditions of the Tribe.
- C) The attorney or lay advocate shall be informed of disciplinary action being taken against them. At such time the attorney or lay advocate shall have the right to request a hearing before the Chief Justice, the Chief Judge and the Director of the Administrative Office of the Courts. The decision of this hearing will be final.