

# CHITIMACHA TRIBAL COURTS

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TRIBAL COURTS BUILDING

CHITIMACHA RESERVATION

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"RULES OF COURT"



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# CHITIMACHA COURT RULES

## **RULE 1. PLEADINGS, FILINGS, AND WITHDRAWAL OF FILES**

**1.01 Place of Filing.** All filings shall be made with the office of the clerk.

**1.02 Form: Statement Regarding Filing of Papers;** All papers drafted for filing in this court shall be on 8 1/2 by 11 inch paper, plainly written or printed without defacing erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced.

If a jury demand is made in the document, the caption shall contain words indicating that a demand for jury trial is being made therein.

Judgments must be on a separate sheet of paper and shall bear the caption of the action. Orders must also be on a separate sheet of paper and shall bear the caption of the action.

**1.03 Signing of Pleadings, Motions and Other Papers.** Every pleading, motion, or other paper presented for filing shall be signed personally by counsel or the party themselves, in his or her individual name. In addition, the pleading shall include the name, address, and telephone number, typed or printed under his or her signature.

Documents filed by a party not represented by counsel shall be signed by the party. The party's name, address and telephone number shall be typed or clearly printed.

Each attorney and pro se litigant has a continuing obligation to apprise the court of any address change.

**1.04 Trial Attorney.** If a law firm or more than one attorney represents a party, one attorney will be designated in the first pleading filed on behalf of that party as "Trial Attorney" or "T.A.". This attorney may, but need not, be the attorney who personally signs pleadings.

The designated trial attorney will be responsible for the case and all notices and other communications with respect to it will be directed to the designated trial attorney, or to local counsel in the event a visiting attorney is designated as trial attorney. The designation of the trial attorney may be changed at any time by ex parte motion. If a party desires to change the trial attorney, the new trial attorney will be promptly designated.

**1.05 Collateral Proceedings and Refiled Cases.** Whenever a civil matter, commenced in or removed to the court, involves subject matter that either comprises all or a material part of the subject matter or operative facts of another action, whether civil or criminal, then pending before this or another court or an administrative agency, or previously dismissed or decided by this court, counsel shall append on a separate sheet of paper, to the front of the complaint, a list and description of all such actions then known to counsel and a brief summary of the relationship. If information concerning any such action or proceeding is obtained subsequent to the filing of the

original pleading in the latter case, it shall be the duty of counsel obtaining such information to notify the court and opposing counsel in writing of the information so received in the same manner.

**1.06 Consolidated Cases.** Unless otherwise ordered by the court, where cases are consolidated, whether for trial only or otherwise, the caption of all papers filed after consolidation shall list first the name and docket number of the lowest numbered case in the group, with words indicative of the consolidation. This shall be followed by a listing of the names and docket numbers of only those cases to which the paper applies. Attorneys shall furnish copies of papers filed according to the number of cases to which the papers apply.

The caption of the lowest numbered case will serve as the identifying caption during the pendency of the consolidation and will continue to be used even if that particular case is closed.

**1.07 Nonconforming Pleadings or Documents.** Unless otherwise ordered by the court, the clerk may refuse to accept pleadings or other documents not conforming to the provisions of these rules.

**1.08 Certificate of Service.** Every pleading and every brief or memorandum filed in any proceeding in this court shall bear a certificate by the attorney or party who files it that, prior to filing, copies have been served on all parties or their attorneys, either in person or by mailing it postage prepaid, properly addressed. This certificate may be by rubber stamp or typing, or it may be contained in the text of the pleading.

**1.09 Withdrawal of Files.** Files in the office of the clerk may be removed from it only:

- A. for the use of the court;
- B. pursuant to a subpoena from any federal or state court directing their production; or
- C. with leave of court or permission of the clerk first obtained.

## **RULE 2. MOTIONS**

**2.01 Motion Days.** Motions will be designated for hearing by order of the individual judge to whom the action is allotted. The court considers contradictory motions requiring action by the court after hearing evidence and other matters required by law or court order to be heard and determined summarily.

Oral argument will be allowed when requested by a party, or at the discretion of the trial judge. All other motions will be decided by the court on the basis of the record, including timely filed briefs and any supporting or opposing documents filed therewith.

**2.02 Submission of Motions.** All motions except those made during a hearing or trial which is being properly recorded into the court record shall be made in writing. Each motion and its accompanying documents shall be filed in duplicate; one copy is for the record and the other is for the use of the hearing judge. Papers filed with the motion are thereby made a part of the record. If the court decides not to hear oral argument in a specific case, involved counsel will be timely notified.

**2.03 Motions Must Be Accompanied by Memorandum.** The moving party shall submit and serve opposing parties with a copy of the motion and memorandum. Except if a party is unrepresented and the court waives said requirement, all motions shall be accompanied by a memorandum commonly referred to as a "Memorandum in Support", which shall contain (1) a concise statement of reasons in support of the motion, and (2) citations of the authorities on which he relies or copies of these authorities. If the motion requires the consideration of facts not appearing of record, the movant shall also file with the clerk and serve upon opposing counsel a copy of all documentary evidence he or she intends to submit in support of the motion. Memoranda may not be supplemented except with leave of court first obtained.

**2.04 Submission of Ex Parte or Consent Motions.** An application for an order, allowed by these rules to be submitted ex parte or by consent, need not be noticed for hearing as described above, but shall instead be accompanied by a proposed order. Except as otherwise ordered in an individual case, every such application shall be submitted to the judge through the clerk.

**2.05 Motions Not Requiring Memorandum.** All motions listed below, while not required to be accompanied by a memorandum, must state the grounds therefor and cite any applicable rule, statute, or other authority justifying the relief sought. No memorandum or hearing is required by either movant or respondent, unless otherwise directed by the court, with respect to the following motions: (1) For extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed or as extended by previous orders; (2) to continue a pretrial conference, hearing, motion, or the trial of an action; (3) to add additional parties; (4) to amend pleadings; (5) to file supplemental pleadings; (6) to appoint next friend or guardian ad litem; (7) to intervene; (8) for substitution of parties; (9) joint motions to dismiss or consolidate; and (10) to withdraw as counsel; (11) Small claims filed by unrepresented parties where the amount in dispute is less than \$10,000.00. A proposed order shall accompany each motion filed under this paragraph.

**2.06 Response and Memorandum.** Each party opposing a motion shall file in duplicate, a memorandum of the reasons advanced in opposition to the motion and a list of citations of the authorities upon which the opponent relies or copies of these authorities no later than the five days prior to the noticed hearing date and shall at the same time serve a copy thereof on the opposing parties. The opposition memorandum, in duplicate, must be in the hands of the judge who will hear the motion no later than the day such memorandum is due to be filed.

A copy of the memorandum will be delivered to opposing counsel in the same fashion in which delivery to the judge is made.

If the motion requires the consideration of facts not appearing of record, counsel shall also serve, and shall submit with each copy of his/her opposition, copies of all documentary evidence that he/she intends to submit in opposition to the motion.

No supplemental opposition memoranda may be filed except with leave of court first obtained.

**2.07 Motions to Intervene, to Amend Pleadings and to File Third-Party Complaints.** Prior to filing any motion for leave to intervene, to amend pleadings or to file a third-party complaint, the moving party shall attempt to obtain consent for the filing and granting of such motion from all parties having an interest to oppose. If such consent is obtained, the motion shall not be noticed for hearing but thereafter shall be filed, accompanied by a proposed order, with a statement of the consent of opposing counsel. No such motions, when required to be noticed for hearing, shall be accepted for filing unless accompanied by a certificate of counsel for the moving party to the effect that opposing counsel have refused to consent to the filing and granting of such motion. If the court finds that opposing counsel does not have a good faith reason for failing to so consent, the court may impose such sanctions as it deems proper.

**2.08 Motions for Summary Judgment.** Every motion for summary judgment shall be accompanied by a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried.

**2.09 Opposition to Summary Judgment.** Each copy of the papers opposing a motion for summary judgment shall include a separate, short and concise statement of the material facts as to which there exists a genuine issue to be tried. All material facts set forth in the statement required to be served by the moving party will be deemed admitted, for purposes of the motion, unless controverted as required by this rule.

**2.10 Discovery Motions.** All discovery shall be conducted as determined by the Court to the extent that it does not conflict herein with the Chitimacha Comprehensive Codes of Justice or the Tribal Constitution. No motion relative to discovery shall be accepted for filing unless accompanied by a certificate of counsel for the moving party, stating that counsel have conferred in person or by telephone for purposes of amicably resolving the issues and stating why they are unable to agree or stating that opposing counsel has refused to so confer after reasonable notice. Counsel for the moving party shall arrange the conference. A proposed order shall accompany each motion filed under this paragraph. If the court finds that opposing counsel has willfully



refused to meet and confer, or, having met, willfully refused or failed to confer in good faith, the court may impose such sanctions as it deems proper.

**2.11 Objections to Interrogatories or Requests for Admission.** Objections to interrogatories and to requests for admission, and objections to the answers to them, shall set forth in full, immediately preceding each answer or objection, the interrogatory, request or answer to which objection is being made.

### **RULE 3. DISCOVERY MATERIALS**

All discovery shall be conducted in a manner to be determined by the Court to the extent that it does not conflict herein with the Chitimacha Comprehensive Codes of Justice or the Tribal Constitution.

**3.01 Non-filing of Disclosure, Discovery Requests and Responses, Retention by Requesting Party.** Disclosure, Interrogatories, Answers thereto, Requests for Production or Inspection, Requests for Admissions, and responses thereto shall be served upon other counsel or unrepresented parties, but shall not be filed with the court, unless the court orders that such materials be filed. Notices of depositions may be filed with the court, but depositions shall not be filed unless otherwise authorized. The party preparing and responsible for service of the disclosure or discovery material shall retain the original and become the custodian of any such non-filed materials.

**3.02 Disputed Discovery Materials to Be Filed With Request for Relief.** If there is a disagreement concerning discovery concerning any disclosure, interrogatories, requests for production or inspection, requests for admissions, answers to interrogatories or responses to requests for admissions, copies of the portions of the disclosure, interrogatories, requests, answers or responses in dispute shall be filed with the court contemporaneously with any such motion.

**3.03 Pretrial Filing of Disclosure and Discovery Materials to Be Used at Trial.** If disclosure or pretrial discovery materials will be used at trial or are necessary to a pretrial motion which might result in a final order, the portions to be used shall be filed with the clerk at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated. Nothing in this rule is intended to preclude use of disclosure or discovery materials for impeachment if the attorney could not reasonably anticipate that it would be used at trial.

**3.04 Construction of the Rule.** This rule shall not be construed so as to preclude the filing of any of the aforesaid disclosure or discovery materials as exhibits or as evidence in connection with a motion or at a trial.

**3.05 Filing of Disclosure or Discovery Materials for Appeal Purposes.** When documentation of disclosure or discovery not previously in the record is needed for appeal purposes, upon an application and order of the court or by stipulation of counsel, the necessary disclosure or discovery papers shall be filed with the clerk.

**RULE 4. BRIEFS**

Except with permission of the judge, no brief shall exceed 15 pages in length, exclusive of pages containing a table of authorities or a table of contents, and no reply brief shall exceed 10 pages. Any brief exceeding 10 pages shall contain (1) a table of contents with page references and (2) a table of cases (arranged alphabetically), statutes and other authorities cited, with references to the pages of the brief where they are cited.

## **RULE 5. FEES AND COSTS**

**5.01 Memorandum of Costs.** Within 30 days after receiving notice of entry of judgment, unless otherwise ordered by the court, the party in whose favor judgment is rendered and who claims and is allowed costs, shall serve on the attorney for the adverse party and file with the clerk a notice of application to have the costs taxed, together with a memorandum signed by the attorney of record and stating that the items are correct and that the costs have been necessarily incurred.

**5.02 Hearings.** The party applying for taxation of costs shall notice the matter for hearing before the Court.

**5.03 Objections.** Specific objections may be made at any time prior to the hearing to any item of costs. If no objection is made than the Court shall cause the clerk to thereupon tax the costs.

**5.04 Security for Costs.** In any civil matter, the court, on motion or its own initiative, may order any party to file a bond which is acceptable to the court for costs or additional security for costs in such an amount and so conditioned as it may designate.

## **RULE 6. EVIDENCE**

**6.01 Applicable laws.** Under Title IV Section 501 of the Chitimacha Comprehensive Codes of Justice, the Court shall determine the admissibility and applicability of any evidence sought to be received.

## **RULE 7. TRIAL EXHIBITS**

**7.01 Custody.** After being received in evidence, all exhibits shall be placed in the custody of the clerk, unless otherwise ordered by the court.

**7.02 Disposition.** All exhibits in the custody of the clerk shall be removed within 30 days of the final disposition of the case. The party offering exhibits shall be responsible for their removal and shall give a detailed receipt for the clerk's records. If the parties or their attorneys fail or refuse to remove exhibits within 30 days, the exhibits may be destroyed or otherwise disposed of by the clerk.

**RULE 8. APPLICABLE LAW**

**8.01 Applicable laws.** Under Title IV Section 501 of the Chitimacha Comprehensive Codes of Justice, the Court shall adopt, apply and allow civil actions in accordance with Chitimacha Tribal Custom, and thereafter shall apply Louisiana Civil Law in determining all causes brought before the Court.

**RULE 9. CONFERENCE IN CHAMBERS--NOTICE**

Except as to applications normally considered and acted upon ex parte, before any attorney or party shall confer, or arrange to confer, with a judge of this court in chambers relative to a matter then pending before the judge, he or she shall first give notice of the date and hour of the proposed conference to opposing counsel, or if counsel is unknown, to the opposing party, and shall satisfy the judge that this has been done.



**RULE 10. TEMPORARY RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS**

An application for a temporary restraining order or for a preliminary injunction shall be made in a document separate from the complaint. An application for a temporary restraining order shall be accompanied by a certificate of the applicant's attorney, or by an affidavit, or by other proof satisfactory to the court, stating (1) that actual notice of the time of making the application, and copies of all pleadings and other papers filed in the action to date or to be presented to the court at the hearing, have been furnished to the adverse party's attorney, if known, otherwise to the adverse party; or (2) the efforts made by the applicant to give such notice and furnish such copies. Except in an emergency, the court will not consider an ex parte application for a temporary restraining order.

**RULE 11. DISMISSAL FOR FAILURE TO PROSECUTE**

**11.01** Dismissal for Failure to Prosecute. A civil action may be dismissed by the court for lack of prosecution as after notice to the parties and opportunity for hearing when no action has been taken two (2) years following the date of last action in a matter.

## **RULE 12. JUDGMENTS AND SATISFACTION OF JUDGMENTS**

**12.01 Clerk May Require Draft of Judgment to Be Furnished.** The clerk may require the prevailing party to furnish to the clerk a draft of any judgment or order that does not require signature or approval as to form by the judge.

**12.02 Payment and Application for Order of Satisfaction of Judgment.** Whenever any party shall pay into court an amount of money which fully satisfies any judgment or decree in principal, interest, and costs, he or she may apply to the court for an order of satisfaction and, after notice to opposing counsel, or party (if no counsel), upon proof to the court of such complete satisfaction, shall be entitled to an order declaring same.

**12.03 Filing Acknowledgment of Satisfaction Notice in Docket.** Upon filing of acknowledgment of satisfaction made by the judgment creditor or his/her attorney, the clerk shall note upon the docket sheet "Judgment Satisfied" together with the date of any judgment.

## **RULE 13. TRIAL**

**13.01 Contacting Prospective Jurors.** Prospective jurors shall not be contacted, either directly or through any member of their immediate family, in an effort to secure information concerning the background of any member of the jury panel.

### **13.02 Interviewing Jurors.**

- A. No juror has any obligation to speak to any person about any case and may refuse all interviews or comments;
- B. No person may make repeated requests for interviews or questions after a juror has expressed his or her desire not to be interviewed;
- C. Under no circumstances except by leave of court granted upon good cause shown shall any attorney, party to an action or other person examine or interview any juror. No juror who may consent to be interviewed shall disclose any information with respect to the following:
  - 1. The specific vote of any juror other than the juror being interviewed;
  - 2. The deliberation of the jury.

**13.03 One Counsel to Examine Witness and Present Objections.** Only one counsel for each separate interest shall conduct the examination of any one witness, present argument or urge objections with respect to the testimony of that witness, except with leave of court.

**13.04 Offer and Marking of Exhibits.** Before referring to or using or offering in evidence any exhibit, (whether book, paper, document, model, diagram or any other type of exhibit), counsel shall first ensure that it is marked for identification.

### **13.05 Subpoena Duces Tecum to Hospitals.**

- A. When a subpoena duces tecum is served upon the custodian of records or other qualified witness from a hospital or other health care facility in an action in which the hospital or facility is not a party and such subpoena requires the production for trial of all or any part of the records of the hospital or facility relating to the care and treatment of a patient in such hospital or facility, it shall be sufficient compliance therewith if the custodian or other officer of the hospital or facility delivers by registered mail or by hand a true and correct copy of all records described in such subpoena to the clerk of court or other tribunal, or if there is no clerk, then the court or other tribunal, together with the affidavit described in Subsection B. Production of the record shall occur prior to the time fixed for the trial, but no earlier than two working days before the trial date unless otherwise directed in the pretrial order. This section is limited to procedures for complying with a subpoena duces tecum for purposes of trial and shall not affect the rights of parties to

production of documents pursuant to laws governing discovery or other laws pertaining thereto.

- B.** The records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following:
1. That the affiant is the duly authorized custodian of the records and has authority to certify the records.
  2. That the copy is a true copy of all records described in the subpoena.
  3. That the records were prepared by the personnel of the hospital or facility, staff physicians, or persons acting under the control of either in the ordinary course of the business of the hospital or facility at or near the time of the act, condition, or event.
- C.** If the hospital or facility has none of the records described, or only part thereof, the custodian shall so state in the affidavit, and deliver the affidavit and such records as are available in the manner provided in Subsection A.

## **RULE 14. BUILDING SECURITY**

**14.01 Reasons for Building Security.** The purpose of these rules is to minimize interference with and disruptions of the court's business, to preserve decorum in conducting the court's business and to provide effective security in the buildings wherein proceedings governed by these rules are held. These buildings are hereinafter collectively referred to as "the premises".

**14.02 Security Personnel.** The term "Security Personnel" means a deputized court security officer.

**14.03 Carrying of Parcels, Bags, and Other Objects.** Security personnel shall inspect all objects carried by persons entering the premises. No one shall enter or remain in the premises without submitting to such an inspection.

**14.04 Search of Persons.** Security personnel may search the person of anyone entering the premises or any space in it. Anyone who refuses to permit such a search shall be denied entry. Should any defendant in a criminal case whose appearance is required refuse to permit such a search, security personnel shall deny the person entry and shall immediately notify the judge before whom the appearance is required. The judge may take the appropriate action, including, but not limited to, detention and search, and ordering revocation of bond, if the defendant is on bond.

**14.05 Unseemly Conduct.** No person shall:

- A. Loiter, sleep or conduct himself/herself in an unseemly or disorderly manner in the premises;
- B. Interfere with or disturb the conduct of the court's business in any manner;
- C. Eat or drink in the halls of the premises or in the courtrooms;
- D. Block any entrance to or exit from the premises or interfere in any person's entry into or exit from the premises.

**14.06 Entering and Leaving.** All persons shall enter and leave courtrooms only through such doorways and at such times as shall be designated by the security personnel.

**14.07 Spectators.** Spectators shall enter or depart courtrooms only at such times as the presiding judge may direct. No spectator shall enter or remain in any courtroom unless spectator seating is available. Spectators shall sit in that portion of the courtroom designated by security personnel. Spectators excluded because of lack of seating and spectators leaving the courtroom while court is in session or at any recess shall not loiter or remain in the area adjacent to the courtroom.

**14.08 Cameras and Electronic Equipment.** Unless authorized by the court, no camera, recording equipment, or other type of electrical or electronic device shall be brought into the

premises. No person shall introduce or attempt to introduce any type of camera, recording equipment or other type of electrical or electronic device into the premises without court permission.

**14.09 Weapons.** No person shall be admitted to or allowed to remain in the premises with any object that might be employed as a weapon unless he has been authorized in writing by a judge or unless he is a Tribal Law Enforcement agent, a U.S. Marshal, a Louisiana State Police Officer, a publicly employed law enforcement officer or a person designated by the court. No person, except those above shall have any such object in his possession while in any courtroom or judges' chambers.

**14.10 Enforcement.** Security personnel shall enforce the whole of this Rule 14. In addition to such other penalties as may be prescribed by law, violators of this rule may be held in contempt of court and subject to the imposition of sanctions.

## **RULE 15. RECORDS RETENTION SCHEDULE**

**15.01 Purpose.** The purpose of this Court Rule is to address the need for maintenance, retention, and storage of the Chitimacha Tribe of Louisiana's Tribal court records.

**15.02 Scope.** The provisions of this Rule govern only the records of the Tribal courts and do not apply to records held by other divisions of the Tribal government.

A. The tribal court is responsible for ensuring that its records and the records of the Court of Appeals are properly maintained and remain accessible during the entire retention period for a given record. Records held by other entities within the Chitimacha Tribal Government are not subject to this records retention rule.

### **15.03 Definitions.**

A. "Tribe" means the Chitimacha Tribe of Louisiana.

B. "Court" and "Tribal Court" mean the trial level court of the Tribe.

C. "Court of Appeals" means the appellate level court of the Tribe.

D. "Court Recording" mean all recordings of court proceedings such as tapes, backup tape, discs and other medium used or created while recording court proceedings.

E. "Court Case Records" means records created by all Tribal courts or filed with the Tribal courts, and includes all pleadings, written opinions and findings of fact, order and judgments filed in an action, and any other materials prescribed by court rule, Tribal code, or court order which are to be filed with any Tribal court. Court case records can exist in a wide variety of different mediums and are not limited to paper files. Court case records may be maintained in a case file, or separately from the file dependent on size and medium.

F. "Final Disposition" means the final and unappealable decision, judgment, decree, or other order by a court with jurisdiction to enforce the laws of the Chitimacha Tribe of Louisiana.

G. "Non-record materials" means materials that have no administrative, legal, fiscal, or archival value or may be easily recreated and are of no further reference value after their use and are not a part of any court record. These materials do not have a required retention period and may be disposed at the Court's convenience.

H. "Other Court Records" means records that are not part of a case but are ancillary to a case or court administration.

I. "Original Record" means the original document filed and stamped or hand marked upon entry with the Tribal courts.



J. "Suitable Duplicate" means any reproduction of an original court record in a format that clearly and accurately reproduces the original record.

K. "Tribal courts" refers to both the trial level court of the Tribe and the Court of Appeals.

**15.04 Retention of Court Records.** Any case record is to be retained for the retention period for the specified case type.

A. Upon the adoption of this Rule, the Court shall publish a notice informing the public that this Rule has been adopted and that records currently maintained by the Court may be subject to disposal under the newly adopted Rule. The Court shall retain any records in its custody for 90 days following the date that said notice is published. Once 90 days has passed, all records in the Court's custody will be maintained, duplicated, and/or destroyed according to the Rule 15.08 Retention and Disposal Schedule.

B. The Court may retain records longer than the specified period only if the Court has a substantial and justified reason for extending the retention period for a specific set of records.

C. Any record not addressed by this rule may be disposed of or retained by the Court at its discretion.

**15.05 Required Duplication.** Unless otherwise ordered by the Tribal Court, a suitable duplicate of any record filed with the Tribal Court must be created before the record may be destroyed in accordance with the schedule provided in 15.08.

**15.06 Retention Periods.** The Rule provides the retention period for each subset of records by designating a retention period in years to be calculated as specified. For example, "RETAIN UNTIL: Date filed, PLUS: 10 years, THEN: Destroy." Some records are to be retained permanently.

**15.07 Proper Disposal of Court Records After Retention Period Has Run.** Records disposal may only be carried out by the Clerk of Court or other person(s) designated by the Clerk of Court. Disposal of records must ensure that record contents cannot later be recovered and in a manner that ensures adequate protection of the identity of any confidential informant.

**15.08 Retention and Disposal Schedule.**

Item Number	Record Type	Record Description	Retention Period
1	Civil Case Files	Files and documents relating to civil matters within the original,	

		concurrent, or appellate jurisdiction of the court. This does not include Family or Probate case files.	
<b>1.01</b>	All civil files besides those listed below		RETAIN UNTIL: final disposition or satisfaction of judgment, PLUS: 5 years, THEN: DESTROY.
<b>1.02</b>	Settlements		RETAIN UNTIL: Final distribution of money from settlement and no outstanding judgments, PLUS: 5 years, THEN: DESTROY.
<b>1.03</b>	Cases involving real property		Permanent.
<b>1.04</b>	Contested Elections		Permanent
<b>1.05</b>	Treaty Rights Cases		Permanent
<b>1.06</b>	Historically significant cases	As decided the Chief Judge of the Tribal Court.	Permanent
<b>2</b>	Family Law Files		
<b>2.01</b>	Divorces/Annulments		Permanent
<b>2.02</b>	Spousal/Child Support (including foreign orders)		RETAIN UNTIL: Final support obligation expires and no outstanding judgments, PLUS:5 years, THEN: DESTROY
<b>2.03</b>	Paternity		Permanent
<b>2.04</b>	Parent-Child Termination		Permanent
<b>2.05</b>	Child-custody Determinations		Permanent
<b>2.06</b>	Guardianship		Permanent
<b>2.07</b>	Domestic Violence Orders (including foreign orders)		RETAIN UNTIL: All orders in case

			have expired and case is closed, PLUS: 5 years, THEN: DESTROY
	All other family law cases		RETAIN UNTIL: File is closed, PLUS: 20 years, THEN: DESTROY
3	Juvenile Cases under Title V(Child Welfare)	See C.C.C.J Tit. V, Ch.1, § 309.	RETAIN UNTIL: Child reaches 18 years, PLUS: 10 years or request by said child, THEN: DESTROY (subject to Order of the Tribal Court authorizing destruction).
4	Criminal and Traffic Cases	Files and documents relating to criminal matters within the original, concurrent, or appellate jurisdiction of the court. This does not include Family or Probate case files.	
4.1	Felony		Permanent
4.2	Domestic Violence	Even misdemeanors since a conviction may result in the permanent ban on the possession of firearms	Permanent
4.3	Misdemeanors		RETAIN UNTIL: Final disposition or satisfaction of judgment, PLUS: 5 years, THEN: DESTROY
4.4	Traffic and other related infractions	Includes all traffic and other minor civil infractions	RETAIN UNTIL: Final disposition or satisfaction of judgment, PLUS: 4

			years, THEN: DESTROY.
<b>5</b>	Probate		
<b>5.1</b>	Estate Case Files		Permanent
<b>5.2</b>	Wills and Trust Files	This includes all trusts except those related to minor tribal members per capita trust distributions.	Permanent
<b>5.3</b>	Minor Per Capita Distributions	This includes all files related to minor per capita trust distributions as described in C.C.C.J. Tit. VI, Ch. 4, § 413.	RETAIN UNTIL: Child reaches 21, PLUS: 6 years, THEN: DESTROY
<b>5.4</b>	Guardianships and Conservatorships		Permanent
<b>6</b>	Housing and Eviction Cases		RETAIN UNTIL: Final disposition or satisfaction of judgment, PLUS: 5 years, THEN: DESTROY
<b>7</b>	Tribal Enrollment		Permanent
<b>8</b>	Appeals Court Records		Permanent
<b>9</b>	Foreign Subpoenas	This includes only foreign subpoenas and those not connected to current Tribal Court file.	RETAIN UNTIL: Issuance, PLUS: 5 years, THEN: DESTROY
<b>10</b>	Attorney Discipline		RETAIN UNTIL: Death of subject attorney, THEN: DESTROY.
<b>11</b>	Trial Exhibits	<i>See Tribal Court Rule 7.</i>	RETAIN UNTIL: Final disposition or satisfaction of judgment, PLUS: 30 days, THEN: DESTROY
<b>12</b>	Accounting Documents		
<b>12.1</b>	Bond Reimbursements		RETAIN UNTIL: As long as case file is required to be

			retained, PLUS: none, THEN: DESTROY
<b>12.2</b>	Child Support Payment Receipts		RETAIN UNTIL: Final support obligation expires and there are no outstanding judgments, PLUS: 5 years, THEN: DESTROY
<b>12.3</b>	Receipts for the Collection of Other Monies		RETAIN UNTIL: Case file closes (if applicable), PLUS: 4 years, THEN: DESTROY
<b>12.4</b>	All Other Accounting Documents		RETAIN UNTIL: Date received, PLUS: 5 years, THEN: DESTROY
<b>13</b>	Chitimacha Tribal Prosecutor and Public Defender Offices' Documents	This includes any documents received and retained by the offices of Tribal Prosecutor and Public Defender and physically retained at the Tribal Court.	RETAIN UNTIL: Case file closes, PLUS: 6 years, THEN: DESTROY