

# Mille Lacs Band Statutes Annotated

Amendments received through: May 14, 2004

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## TITLE 5 - JUDICIAL BRANCH

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<b>1. Judicial Organization</b>	<b>1</b>
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### Historical and Statutory Notes

Band Statute 1303-MLC-4, §§ 1 to 3 and 9.03 provide:

"Section 1. Purpose. The Purpose of this Act is to promote the general welfare, preserve and maintain justice and to protect the rights of all persons under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians consistent with a judicial philosophy of a search for truth and justice. This statute is enacted by the inherent aboriginal and sovereign rights of the members of the Non-Removable Mille Lacs Band of Chippewa Indians to be self-governing since time-immemorial and by the authority vested in the Mille Lacs Reservation Business Committee under Article I, Section 3, Article VI, Sections 1 and 2, and Article XIII of the Constitution of the Minnesota Chippewa Tribe.

"Section 2. Scope of Amending Provision. Band Statute 1143-MLC-4 is hereby repealed in its entirety and replaced by the provisions of this statute.

"Section 3. Severability. If any provision of this Act is held invalid, the invalidity shall not affect other provisions or applications of this Band Statute which can be given effect without the invalid provision and to this end, the provisions of this Band Statute shall be severable."

"Section 9.03 Sovereign Immunity. Nothing contained in this act shall be deemed or construed to be a waiver of sovereign immunity by the Non-Removable Mille Lacs Band of Chippewa Indians."

### Cross References

Band government identification cards, see 22 MLBSA § 308.  
Bribery, see 24 MLBSA § 1203.

# CHAPTER 1

## JUDICIAL ORGANIZATION

### Section

1. Court of Central Jurisdiction; composition.
2. Court of Central Jurisdiction; constituent courts and leadership.
3. Composition of Court of Appeals.
4. Composition of District Court.
5. Appointment and terms of office of Justices.
6. Chief Justice; election and term of office.
7. District Court Judge; appointment and term of office.
8. Vacancy in Court of Central Jurisdiction.
9. Qualifications of Justices.
10. Qualifications of District Judge.
11. Removal or discipline of Justices and Judges.
12. Salaries of Justices.
13. Official seal.
14. Convening schedule of District Court.
15. Fines and bonds.

### Cross References

Exemption from personnel manual provisions, see 6 MLBSA § 8.

### **§ 1. Court of Central Jurisdiction; composition**

All judicial authority of the Non-Removable Mille Lacs Band of Chippewa Indians shall be vested in the Court of Central Jurisdiction. The Court of Central Jurisdiction shall be composed of the Justices and Judges of the Court of Central Jurisdiction, the Clerk of Court, Court Administrator and other judicial employees.

### Historical and Statutory Notes

**Source:**

Band Statute 1303-MLC-4, § 7.

**Prior Laws:**

Band Statute 1043-MLC-4, T.I, § 3.

### Cross References

Court staff, see 5 MLBSA § 107.

### **§ 2. Court of Central Jurisdiction; constituent courts and leadership**

The Court of Central Jurisdiction shall consist of the District Court and the Court of Appeals of the Non-Removable Mille Lacs Band of Chippewa Indians and as otherwise provided for by law and shall be led by the Chief Justice who shall serve as the leader of the Court of Central Jurisdiction.

### Historical and Statutory Notes

**Source:**

Band Statute 1303-MLC-4, § 7.01.

**Prior Laws:**

Band Statute 1043-MLC-4, T.I, § 3.

### § 3. Composition of Court of Appeals

The Court of Appeals shall be composed of one Chief Justice and two Associate Justices.

### Historical and Statutory Notes

**Source:**

Band Statute 1303-MLC-4, § 7.02.

**Prior Laws:**

Band Statute 1143-MLC-4, T.I, § 3.02.

### § 4. Composition of District Court

The District Court shall be composed of one District Court Judge.

### Historical and Statutory Notes

**Source:**

Band Statute 1303-MLC-4, § 7.03.

**Prior Laws:**

Band Statute 1143-MLC-4, T.I, § 3.02.

### § 5. Appointment and terms of office of Justices

(a) The terms of office of the three Justices of the Court of Appeals shall be for six (6) years. Any Justice may be disciplined or removed for cause pursuant to 3 MLBSA § 25.

(b) The Justices shall be nominated by the Chief Executive, who shall submit the nomination to Band Assembly. Band Assembly shall upon receipt of the nomination confirm or reject the nomination within thirty (30) days. There shall be one justice from each of the three respective districts of the Mille Lacs Band.

(c) The Justice from the Nay-Ah-Shing District shall serve a six year term expiring August 15, 1996 and on this date every six years hence. The Justice from the Ga-me-ta-wa-ga-gi-moog District shall serve a six year term expiring August 30, 1998 and on this date every six years hence. The Justice from the Ah-sho-moog District shall serve a six year term expiring August 15, 2000 and on this date every six years hence.

### Historical and Statutory Notes

**Source:** Band Statute 1303-MLC-4, § 12.

**Prior Laws:** Band Statute 1143-MLC-4, T.I, § 7.

Band Statute 1303-MLC-4, § 12.06 provides: "The existing Justices and Judges holding office pursuant to 1143-MLC-4 may remain as justices on the Court of Appeals, unless removed for cause according to 1141-MLC-2, Section 26 [3 MLBSA § 25], until August 15, 1996."

### Cross References

Designation of Band districts, see 2 MLBSA § 11.

## § 6. Chief Justice; election and term of office

The Justices of the Court of Appeals shall elect from among themselves the Chief Justice who shall then serve a four year term as Chief Justice expiring August 30, 1996 and on this date every four years hence.

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, § 12.03.

**Prior Laws:**  
Band Statute 1143-MLC-4, T. I, § 7.

## § 7. District Court Judge; appointment and term of office

(a) The District Court Judge shall be nominated by the Chief Executive who shall submit the nomination to Band Assembly. Band Assembly shall upon receipt of the nomination confirm or reject the nomination within 30 days.

(b) The District Court Judge shall serve a six year term expiring August 15, 1996 and on this date every six years hence. The District Court Judge may be disciplined or removed for cause pursuant to 3 MLBSA § 25.

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, § 12.04, 12.05.

**Prior Laws:**  
Band Statute 1143-MLC-4, T. I, § 7.

## **§ 8. Vacancy in Court of Central Jurisdiction**

(a) Should the Chief Justice temporarily become unable to perform the duties of office those powers and duties shall devolve upon the Senior Associate Justice, until such disability is removed.

(b) Whenever an Associate Justice of the Court is unable to perform the duties of office, those powers and duties shall devolve upon a Special Magistrate, until such disability is removed or another justice is appointed and sworn in.

(c) In the event a Justice or Judge is unable to complete their term of office that position will be filled by nomination from the Chief Executive subject to ratification by Band Assembly.

### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 13.

**Prior Laws:**  
Band Statute 1143-MLC-4, T. I, § 8.

### **Cross References**

Special Magistrate, see 5 MLBSA § 108.

## **§ 9. Qualifications of Justices**

(a) Any person who is nominated as a justice of the Court of Central Jurisdiction shall meet the following qualifications:

(1) Shall be an enrolled member of the Non-Removable Mille Lacs Band of Chippewa Indians, and;

(2) Shall have reached the chronological age of twenty-one, and;

(3) Shall have graduated from high school or obtained an equivalent degree, or be at least 55 years old, and;

(4) Shall be knowledgeable of the Constitution of the Minnesota Chippewa Tribe, the laws of the Non-Removable Mille Lacs Band of Chippewa Indians and the unwritten customs and traditions of the Band, and;

(5) Shall be a person of honor, integrity and good moral character as evidenced by letters of recommendation from four (4) elders of the Band who are not related within the first degree to the person nominated for office.

(b) No person shall be nominated as a justice in the event said person shall have been convicted of a felony or if that person has been convicted of a gross misdemeanor within seven (7) years.

#### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 14.

**Prior Laws:**  
Band Statute 1143-MLC-4, T. I, § 9.

### **§ 10. Qualifications of District Judge**

(a) Shall have graduated from an accredited law school, and be a member of a state bar association, and

(b) Shall have never been convicted of a felony or gross misdemeanor and if convicted of such while a judge that person shall be subject to removal pursuant to 3 MLBSA § 25.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1303-MLC-4, § 15.

### **§ 11. Removal or discipline of Justices and Judges**

(a) A joint session of the Band Assembly, pursuant to 3 MLBSA § 25, may remove or discipline any justice or judge of the Court for just cause associated with a violation of the Judicial Code of Ethics of the Non-Removable Mille Lacs Band of Chippewa Indians or a violation of Article X, Section 2(a), (b), (c), (d) and (e) of the Constitution of the Minnesota Chippewa Tribe or for any felony, gross misdemeanor or a second misdemeanor conviction while holding office, excluding minor traffic offenses or a criminal conviction in the Court of Central Jurisdiction.

(b) No Justice of the Court of Central Jurisdiction shall be removed or disciplined without due process of law.

(c) The following procedures shall apply to all removal or disciplinary proceedings of Justices or Judges:

(1) The removal process shall be by a Joint Session with the Speaker of the Band Assembly presiding. The Judge/Justice may be represented by counsel during the process and shall have the right to call witnesses and present evidence on their behalf and shall be advised of the charges against them.

(2) Following questioning by the hearing officer, the witness may make additional comments within the limits of relevancy and propriety. Any other party or legal representative may question the witness. A witness may be recalled at the discretion of the hearing officer if additional questions are raised.

(3) Hearings are to be held upon at least seventy-two (72) hours advance notice to the parties. A continuance may be granted for good cause at the discretion of the hearing officer. Hearings shall be informal and there may be as many sessions as deemed necessary by the Joint Session to enable review of all the evidence.

(4) The decisions of the Joint Session, whether interim or final shall be in writing and shall contain the following:

- (A) The name of the party;
- (B) The date of the hearing;
- (C) The facts established by the evidence;
- (D) The decision of the Joint Session, including the remedy being given.

(d) The decision of the Joint Session on any removal or disciplinary action shall be final.

#### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 21.

**Prior Laws:**  
Band Statute 1143-MLC-4, T. I, § 10.

#### **Cross References**

Due process of law, see 1 MLBSA § 8.  
Joint Session of Band Assembly, see 3 MLBSA § 24.

## **§ 12. Salaries of Justices**

(a) The salary for the Associate Justices of the Court of Appeals shall be as established by Band Assembly appropriation.

(b) The Chief Justice may recommend to the Band Assembly adjustments to salaries based upon recommendations contained in an annual report of the Judiciary, current and anticipated case loads, and the general business conditions existing in the court.

### **Historical and Statutory Notes**

**Source:** Band Statute 1303-MLC-4, § 18.

## **§ 13. Official seal**

(a) The official seal of the Court of Central Jurisdiction shall be affixed to all official documents of the Court. Any document of the Court of Central Jurisdiction without the official seal shall have no legal force and effect.

(b) The official seal of the Court of Central Jurisdiction shall be at all times kept in a secure location.

### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 31.

**Prior Laws:**  
Band Statute 1143-MLC-4, T. I, § 13.

### **Cross References**

Seal, judicial authority, see 5 MLBSA § 110.

## **§ 14. Convening schedule of District Court**

The District Court of the Mille Lacs Band of Chippewa Indians shall regularly convene in District III, at least one (1) day in every two (2) week period; District II, at least one (1) day in every two (2) week period and District I, at all other times.

### **Historical and Statutory Notes**

**Source:** Band Statute 1303-MLC-4, § 36.

## **§ 15. Fines and bonds**

All moneys paid into the Court of Central Jurisdiction, or received by the Clerk of Court, in any case pending or adjudicated, shall be forthwith deposited with the Office of Management and Budget, in the name of the Court of Central Jurisdiction.

### **Historical and Statutory Notes**

**Source:** Band Statute 1303-MLC-4, § 30.

## **CHAPTER 2**

### **JUDICIAL AUTHORITY AND JURISDICTION**

#### **Section**

101. Judicial authority.
102. Writs, judgments and orders.
103. Cultural causes of action; panel of elders decisions.
104. Powers of construction and interpretation.
105. Rules.
106. Regulation of practice of law.
107. Court staff.
108. Special Magistrate.
109. Contracts, grants, bequests, donations or gifts.
110. Seal.
111. Subject matter jurisdiction.
112. Persons subject to criminal jurisdiction.
113. Personal jurisdiction.
114. Duties of Chief Justice.
115. Oath for Band offices.
116. Duties of individual Justices and Judges.
117. Responsibilities of individual Justices and Judges.
118. Continuing education.
119. Immunity for Justices and Judges.

#### **Cross References**

Disobedience to lawful orders of Court, see 24 MLBSA § 1210.

Environmental protection, jurisdiction of Band, see 11 MLBSA §§ 9, 10, 104.

Judicial review of constitutionality of acts and decisions of Band Assembly, see 3 MLBSA § 21.

## **§ 101. Judicial authority**

Except as otherwise provided for by law the Court of Central Jurisdiction shall have all judicial authority extending to cases in law and equity. The Court of Central Jurisdiction shall have all powers necessary for carrying into execution its judgments and

determinations in order to promote the general welfare, preserve and maintain justice, and to protect the rights of all persons under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

#### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 8.

**Prior Laws:**  
Band Statute 1143-MLC-4, T. I, § 4.

#### **Cross References**

Functions of governmental authority, see 2 MLBSA § 4.

### **§ 102. Writs, judgments and orders**

The Court of Central Jurisdiction shall have the power to issue writs of habeas corpus, judgments, orders requiring conduct, orders prohibiting conduct, certification of appeals or any other writs as are necessary in the furtherance of justice.

#### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 8.03.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, § 4.03.

### **§ 103. Cultural causes of action; panel of elders decisions**

The Court of Central Jurisdiction shall have the authority to enter as a judgment and order a decision made by a panel of elders in a Cultural Cause of Action between Band members as defined by 24 MLBSA § 601 et seq.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1303-MLC-4 § 8.10.

### **§ 104. Powers of construction and interpretation**

The Court of Central Jurisdiction shall have the power to construe and interpret statutes, legal instruments, records, decisions, or legal process applicable or pertaining to or emanating from the Non-Removable Mille Lacs Band of Chippewa Indians, when brought before the Court.

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, § 8.08.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.1, § 4.09.

## § 105. Rules

(a) The Court of Central Jurisdiction shall have the power to prescribe by general rules, the forms of process, writs, pleadings, rules of evidence and motions and the practice and procedure of the District Court and Court of Appeals of the Mille Lacs Band in civil actions and criminal actions and appeals therein, such rules shall not abridge, enlarge or modify the substantive rights of any person.

(b) Such rules shall not take effect until 90 days after they have been reported to the Band Assembly by the Chief Justice during a regular session of the Band Assembly and shall not abridge the right of Band Assembly to enact, modify, or repeal any statute or modify or repeal any rule of the Court of Central Jurisdiction pursuant thereto.

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, §§ 8.01, 8.02.

**Prior Laws:**  
Band Statute 1143-MLC-4, T. I, § 4.

## § 106. Regulation of practice of law

The Court of Central Jurisdiction shall have the power to prescribe rules governing the admission of individuals to practice law and to prescribe rules governing conduct in the practice of law, and rules concerning the presentation, hearing and determination of accusations against individuals practicing law. Such rules shall not be inconsistent with the laws of the Mille Lacs Band.

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, § 8.04.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, § 4.04.

## **§ 107. Court staff**

The Court of Central Jurisdiction shall have the power to appoint a Clerk of Court, Court Administrator or any other court staff as may be required and to prescribe the necessary duties and responsibilities of those positions not inconsistent with Mille Lacs Band law.

### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 8.05.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, § 4.06.

## **§ 108. Special Magistrate**

The Court of Central Jurisdiction shall have the power to appoint a law trained individual to serve as a Special Magistrate as needed to hear cases at such times as the interests of justice require independent or supplementary judicial review. A Special Magistrate shall have all authority conferred upon any other justice or judge of the Court of Central Jurisdiction.

### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 8.06.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, § 4.07.

## **§ 109. Contracts, grants, bequests, donations or gifts**

The Court of Central Jurisdiction shall have the power to contract with and to receive grants, bequests, donations or gifts for the enhancement of the judiciary of the Mille Lacs Band and to apply the same to the purpose designated. All said contracts, grants, bequests, donations or gifts may be accepted or entered into by the Court by and with the advice and consent of the Band Assembly in accordance with applicable Band law.

### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 8.07.

**Prior Laws:**  
Band Statute 1143-MLC-4, § 4.08.

## **§ 110. Seal**

The Court of Central Jurisdiction shall have the power to adopt a seal which shall be used to authenticate judgments, orders, opinions and other court papers. The form of the seal and regulation of the seal's use shall be specified by court rules.

## Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, § 8.09.

**Prior Laws:**  
Band Statute 1143-MLC-4. T.I. § 4.10.

### Cross References

Official seal, judicial organization, see 5 MLBSA § 13.

## § 111. Subject matter jurisdiction

(a) The Court of Central Jurisdiction shall have jurisdiction over all civil and criminal matters where all parties are Indians within the jurisdiction of the Court. The Court of Central Jurisdiction shall have civil jurisdiction over non-Indians in all cases as provided in Section 113 of this Chapter. The Court shall have jurisdiction pursuant to the laws of the United States of America. The Court shall have jurisdiction over contracts made with the Non-Removable Mille Lacs Band of Chippewa Indians, or any of its political subdivisions or entities, for services to be performed within the territorial jurisdiction of the Band, except as such jurisdiction may be otherwise limited by Band Statute.

(b) The Court of Central Jurisdiction is hereby granted exclusive original jurisdiction over all criminal or civil causes of action, involving any person, where such grievance or dispute arises concerning any property personal or otherwise, located on lands or contiguous waters subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.

(c) The Court of Central Jurisdiction shall have subject matter jurisdiction over any cause of action that may arise from unwritten cultural law or a violation thereof. The Court of Central Jurisdiction however, in the exercise of its authority to enforce all provisions of unwritten cultural law and upon the authority it possess as to accord equal justice shall give full force and effect to 24 MLBSA Chapter 1 , if the provisions of that chapter are not inconsistent with any custom or cultural law heretofore or hereafter in place in the determination of cultural causes of action arising pursuant to any statute of the Non-Removable Mille Lacs Band of Chippewa Indians.

(d)(1) The Court of Central Jurisdiction shall have jurisdiction over all civil matters in which the Non-Removable Mille Lacs Band of Chippewa Indians, any of its political subdivisions or entities, or its officers, appointees or employees are parties in their official capacity. Nothing herein shall be construed as a waiver of sovereign immunity of the Band unless specifically authorized in accordance with Band law or by specific Band Statute.

(2) The Court of Central Jurisdiction has exclusive jurisdiction over all suits in which Band officials are defendants where declaratory and equitable relief is sought.

(e) The District Court of the Court of Central Jurisdiction shall have original jurisdiction over all criminal and civil matters except as otherwise provided for by law.

(f) The Court of Appeals shall have original jurisdiction over election disputes pursuant to the Minnesota Chippewa Tribal Election Ordinance and on issues certified to the Court of Appeals from foreign jurisdictions.

#### **Historical and Statutory Notes**

**Source:**

Band Statute 1092-MLC-25, § 16.  
Band Statute 1130-MLC-51, TI, § 6.  
Band Statute 1303-MLC-4, §§ 9 to 11.  
Band Ordinance 08-93.

**Prior Laws:**

Band Statute 1143-MLC-4, §§ 5, 22, 23.

#### **Cross References**

Change of name, authority of Court, see 8 MLBSA § 801.  
Civil causes of action, exclusive original jurisdiction, see 24 MLBSA § 2.  
Commercial practices, jurisdiction, see 18 MLBSA § 5.  
Commissioner of Finance, subject matter jurisdiction of Court of Central Jurisdiction, see 22 MLBSA § 113.  
Concurrent civil jurisdiction with United States Courts, see 24 MLBSA § 3.  
Criminal offenses, subject matter jurisdiction, see 24 MLBSA § 4002.  
Education, subject-matter jurisdiction, see 9 MLBSA § 29.  
Employee Credit Union, jurisdiction of Court, see 17 MLBSA § 18.  
Federation Cultural Resources Board, review of decisions, see 10 MLBSA § 119.  
Firewood harvest, jurisdiction, see 11 MLBSA § 2412.  
Gasoline and petroleum products excise tax, subject matter jurisdiction, see 22 MLBSA § 315.  
Housing Authority, jurisdiction, see 12 MLBSA § 31.  
Motor vehicles, subject matter jurisdiction, see 19 MLBSA § 12.  
Natural Resource Protection Code, jurisdiction, see 11 MLBSA § 2601.  
Procurement, subject matter jurisdiction, see 7 MLBSA § 48.  
Prohibited drugs, subject matter jurisdiction, see 23 MLBSA § 9.  
Property disputes, jurisdiction, see 21 MLBSA §§ 3, 4.  
Sales and use taxes, subject matter jurisdiction, see 22 MLBSA § 516.  
Tobacco excise taxes, subject matter jurisdiction, see 22 MLBSA § 221.  
Treaty usufructuary rights, implementation, subject matter jurisdiction, see 2 MLBSA § 1104.  
Uniform Commercial Code, jurisdiction, see 18 MLBSA § 301.

### **§ 112. Persons subject to criminal jurisdiction**

The Court of Central Jurisdiction shall have criminal jurisdiction over Mille Lacs Band members and non-member Indians alike and as may otherwise be prescribed by law.

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, § 9.01.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, §§ 5.01, 5.02.

### Cross References

Criminal procedure, jurisdiction over persons, see 24 MLBSA § 4003.  
Enrolled members exercising usufructuary rights in ceded territory, jurisdiction, see 2 MLBSA § 1151.

## § 113. Personal jurisdiction

The Court of Central Jurisdiction shall have civil jurisdiction over any person, corporation, business organization or other private entity that:

- (a) Transacts business with any member of the Band within the territorial jurisdiction of the Band;
- (b) Engages in any activity which results in injury or property damage within the territorial jurisdiction of the Mille Lacs Band;
- (c) Engages in any activity which results in a dispute over the ownership, use, possession or interest in any property within the territorial jurisdiction of the Band;
- (d) Contracts to insure any person, property, corporation, business organization or risk located within the territorial jurisdiction of the Band;
- (e) Enters into a written or verbal sales or service agreement within the territorial jurisdiction of the Mille Lacs Band or where performance of the agreement is to be within the territorial jurisdiction of the Mille Lacs Band;
- (f) Engages in conduct that may affect the environment or territories under the jurisdiction of the Band or affects the natural resources of the Band or threatens the health, safety, peace or welfare of Mille Lacs Band or inhabitants thereof.

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, § 9.02.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, § 5.02.

## **Cross References**

Commercial practices, jurisdiction, see 18 MLBSA § 5.  
Concurrent jurisdiction with United States Courts, see 24 MLBSA § 3.  
Enrolled members exercising usufructuary rights in ceded territory, jurisdiction, see 2 MLBSA § 1151.  
Environmental protection, actions for declaratory or equitable relief, jurisdiction and service of process, see 11 MLBSA § 20.  
Native American veteran Direct Loan Program, unlawful detainer, see 12 MLBSA § 115.  
Nay-Ah-Shing School, admission of persons under Band jurisdiction, see 9 MLBSA § 18.

### **§ 114. Duties of Chief Justice**

The Chief Justice of the Court of Central Jurisdiction shall have the following Judicial and Administrative authority in exercising the judicial powers of the Band government:

- (a) To convene the Court of Appeals on the first Tuesday of February, June, September and November for the purpose of opening the general term of the Court. The Chief Justice may convene the Court of Appeals on special occasions at such time and locations as may be designated upon five (5) days written notice to the other justices prior thereto;
- (b) To present to the Band Assembly an annual State of the Judiciary Address on the second Tuesday of January of each calendar year;
- (c) To present to the Chief Executive and the Band Assembly information and recommendations for the improvement of the Judiciary;
- (d) To execute rules and policies of the Court consistent with the provisions of Band Statute for the orderly conduct of Court business as provided for by law,
- (e) To prepare an annual appropriation request, for the court after consultation with the other Justices and Judges of the Court, and submit the request to Band Assembly no later than August 1 of each calendar year;
- (f) To appoint a Special Magistrate in a proceeding, who has graduated from law school, in the interests of justice and in accordance with 5 MLBSA § 108, when necessary.
- (g) To exercise all administrative duties necessary for the continued conduct of competent court operations.
- (h) To enter as a judgment and order determinations made in a Cultural Cause of Action.

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, §1 6.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, § 24.

### Cross References

Juvenile detention and shelter care facilities, rules and regulations, see 8 MLBSA § 15.

## § 115. Oath for Band offices.

The Chief Justice or in his/her absence any other Justice of the Court shall administer the following Oath of Office for Band Officials:

"I, \_\_\_\_\_, do hereby swear that I will support, honor, and respect the Constitution of the Minnesota Chippewa Tribe and the laws of the Non-Removable Mille Lacs Band of Chippewa Indians and I will protect the rights of Band members and others under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indian, and that I will faithfully and impartially discharge the duties of the office to the best of my judgment and ability so help me gi chi ma ni do."

### Historical and Statutory Notes

**Source:**  
Band Statute 1303-MLC-4, § 32.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, § 17.

### Cross References

Federation Cultural Resources Board, oath of office, see 10 MLBSA § 106.  
Official oath of office, see 2 MLBSA § 8.

## § 116. Duties of individual Justices and Judges.

Individual justices and judges of the Court of Central Jurisdiction shall have the following authority:

- (a) To preserve and enforce order in their immediate presence, and in all proceedings when performing official duties.
- (b) To compel obedience to lawful directives and orders.
- (c) To compel attendance of persons called to testify in a proceeding as provided by law.

(d) To administer oaths and affirmation to persons in proceedings before them and in any other circumstance where such shall be necessary in the exercise of Judicial powers or duties or where the law so requires an oath or affirmation.

(e) To punish civilly or criminally, for contempt, any person, to assure the effective exercise of judicial authority.

#### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, § 17.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.I, § 25.

### **§ 117. Responsibilities of individual Justices and Judges**

(a) The individual justices and judges shall adopt by court order a code of judicial conduct and conform their conduct to the same.

(b) A judge or justice who discloses any information relative to any pending case to the public-at-large may be subject to disciplinary action by the Joint Session.

(c) No Justice, Judge or Special Magistrate shall be qualified to act as such in any case wherein he/she has any direct or indirect interest or wherein any relative once removed under cultural law by marriage is a party of interest in the proceeding.

#### **Historical and Statutory Notes**

**Source:**  
Band Statute 1303-MLC-4, §§ 19, 22, 23.

**Prior Laws:**  
Band Statute 1143-MLC-4, T.1, § 26, T. VIII, §§ 9, II.

#### **Cross References**

Confidentiality, child support proceedings, see 8 MLBSA § 2104 [Digitizer's note: Section not in digital copy].

### **§ 118. Continuing education**

The individual justices and judges shall attend a minimum number of legal education and training courses each year as provided for in the annual budget.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1303-MLC-4, § 19.01.

## **§ 119. Immunity for Justices and Judges**

The justices and judges of the Court of Central Jurisdiction shall be immune from civil liability arising from judicial acts and deeds in the performance of their judicial duties.

### **Historical and Statutory Notes**

**Source:**

Band Statute 1303-MLC-4, § 20.

**Prior Laws:**

Band Statute 1143-MLC-4, T.I, § 27.

### **Cross References**

Suits against Band officials, see 24 MLBSA § 701.

