



Bear River Band
Tribal Court

RULES OF COURT

Table of Contents

CHAPTER ONE: PRELIMINARY RULES 3

 Rule 1.1 Authorization and Scope..... 3

 Rule 1.2 Governing Principles 3

 Rule 1.3 Construction..... 3

 Rule 1.4 Amendment 3

 Rule 1.5 Court Location 3

 Rule 1.6 Access to Court and Court Documents 4

 Rule 1.7 Contempt of Court 5

 Rule 1.8 Frivolous Filings 6

CHAPTER TWO: FORMAT OF DOCUMENTS FILED WITH THE COURT 6

 Rule 2.1 Paper and Format 7

 Rule 2.2 Preparation of Documents for Court 7

 Rule 2.3 Exhibits..... 7

 Rule 2.4 Signatures on Documents 8

CHAPTER THREE: COMMENCING A COURT ACTION..... 8

 Rule 3.1 Pleadings..... 8

 Rule 3.2 Filing and E-Filing..... 9

 Rule 3.3 Time Computation..... 9

 Rule 3.4 Summons 10

 Rule 3.5 Notice of Hearing..... 10

 Rule 3.6 Petition, Complaint and Answer 10

 Rule 3.7 Amended Pleadings and Supplemental Pleadings..... 11

 Rule 3.8 Counterclaims and Cross-Claims..... 11

 Rule 3.9 Service 12

CHAPTER FOUR: CASE MANAGEMENT 14

 Rule 4.1 Scheduling 14

 Rule 4.2 Consolidating Cases..... 14

 Rule 4.3 Pre-Trial Conferences 14

 Rule 4.4 Video and Audio Conference Appearances 14

CHAPTER FIVE: DISCOVERY..... 15

 Rule 5.1 Discovery..... 15

 Rule 5.2 Discovery Conference..... 15

 Rule 5.3 Automatic Discovery 15

CHAPTER SIX: MOTIONS..... 15

 Rule 6.1 Motions..... 15

 Rule 6.2 Noticed Motions 16

 Rule 6.3 Ex Parte Motions 16

 Rule 6.4 Motion Hearings 17

Rule 6.5 Motion to Transfer Case 17

Rule 6.6 Appellate Writs 17

CHAPTER SEVEN: TRIAL 17

Rule 7.1 Trial 17

Rule 7.2 Trial Briefs 17

Rule 7.3 Evidence 18

Rule 7.4 Applicable Law 18

Rule 7.5 Witnesses 19

Rule 7.6 Postponement 20

Rule 7.7 Statement of Decision 20

CHAPTER EIGHT: JUDGMENT 20

Rule 8.1 Default Judgment 20

Rule 8.2 Summary Decision (Summary Judgment and Adjudication) 20

Rule 8.3 Dismissal of Actions 20

Rule 8.4 Entry of Judgment 21

Rule 8.5 Motion for Reconsideration 21

Rule 8.6 Final Judgment 22

Rule 8.7 Costs in Civil Action 22

Rule 8.8 Enforcement of Judgment 22

Rule 8.9 Judgments of Other Jurisdictions 22

CHAPTER NINE: APPELLATE RULES 23

Rule 9.1 Appeal from Final Judgment 23

Rule 9.2 Limitations on Appeal 23

Rule 9.3 Filing and Notice of Appeal 23

Rule 9.4 Hearing 23

Rule 9.5 Briefs 23

Rule 9.6 Evidence 24

Rule 9.7 Grounds for Reversal 24

Rule 9.8 Final Decision 24

CHAPTER TEN: ADMINISTRATIVE RULES 24

Rule 10.1 Publicly Available Tribal Laws 24

Rule 10.2 Practitioners in Tribal Court 25

Rule 10.3 Appearance and Representation 25

Rule 10.4 Hearing Recording or Transcription 26

Rule 10.5 Interpreters 26

Certification 26

CHAPTER ONE: PRELIMINARY RULES

Rule 1.1 Authorization and Scope

The Bear River Band of the Rohnerville Rancheria (hereinafter referred to as the Tribe) Rules of Court apply to all civil cases in the Bear River Band Tribal Court (hereinafter referred to as the Court or Tribal Court) unless otherwise provided by Tribal Law. These Rules of Court (hereinafter referred to as Rules) are promulgated pursuant to the authority delegated to the Court in the Tribe's Act Establishing the Judiciary, Section 6.0 (d), Power of the Courts.

Rule 1.2 Governing Principles

The Bear River Band Tribal Council and the Bear River Band Tribal Court is committed to the establishment of a judicial system that is uniquely Bear River Band of the Rohnerville Rancheria and provides a culturally appropriate forum for resolution of conflicts arising within or affecting the community.

These Rules will govern all actions in the Bear River Band Tribal Court. They are intended to provide for a just determination in every proceeding and shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense or delay.

Rule 1.3 Construction

These Rules shall be liberally construed in order that justice might be served and cases resolved as promptly and as reasonably as possible. These Rules shall apply to all matters in the Court; provided, however, in cases where a Tribal Ordinance or Tribal Regulation contains more specific and/or contradictory provision, the applicable provisions of the subject Ordinance or Regulation shall apply. The foregoing applies, without limitation, to specific enforcement proceedings, timeframes, discovery rules, and rights of appeal that may be included in a Tribal Ordinance or Tribal Regulation.

Rule 1.4 Amendment

These Rules may be amended from time to time, as needed, by the Chief Judge of the Court, with or without notice. Changes to these Rules, however, shall not be applied so as to deny someone due process of law or to materially prejudice their substantive rights under applicable law.

In the absence of a governing rule the Chief Judge may establish rules consistent with the governing principles set out above. The Chief Judge may delegate the creation of scheduling to the Hearing Court or may, upon the Motion of a party or the Court's own Motion, establish Rules necessary for the operation of the Courts of the Bear River Band of the Rohnerville Rancheria.

Rule 1.5 Court Location

1. Unless another location is designated, the Court Clerk's office shall be located at:

Bear River Band Tribal Court
266 Keisner Road
Loleta, California 95551

Phone: (707) 733-1900 Ext: 1321
Fax: (707) 733-1719
Email: tribalcourt@brb-nsn.gov

2. The Court Clerk shall be available from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., Monday, Tuesday, Thursday, and Friday, except on all Tribal and federal holidays to accept Court filings. On occasion, the Court may have to close due to power outages, inclement weather, or other disasters. If the Court closes unexpectedly all attempts will be made to notify affected parties and a sign will be posted on the door.
3. The Court Clerk shall be responsible for coordinating Court proceedings and shall be responsible for all arrangements for courtroom and other facilities for the Court's business.

Rule 1.6 Access to Court and Court Documents

1. Hearings
 - a. As a general rule, unless otherwise provided in existing Code, Court hearings shall be open to the public. Cases involving minors shall be confidential. The Judge may, in his or her discretion, limit public access to a hearing as he or she deems appropriate to protect the interests of the parties and maintain judicial efficiency.
 - b. All hearings or other proceedings before a Judge shall be recorded by designated Court personnel to establish the Court Record.
 - c. Hearings may not be photographed, recorded or broadcasted for any reason without the written consent of the Judge.
 - d. Court personnel may photograph or videotape sessions for judicial education or publications.
2. Court Records
 - a. The Court Clerk shall keep the following:
 - i. A docket in such a form and style as the Clerk shall determine. Actions shall be assigned consecutive file numbers. The entry of an Order or Judgment shall show the date the entry is made;
 - ii. A correct copy of every Order, and Judgment, whether appealable or not, issued or entered by the Court in such form and manner as the Clerk shall determine. If the Order was provided to the parties by the Clerk, the Clerk shall complete a certificate showing the date and manner of service of the Order on each party which shall be part of the case file; and
 - iii. All other books and records as may be required by the Court or as the Clerk shall determine necessary for the orderly operation of the Court.
 - b. Records of all proceedings before the Court shall be kept under the supervision and control of the Court Clerk. All records are confidential and maintained in a locked

file cabinet. Case records shall be available for inspection only to the parties to the case, after a timely request, unless the Court approves the release of records according to the factors and process discussed in subsection d. of this rule.

- c. Requests for access to Court records shall be made orally or in writing to the Court Clerk. The Court Clerk must supervise access to files and ensure that no Court records are withdrawn from his or her custody.
 - d. Every non-party person or agency seeking to inspect or obtain Court records must Petition the Court for authorization.
 - i. The specific records sought shall be identified based on knowledge, information, and belief that such records exist and are relevant to the purpose for which they are being sought. The Petition must be served on all parties.
 - ii. In determining whether to authorize inspection or release of such records, in whole or in part, the Court shall balance the interests of the parties to the Court's proceedings, the interest of the Petitioner, and the interest of the public/non-party. The Court shall permit disclosure of, Discovery of, or access to, Court records or proceedings, only insofar as is necessary, and only if there is a reasonable likelihood that the records in question will disclose information or evidence of substantial relevance to the pending litigation, investigation, or prosecution and/or is in the furtherance of justice.
 - iii. The Court may issue Protective Orders to accompany authorized disclosure, Discovery, or access.
3. Cases Involving Minors – Special Proceedings and Rules
- a. All cases involving child protection proceedings, child custody, child support, citations of minors for violations of Tribal Law, or any other case where a minor is a party to or the subject of the case shall be confidential.
 - b. Other than Protective Orders in which a child is named as a part or a protected person, no information about the case, including the names of the minor and participating parties, shall be released to anyone who is not a party to the case, an employee or Officer of the Court, or an Officer of the Law, without a Court Order.
 - c. Any Protective Order in which a minor is a party or a protected person may be provided to the minor's school, child care provider, extracurricular activity provider and anyone else deemed necessary to protect the child by the child's parent or guardian.
 - d. The Court will respect interagency agreements as to release of information to agencies with potential concurrent jurisdictional interests.

Rule 1.7 Contempt of Court

1. Respect

The Court and all persons appearing in the Court shall treat each other respectfully. Parties should speak to the Judge, rather than talking to each other. Using profanity; arguing with

the Judge or Court staff after a ruling; making insulting or threatening comments to the judge, Court staff, other parties, or witnesses; disobedience of any lawful Judgment, Order, or process of the Court are all examples of inappropriate behavior.

2. Dress: All persons appearing before the Court shall dress appropriately. Hats should be removed on entering the courtroom.
3. Contempt of Court: Any party, party's attorney, party's spokesperson/representative, party's advocate, witness, or any other person in the courtroom who violates subsection 1., engages in rude or offensive conduct in the courtroom, fails to follow a Court Order if they were noticed of the Order and had the ability to comply, or who abuses or interferes with Court proceedings may be held in contempt of Court and subject to penalty, at the Court's discretion. A person held in contempt of Court may face a fine in an amount not more than one thousand five hundred dollars (\$1,500.00) Tribal Court and/or any other sanction(s) deemed appropriate to the circumstances. In addition to any other sanctions, attorneys or spokesperson found in contempt may be restricted from representing litigants with the Bear River Band Tribal Court.
 - a. Contempt Committed in the Presence of the Court: If a contempt is committed in the presence of the Court, it may be penalized summarily. An Order of Contempt shall be made by reciting the facts as occurring, a finding of civil contempt, and the penalty imposed.
 - b. Contempt Committed Outside the Presence of the Court: If a contempt is not committed in the presence of the Court, the Court may issue an Order to Show Cause provided the Show Cause Order explains the facts that are alleged to constitute contempt, or the Court may issue an Order to Show Cause based on a party's affidavit of the facts constituting the contempt filed with the Court. The Order to Show Cause shall require the attendance of the alleged offending person at hearing. The Order to Show Cause must be personally served, unless the Court authorizes alternative service under Rule 3.9. The Order to Show Cause must warn the Alleged Offending Person that their failure to come to the hearing will not prevent the Court from hearing the evidence against them and deciding whether to hold them in contempt.

Rule 1.8 Frivolous Filings

The Court may penalize any person who submits a frivolous filing or files a document for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation. The Court may impose penalties if it finds a filing to contain intentional misstatements or statements that omit material facts or law that the person knew or should have known were relevant to the action.

CHAPTER TWO: FORMAT OF DOCUMENTS FILED WITH THE COURT

The Court may, in its discretion, reject any documents that do not comply with the requirements set forth in this Chapter.

Rule 2.1 Paper and Format

1. All documents filed with the Court must be on 8½ inch by 11-inch standard quality white paper, with typed matter not exceeding one-inch margins.
2. Only one side of a piece of paper may be used on all documents filed with the Court (do not copy or print double sided).
3. All documents filed with the Court must be typed or neatly and legibly handwritten in blue or black ink. Typed documents must use 12-point standard font equivalent to Courier, Times New Roman or Arial fonts.
4. The first page of each separate document shall contain:
 - a. The name of the Court;
 - b. The title of the action or proceeding;
 - c. The file number of the action or proceeding; and
 - d. The title of the document.
5. Each paper shall bear the date it is signed on the signature page.
6. Each page must be numbered consecutively at the bottom.
7. Use of Forms: The Court may approve forms to be used, so that users of the Court do not have to create their own Pleadings. Approved forms will be available from the Court Clerk or on the Tribal Court's website.

Rule 2.2 Preparation of Documents for Court

1. Any document or Pleading that is signed must be the original if it is to be accepted for filing.
2. All papers presented for filing must be in duplicate (original is filed with the Court plus one copy, which is file stamped and returned to the filer).
3. Except with permission of the Court, no legal brief shall exceed twenty (20) pages in length, exclusive of pages containing a table of authorities or a table of contents or exhibits, and no reply brief shall exceed fifteen (15) pages. Any brief exceeding eight (8) pages shall contain: a table of contents with page references and a table of cases (arranged alphabetically), statutes and other authorities cited, with references to the pages of the brief where they are cited. Cases cited shall be attached in full to the citing brief.

Rule 2.3 Exhibits

Exhibits may be filed with and attached to any documents filed with the Court. Exhibits must be legible if text based, clear if video or photos, and audible if recordings. Copies of all exhibits must be provided to the other side before the hearing. If the other side is not given a copy of the evidence prior to the hearing, the Court may continue the case to allow the side the opportunity to respond. Temporary Orders may be put in place until the next hearing date if the criteria is met for a Temporary Order within the relevant Tribal Code.

Rule 2.4 Signatures on Documents

1. Every document being filed or served must be signed by the attorney, advocate, spokesperson, self-represented litigant, or other person authorized by law to file or serve the document, as provided in this Rule. If a document is not signed or is signed with intent to defeat the purpose of this Rule, it may be stricken and the action may proceed as though the document had not been filed or served.
2. Any filer may file a document with an original, wet signature with the Court Clerk, either in person or by postal mail or electronic file.
 - a. An original, wet signature is only required for certain documents to be filed with the Court. Those documents include:
 - i. Declaration of Service, defined by Rule 3.9; and
 - ii. Any document as ordered by a Judge.
3. Where an original, wet signature is not required on a document, an electronic signature may be used. Where an electronic signature is properly used, the document shall be considered an original document if the document is electronically signed by the filer in either one of the following ways:
 - a. The typed symbol /s/ followed by the typed name of the registered filer submitting the document (example: /s/ Jane Doe); or
 - b. A graphic representation of the filer's actual signature; and
 - c. The document including the electronic signature also includes the following information:
 - i. Name (in addition to name typed as part of electronic signature in sections a. or b. above);
 - ii. Address;
 - iii. Telephone number (if available);
 - iv. E-mail address;
 - v. Law firm (for attorneys only);
 - vi. Bear River Band of the Rohnerville Rancheria Tribal Bar Association Number (if a bar member); and
 - vii. State Bar Association Identification Number (for attorneys only).
4. Any party to a case may challenge the authenticity of an electronic signature by filing an objection within ten (10) days after Discovery that the signature is not authentic.

CHAPTER THREE: COMMENCING A COURT ACTION

Rule 3.1 Pleadings

Pleadings are the written documents filed with the Court by the parties setting forth their respective claims and defenses. Pleadings include Petitions, Complaints, Answers, cross-Complaints and counter-Complaints. All Pleadings submitted to the Court must be signed under penalty of perjury by the submitting party or his or her respective attorney or spokesperson.

Rule 3.2 Filing and E-Filing

A case is started with the Court by the filing of the first papers with the Court Clerk and payment of filing fee, if required, by the party bringing the case.

1. Documents can only be filed by the Clerk of the Court or a person designated as an Associate Clerk (or by a Judicial Officer of the Court) for the purposes of filing/receiving documents.
2. Documents shall be considered filed with the Court on the date it is file stamped by the Court Clerk. The Court Clerk shall file stamp electronic filed documents the date they were transmitted to the Court's email address if the documents are transmitted during Court business hours, or the next business day for documents filed after Court business hours.
3. The Court Clerk shall collect a filing fee set by the Court's Fee Schedule except in cases where Tribal Code waives filing fees.
4. A person may request a filing fee waiver based on financial hardship. All requests for waiver of filing fee shall be made in writing on forms provided by the Court. The waiver form shall be filed with the Court Clerk.
5. Late filed documents shall be stamped Late Filing in red by the Court Clerk at the time of filing. If good cause or excusable neglect is shown for the late filing, the Court may allow the filing, extend the other party's deadline for responding to a late filing, and/or may continue a hearing to allow the opposing party time to respond to a late filing. In cases where the Court finds the late filing was an attempt to gain a procedural advantage, it may order the late filing struck from the case record. Any late filing must conform to all other Rules of Court.
6. Filing in any location or by any method other than as provided by this Rule is ineffective.

Rule 3.3 Time Computation

1. Whenever a Rule, or Order of the Court requires that an action be taken within a certain number of days, the time computation does not include the day the Order is given but begins as of the next day and runs until the last day specified, unless the last day falls on a week-end or tribally recognized holiday, in which event the due date is the next work day.
2. This section does not apply to actions required prior to hearings (Proof of Service, Service of Summons, Submissions of Motions, Reports, etc.), as those actions are counted by calendar days to include weekends, but would not include holidays.
3. For service by mail, it shall be presumed that delivery takes place five (5) days after the day that notice is mailed unless there is clear evidence the party received the notice sooner. This means that a document served by mail must be mailed five (5) days before the Court ordered deadline (i.e. if a document must be served sixteen (16) days prior to hearing it must be mailed twenty-one (21) days prior to the hearing).

Rule 3.4 Summons

1. **Defined:** A Summons is a notice requiring the Respondent to Answer the Complaint or Petition or appear at a scheduled hearing. The Summons shall notify the Respondent that failure to Answer in writing or otherwise appear and defend may result in a default Judgment against the Respondent. The Court Clerk issues the Summons upon the filing of a Complaint or Petition. A copy of the Complaint or Petition must be attached to the Summons.
2. **Service:** The Summons shall be personally served at least sixteen (16) Court days before the time stated for the appearance. Service by certified mail or publication may be made as necessary.

Rule 3.5 Notice of Hearing

1. **Alternative to Summons:** Upon receiving a Petition for Registration of a Foreign Order or a Tribal Citation that does not contain a date or time for Hearing, the Court Clerk shall issue a Notice of Hearing as an alternative to a Summons. This initial Notice of Hearing shall notify the person who was cited of the Court File Number, Case Type, Hearing time and date, right to respond to the matter, and that failure to appear may result in a default Judgment against the party cited.
2. A Notice of Hearing may also be issued in any case to let a party know that a hearing has been set by the Court.
3. **Service**
 - a. The Notice of Hearing, if the initial document issued by the Court in a Citation case or registration of Foreign Order, shall be personally served by the Petitioner at least sixteen (16) Court days before the time stated for the appearance. Service by certified mail or publication may be made as necessary.
 - b. All Notices of Hearing, other than the initial Notice of Hearing in a Citation case, may be mailed first class, or e-mailed to any party who has agreed to e-mail service, by the Court Clerk.

Rule 3.6 Petition, Complaint and Answer

1. **Petition/Complaint:** The first document filed in a civil action may be a Petition or Complaint. The party bringing the case is called the Petitioner and the person against who the Complaint or Petition is filed is called the Respondent.
2. **Caption:** All Petitions or Complaints submitted to the Court shall be in the format provided in Chapter Two and must include a caption (cover page) setting forth the following:
 - a. Name of the Court.
 - b. Name of the parties.
 - c. File number (if available).
 - d. Name, address and telephone number of the Petitioner or his or her spokesperson or attorney, and, if relevant, the attorney's bar number for Tribe and/or state membership.

3. Contents of Petition or Complaint: In some cases, the requirements for the contents of the Petition or Complaint will be as set forth in relevant Tribal Law. Otherwise, the Petition or Complaint must generally include the following:
 - a. A brief and complete statement of the facts, including the facts necessary for the Court to determine whether or not it has jurisdiction.
 - b. The specific legal claims or grounds on which the case is filed.
 - c. A statement of the relief the party is seeking (i.e., what the Petitioner wants the Court to do).
4. Answer and Time for Filing Answer: An Answer is the document filed by the person who has been served with a Petition or Complaint. This document can also be called a Response. A written Answer or other Response shall conform to the format provided in Chapter Two and must be filed with the Court and served on the opposing party(ies) within thirty (30) days from the date of service of the Petition and the Summons, unless the parties agree to extend the time for filing and service (See Rule 3.9 – Service), or the Tribal Code sets a different Response timeline. Failure to respond in writing within the requisite time period may result in a default Judgment against the Respondent.
5. Contents of Answer: The Answer must respond to all statements contained in the Complaint or the Petition. The Answer should admit, admit in part, or deny each statement in the Complaint or Petition and set forth any affirmative defenses to the Complaint or Petition. Failure to respond to all statements in the Complaint may result in a default Judgment against the Respondent.
6. Interventions: In some cases, a person or entity may Petition the Court to intervene in a case to become a party. If the Court grants the Petition, the person becomes a party to the case and is called an Intervenor.

Rule 3.7 Amended Pleadings and Supplemental Pleadings

1. Amendments: The purpose of an Amended Pleading is to correct errors, add overlooked claims or defenses, or fix legal inadequacies in the Initial Pleading. A party may, without permission of the Court, amend its Pleadings once at any time before being served with a Response. Otherwise, a party may amend his/her Pleadings only by permission of the Court or by written consent of the adverse party.
2. Supplemental Pleadings: A party may file Supplemental Pleadings with the Court's permission or written consent of the other party at any time to address new claims and add new facts based on events that occurred after the filing of the Initial Pleading.

Rule 3.8 Counterclaims and Cross-Claims

1. Counterclaims: A Counterclaim is a claim that a Respondent has against the Petitioner. If the counter claim arises out of the same transaction or occurrence that is the subject of the Petitioner's claim, an individual commences a Counterclaim by filing a Counter Complaint containing all claims for relief and supporting facts with the Court. If the Counterclaim arises out of the same transaction or occurrence that is the subject of the Petitioner's claim(s), the Court must allow the Counterclaim. If the Counterclaim is against the Petition,

but arises out of different transactions or occurrences between the parties, the Court may allow the Counterclaim, or may require that the Respondent file a separate action to address the claims. A Counterclaim cannot require the presence of third parties over whom the Court does not have jurisdiction.

2. A Cross-Claim is a claim against a co-party; in other words, if there are two Respondents, one may file a Cross-Claim against the other. A Cross-Claim may be filed arising out of:
 - a. The transaction or occurrence that is the subject matter of the Original claim or Counterclaim; or
 - b. Any property that is the subject matter of the transaction.

Rule 3.9 Service

1. A Proof of Service is a document prepared by a party telling the Court when and how documents were served on the other party or parties. Proof of Service forms are available with the Court Clerk. All documents filed in Court must be served on adverse party(s).
2. Proof of Service shall be signed by a person eighteen (18) years or older who is not a party to the case, stating that filed copies have been served on all parties or their attorney/advocate, either in person or by mailing to a true and correct address (as set forth in the Pleading); or by email or facsimile transmission with the written agreement of the party being served or verbal permission for e-mail service being given on the record at a hearing. Any agreement for service by e-mail shall remain in effect for the remainder of the case, unless the party who agreed to service by e-mail gets the permission of the judge to substitute another type of service.
3. The following documents must be personally served:
 - a. The Initiating Pleading in all cases;
 - b. Any Amended Pleadings;
 - c. Any Ex Parte Order and the Ex Parte request that led to its issuance; and
 - d. Any other document the Judge orders personally served.
4. If personal service is required but is not practicable the Petitioner may file a Motion asking the Court to approve alternative service. All Motions for alternative service must include a declaration signed by the person who attempted personal service detailing when service was attempted, what was done to attempt to service, and what the results were. At least three (3) service attempts, on different days and at different times must be documented for the Court to find good cause to grant the Motion. The Court may approve any of the following alternative service options:
 - a. Service by Certified Mail, Return Receipt Requested: If the return receipt is not filed with the Court, the receipt is signed by someone other than the opposing party, or the receipt is unsigned, the service by certified mail is incomplete unless there is clear evidence that the party who service was attempted on actually received the documents.
 - b. Service by Publication: The Motion must include a declaration stating the efforts the Petitioner has made to discover the other party's mailing address. The Court

must find that the Petitioner made good faith attempts to discover the other party's address. Examples of good faith attempts include, but are not limited to:

- i. Asking friends or relatives of the other party where the person lives or works;
- ii. Social media searches; and
- iii. At least one public records search.

If the Court approves the Motion, the Petitioner must publish notice of the case filing and any hearing date and time in a newspaper or online new source for three (3) weeks in the area the other party was last known to live.

- c. Substituted Service: The Motion must include a declaration detailing attempts to personally serve the documents. If the Court finds that Respondent appears to be avoiding service, the Court may allow substituted service. To complete service by substitution, the documents must:
 - i. Be left with someone over the age of eighteen (18) at the Respondent's home, or someone over the age of eighteen (18) who appears to be in charge at the Respondent's work. A copy must also be mailed to the Respondent first class at the address where the papers were served. The person serving the documents must inform the person who is handed the documents that the documents are legal papers and state who the documents are for.
 - ii. The Proof of Service must list the name of the person who the documents were left with, or if the person would not provide their name, must give a detailed physical description of the person.
 - iii. If the Court orders substituted service, it shall explain the required process in the Order allowing the substituted service. All documents other than those described above in subsection 3. may be served by first class mail, or with the permission of the person being served, by e-mail. Service by first class mail is completed five (5) days after the date of mailing.
5. Proof of Service must be provided to the other party and filed with the Court specifying the date, place and manner of service five (5) business days prior to the trial or hearing date.
6. Parties Represented by Attorneys or Advocates: If a party is represented by an attorney or advocate in a case, all documents that are required to be served on the party must be served on their attorney or advocate instead. A party is represented when the attorney or advocate files a document on behalf of the party, or appears at hearing and states they represent the party.
7. Failure to Serve: If a party fails to serve and file a Petition or Complaint as required under this Rule, the Court may dismiss the action. If a party fails to serve and file any other document as required by this Rule, provided the document does not meet the criteria for an Ex Parte Motion, the Court may continue the hearing or trial or extend filing deadlines to allow time for the other party to be served and have time to respond, or may move forward with a hearing or trial without considering the unserved document.

CHAPTER FOUR: CASE MANAGEMENT

Rule 4.1 Scheduling

1. The Court may, in its discretion, confer with the parties to determine appropriate filing and Discovery deadlines, mediation or other alternative dispute resolution process timelines, and hearing dates, all of which may be set out in a Court Order called a Scheduling Order. A Scheduling Order may also include any other matters appropriate in the circumstances of the case, including an Order requiring the parties to mediate the dispute before the Court hears the case.
2. The Court must provide written notice of all filing deadlines and hearing dates to the parties.
3. The Court shall schedule case events in a timely manner in order to keep the case advancing at a reasonable pace.

Rule 4.2 Consolidating 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 showing a consolidation occurred. This shall be followed by a listing of the names and docket numbers of only those cases to which the papers apply. Attorney/advocate shall furnish copies of papers filed according to the numbers of the cases to which the papers apply.

Rule 4.3 Pre-Trial Conferences

In any action, the Court may in its discretion direct the parties, their attorneys or their spokespersons to appear before it for a conference or conferences before trial for any appropriate purpose under the circumstances of the case.

Rule 4.4 Video and Audio Conference Appearances

A party may request to appear at a hearing or request the Court to conduct a hearing via video or audio conference. A party who is requesting to appear or is requesting that the Court conduct a hearing via video or audio conference shall notify the Court and all other parties at least three (3) days before the hearing. The Court, on a showing of good cause, may permit a party to appear at the hearing by video or audio conference even if the party has not given notice pursuant to this Rule. Participation by video or audio conference is generally considered for non-evidentiary proceedings unless the Court orders otherwise.

CHAPTER FIVE: DISCOVERY

Rule 5.1 Discovery

1. Generally: Discovery means the obtaining of information by a party to a legal action from another party, other person, or an organization. All parties have the right to have information which is relevant to his/her claim or defense provided by other parties and witnesses, unless the information is privileged, or a witness or information is not subject to the jurisdiction of the Court.
2. Right to Discovery: Every party shall have the right to Discovery in accordance with these Rules. The Court may issue a Scheduling Order setting the timeline for the exchange of Discovery and limiting the admission at hearing or trial of information that was not provided to the other side.
3. Court Discretion: Discovery may be expanded or limited by the Court at its discretion. Any party seeking Discovery beyond that which is automatically discoverable pursuant to Rule 5.3 shall submit, either in writing or orally during a Discovery conference, requests for such Discovery. The party must clearly state the information sought and the reason or reasons why it is relevant to the case and needed by the requesting party.

Rule 5.2 Discovery Conference

The Court may schedule a Discovery conference upon request of any party or on its own. At the Discovery conference, any party may submit requests for Discovery. The Court shall expand or limit Discovery at its discretion.

Rule 5.3 Automatic Discovery

Any party shall have the right to (1) take the deposition of any opposing party, and (2) serve upon any opposing party interrogatories. A deposition is the taking of the testimony of another party under oath.

CHAPTER SIX: MOTIONS

Rule 6.1 Motions

1. A Motion is a request made to the Court to obtain an Order directing some act to be done in connection with a pending case. Motions must be made in writing and conform to the format requirements in Chapter Two, unless the Judge allows a Motion to be made verbally during a hearing. Typically, Motions will only be allowed to be made at hearing if one of the following is true:
 - a. The Motion addresses a simple procedural issue, the parties are jointly making the Motion, the Motion is because of an urgent issue that needs an immediate Order; or
 - b. The Motion is in Response to issues that arise during the hearing.

2. All Motions shall comply with the format requirements of Chapter Two and explain what the Court is being asked to do, state the reasons why the Motion should be granted, and cite any applicable rule, statute, or other authority justifying the relief sought. If a party is asking the Court to consider evidence that has not yet been filed in the case, a copy of the evidence supporting the Motion or Response must be filed along with the Motion or Response paperwork.
3. Unless another Tribal Law or another Court Rule provides otherwise, Motions may be filed with the Court at the same time any Pleadings are filed with the Court or at any time after the first Pleading is filed.

Rule 6.2 Noticed Motions

A Noticed Motion is a written Motion that is served on all other parties, allowing those parties to review the Motion and respond in writing. The party making the Motion is called the Moving Party. The procedure for a Noticed Motion is as follows:

1. The Moving Party must file a Motion and all supporting documents with the Court at least sixteen (16) business days before the hearing to decide the Motion, unless an ordinance requires a different timeline for Motions.
2. The Moving Party must serve a copy of the Motion and all supporting documents in person or by mail on all other parties prior to filing the Motion with the Court.
3. A Response from any non-Moving Party to a Noticed Motion must be filed in Court and served on the party making the Motion no later than five (5) business days after the Motion was served on the non-Moving Party.
4. At the Court's discretion, a Motion may be heard on an expedited basis for good cause.

Rule 6.3 Ex Parte Motions

An Ex Parte Motion is a Motion that is not served on the other party before it is filed with the Court. The Court will only grant an Ex Parte Motion when the Moving Party shows that they or someone in their care will suffer irreparable harm or is in immediate danger, and the person in danger cannot be adequately protected if the Court waits for a noticed hearing. Irreparable Harm means that the damage, once done, cannot be undone or fully compensated by a future Order of the Court.

1. All Ex Parte Motions shall include a description of the immediate and irreparable harm that will occur if the Ex Parte relief is not granted, and a statement by the Moving Party that one of the following is true:
 - a. The Moving Party has, within a reasonable time, informed the opposing party, the opposing party's attorney or the opposing party's spokesperson of when and where the Motion would be made, and the grounds for the request;
 - b. The Moving Party has made a good faith attempt to inform the opposing party, the opposing party's attorney, or the opposing party's spokesperson but was unsuccessful, specifying the efforts made to contact them; or

- c. For some other specified reason, the Moving Party should not be required to inform the opposing party, the opposing party's attorney, or the opposing party's spokesperson.
2. Ex Parte Orders shall be temporary, and state an expiration date when applicable. The Court shall set a noticed hearing, if necessary, in Ex Parte Orders so that the other party has a chance to be heard on the issues before the Court decides whether to issue a longer term Order. The Court may require the Moving Party to post a bond or other security when granting an Ex Parte Order. Ex Parte Orders must be served on the other party before they are enforceable against that party.

Rule 6.4 Motion Hearings

The Court may schedule a hearing on a Motion at the request of a party or at its own discretion. In the interest of efficiency and economy, hearings on Motions will usually be held as part of other scheduled hearings. However, for good cause shown by a party or on its own Motion, the Court may schedule a separate Motion hearing. All hearings for pre-trial Motions shall take place at least fifteen (15) days before the commencement of trial.

Rule 6.5 Motion to Transfer Case

1. Transfer to Tribal Court: The Tribal Court may accept transfer of a case from another jurisdiction pursuant to any Tribal Code section allowing the case transfer. Case transfers from another jurisdiction must be initiated in the other jurisdiction.
2. Transfer of Case from Tribal Court: The Tribal Court may allow transfer of a case to another jurisdiction if both parties agree to the transfer or under any tribal code provision that authorizes the code transfer, provided that the Court also finds it is not in the best interests of the parties and any child who is the subject of the case, if applicable, that the Tribal Court keep jurisdiction.

Rule 6.6 Appellate Writs

[Reserved]

CHAPTER SEVEN: TRIAL

Rule 7.1 Trial

A trial is the hearing of the case on its merits and is held after the parties have had a reasonable time to prepare their cases. The Court shall confer with the parties in setting the date for trial.

Rule 7.2 Trial Briefs

A party may submit, or the Court may Order a party to submit, a trial brief describing what that party believes are the relevant facts, the evidence that will prove those facts, the applicable law

and/or how the applicable law should be applied to the facts. A trial brief must be filed with the Court Clerk and served on the opposing party no less than ten (10) business days before the hearing and it shall be limited in length to no more than fifteen (15) pages, excluding any title page or table of contents or table of authorities, none of which are required. Either party may also submit reply briefs to the Court and the opposing party within five (5) days before trial, subject to the same Rules regarding trial briefs.

Rule 7.3 Evidence

1. Federal Rules: The Court shall consider, but shall not be bound by, the Federal Rules of Evidence.
2. Tribal Custom: Where any doubt arises as to the customs of the Tribe, the Court may request the advice of elders or other credible individuals familiar with those customs.
3. Relevant Evidence: The Court will consider all reliable relevant evidence prior to making a decision. Relevant evidence is evidence that makes more or less probable a fact that is important to the outcome of the case.
4. Reliability of evidence: When deciding on whether evidence is reliable, the Court must consider whether the evidence is trustworthy and accurate.
5. Requirement that Evidence be Exchanged Ahead of Trial: Each party must give the other party a copy of all evidence they plan to present to the Judge and a list of all witnesses that plan to call. An exception to this requirement is that a party may call a witness whose name was not previously disclosed if the witness is being called to dispute something unexpected said by the other party or their witness. If Evidence is not given to the other party before trial, the Court may either continue the trial to allow the unserved party a chance to respond to the evidence or may refuse to consider the evidence at trial.
6. Privileged Communications: Communications privileged in either a California Federal Court or a California State Court may be considered as privileged in the Bear River Band Tribal Court. This includes, but is not limited to, the attorney-client, physician-patient, sexual assault counselor, or domestic violence advocate, confidential marital communications and spousal testimony privileges.

Rule 7.4 Applicable Law

The Constitution, Codes, Ordinances, Resolutions, common law, and customs and traditions of the Tribe will be used to liberally interpret Tribal Law to provide a fair hearing and fair enforcement of the laws of the Tribe.

1. Order of Preference: Tribal Law, including Tribal custom, shall be considered first by the Court to resolve any question before it. If Tribal Law does not resolve the question, the Court may look to other jurisdictions for guidance (not necessarily binding) in the following order:
 - a. The law of other Tribes;
 - b. Federal law;
 - c. And finally, California law.

2. Custom: In any civil case where all parties are in agreement and where there is no Bear River Band Tribal Court case law, ordinance or policy to the contrary, the customs and traditions of the Tribe may be used exclusively to resolve the dispute. Where any doubt arises as to the customs and traditions of the Tribe, the Court may, in its discretion, request the advice and input of impartial elders familiar with Tribal customs and traditions. This advice may be provided either through formal testimony or any other procedure mutually agreed upon by the Court and the parties.

Rule 7.5 Witnesses

1. A Subpoena is a document that requires a witness to appear in Court and give testimony or that requires someone to provide the Court with documents or other items. Preparation and service of the Subpoena is the responsibility of the party seeking to have the Court issue the Subpoena. Subpoena forms can be obtained from the Court Clerk. A party representing herself or himself may seek assistance of the Court in the preparation and service of the Subpoena. The Court may, in its discretion, require such party to submit a Subpoena to the Court for approval prior to service.
2. Time for Issuance of Subpoenas: Subpoenas shall be issued by the Court within a reasonable amount of time before the hearing or trial.
3. Notice: A party shall use its best efforts to notify any witness who has been subpoenaed to appear in Court. The party shall give sufficient prior notice of the hearing date so that the witness may make necessary arrangements to appear.
4. Failure to Appear: If a person who has been properly served with a Subpoena fails to appear or produce required documents or items, the case may be postponed or dismissed, Judgment may be entered against the absent party if the person who failed to appear is a party, or the Court may proceed to hold the hearing or trial. The person who fails to appear or produce documents may also be held in Contempt of Court and fined in accordance with Rule 1.7 subsection 3. Contempt of Court.
5. Sworn Testimony: All witnesses, prior to their testimony, shall be administered an oath by the Court Clerk or Judge similar to as follows:
 - a. “You do now solemnly swear (or affirm) the testimony you are to give in the matter now pending before this Court to be true and nothing but the truth.”
6. First Hand Knowledge: Witnesses must have direct, personal experience about events they are testifying about. They must have seen, heard, or experienced an event themselves rather than being told about it by someone else.
7. Advisement of Right Against Self Incrimination: If a person is called as a witness and it appears to the Court that the testimony or other evidence being sought may tend to incriminate the witness, the Court shall advise the witness of the privilege against self-incrimination, the possible consequences of testifying, and the right to retain their own legal counsel in such cases.
8. Questioning Witnesses: The party who a witness is appearing on behalf of will have the first opportunity to question the witness. A party cannot ask leading questions of their own witness. A leading question is a question that suggests the Answer or puts words into a

witness's mouth, often framed to elicit a "yes" or "no" Response. The other party shall have the opportunity to cross examine any witness. During cross examination, the party asking questions shall be respectful towards the witness. The Judge may question any witness once the parties are through with their questions.

Rule 7.6 Postponement

The Court may postpone a trial upon the request of a party, upon agreement of all parties, or at the Court's discretion for good cause and on such terms as the Court deems appropriate.

Rule 7.7 Statement of Decision

After the trial, the Court shall render and announce its decision in accordance with Rule 8.4, Entry of Judgment.

CHAPTER EIGHT: JUDGMENT

Rule 8.1 Default Judgment

A Default Judgment is a Judgment granted by the Court against a Respondent who has failed to file a written Answer or otherwise defend against a claim. Any party pursuing a claim may request a default Judgment be entered through a Noticed Motion after the time to Answer an Initial Pleading has expired. The Court may enter a Default Judgment against any party who has been properly served with notice and who fails to answer an Initial Pleading. The Court shall enter a Default Judgment in accordance with Rule 8.4, Entry of Judgment.

Rule 8.2 Summary Decision (Summary Judgment and Adjudication)

A Summary Decision is a Judgment granted on a claim or defense where there is no genuine issue of fact for the Court to resolve and the Moving Party is entitled to prevail on the claim or defense as a matter of law. Any time after thirty (30) days from the commencement of an action, any party may file a Noticed Motion for a summary decision. The Court may render a Summary Decision in favor of the Moving Party on any claim or any defense where there is no genuine issue of fact for the Court to resolve and where the Moving Party is entitled to Judgment as a matter of law. If the Court is able to render a decision on all issues in a case and no issues of fact remain for the Court to resolve, the Court shall enter a summary Judgment in accordance with Rule 8.4 – Entry of Judgment. If the Court is unable to render a decision on all issues in the case, it shall enter a summary adjudication for those issues it can resolve and then try the remaining issues of fact.

Rule 8.3 Dismissal of Actions

1. A Dismissal is the termination of an action or claim without further hearing by the Court. A Dismissal may be With Prejudice or Without Prejudice. A Dismissal without prejudice does not bar a party from refileing the same case with the Court. A Dismissal with prejudice bars a party from refileing the same case with the Court.

2. A Voluntary Dismissal is Dismissal of a lawsuit at the request of the Petitioner or by agreement of all the parties. A Petitioner may file a notice of voluntary Dismissal with the Court at any time prior to the filing of an Answer by any Respondent. Upon receipt of the notice of voluntary Dismissal, the Court shall dismiss the case without prejudice if an Answer has not been filed with the Court.
3. Motion to Dismiss: Any party may file a Noticed Motion to dismiss all or part of a case. The Court may dismiss a claim or an entire case if:
 - a. The Court lacks jurisdiction to hear a claim;
 - b. A Petitioner moves to dismiss a claim it has filed after an Answer has been filed by a Respondent;
 - c. A party's Pleadings fail to establish a right of relief under the law, even assuming that all factual allegations made by the party's Pleadings are true;
 - d. A party fails to comply with Court Rules or an Order of the Court; or
 - e. There has been no action taken by any party regarding the case for nine (9) months, except for child support, child custody, and any case addressing the care or placement of a minor child.

As an alternative to granting a Motion to dismiss, the Court may grant a party permission to amend its Pleadings to allow the party to properly establish a right of relief under the law. The Court may dismiss a case with or without prejudice.

4. Court Motion for Dismissal: On its own Motion, the Court may move to dismiss an action. The Court may dismiss an action for any reason provided in subsection 3. of this Rule. When making its own Motion, the Court shall provide both parties with written notice that unless good cause is shown why the case should not be dismissed, the case will be dismissed in thirty (30) days. The Court shall review any Response by a party to such written notice. In its discretion, the Court may set a hearing to adjudicate its own Motion.

Rule 8.4 Entry of Judgment

A Judgment is a final Order of the Court which disposes of an entire case or claim. The Court shall enter all Judgments into the record in written form. All Judgments shall be in writing and must be entered within twenty (20) days after a trial or hearing or after the filing of any post-hearing or post-trial briefs. Default Judgments, Summary Judgments and Dismissals of Actions shall be considered Judgments and, as such, shall be entered into the Court record in written form.

Rule 8.5 Motion for Reconsideration

Any party may file a Noticed Motion requesting the Court to amend or reconsider any Judgment, or to grant a new hearing or trial. A party requesting a Motion for reconsideration must file the Motion within ten (10) days of being served a copy of the Judgment. The Court will only grant the Motion if there is newly discovered evidence which the Moving Party was unable to discover prior to hearing or trial through no fault of their own, the Court made an error in applying the law or determining the facts, excusable neglect of the party asking for the Reconsideration, or a clear injustice would result because of the Court's current Order for any other reason. The Court may deny the Motion without a hearing, may grant the Motion without a hearing or may schedule a

hearing to adjudicate the Motion. If the Court grants the Motion, it shall enter a new Judgment into the Court record pursuant to Rule 8.4 – Entry of Judgment.

Rule 8.6 Final Judgment

A Judgment will be considered a final Judgment when the time for filing a Motion for reconsideration has passed and no party files such a Motion or when the Court denies a Motion for reconsideration.

Rule 8.7 Costs in Civil Action

The Court may assess costs of the case against the person against whom Judgment is given. Such costs shall include the expenses of voluntary witnesses for which either party may be responsible under these Rules, and any further incidental expenses or fees connected with the procedure required by these Rules as the Court may direct. Unless provided by a Tribal Law or ordinance, costs do not include attorney fees.

Rule 8.8 Enforcement of Judgment

A party may request the Court enforce a Judgment if the party against whom Judgment has been entered fails to comply with the Judgment within the Court Ordered or timeframe, or if the court did not set a timeframe, then within a reasonable time after the Judgment becomes final.

Rule 8.9 Judgments of Other Jurisdictions

Any person may file a written request for Registration of a civil Judgment from another tribal court, state court, or a federal court. If the Tribal Court approves the registration request, all available Tribal Court enforcement mechanisms will be available to enforce the Order. The Judge shall review the application within the timeframe and according to the standards established in Tribal Code. Unless prohibited by federal law, the Judge shall have discretion to decide whether to accept the Judgment of a foreign court. The Tribal Court shall only recognize a foreign Judgment when due process was provided by the foreign court to the person against whom the Judgment was entered.

1. If Tribal Code Does Not Set a Timeline for Decision: If no Tribal Code addresses the registration requirements for the type of order whose registration is being sought, the Judge will decide the issue within thirty (30) days of the filing of the request for registration, unless good cause justifies extending the decision.
2. If Tribal Code Does Not Set Standards to Evaluate Registration Request: If no Tribal Code sets a standard for whether to register the Foreign Order, the Court shall be guided by the best interests of the Tribe and the parties.

CHAPTER NINE: APPELLATE RULES

Rule 9.1 Appeal from Final Judgment

Subject to the limitations set forth in the Bear River Band of the Rohnerville Rancheria's Act Establishing a Judiciary, and these Rules, any party who has a good faith belief that the Court made a mistake in interpreting the law or made a decision that was not supported by substantial evidence and such error materially affected the outcome of his or her case may file a Motion for reconsideration, or appeal a final Judgment of the Court. In cases where a Tribal Ordinance establishes appellate procedures that vary from the Rules set forth in this Chapter, the procedures and terms of such ordinance shall govern.

Rule 9.2 Limitations on Appeal

1. Non-Final Judgment: Any Judgment, Ruling or Order issued by the Court which is not final may not be appealed.
2. In registration of Foreign Order cases only the decision on registration, not the underlying Judgment, can be appealed.
3. Minor Cases: [Reserved]

Rule 9.3 Filing and Notice of Appeal

1. Filing an Appeal: Any party who wishes to appeal a final Judgment of the Court must file a written notice of appeal with the Court within Thirty (30) days after the Judgment becomes final.
2. Notice of Appeal: The Notice of Appeal must include the names of the parties, the date of the Final Judgment or Order being appealed, and a summary of the mistake(s) the Trial Court allegedly made that justifies an appeal. A copy of the Final Judgment or Order being appealed must be attached to the Notice of Appeal, and the Notice must be accompanied by a Proof of Service showing that it was served on all parties.

Rule 9.4 Hearing

1. Appellate Court: An Appellate Judge from the Appellate Court shall hear all appeals from final Judgments of the Trial Court.
2. Schedule and Notice of Hearing: The Appellate Judge assigned to the case shall set the briefing and hearing schedule. The arguments on appeal shall be set no sooner than forty-five (45) days and no later than one hundred twenty (120) days from the date the notice of appeal is filed, unless good cause exists to change the timelines. Any Order revising the timelines must state the good cause for doing so.

Rule 9.5 Briefs

Unless the Court grants permission, appellate briefs may not be longer than fifteen (15) pages excluding the first page, and any table of authorities or table of contents. Appellate briefs should

explain the legal reasons why the party believes the Trial Court either made a reversible error or did not make such an error.

Rule 9.6 Evidence

The Appellate Court shall not hear any new testimony or allow any new evidence to be introduced at the appellate hearing. The Appellate Court may only consider the record created during trial, written appellate briefs and oral arguments of the parties.

Rule 9.7 Grounds for Reversal

A final Judgment of a Trial Court shall be reversed or modified only if the record indicates at least one of the following:

1. The Trial Court incorrectly interpreted or applied the law in a manner that materially affected the outcome of the case;
2. The Trial Court made a procedural error that materially affected the outcome of the case; or
3. The final Judgment is not supported by substantial evidence in light of the record taken as a whole. Substantial evidence is more than a mere scintilla of evidence and is enough evidence for a reasonable mind to accept the conclusions of the Court.

No Judgment of a Trial Court shall be reversed where the record shows that the same result would have occurred even if the Trial Court had not made the alleged error(s).

Rule 9.8 Final Decision

An Appellate Court may affirm a Judgment, modify a Judgment, reverse a Judgment or vacate a Judgment and remand the case back to the Trial Court for further proceedings. An Appellate Court may also dismiss an appeal for failure to comply with the Bear River Band of the Rohnerville Rancheria's Act Establishing the Judiciary, or the Rules of Court. After an appellate hearing, the Appellate Court shall issue a written opinion explaining its decision. Unless an Ordinance or Tribal Law provides otherwise, the decision of the Appellate Court is final and no further appeal is allowed.

CHAPTER TEN: ADMINISTRATIVE RULES

Rule 10.1 Publicly Available Tribal Laws

1. Official copies of all Tribal Law shall be maintained by the Executive Secretary. An electronic version of Tribal Legislation or Resolutions which grants subject matter jurisdiction to the Court shall be made available on the Tribal Court website. The Court shall also keep a publicly available library of all customary law obtained or applied in any proceeding.

Rule 10.2 Practitioners in Tribal Court

1. Roster of Tribal Court Bar Membership: The Court shall maintain a roster of all persons admitted to the Tribal Court Bar.
2. Attorney: An Attorney is a person who is licensed to practice law in any State or the District of Columbia and is currently in good standing with the Bar Association of that entity as and is representing a party in a Tribal Court case. Attorneys shall be required to pass the Tribal Bar Exam unless their representation is limited to specially appearing in no more than three (3) Tribal Court cases a year.
3. Advocate: An advocate is a person who is not an attorney who seeks to be admitted by the Bear River Band of the Rohnerville Rancheria Tribal Bar to provide others with any of the following types of support:
 - a. Provide information about the Court process;
 - b. Assist with completing and/or filing Court documents;
 - c. Facilitate communication on behalf of a client to obtain necessary information, to resolve misunderstandings, to build relationships and/or settle a case; Assist with obtaining, organizing, and/or presenting evidence; and/or
 - d. Explain the case facts and a party's viewpoint to the Judge at hearing.
4. Spokesperson: A spokesperson may be allowed to act as such at the discretion of a hearing Judge. The role of the spokesperson is more limited than that of an attorney or advocate. The spokesperson assists someone by speaking on their behalf at Court Hearings when the person feels unable to adequately speak on their own behalf. Spokespersons do not need to pass the Tribal Bar Exam, but must submit a spokesperson application through the bar association. If a dispute arises as to the qualifications/abilities of such a person to function in that role the Chief Judge will resolve the dispute.

Rule 10.3 Appearance and Representation

1. Any person eighteen (18) years of age or older who is legally competent may represent herself or himself in the Court. Any person who is not at least eighteen (18) years of age, or who is not legally competent, must appear through a parent or legal guardian.
2. All persons appearing in the Court shall have the right to be represented by an advocate, spokesperson, or attorney at their own expense. A parent or legal guardian may designate an advocate, spokesperson or attorney on a minor/legal incompetent's behalf.
3. When a party is represented by an attorney or advocate in a case, all documents for the party must be served on the attorney or advocate. Any communications from the Court Clerk, other parties, or other parties' attorneys, advocates or spokespersons must be with the represented parties' attorney or advocate.
4. If a party wants to change their attorney/advocate, or wants to represent themselves, a Substitution of Attorney form must be filed with the Court listing the name of the new attorney or advocate, or stating that the party is representing themselves and including the date the substitution will take effect. A copy of the substitution of attorney must be served on all other parties prior to filing with the Court.

5. The Court, at its discretion, may disallow a substitution of attorney depending on the applicable Rules of Court for practice, timing, status, and current circumstances of the case.

Rule 10.4 Hearing Recording or Transcription

Court proceedings shall be digitally recorded. Proceedings may be transcribed by a Certified Court Reporter, who shall submit a certified copy of the recorded proceeding to the Court Clerk.

Rule 10.5 Interpreters

The use of qualified interpreters is authorized in judicial proceedings involving the hearing impaired and/or non-English speaking individuals. All interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following rules:

1. An interpreter shall interpret or translate the material thoroughly and precisely;
2. An interpreter shall use the level of communication that best conveys the meaning of the source and shall not add or omit anything or interject the interpreter's personal moods or attitudes;
3. No interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend or relative of an opposing party unless the opposing party agrees otherwise;
4. No interpreter shall render services in any matter in which the interpreter has an interest, financial or otherwise; and
5. Except in the interpreter's official capacity, no interpreter shall discuss, report or comment upon a matter before the Court.

Certification

The undersigned Judge of the Bear River Band Tribal Court hereby certifies that the foregoing Rules of Court is a true and correct copy of the Rules of Court for the Bear River Band Tribal Court that was duly adopted by the Bear River Tribal Court on December 30, 2025.

Michelle Krueger
Chief Judge

DEC 30 2025
Date