

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

A COUNCIL BILL

**A Council Bill to Establish a Court of General Jurisdiction
of the Choctaw Nation of Oklahoma**

Whereas, the Choctaw Nation of Oklahoma (Nation) presently operates the Court of Indian Offenses of the Choctaw Nation (CFR Court) pursuant to a P.L. 93-638 Contract with the Bureau of Indian Affairs; and,

Whereas, the CFR Court will not adequately serve the future needs for the Judicial Administration of Justice of the Nation; and,

Whereas, pursuant to the Nation's inherent governmental duty and power to provide for the health, safety, and welfare of its citizens and others engaging in relations with the Nation, it is necessary to create a Court of General Jurisdiction for the Choctaw Nation of Oklahoma.

Therefore, be it enacted that this Council Bill shall be cited as authority for the establishment of the Court of General Jurisdiction of the Choctaw Nation pursuant to the terms, conditions and provisions of the attached "Act Establishing a Court of General Jurisdiction for the Choctaw Nation of Oklahoma". (Exhibit "A")(Act)

Be it further enacted that on and after the effective date of the Act, the CFR Court will cease to exist and shall be replaced by the Court of General Jurisdiction for the Choctaw Nation of Oklahoma; and,

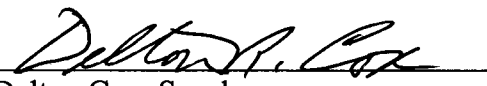
Be it further enacted that from and after the effective date of the Act, the Court of General Jurisdiction of the Choctaw Nation of Oklahoma shall have all civil and criminal jurisdiction within the Choctaw Nation of Oklahoma formerly had by the CFR Court, including matters in which this Council has waived the Nation's sovereign immunity and given its consent for the Nation to be a party in the CFR Court in certain actions; and,


Be it further enacted that the Chief of the Choctaw Nation is authorized to amend the Nation's self-governance compact with the United States for the approval and funding of the Court created by the Act; and,

Be it further enacted that the Act shall become effective upon the approval of the amended self-governance compact by the United States Department of Interior, proper appropriation of start-up and operational funds for the new Court by this Council, and upon an Executive Order of the Chief directing the Court to become fully functional.

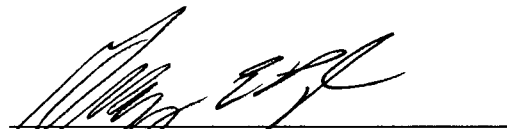
CERTIFICATION

I, the undersigned, as Speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at a special Session of the Tribal Council at Tuskahoma, Oklahoma, on April 11, 2009. I further certify that the foregoing Council Bill CB-65 -2009, was adopted at such meeting by an affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.


Delton Cox, Speaker
Choctaw Nation Tribal Council


Charlotte Jackson, Secretary
Choctaw Nation Tribal Council

4/14/09
Date


Gregory E. Pyle, Chief of the
Choctaw Nation of Oklahoma

**AN ACT ESTABLISHING A COURT
OF GENERAL JURISDICTION FOR
THE CHOCTAW NATION OF OKLAHOMA**

ARTICLE I

Section 1.101: IN GENERAL

There is hereby established, as set forth in this Act, a court system of general jurisdiction within the Choctaw Nation of Oklahoma which will replace the CFR Court of Indian Offenses of the Choctaw Nation of Oklahoma and, except as hereinafter provided, shall have general civil and criminal jurisdiction over all tribal Indian Country as described in Article I, Section 2 of the 1983 Constitution of the Choctaw Nation of Oklahoma. The Court of General Jurisdiction shall have assigned to it all duties and jurisdiction of the CFR Court of Indian Offenses of the Choctaw Nation immediately on the effective date as provided by the Tribal Council of the Choctaw Nation. All pending cases in the CFR Court of Indian Offenses shall be transferred to the Court of General Jurisdiction. Any cause that could otherwise have been filed in the CFR Court shall, after the effective date hereof, be filed in the Court of General Jurisdiction. The Choctaw Nation Court of General Jurisdiction shall not have concurrent or conflicting jurisdiction with the Choctaw Tribal Court (herein Constitutional Court) established by Article XII of the Constitution of the Choctaw Nation of Oklahoma.

Section 1.102: COMPOSITION OF THE COURT OF GENERAL JURISDICTION

There is established an Appellate Division of the Court which shall be named "The Court of Appeals of the Choctaw Nation", and which shall be composed of three

(3) judges and a district (trial) court composed of one or more district judges as hereinafter set forth.

Section 1.103: MINIMUM QUALIFICATION OF JUDGES

All judges of the appellate and district courts shall be at least thirty (30) years of age and be licensed, in good standing, by a state or federal court and a member of the bar of the Choctaw Nation with at least five (5) years experience as a practicing attorney or sitting judge.

Section 1.104: TERMS AND APPOINTMENTS OF JUDGES

The Appellate division and District Court Judges shall be appointed by the Chief and confirmed by the Tribal Council. The Chief shall designate one of the Appellate Judges as the Chief Appellate Judge. Judges shall serve for a term of four (4) years each except the Judges first appointed to the Appellate division shall be appointed to two (2), three (3), and four (4) year staggered terms. Thereafter, appointments or reappointments shall be for four (4) year terms as each previous term expires. Judges shall hold office after their term expires until reappointed or replaced. All vacancies occurring in judgeships shall be filled in the same manner and only for the unexpired term of the vacant judgeship.

Section 1.105: TEMPORARY VACANCIES OR RECUSAL OR DISQUALIFICATION OF A JUDGE

(A) Any District Judge who chooses to recuse in a particular case or is disqualified by the Appellate division shall temporarily be replaced by the Appellate division for the particular case or cause in which he or she is disqualified by a temporary judge who must have the minimum qualification set out in Section 1.103

and may only sit in the particular case assigned unless temporarily appointed in another case in which the district court judge is disqualified or recuses.

(B) Any Appellate division Judge who recuses, or by the rules is disqualified from sitting in a particular case, shall be temporarily replaced by the Chief appointing his or her replacement to sit in that particular case only.

Section 1.106: SPECIAL DISTRICT JUDGE

In the event the District Judge certifies to the Appellate Court division that his or her case load docket has become so burdensome that it is having a negative effect on the orderly and timely administration of justice, a special judge may be appointed, after due consideration and concurrence, by the Appellate division. Any Special District Judge shall be assigned only those cases determined by the Chief Judge.

Section 1.107: OATH OF OFFICE

Before assuming office, each judge shall take the oath of office prescribed by the Constitution of the Choctaw Nation of Oklahoma.

Section 1.108: DUTIES AND POWERS OF THE APPELLATE COURT DIVISION

The Appellate Court Division shall have general civil and criminal appellate jurisdiction in all matters not assigned to the Constitutional Court of the Choctaw Nation. In addition thereto shall:

(A) Be responsible for creating and maintaining the rules for it and the District Court, not inconsistent with the Constitution and tribal laws, to provide for the orderly, efficient, and fair administration of justice and the administration of the Courts.

(B) Hear and decide appeals from the District Court. All such decisions shall be final.

(C) Enter all appropriate orders and judgments, including but not limited to, matters involving all original jurisdiction conferred on it by the Tribal Council.

(D) Supervise the District Court and all Clerks, Reporters, Baliffs, and other officers of the Courts.

(E) Admit attorneys to practice before the Courts of General Jurisdiction and maintain the roll of said attorneys. The Court shall determine the amount of fees for admission and practice before the Court and the rules of conduct.

(F) Submit a proposed annual budget to the Chief and Council each year for their consideration and action prior to the regular September session of the Council.

(G) Conduct the Court's functions consistent with the Tribal Code of Judicial Conduct established by the Tribal Council.

(H) Engage in such additional judicial functions as may, from time to time, be assigned to the Courts by the Tribal Council.

Section 1.109: DUTIES AND POWERS OF THE DISTRICT COURT

The District Court's duties and powers shall be as follows:

- (a) Sit as an impartial trier of all civil and criminal matters pursuant to rules assigned to the District Court by the Appellate Division.
- (b) Maintain a docket of all cases pending before it.
- (c) Render decisions on all evidentiary and procedural issues, including, but not limited to, motions for pre-trial, during trial, and post trial relief pursuant to the rules.

- (d) Grant such preliminary and permanent relief for and against litigants, including, but not limited to, restraining orders, injunctions, orders for contempt, enforcement of final decisions, impose sentences, and such other relief for the orderly administration of justice.
- (e) Maintain a pool of court reporters from which to draw to record court proceedings. Invoices for such services shall be approved by the Chief Judge of the Appellate Division on the recommendation of the District Judge and paid from the Court's budget.
- (f) All fines shall be paid into the tribal general fund for use in the Court's budget.
- (g) Conduct court proceedings, in the Court's discretion, at such locations within the Choctaw Nation as may be convenient for the Court and parties. Provide such notice as to those locations to the parties and public as is reasonably required.
- (h) Enter into agreements with other Courts or Agencies within the Choctaw Nation for the use of courtrooms and other facilities.

Section 1.110: COMPENSATION FOR JUDGES AND COURT PERSONNEL

The Compensation for Judges and Court personnel shall be set by the Tribal Council through the budgetary process.

Section 1.111: DECISIONS OF THE COURTS

All official decisions and orders of the Courts shall be in writing and made part of the record in the form of Minute Orders, formal Orders, and Opinions. The

decisions of the Court of Appeals shall be by Opinion setting forth the facts, the law and authorities applied, the method of application of the law and authorities, and the reasons for such application. Although not required, the District Court, in its discretion, may issue Opinions with its decisions. Final decisions of the Courts shall be rendered no more than sixty (60) days from the date when the case is ripe for decision.

SECTION 1.112: RULES OF THE COURT

A. The Court of Appeals shall establish rules, to be approved by the Tribal Council, concerning the administration and conduct of the Courts and for practice before the Courts not inconsistent with the laws of the Choctaw Nation. Such rules shall govern the conduct, demeanor and decorum of those in the Courts as well as the form and method of filing appeals, briefs, pleadings, and other matters which will contribute to the orderly, efficient, and timely administration of justice. Rules of the Courts shall be printed and made available to litigants, members of the bar, and such other persons having business with the Court.

SECTION 1.113: APPELLATE COURT AUTHORITY ON APPEALS

The Court of Appeals shall consider and determine appeals, properly lodged, from decisions, orders, and judgments of the District Court. The Court of Appeals shall have full authority to affirm, reverse, modify, or vacate all or any decision or action of the District Court or other entity from whom the appeal was taken is authorized by tribal law, and may enter such order as is just or remand the case for entry of a specified judgment, for new trial, or such further action which shall be just and lawful. Such decisions shall be final.

SECTION 1.114: CONDUCT OF COURT SESSIONS

A. The Appellate Court division shall meet no less than quarterly at such dates, times and places as it shall, in its discretion, determine to transact the business of the Court. Notice of Court sessions shall be posted in the Court Clerk's office. Sessions of Court shall be open to the public except during deliberations of the Court.

B. The District Court shall hold Court sessions at least one business day monthly and such other times as is required by its docket and case schedule. Unless for good cause, multi-day trials shall be conducted on consecutive days from opening to the closing arguments. Continuances and interruptions during the course of trials should be discouraged. The Court shall enter a scheduling order when a case is at issue. Cases should be brought to trial no later than sixty (60) days after the close of all pre-trial proceedings and discovery is had pursuant to the Court's scheduling order.

Section 1.115: COURT FUND

(A) There is hereby authorized to be maintained by the Clerk under supervision of the Appellate Court, a fund to be known as the "Court Fund" into which shall be deposited all fines, fees, penalties, costs, and other monies authorized or required by law to be paid through the Court which are not to be distributed to any party to a case and for which no requirement is imposed by law for the deposit of such funds into a particular account. These funds shall be maintained by the Court and used exclusively for the purchase of supplies, materials, and personal property for use of the Courts, or for maintenance of the Court Law Library, and such other applications as shall be specifically authorized by law. The Court Fund shall not be used for the

payment of salaries of Judges or Court personnel. The Court Fund shall be audited annually by the tribal auditor and the results reported to the Chief and Council.

(B) The Court shall submit to the Tribal Council, for approval, a proposed schedule of fees, penalties, and costs required to be paid to the Court Fund by attorneys, litigants, and others having business with the Court. The approved schedule shall be posted in the Court Clerk's office and copies provided on request to the public.

(C) The officer of the Court responsible for administering the Court Fund shall provide the Judges of the Courts with an itemized report each month showing receipts and disbursements.

ARTICLE 2

PROCEDURES FOR DISQUALIFICATION OF A JUDGE

Section 2-101: METHODS FOR DISQUALIFICATION OF A DISTRICT JUDGE

- (A) A Judge may certify his or her disqualification on his or her own order.
- (B) The Appellate Court may order a district judge's disqualification.

Section 2-102: CIRCUMSTANCES AND PROCEDURE FOR ORDER OF DISQUALIFICATION OF DISTRICT JUDGE

If the district judge determines that he or she has a bias or prejudice concerning a matter pending before the Court, the Judge shall:

- (A) Enter his or her own Order disqualifying himself or herself from hearing anything further in a case where he or she believe they have such bias

or prejudice that would prevent he or she from conducting a fair proceeding.

- (B) If the Judge does not disqualify because he or she feel he or she can set aside any potential bias or prejudice, he or she should disclose such potential bias and prejudice to all parties. If the parties agree to waive objections to the Judge hearing the matter in writing, the Judge may hear the case. If there is no waiver, the Judge shall enter an Order disqualifying.
- (C) If one or more parties have reasonable grounds in which to believe the Judge would be biased and prejudiced in hearing the case, the party or parties, or their attorney, shall request an in-chamber conference with the Judge with all parties and/or their attorneys having the opportunity to attend. At such conference, the Judge shall be orally advised of the party or parties' concern. If the Judge declines to disqualify, the party or parties shall file a motion to disqualify with the Judge and have an evidentiary hearing on the record. If the Judge continues to decline to enter an order disqualifying, the matter shall be appealed to the Appellate Court within ten (10) days of denial of the motion. The decision of the Appellate Court shall be based on the record and shall be final. If a Judge is disqualified, he or she shall be replaced in that case as provided in Section 1.105.

Section 2-103:

DISQUALIFICATION OF APPELLATE COURT JUDGES

- (A) An Appellate Court Judge may be ordered disqualified by his or her own Order, or
- (B) By the other two Appellate Court Judges after a hearing on the motion of one or more of parties in the event he or she declines to certify his or her disqualification. Any such order by the other two Judges must be supported by a preponderance of the evidence showing the Judge who is the object of the motion to be more likely than not to be biased and prejudiced.

Section 2-104:

REMOVAL OF JUDGES

- (A) **Grounds for Removal:** Any judge of the Appellate District Court shall be subject to removal for (1) violation of the Choctaw Nation Code of Judicial Conduct; (2) being convicted of a felony or a crime of moral turpitude or dishonesty; (3) being disbarred by the Choctaw Nation or a state bar association; or (4) incompetence or gross neglect of his or her judicial duties. Disagreement with rulings properly made, or the results thereof, shall not be a basis for removal.
- B. **Procedure for Removing a District Judge:** Upon written petition alleging grounds for removal being made, under oath, by the Chief, Council, or a member of the Choctaw Nation Bar Association, the Court of Appeals shall require the District Judge to respond in writing, under oath, within twenty (20) days from receipt of the Petition for Removal.

The Court of Appeals shall, after determining whether the allegations of the Petition, if true, meet the standards for removal, set a date and time certain for an evidentiary hearing. The parties may be represented by Counsel during said proceedings. In the event, the evidence supports grounds for removal, the Court of Appeals may order immediate removal from office. Where removal is ordered, the Chief Judge shall certify, within five (5) days, such removal to the Chief and Speaker of the Tribal Council.

- (C) **Prodedure for Removing an Appellate Judge:** R e m o v a l
- proceedings for an Appellate Judge may be commenced with filing by the Chief or three members of the Council, a Petition with the Clerk of the Court, under oath, alleging specific grounds for removal supported by factual allegations. The Judge whose removal is sought shall be served with a copy of said Petition within ten (10) days of filing and he or she shall have twenty (20) days thereafter to file a response, under oath, with the Court Clerk. Within ten (10) days of said response, the Speaker shall set a hearing date before the full Council to be had within thirty (30) days thereafter. The Clerk shall forward copies of all filings to the Recording Secretary of the Tribal Council for distribution to the Council immediately upon receipt. If the Council determines by a two-thirds (2/3rds) vote that removal grounds exist, it may order the removal of said Judge.

- (D) **Vacancies Caused by Removal:** Vacancies created by the removal of a Judge shall be filled as heretofore set forth in Section 1.104. Such appointment to fill a vacancy shall be for the unexpired term.

Section 2.105: **TEMPORARY SUSPENSION**

- (A) The Appellate Court may order a District Judge temporarily suspended from his or her duties in the event it finds that an emergency exists and, unless suspension is imposed, serious irreparable harm will be done to the justice system.
- (B) The Tribal Council may order an Appeals Court Judge temporarily suspended from his or her duties in the event it finds that an emergency exists and, unless suspension is imposed, serious irreparable harm will be done to the justice system.
- (C) No suspension shall be for a period exceeding thirty (30) days unless formal removal proceedings are pending or become pending within the thirty (30) day period.

ARTICLE III

SECTION 3.101: **ESTABLISHMENT OF OFFICE OF THE COURT CLERK**

There is hereby established a Court Clerk's office to be administered by one (1) Court Clerk and such Deputy Court Clerks as may be necessary. The Court Clerk shall be appointed by the Appeals Court and Deputy Court Clerks shall be appointed by the Court Clerk subject to the approval of the Appeals Court. The Principal office

Court Clerk and location of Official Court records shall be maintained in Talihina, Oklahoma. However, the Clerk may perform duties at other locations with the Choctaw Nation as directed by the Courts.

SECTION 3.102: **CLERK TO SERVE APPEALS AND DISTRICT COURTS**

Until such time as the Appeals Court determines that separate Clerks are necessary to efficiently administer the business of the Courts and funding is available, the Court Clerk shall serve as the Clerk of the Appeals Court and the Clerk of the District Court. When serving the Appeals Court, the Clerk's title shall be "Clerk of the Choctaw Nation Court of Appeals". When serving the District Court, the Clerk's title shall be "Clerk of the District Court of The Choctaw Nation".

SECTION 3.103: **CLERK AS DEPARTMENT DIRECTOR**

The Court Clerk is a supervisory administrative position of the Judicial Branch of the Government of the Choctaw Nation. The Court Clerk shall serve as the Court Administrator and shall be charged with the preparation of Court budgets, the acquisition of necessary supplies, the maintenance and upkeep of the Court's law library, the custody, upkeep, and maintenance of the records, effects, and property of the Court and such other matters as shall be assigned to the Clerk of the Court by law or Court rule.

SECTION 3.104: **POWERS AND DUTIES**

The Court Clerk shall have the following powers and duties:

- (1) To undertake all duties and functions otherwise authorized by law, or necessary and proper to the exercise of a duty of function authorized by law;

- (2) subject to the approval of the Appeals Court, to supervise and direct the hiring, firing, and work of all deputy court clerks and other employees in his or her office;
- (3) to collect all fines, fees, and costs authorized or required by law to be paid to the Courts, to give a receipt therefore, and deposit in the Court fund;
- (4) to accept, when ordered by the Court, monies for the payment of civil judgments and to pay same by check to the party entitled to them. For the purpose of taking such action, the Clerk is authorized to maintain a bank checking account subject to the oversight of the Appeals Court and to deposit and withdraw funds therefrom. This account shall be audited at least once each year by the Choctaw Nation Accounting Department or an independent Certified Public Accountant. The Clerk shall give a fidelity or performance bond to guarantee the funds deposited in such amount as the Tribal Council shall direct;
- (5) to administer oaths, issue summons and subpoenas, certify a true copy of Court records, and to accurately keep each and every record of the Appeals and District Courts;
- (6) to provide a record in the absence of a Court Reporter to accurately and completely record all proceedings and hearings of the Courts. If a Court Reporter is available, the Court Reporter shall have the authority to administer oaths and undertake such other Court functions as shall be provided by law or Court Rule;
- (7) to provide stenographic and clerical services to the Court;
- (8) to act as librarian, and to keep and maintain the Court's law library;
- (9) to undertake all duties assigned or delegated to the Clerk's office by Tribal law or Court Rule.

SECTION 3.105

SEAL

The Court Clerk is authorized to have and use a seal which shall be circular in form and contain the words, "District Court Clerk", and "The Choctaw Nation of Oklahoma" around the edge thereof, and the words "Official Seal" or the official Tribal emblem in its center. When acting as the Clerk of the Appeals Court, the Clerk's seal

shall be circular in form and contain the words "Court of Appeals Clerk" and "The Choctaw Nation of Oklahoma" around the edge thereof, and the words "Official Seal" or the Tribal emblem in the center. The seal shall be impressed upon all warrants, subpoenas, summons, certified copies of records, judgments, orders, decrees, and similar documents, as evidence of their authenticity.

SECTION 3.106 **CERTIFICATION OF TRUE COPIES**

The Court Clerk is authorized to certify that a copy of any record in his office is a true and accurate copy of the record on file by signed stamp or writing placed on such copy, sealed with the seal of the Court Clerk's office, and in substantially the following form:

Certificate of True Copy

I hereby certify that the above and foregoing _____ is a true, accurate and exact copy of the original of same as it remains of record on file in my office

Clerk of the [District Court] [Appeals Court]
of the CHOCTAW NATION OF OKLAHOMA

Date

Certified copies of records shall be admissible as evidence without further authentication in all judicial and administrative proceedings of the Choctaw Nation.

SECTION 3.107: **COURTS ALWAYS OPEN**

The District and Appeals Courts shall be deemed always open for the purpose of filing any pleading or other proper paper, of issuing and returning mesne and final

process, and of making and directing all interlocutory motions, orders, and rules.

SECTION 3.108: **TRIALS AND HEARINGS-ORDERS IN CHAMBERS**

All trials upon the merits, except as specifically provided by law and in juvenile cases, shall be conducted in open Court, and so far as convenient, in a regular courtroom. All other acts or proceedings may be done or conducted by a Judge in chambers, without the attendance of the Clerk or other court officials and in any place either within or without the tribal jurisdiction; but no hearing, other than one *ex parte*, shall be conducted outside the tribal jurisdiction without the consent of all parties affected thereby, except when determined by the Court to be necessary or expedient in children's cases arising under the Indian Child Welfare Act of 1978, or when the Choctaw Nation has entered into an agreement with another government for the sharing of judicial officers and courtroom space in which case the Court may sit in any place authorized by such agreement.

SECTION 3.109: **CLERK'S OFFICE AND ORDERS BY THE CLERK**

The Clerk's office with the Clerk or a deputy in attendance shall be open during business hours established by The Court of Appeals on all days except Saturdays, Sundays, and legal holidays, but the Court may provide by rule or order that its Clerk's office shall be open for specified hours on Saturdays or particular legal holidays other than New Year's Day, Chief's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day. All motions and applications in the Clerk's office for issuing mesne process, for issuing final process, to enforce and execute judgments, for entering defaults or judgments by

default, and for other proceedings which do not require allowance or order of the Court may be issued or granted by the Clerk, unless the Rules of the Appeals Court, District Court or other tribal law require previous approval by the Court but his action may be suspended or altered or rescinded by the Court upon cause shown.

SECTION 3.110: **NOTICE OF ORDERS OR JUDGMENTS**

Immediately upon the entry of an order or judgment, the Clerk shall serve a notice of the entry by mail upon each party or their attorney who is not in default for failure to appear, and shall make a note in the docket of the mailing. Such mailing is sufficient notice for all purposes for which notice of entry of an order is required by law but any party may in addition serve a notice of such entry in the manner provided in the Appeals Court Rules or District Court Rules for the service of papers. Lack of notice of the entry by the Clerk does not affect the time to appeal or relieve or authorize the Court to relieve a party for failure to appeal within the time allowed, except as permitted to the Civil Procedure Act.

SECTION 3.111: **BOOKS AND RECORDS KEPT BY THE CLERK AND ENTRIES THEREIN**

(A) The Clerk shall keep a book known as the "District Court Docket" of such form and style as may be prescribed by the District Court, and shall enter therein each action. Actions shall be assigned consecutive file numbers, The file number of each action shall be noted on the folio of the docket whereupon the first entry of the action is made. All papers filed with the Clerk, all process issued and returns made thereon, all appearances, orders, verdicts, and judgments shall be entered chronologically in the civil docket on the folio assigned to the action and shall be marked with its file

number. These entire dockets shall be brief, but shall show the nature of each paper filed or writ issued and the substance of each order or judgment of the Court and of the returns showing execution of process. The entry of an order or judgment shall show the date the entry is made.

(B) In like fashion, the Clerk shall keep suitable dockets, indices, calendars, and judgment records for any other dockets of the District Court, and the appeals and original action docket of the Court of Appeals. The appeals and original action dockets of the Court of Appeals may be combined if the Court shall so direct.

(C) The Clerk shall also keep such other books and records as may be required from time to time by law or the Court of Appeals.

SECTION 3.112: STENOGRAPHIC REPORT OR TRANSCRIPT AS EVIDENCE

(A) Whenever the testimony of a witness at a trial or hearing which was stenographically reported is admissible in evidence at a later trial, it may be proved by the transcript thereof duly certified by the person who reported the testimony.

(B) Whenever the testimony of a witness at a trial or hearing which was electronically taped is admissible in evidence at a later trial, it may be proved by the tape recording thereof maintained in the custody of the Court Clerk with the records of the trial, or by some other person duly certified as correct by the Court Clerk, or by some other person duly authorized to administer oaths, who has prepared or cause to be prepared under his direction a transcript of the recording.

SECTION 1.113: JUDGMENT DOCKET

The judgment docket shall be kept in the form of an index in which the name of each person against whom judgment is rendered shall appear in alphabetical order, and it shall be the duty of the Clerk immediately after the rendition of a judgment to enter on said judgment docket a statement containing the names of the parties, the amount and nature of the judgment and costs, and the date of its rendition, and the date of which said judgment is entered on said judgment docket; and if the judgment be rendered against several persons, the entry shall be repeated under the name of each person against whom the judgment is rendered in alphabetical order.

SECTION 3.114: EXECUTION DOCKET

In the execution docket the Clerk shall enter all executions as they are issued. The entry shall contain the names of the parties, the date and amount of the judgment and costs, and the date of the execution. The Clerk shall also record in full the return of the appropriate legal authority to each execution, and such record shall be evidence of such return, if the original be mislaid or lost.

SECTION 3.115: CLERK MAY COLLECT JUDGMENT AND COSTS

Where there is no execution outstanding, the Clerk of the Court may receive the amount of the judgment and costs, and receipt therefore, with the same effect as if the same had been paid to the appropriate legal authority on an execution, and the Clerk shall be liable to be amerced in the same manner and amount for refusing to pay the same to the party entitled thereto, when requested, and shall also be liable on his official bond.

SECTION 3.116: CLERKS TO ISSUE WRITS AND ORDERS

All writs and orders for provisional remedies, and process of every kind shall be prepared by the party or his attorney who is seeking the issuance of such writ, order, or process and shall be issued by the Clerk. Except for summons and subpoena, the Clerk shall not issue any such writ, order, or process except upon order or allowance of the Court unless specific authorization for his issuing such document is found in the Choctaw Nation laws.

SECTION 3.117: CLERK TO FILE AND PRESERVE PAPERS

It is the duty of the clerk to file together and carefully preserve in his office, all papers delivered to him for that purpose in every action or proceeding.

SECTION 3.118: EACH CASE TO BE KEPT SEPARATE

The papers in each case shall be kept in a separate file marked with the title and number of the case.

SECTION 3.119: ENDORSEMENTS

The Clerk shall endorse upon every paper filed with him or her the day of filing it; and upon every order for a provisional remedy, and upon every undertaking given under the same, the day of its return to his or her office.

SECTION 3.120: ENTRY ON RETURN OF SUMMONS

The Clerk shall, upon return of every summons, enter upon the appearance docket whether or not service has been made; and if the summons has been served, the name of the defendant or defendants summoned and the day and manner of the

service upon each one. The entry shall be evidence in case of the loss of the summons.

SECTION 3.121: **MATERIAL FOR RECORD**

The record shall be made up from the complaint, the process, return, the pleadings subsequent thereto, reports, verdicts, orders, judgments, and all material acts and proceedings of the Court, but if the items of an account, or the copies of papers attached to the pleadings, be voluminous, the Court may order the record to be made by abbreviating the same, or inserting a pertinent description thereof, or by omitting them entirely. Evidence must not be recorded in the file or appearance docket, provided that the transcript of testimony may be appended to the record when paid for by a party for the purpose of appeal.

SECTION 3.122: **MEMORIALIZING RECORD**

It is the duty of the Court to write out, sign, and record its orders, judgments, and decrees within a reasonable time after their rendition. To aid in the performance of this duty, the Court may direct counsel or the Court Clerk to prepare the written memorialization for its signature and, after it is signed, to file it in the case record, or, the Court may direct the Clerk to prepare the written memorialization dictated by the Court and sign and file the same on the Court's behalf.

SECTION 3.123: **CLERK TO KEEP COURT RECORDS, BOOKS AND PAPERS;
STATISTICAL AND OTHER INFORMATION**

The Clerk shall keep the records and books and papers appertaining to the Court and record its proceedings, and exercise the powers and perform the duties imposed upon him by Tribal statute, order of the Court or Court rule. The Clerk is

directed to furnish annually, or at such times as shall be requested, to the Chief and Tribal Council of the Choctaw Nation, such statistical and other information as the Chief of the Tribal Council may require, including, but without being limited to, the number and classification of cases:

1. Filed with the Court.
2. Disposed of by the Court, and the manner of such disposition.
3. The number of cases pending before the Court.

SECTION 3.124: **APPLICABLE TO DISTRICT AND APPEALS COURT**

The provisions of this Chapter shall apply to the Clerk of the District Court and the Choctaw Nation Court of Appeals insofar as they may be applicable.

SECTION 3.125: **BONDS**

The Court Clerk and each deputy Clerk shall be bonded by a position fidelity bond to guarantee the proper performance of their duties and their fidelity in the handling of the money and other property coming into their hands in the performance of their duties. The amount of such bond shall be set by the Tribal Council and the cost thereof shall be paid from Tribal funds. The amount of such bond is hereby set at Ten thousand dollars (\$10,000.00).

SECTION 3.126: **FULL FAITH AND CREDIT TO STATE COURT JUDGMENTS**

Judgments of the Courts of the State of Oklahoma shall be accorded full faith and credit by the Choctaw Nation Court of General Jurisdiction conditioned upon Oklahoma Courts granting reciprocity to the judgments of the Choctaw Nation Court of General Jurisdiction pursuant to 12 Oklahoma Statutes §728. Such judgments shall

be docketed and enforceable as foreign judgments in accordance with Section 3.113 hereof and the Rules of the Court.