

HABEMATOLEL POMO OF UPPER LAKE JUDICIAL CODE

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CHAPTER 1

Authority and Establishment of Tribal Court System

Section 1: Authority and Establishment of Tribal Court System

The Habematolel Pomo of Upper Lake is a federally recognized tribe that wishes to fully exercise its inherent sovereign authority through the establishment of a tribal court system. The Habematolel Pomo of Upper Lake Executive Council hereby establishes the Habematolel Pomo of Upper Lake Tribal Court System by **(insert ordinance number)** in accordance with the power vested in it by the Habematolel Pomo of Upper Lake Constitution adopted May 12, 2004. The Habematolel Pomo of Upper Lake Tribal Court System shall consist of a Tribal Court and Tribal Court of Appeals.

Section 2: Definitions

- a. Constitution – the term “Constitution” shall mean the Habematolel Pomo of Upper Lake Constitution adopted on May 12, 2004 and any amendment made thereto.
- b. Executive Council – the term “Executive Council” shall mean the governing body of the Habematolel Pomo of Upper Lake as described in Article IV of the Constitution.
- c. Membership – the term “Membership” shall mean all duly enrolled members of the Habematolel Pomo of Upper Lake in accordance with Article III of the Constitution.
- d. Judicial Code – the term “Judicial Code” shall mean this code.
- e. State or State Government – the term “State” or “State Government” shall mean the State of California and its government.
- f. Tribal Code – the term “Tribal Code” shall mean all duly enacted laws and regulations of the Tribe.
- g. Tribal Court – the term “Tribal Court” shall mean the trial court of the Habematolel Pomo of Upper Lake Tribal Court System.
- h. Tribal Court of Appeals – the term “Tribal Court of Appeals” shall mean the appellate and court of last resort for the Habematolel Pomo of Upper Lake Tribal Court System.
- i. Tribal Court System – the term “Tribal Court System” shall mean the Tribe’s judiciary consisting of the Tribal Court and Tribal Court of Appeals.
- j. Tribe – the term “Tribe” shall mean the Habematolel Pomo of Upper Lake.

Section 3: Appropriations

- a. The Executive Council shall appropriate and authorize the expenditure of Tribal funds for the operation of the Tribal Court System. The amounts appropriated shall be consistent with the needs of the Tribal Court System for the proper administration of justice within the jurisdiction of the Tribe.
- b. To assist the Executive Council in making such appropriations, the Chief Judge of the Tribal Court and the Chief Justice of the Tribal Court of Appeals shall submit proposed budgets and reports of expenses and expenditures to the Executive Council, at such intervals and in such form as may be prescribed by the Executive Council.

CHAPTER 2 Purpose & Jurisdiction

Section 1: Purpose

The purpose of the Tribal Court System is to provide an impartial forum in which to decide disputes and provide for the administration of justice. It should strive to maintain peace by protecting the health, safety, and welfare of all that come before the Tribal Court System. The Tribal Court System shall fairly and consistently apply the Tribe's Constitution and laws and, where practical and appropriate, administer justice in a manner that reflects the Tribe's Pomo culture and traditions.

Section 2: Jurisdiction of the Tribal Court

The Tribal Court System's jurisdiction is broadly defined in Article XII of the Constitution. It includes, but is not limited to, the following:

- a. The Tribal Court shall be a court of general jurisdiction and have the authority to fully exercise the Tribe's inherent judicial powers. The powers include, but are not limited to, matters relating to the governmental processes internal to the Tribe and over matters arising:
 1. Within the Tribe's traditional reservation boundaries, trust lands, and any interest in property that satisfies the requirements of Article II Section 1 of the Constitution;
 2. All persons within any geographical area referred to in Subsection 2(a)(1) above who are subject to the jurisdiction and governmental power of the Tribe, to the extent not prohibited by federal law;
 3. All members of the Tribe, enrolled or eligible for enrollment, regardless of the geographic location of the member;

4. Over all entities and persons, including non-Indians, who enter into consensual relations with the Tribe or a member of the Tribe, or whose activities affect the political integrity, economic security, or the health or welfare of the Tribe or its members; or
 5. Any matters implied or delegated by the federal or a state government.
- b. The Tribal Court shall have exclusive original jurisdiction in all matters in which the Tribe or its officers or employees are parties in their official capacities.
1. Nothing contained in the preceding paragraph or elsewhere in this Judicial Code shall be construed as a waiver of the sovereign immunity of the Tribe, its officers, or its enterprises. Waivers may only be valid if unequivocally expressed by formal resolution of the Executive Council.
- c. The jurisdiction invoked by this Judicial Code over any person, cause of action, or subject shall be concurrent with any valid jurisdiction over the same of the courts of the United States, any state, or any political subdivision thereof; provided, however, this Judicial Code does not recognize, grant, or cede jurisdiction to any other political or governmental entity in which jurisdiction does otherwise exist in law.

Section 3: Jurisdiction of the Tribal Court of Appeals

The Tribal Court of Appeals has jurisdiction over any appeals from the Tribal Court pursuant to Article XII, Section 11, of the Constitution. The Tribal Court of Appeals also has jurisdiction over all other areas specifically assigned to it by the Constitution or pursuant to Tribal Code.

Section 4: Tribal Court System Rules of Procedure

The Tribal Court of Appeals shall establish the Court Rules of Procedure consistent with the terms of Article XII of the Constitution. The Executive Council retains authority to change those Court Rules of Procedure or establish the initial Court Rules of Procedure consistent with Article XII, Section 3 (D) of the Constitution.

Section 5: No Acceptance of State Jurisdiction

Nothing in this Judicial Code shall be deemed to constitute acceptance of, or deference to, the jurisdiction of the State of California or any other state over any civil or criminal matter, where such jurisdiction does not otherwise exist.

Section 6: Means to Carry Jurisdiction into Effect

When jurisdiction is vested in the Tribal Court System, all the means necessary to carry such jurisdiction into effect are also included; and in the exercise of its jurisdiction, if the course of proceedings is not specified in the Judicial Code or per the rules promulgated by the Tribal Court of Appeals pursuant to Section 4 of this Chapter, the Tribal Court System may adopt any suitable

process or mode of proceeding which appears to the Tribal Court System to be fair and just and most consistent with the spirit of the Tribe's law.

Section 7: Law Applicable in Civil Actions

- a. In all civil actions the Tribal Court System shall apply the Judicial Code, all amendments thereto, the Tribal Code, and where applicable and appropriate the Tribe's customs.
- b. In the event that an issue arises in an action which is not addressed by the Judicial Code, all amendments thereto, the Tribal Code, or the Tribe's customs, the Tribal Court System may apply statutes, regulations and case law of any federally recognized tribe, the federal government, or any state. Application of such law shall not be deemed an adoption of such law or an action to defer to the jurisdiction from which that law originates.

Section 8: Suits Against the Tribe

- a. The sovereign immunity from suit of the Tribe, every elected member of the Executive Council, tribal official, or tribal enterprise with respect to any action taken in an official capacity or in the exercise of the official powers of any such office, in any court, federal, state, or tribal is hereby affirmed. Nothing in this Code shall constitute a waiver of the Tribe's sovereign immunity. The Tribal Court shall have no jurisdiction over any suit brought against the Tribe or an elected tribal official acting in their official capacity absent an unequivocally expressed waiver of sovereign immunity by the Executive Council.
- b. No enforcement action taken pursuant to this Judicial Code, including the filing of an action by the Tribe or any agency of the Tribe in Tribal Court, shall constitute a waiver of sovereign immunity from suit of the Tribe, or any elected member of the Executive Council or tribal official with respect to any action taken in an official capacity, or in the exercise of the official powers of any such office, either as to any counterclaim, regardless of whether the counterclaim arises out of the same transaction or occurrence, or in any other respect.
- c. The sovereign immunity of the Tribe or any elected member of the Executive Council or tribal official with respect to any action taken in an official capacity, or in the exercise of the official powers of any such office, in any action filed in the Tribal Court with respect thereto, may only be waived by a formal resolution of the Executive Council after consultation with its attorneys. All waivers shall be unequivocally expressed in such resolution. No waiver of the Tribe's sovereign immunity from suit may be implied from any action or document. Waivers of sovereign immunity shall not be general but shall be specific and limited as to duration, grantee, action, and property or funds, if any, of the Tribe or any entity of the Tribe subject thereto. No express waiver of sovereign immunity by resolution of the Executive Council shall be deemed consent to the levy of any judgment, lien, or attachment upon property of the Tribe or any agency of the Tribe other than property specifically pledged or assigned therein.

CHAPTER 3

Judges

Section 1: Tribal Court Judges

- a. The Tribal Court consists of one Chief Judge and three (3) Associate Judges. The Tribal Court shall be considered legally functioning upon the appointment of a Chief Judge.
- b. The Executive Council shall appoint, by the affirmative vote of five (5) members, one Chief Judge to the preside over the Tribal Court for a period of three (3) years pursuant to Article XII, Section 6 (A) of the Constitution. The Chief Judge is eligible for reappointment.
- c. The Executive Council, in its sole discretion and upon an affirmative vote of five (5) members, may call for the election of three (3) Associate Judges of the Tribal Court pursuant to Article XII, Section 6 of the Constitution. The Executive Council need only call for the election of Associate Judges if it determines they are necessary to fulfill the work of the Tribal Court and the Tribe is financially able to support the additional judicial officers.

Section 2: Tribal Court of Appeal Justices

- a. The Tribal Court of Appeals consists of one Chief Justice and two (2) Associate Justices. The Tribal Court of Appeals shall be considered legally functioning upon the appointment of a Chief Justice.
- b. The Executive Council shall appoint, by the affirmative vote of five (5) members, one Chief Justice to the preside over the Tribal Court of Appeal for a period of four (4) years pursuant to Article XII, Section 6 (B) of the Constitution. The Chief Justice is eligible for reappointment.
- c. The Executive Council, in its sole discretion and upon an affirmative vote of five (5) members, may call for the election of two (2) Associate Justices of the Tribal Court of Appeals pursuant to Article XII, Section 6 of the Constitution. The Executive Council need only call for the election of Associate Justices if it determines they are necessary to fulfill the work of the Tribal Court of Appeals and the Tribe is financially able to support the additional judicial officers.

Section 3: Minimum Qualifications

The Chief Judge, Associate Judges, Chief Justice, and Associate Justices shall meet the following minimum requirements:

- a. Attained the minimum age of thirty (30) years at the time of appointment or election.

- b. May not be a sitting member of the Executive Council.
- c. May not have been convicted by a court of the United States or of any state of the United States of a felony. A felony is defined by the laws of the jurisdiction where the presiding court resided.
- d. Shall be a graduate of a law school accredited by the American Bar Association and a member in good standing of any state bar unless the Executive Council provides otherwise in accordance with Chapter 3 § 3(d)(1)(A)-(B).
 - 1. Should the Executive Council call for elections of Associate Judges or Associate Justices:
 - A. One position on each of the Tribal Court and Tribal Court of Appeals may be reserved during the election, at the discretion of the Executive Council, for a non-law trained elder of the Tribe. To qualify the elder must have attained the age of sixty (60) and be an enrolled member of the Tribe. The purpose of this seat is to facilitate traditional Pomo values and customs in the administration of justice.
 - i. The non-law trained elder candidate for judge or justice must fulfill the following criteria to the satisfaction of the Executive Council by an affirmative vote of five (5) members:
 - a. Shall be of sound mind;
 - b. Actively involved in teaching or demonstrating Pomo customs, traditions, and values;
 - c. Have demonstrated a dependable work history;
 - d. Have a minimum five years of experience working with tribal government; and
 - e. Provide three letters of recommendations to the Executive Council from non-family members, two of which should come from non-members, supporting their qualifications as a candidate.

- ii. A non-law trained elder judge or justice shall not participate in cases or disputes where non-Members of the Habematolel Pomo of Upper Lake are involved.
 - iii. A non-law trained elder judge or justice may not participate in any case or controversy unless the Chief Judge or Chief Justice is presiding and the court is convened to preside over the case or controversy as a panel.
 - B. One Associate Judge position on the Tribal Court may be filled, at the discretion of the Executive Council, by a non-law trained member of the Tribe with the appropriate training, background, or experience in law enforcement, court proceedings, or relevant education. To be eligible to run in the election, the non-law trained candidate must present their credentials to the Executive Council. If the Executive Council deems the candidate's credentials comply with this provision and the following provisions, by an affirmative vote of five (5) members, then the candidate will be eligible to run in the election.
 - i. The non-law trained candidate for Associate Judge must fulfill the following criteria to the satisfaction of the Executive Council:
 - a. Shall be of sound mind;
 - b. Shall be an active participant in Pomo customs, traditions, and values;
 - c. Have demonstrated a dependable work history;
 - d. Have a minimum of fifteen years of experience relevant to Section 3(d)(1)(B); and
 - e. Provide three letters of recommendations to the Executive Council from non-family members, two of which should come from non-

members, supporting their qualifications as a candidate.

- ii. A non-law trained Associate Judge shall not participate in cases or disputes where non-Members of the Habematolel Pomo of Upper Lake are involved.
 - iii. A non-law trained Associate Judge may not participate in any case or controversy unless the Chief Judge is presiding and the court is convened to preside over the case or controversy as a panel.
- e. The Executive Council may choose to give preference to enrolled Native Americans of any federally recognized tribe when appointing the Chief Judge and Chief Justice.
- f. The Chief Judge, Associate Judges, Chief Justice, and Associate Justices will be considered ineligible to serve if they have additional business relations with the Tribe or represent the Tribe in other matters unless the individual fully relinquishes such business matters or representations.

Section 4: Oath of Office

Each person, prior to assuming the office of Judge or Justice in the Tribal Court System, shall take the following oath before the Chairperson of the Executive Council:

“I swear that I will support and defend the Constitution, laws, and regulations of the Habematolel Pomo of Upper Lake, and the Constitution of the United States, and that I will faithfully and diligently perform my duties (insert office) to the utmost of my ability, with impartiality and without improper favor, to the end that justice may be fully served.”

Section 5: Conflicts of Interest

- a. A Judge or Justice shall remove themselves from hearing a case or controversy involving first degree relatives including parents, children, spouses, romantic partners, siblings, grandparents, grandchildren, or anyone living in their same home.
- b. A Judge or Justice shall remove themselves from any cases in which they have a significant, personal, financial, or other interest.
- c. A Judge or Justice shall remove themselves from hearing any case in which they cannot offer fair adjudication for any reason.
- d. A Judge or Justice shall inform the Chief Judge or Chief Justice of their inability to participate in any case where there is a conflict of interest or bias. In the case of the

Chief Judge or Chief Justice, they shall inform the Executive Council of their inability to participate in any case where there is a conflict of interest or bias. In the event that the Chief Judge or Chief Justice removes themselves from a case, the Executive Council may appoint a temporary Chief Judge or Chief Justice for the sole purpose of presiding over the case where the conflict of interest or bias arose. The appointment shall be made by the affirmative vote of five (5) members of the Executive Council.

- e. When determining whether a conflict or bias exists the Judge or Justice shall utilize a “reasonable appearance” standard.

Section 6: Removal from Office

The Executive Council may suspend, dismiss, or remove any Judge or Justice for the reasons outlined in the Article XII, Section 10 of the Constitution utilizing the procedures established therein. Failure of a Judge or Justice to remove themselves from cases in violation of Section 5 of this Chapter shall constitute grounds for suspension, dismissal, or removal from the Tribal Court System.

Section 7: Vacancies

The Executive Council shall appoint a person to fill any vacancy that occurs on the Tribal Court or Tribal Court of Appeals because of death, resignation, or any other reason. The appointed person shall fill the vacancy for the remainder of the term. The appointment of a Chief Judge or Chief Justice shall require the affirmative vote of five (5) members of the Executive Council. Associate Judges and Associate Justices only require a simple majority vote of the Executive Council.

Section 8: Salary

The Chief Judge, Associate Judges, Chief Justice, and Associate Justices shall be paid either a salary to be determined by the Executive Council or pursuant to the terms of a contract approved by resolution of the Executive Council. The salary of any Chief Judge, Associate Judge, Chief Justice, or Associate Justice shall not be reduced during their term of office.

**CHAPTER 4
Court Clerk**

Section 1: Appointment, Salary, & Discharge

The Executive Council shall appoint a Tribal Court Clerk by a simple majority vote. The Executive Council shall prescribe the salary of the Tribal Court Clerk. A Tribal Court Clerk may be discharged from the position for any reason upon the affirmative vote of five (5) members of the Executive Council.

Section 2: Duties

The Tribal Court Clerk shall be responsible for the administration of the Tribal Court and the Tribal Court of Appeals, and for such other administrative and ministerial duties as may be prescribed by the Judicial Code, or assigned to them by the Executive Council, Chief Judge, or Chief Justice. The duties will include, but are not limited to, the following:

- a. Administering oaths and witnessing execution of documents.
- b. Maintaining the records of the Tribal Court and Tribal Court of Appeals.
- c. Maintaining all pleadings, documents, and other materials filed with the Tribal Court and Tribal Court of Appeals.
- d. Maintaining all evidentiary materials, transcripts, and records of testimony filed with the Tribal Court and Tribal Court of Appeals.
- e. Collecting and accounting for fines and other monies and properties taken into custody by the Tribal Court or Tribal Court of Appeals.
- f. Preparing and serving notices, summons, subpoenas, warrants, rulings, findings, opinions, and orders as prescribed by the Judicial Code and as may be designated by the Chief Judge or Chief Justice.
- g. Assisting persons in the drafting and execution of complaints, petitions, answers, motions, and other pleadings and documents for Tribal Court and Tribal Court of Appeals proceedings; provided, however, the Tribal Court Clerk shall not give advice on questions of law, nor shall they appear or act on behalf of any person in any Tribal Court or Tribal Court of Appeals proceedings.
- h. Providing copies of documents in the Tribal Court and Tribal Court of Appeals files to other persons upon request, and upon receipt of a charge therefore to be prescribed by the Tribal Court Clerk to cover the costs of such services; provided, however, there shall be no charge for such service to the Judges or Justices of the Tribal Court System.
 1. No copies of documents shall be provided from files which are to be kept confidential or unavailable for public inspection pursuant to any provisions of the Judicial Code, Tribal Court Rules, Tribal Code, or if prohibited by any court order.
- i. Maintaining the security of all files, documents, and materials filed with or in the custody of the Tribal Court or Tribal Court of Appeals, and insuring that they are not removed from the offices of the Tribal Court Clerk and the Tribal Court System except upon specific instruction of the Chief Judge, Judge, Chief Justice, or Justice of the Tribal Court System.
- j. Maintaining the confidences of matters within the Tribal Court System. Breaching the confidences of the Tribal Court System by releasing in any matter, including verbally,

confidential information will be cause of immediate termination by the Executive Council or disciplinary action by the Tribal Court System.

CHAPTER 5

Counsel

Section 1: Legal Representation

Any person who is a party in any civil trial or proceeding before the Tribal Court System may represent themselves, be represented by any other member of the Tribe, a lay advocate that is licensed to practice before the Tribal Court System, or be represented by a professional attorney who is licensed to practice law before the Tribal Court System. The Tribal Court Clerk, staff of the Tribal Court System, and members of the Executive Council may not represent individuals before the Tribal Court System.

Section 2: Tribal Licensing of Professional Attorneys

Professional attorneys may appear on behalf of any party in any trial or proceeding before the Tribal Court System, provided they are licensed to practice law before the Tribal Court System. Such licenses shall be issued by the Tribal Court Clerk upon compliance with the following:

- a. Filing an affidavit with the Tribal Court Clerk stating that the applicant is licensed to practice law before the highest court of any state.
- b. Filing an affidavit with the Tribal Court Clerk stating that the applicant is familiar with the Tribe's Constitution and laws, Title 25 of the United States Code, and Title 25 of the Code of Federal Regulations.
- c. Paying the annual license fee.
 1. The annual license fee shall be proposed by the Chief Judge and submitted to the Executive Council for approval. The Executive Council may approve, deny, or amend the license fee. If the Executive Council does not act within thirty (30) days of receipt of the proposal it shall be deemed approved. The annual license fee shall be publicly posted at the Office of the Tribal Court Clerk.
- d. Taking the following oath before the Tribal Court Clerk:

“I do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the Habematolel Pomo of Upper Lake; I will maintain the respect due to the Tribal Court System and its judicial offices; I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly valid or debatable under the law; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and I will never mislead any judge by any false statement or misrepresentation of fact or law; In the conduct of my duties as an attorney I will not

impugn the morals, character, honesty, good faith, or competence of any person, nor advance any fact prejudicial to the honor or reputation of any person, unless required by the justice of the cause with which I am charged.”

Section 3: Lay Advocate

A lay advocate is a person who is not a licensed attorney but is licensed to practice law before the Tribal Court System. Licenses shall be issued to lay advocates by the Tribal Court Clerk upon compliance with the following:

- a. Filing an affidavit with the Tribal Court Clerk stating that the applicant is versed in the Tribe’s Constitution, laws, and court procedures.
- b. Paying the annual license fee.
 - 1. The annual license fee shall be proposed by the Chief Judge and submitted to the Executive Council for approval. The Executive Council may approve, deny, or amend the license fee. If the Executive Council does not act within thirty (30) days of receipt of the proposal it shall be deemed approved. The annual license fee shall be publicly posted at the Office of the Tribal Court Clerk.
- c. Taking the following oath before the Tribal Court Clerk:

“I do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the Habematolel Pomo of Upper Lake; I will maintain the respect due to the Tribal Court System and its judicial offices; I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly valid or debatable under the law; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and I will never mislead any judge by any false statement or misrepresentation of fact or law; In the conduct of my duties as a lay advocate I will not impugn the morals, character, honesty, good faith, or competence of any person, nor advance any fact prejudicial to the honor or reputation of any person, unless required by the justice of the cause with which I am charged.”

Section 4: Revocation of a Professional Attorney’s or Lay Advocate’s Tribal License

A license issued pursuant to Section 1 of this Chapter may be revoked or suspended by the Tribal Court of Appeals. Such action may be taken on its own motion or upon sworn complaint by any member of the Tribe or the Tribal Court System. Revocation or suspensions shall be ordered only after written notice to the licensee of the motion or complaint and after a hearing before all judges of the Tribal Court System unless a conflict of interest prohibits such participation. Following a hearing, the Tribal Court of Appeals may revoke or suspend the license upon a finding that the licensee has been disbarred or suspended from the practice of law by any court of the United States, any state court, or any tribal court, or has filed a false affidavit with the Tribal

Court Clerk to obtain their license, or has violated their oath made pursuant to Section 2 or Section 3 of this Chapter, or has engaged in misconduct or unethical conduct in the performance of their duties as an attorney, or has been found in contempt of court by the Tribal Court System.

CHAPTER 6

Contempt of Court

Section 1: Definition of Contempt

Contempt of court is any willful misbehavior by any person which disrupts, obstructs, or otherwise interferes with the conduct of any proceeding in the Tribal Court System, or which obstructs or interferes with the administration of justice by the Tribal Court System, or which constitutes disobedience or resistance to or interference with any lawful summons, subpoena, process, order, rule, decree, or command of the Tribal Court System. The willful failure of a party to comply with the terms of a judgment directed against them, with which they are able to comply, shall be contempt of court, which will be punished by the Tribal Court System in the manner prescribed by the Judicial Code.

Section 2: Contempt in Presence of Court

When contempt of court is committed in the presence of the Chief Judge, Associate Judge, Chief Justice, or Associate Chief Justice it may be punished summarily by that judge or justice. In such case an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt, and prescribing the punishment in accordance with Section 4 of this Chapter.

Section 3: Contempt Outside Presence of Court

When it appears to the Tribal Court System that a contempt may have been committed outside of the presence of the Tribal Court System, the Chief Judge may issue a summons to the person so charged directing them to appear at a time and place designated for a hearing on the matter. If such person served with the summons fails to appear at the time and place so designated, the Chief Judge shall proceed with conducting a hearing, and if it finds them guilty of contempt, an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt, and prescribing the punishment in accordance with Section 4 of this Chapter.

Section 4: Punishment for Contempt

The presiding judge or justice may issue a civil fine not to exceed the contempt penalty schedule posted at the Office of the Tribal Court Clerk per offense to any person found in contempt of court or of any ordinance of the Tribe while in the presence of the court. The Chief Judge may issue a civil fine not to exceed the contempt penalty schedule posted at the Office of the Tribal Court Clerk per offense to any person found in contempt of court or of any ordinance of the Tribe while outside the presence of the court.

- a. The contempt penalty schedule shall be proposed by the Chief Judge and submitted to the Executive Council for approval. The Executive Council may approve, deny, or amend the contempt penalty schedule. If the Executive Council does not act within thirty (30) days of receipt of the proposal it shall be deemed approved. The annual contempt penalty schedule shall be publicly posted at the Office of the Tribal Court Clerk.

CHAPTER 7

Foreign Judgments

Section 1: Definition of Foreign Judgments

A "foreign judgment" is any final judgment, decree or order (including child support order) of a court of the United States or any other court which is entitled to full faith and credit by the Habematolel Pomo of Upper Lake. The Tribe shall grant full faith and credit to judgments from other courts, provided the other court jurisdiction grants full faith and credit to judgments from the Tribal Court System.

Section 2: Filing and Status of Foreign Judgments

A certified copy of any foreign judgment may be filed with the Tribal Court Clerk. The Tribal Court Clerk shall treat the foreign judgment in the same manner as a judgment from the Tribal Court System. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of the Tribal Court System, and may be enforced or satisfied in like manner.

Section 3: Fees

Any person filing a foreign judgment shall pay to the Tribal Court Clerk the same fee as provided for filing a civil action in Tribal Court. Fees for docketing, transcription, or other enforcement proceedings shall be as provided for judgments of the Tribal Court.