

CHIPPEWA CREE TRIBAL COURT
TITLE 27
CODE OF JUDICIAL CONDUCT
PART 1

TABLE OF CONTENTS:

Section 1 – Introduction.....1

Section 2 – Judge Avoiding Impropriety.....1

Section 3 – The Judge’s Duties.....1

Section 4 – Judge’s Extra Judicial Activities.....4

Section 5 – Compensation Received For Extra Judicial Activities.....6

Section 6 – A Judge Should Refrain From Political Activity Inappropriate.....6
to His Judicial Office

Section 7 – Compliance with the Code of Judicial Conduct by Part-Time Judges....7

Section 8 - Effective Date of Compliance.....7

SECTION ONE INTRODUCTION

I. A Judge Should Uphold The Integrity And Independence Of The Judiciary:

Independent and honorable judges are indispensable to justice on the Rocky Boy's Reservation. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of all judges may be preserved. The provisions of this Code should be construed and applied to further that objective. As employed in this Code, the term "judge" also includes justices.

SECTION TWO JUDGE AVOIDING IMPROPRIETY

I. A Judge Should Avoid Impropriety And The Appearance Of Impropriety In All His Activities:

- A.** A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the honesty and impartiality of the Chippewa Cree Tribal Court judges.
- B.** A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should adhere strictly to (section of Code), governing disqualification of judges. He should not use his position as judge to advance the private interests of others; nor should he give, or permit others to give, the impression that they are in a special position to influence him.
- C.** Conduct justifying removal from the judiciary include, but is not limited to the following list of conduct:
 - 1.** Conviction of a felony;
 - 2.** Professional incompetence;
 - 3.** Chronic alcoholism;
 - 4.** Conviction of a misdemeanor involving dishonesty or acts offensive to the morals of the community.

SECTION THREE THE JUDGE'S DUTIES

I. A Judge Should Perform The Duties Of His Office Impartially And Diligently:

A. The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

1. Responsibilities in deciding cases.

- a.** A judge should be faithful to the law and maintain sufficient knowledge of the Code and relevant state and federal law. He should be unswayed by the private interest of particular parties, public outcry for or against a particular ruling, or fear of criticism.
- b.** A judge should maintain order and decorum in proceedings before him.
- c.** A judge should be patient, dignified, and courteous to plaintiffs and defendants, jurors, witnesses, lawyers, lay advocates, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.
- d.** A judge should accord to every person who is legally interested in a proceeding, or his lawyer or advocate, the full right to be heard under this Code, the Indian Civil Rights Act, and any other relevant source of law.
- e.** Except as authorized by law, the judge shall not initiate nor accept any written or oral communication concerning a pending case, either from a party to the case or from any other person, without either the agreement or presence of all parties. The judge shall not meet with any party to a case, or accept any communication from a party without either the agreement or presence of all other parties.
- f.** Where circumstances require, ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:
- g.** the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and

- h. the judge makes provision promptly to notify all parties of the substance of the ex parte communication and allows an opportunity to respond.
- B. A judge, however, may obtain the advice of a disinterested expert on law applicable to a proceeding before him if he gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. These restrictions do not include communications with other judges or with court personnel whose functions it is to aid the judge in carrying out his judicial activities.
 - 1. A judge should dispose promptly of the business of the court.
 - 2. A judge should abstain from public comment about a pending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from explaining for public information the procedures of the court.
 - 3. A judge shall not, with respect to cases, controversies or issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the judicial duties of the office.
 - 4. A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:
 - a. where the judge has a personal bias or prejudice concerning a party or a party's lawyer (or lay advocate), or personal knowledge of disputed evidentiary facts concerning the proceeding;
 - b. the judge served as a lawyer (or lay advocate) in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer (or lay advocate) concerning the matter, or the judge has been a material witness concerning it.

II. Administrative Responsibilities:

- A. A judge should diligently perform his administrative responsibilities, maintain professional competence in judicial administration, and assist as needed with the performance of the administrative responsibilities of other judges and court officials.

- B. A judge should take or initiate appropriate disciplinary measures against a lawyer or lay advocate for unprofessional conduct of which the judge may become aware.

SECTION FOUR JUDGE'S EXTRA JUDICIAL ACTIVITIES

I. A Judge Should Regulate His Extra Judicial Activities To Minimize The Risk Of Conflict With His Judicial Duties:

A judge shall conduct all of the judge's extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge; demean the judicial office; or interfere with the proper performance of judicial duties.

II. Activities Of Personnel Or Recreation Interest:

A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such activities do not interfere with the performance of his judicial duties.

III. Civil And Charitable Activities:

- A. A judge may participate in civic and charitable activities that do not reflect adversely upon impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:
 - B. A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or other members of the Chippewa Cree Tribal Courts.
 - C. A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such organization. He should not be a speaker or guest of honor at an organization's fund-raising events, but he may attend such events.
 - D. A judge should not give investment advice to such an organization, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

IV. Financial Activities:

- A. A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or involve him in frequent transactions with lawyers, lay advocates, or other persons likely to come before the Chippewa Cree Tribal Courts.
- B. Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other money-generating activity including the operation of a business.
- C. A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. He should divest himself of investments and other financial interests that might require frequent disqualification.
- D. A judge should only accept gifts, bequests, favors, or loans in circumstances where such acceptance would not cause his impartiality to be questioned. Such circumstances include ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants. A judge must not accept a gift, bequest, favor, or loan from anyone who is a party to a case before that judge or who is likely to become such a party in the near future.

V. Arbitration:

A judge should not act as an arbitrator or mediator outside the courtroom.

VI. Practice Of Law Or Lay Advocacy:

A judge should not practice law or function as a lay advocate.

VII. Extra Judicial Appointments:

A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, tribe, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

VIII. Fiduciary Activities:

- A. A judge shall not serve as executor, administrator or other personal representative, trustee, guardian, attorney in fact or other fiduciary, except fo

the estate, trust or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties.

- B. A judge shall not serve as a fiduciary if it is likely that the judge as a fiduciary will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust or ward becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction.
- C. The same restriction on financial activities that apply to a judge personally also apply to the judge while acting in a fiduciary capacity.

SECTION FIVE COMPENSATION RECEIVED FOR EXTRA-JUDICIAL ACTIVITIES

- I. **Compensation** - Compensation for extra-judicial activities should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.
- II. **Expense Reimbursement** - Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

SECTION SIX A JUDGE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO HIS JUDICIAL OFFICE

- I. **A Judge Should Refrain From Political Activities Inappropriate to His Judicial Office:**
 - A. A judge should not;
 1. act as a leader or hold any office in a political organization;
 2. make speeches for a political organization or candidate or publicly endorse a candidate for public office;
 3. solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions.
 - B. A judge should resign his office when he becomes a candidate in an election for a non-judicial office.

- C. A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.
- D. A judge shall not;
 - 1. with respect to cases, controversies or issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office; or
 - 2. knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

**SECTION SEVEN
COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT BY
PART-TIME JUDGES**

- I. Part Time Judge - A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge:
 - A. is not required to comply with Canon 4, D, E, and F.
 - B. should not practice law or function as a lay advocate in Tribal Court.

**SECTION EIGHT
EFFECTIVE DATE OF COMPLIANCE**

Judges to whom this Code becomes applicable should arrange their affairs as soon as possible to comply with it.

CHIPPEWA-CREE TRIBAL COURT

PHONE (406) 395-4735 FAX (406) 395-5184

JUDICIAL PERSONNEL HANDBOOK

DEFINITIONS: Within the context of this handbook and attached code of ethics for Judicial Personnel the following meaning:

Judicial personnel: Chief Judge, Associate Judges, Court Administrator, Clerk of Court, Assistant (Juvenile) Clerk of Court, Criminal Clerk of Court, Bailiff, Process Server, Juvenile/Adult Probation Officer, Juvenile Court Counselor, Juvenile Presenting Officer, Secretary/Receptionist, any Federal Grant Judicial staff or volunteers.

Hours of work: Regular hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday. No Judicial Personnel shall work a varied schedule without prior approval or assignment by the Court Administrator.

Anticipated absence: Judicial Personnel requesting Annual Leave are required to submit a written leave request to the court administrator at least 3 days in advance. Once the request is reviewed and approved or denied, based on departmental needs and activities, a copy will be delivered to the requesting employee.

Overtime Policy: Working in excess of 40 hours in a workweek must be pre-approved in writing by the Court Administrator.

Telephone calls: Personal calls should be made and received during breaks and lunch hour. Otherwise, personal calls during "on duty" time should be restricted emergencies.

Personal visits: Community members may become frustrated if they must wait to receive service from court personnel, therefore personal visits are strongly discouraged.

Judicial vehicles: Judicial personnel authorized to drive vehicles must complete the daily mileage logs when driving vehicles. Judicial vehicles must remain parked in the vicinity of the judicial complex after business hours or upon completion of job related duties.

Trials: Only required Judicial personnel are permitted to observe hearings in session, however they will not be permitted to attend family members/or have direct interest in hearings without prior approval from the presiding Judge. In addition, a leave slip must be submitted for the proper documentation of personal time.

A. Identification Badges: For security purposes Judicial personnel are required to wear their official Identification Badges in a manner which is clearly visible at all times, from 8:00 a.m. to 4:30 p.m. or while on assigned additional duty.

B. Computer Access: Judicial personnel shall provide the Court Administrator with any personalized passwords they input into their assigned computers.

Chain of command: Although the Court Administrator, by code has ultimate administrative responsibility, all judicial personnel shall report activities to their immediate supervisor, as indicated in the organizational chart. The Court Administrator shall make final determination on reported activities and requests.

Dress Code: The following are considered inappropriate attire for either male or female personnel and shall not be worn:

1. Any attire with negative advertisements, slogans, or sayings shall not be worn as outer garments or with the printed information visible.
2. Tank tops, halter tops, midriff tops, body shirts, see-through tops, thin strapped or strapless dresses, cutoffs and mini skirts not to exceed 3 inches above the knee, bib overall pants, leggings, harem pants.
3. Clogs, ballet slippers,
4. Spandex form fitting attire.

Any personnel wearing the above-described attire may be sent home to change and time will be deducted.

CODE OF ETHICS FOR ALL COURT PERSONNEL
CHIPPEWA CREE TRIBAL COURTS

Mission statement: The Chippewa Cree Tribal Court as the independent judicial branch of government pursuant to the Tribal Constitution and by-laws shall:

- Interpret the Tribal Constitution and Laws;
- Provide justice for all
- Collaborate with other Tribal, federal and state governments and private sectors organizations; and
- Recognize and give deference to cultural principles within our community.

RULE 1. JUDICIAL EMPLOYEES SHALL PERFORM THE DUTIES OF THE JUDICIARY IMPARTIALLY AND DILIGENTLY.

JUDICIAL DUTIES SHALL TAKE PRECEDENCE OVER ALL OTHER ACTIVITIES. Official duties include duties prescribed in the Law and Order code. Judicial personnel shall maintain the highest standards of professionalism during and off duty hours.

Professionalism. Judicial personnel shall be patient, prompt and courteous to all litigants, jurors, witnesses, and other members of the public who come in contact with the Judiciary.

Impartiality. Judicial personnel shall perform their duties impartially, and shall not be influenced by family or social relationships, social or economic status, political interest, public opinion or because of fear of criticism or reprisal.

Confidentiality. Judicial personnel shall not disclose any confidential information received in the course of official duties except as required in the performance of such duties, judicial personnel shall not use such information for personal gain or advantage.

Communication with Judges. Judicial personnel shall not communicate personal knowledge about a pending case to the assigned judge that might affect the outcome of the proceeding. Judicial personnel shall not address any judges by a first name

basis, only by official title, "Judge" or "Your Honor" when in the presence of the public during working hours.

RULE II. JUDICIAL EMPLOYEES SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES.

Compliance with law. Judicial Personnel shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary by respecting and complying with the law of the community.

Gifts and Extra compensation. No Judicial personnel nor any of their family members shall accept gifts, bequests, favors or loans from advocates, attorneys, litigants or other persons known to do business with the Judiciary. Judicial personnel shall not request or accept any payment in addition to their regular compensation for assistance given as part of their official duties. Judiciary personnel shall not engage in business activities or secondary employment that is conducted during normal working hours or requires use of court equipment, materials, supplies, telephone services, office space, computer time or facilities.

Abuse of Position. The Judicial personnel shall not engage in activities, which would call into question their conduct in carrying out their duties.

Use of Community Property. Judicial personnel shall not use department property or resources wastefully or for any private purpose not authorized by the Court Administrator.

RULE III. JUDICIAL PERSONNEL SHALL REFRAIN FROM PARTISAN POLITICAL ATIVITY.

Judicial Personnel shall not act as a leader or hold office in a political organization;

Judicial Personnel shall not make speeches to publicly endorse a political organization;

Judicial Personnel shall not solicit funds for a political organization, candidate, or event;

Judicial personnel may engage in nonpartisan political activity that does not tend to reflect adversely on the dignity of the judiciary, or interfere with the proper performance of official duties.

SANCTION FOR NON-COMPLIANCE

A person to whom this Code applies shall be subject to disciplinary action pursuant to the Chippewa Cree Tribe Personnel Policies and Procedures for any violation or non-compliance of any part of this Code.

CODE OF ETHICS FOR COURT CLERKS

THIS CODE DEFINES THE ROLE OF THE COURT CLERKS AND MAKES CLEAR THE EXPECTATIONS WITHIN THE POSITIONS AND THE RESPONSIBILITIES THAT ACCOMPANY THE TITLE.

RULE I

A CLERK MUST UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY AND OF THE CLERKS OFFICE.

An independent and honorable judiciary is indispensable to justice in the Chippewa Cree Tribe, as in any society. A Clerk must observe, and impart to the court staff, high standards of conduct so that the integrity and independence of the judiciary may be preserved and the Clerk's office may reflect a commitment to serving the public. The provisions of this Code shall be construed and applied to further that objective. The standards of this Code shall not affect or preclude other standards that may be promulgated by order of the court.

RULE 2

A CLERK SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

- A. A Clerk should not engage in any activities that would raise questionable conduct in carrying out the duties. A clerk must not allow family, social, political, tribal, or other relationships to influence official conduct or judgment. The clerk must not lend the prestige of the Clerk's office to advance the private interests of others; nor must the Clerk convey the impression that they are in a special position to influence the Judge.
- B. A Clerk must not accept any type of gift, and shall urge members of the clerk's family residing in the clerk's household not to accept a gift, bequest, favor or loan from anyone that might reasonably be regarded as influencing the performance of the duties of the office, except for:
 - 1. A gift given in a traditional giveaway ceremony, books, tapes and other resource material supplied by publishers on a complimentary basis for official use, or an invitation to the clerk and the clerk's spouse or guest to attend a function or an activity devoted to improve relationships with the tribal government, an invitation to the improve relations with state, local and other governments, the legal system or the administration of tribal government;
 - 2. A gift, award or benefit incidental to the business, profession or other separate activity of a spouse or other family members of the clerk residing in the clerk's household, including gifts, awards and benefits for the use of both the spouse and other family member and the clerk (as a spouse or family member), provided the gift, award or benefit could not be reasonably perceived as intended to influence the clerk in the performance of clerk of the court duties;
 - 3. A gift with a dollar value of \$5.00 or less;

4. Ordinary social hospitality; such as
 - a. A gift from a relative or friend, for a special occasion, such as a wedding, Christmas, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;
 - b. A gift, bequest, favor or loan from a relative or close personal friend whose appearance or interest in any matter, would not in any event require disqualification;
 - c. A loan from a lending institution in its regular course of business on the same terms generally available to persons who are not clerks;
 - d. A scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or
 - e. Any other gift, bequest, favor or loan, only if the donor is not a party or other person who has come or is likely to come or whose interests have come or are likely to come before the court; if its value exceeds the minimum for any required financial disclosure, the clerk reports it in the same manner as the clerk reports compensation in Rule 6A.
- C. A Clerk must abstain from commenting publicly about a pending or impending proceeding in court, and should require similar abstention on the part of court staff. The Clerk shall never disclose to any person any confidential information received in the course of official business, nor should such information be employed for personal gain.
- D. A Clerk must avoid favoritism, unfairness, or nepotism in the first degree as defined by the Chippewa Cree Tribe, in connection with the hiring, discharge, or treatment of subordinate staff.
- E. A Clerk must never influence or attempt to influence the assignment of cases, or perform any discretionary or ministerial function of the court in a manner that improperly favors any litigant, advocate, or attorney, or imply that a Court Clerk is in a position to do so.
- F. A Clerk must not practice law, including giving legal advice. However, the Clerk may explain procedures to indigent parties and tribal elders.

RULE 3

A CLERK MUST PERFORM THE DUTIES OF THE CLERKS OFFICE IMPARTIALLY AND DILIGENTLY.

The official duties of a clerk must take precedence over all other activities. The official duties include all the duties of the Clerk's office prescribed by the law of the Chippewa Cree Tribe or by order of the Chippewa Cree Tribe Court. In the performance of these duties, the following standards apply:

- A. A Clerk must respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary and the Clerk's office.
- B. A Clerk must be faithful to the highest standards of the profession and maintain professional competence in it. A Clerk should be patient, dignified, courteous, and fair to all persons dealt with in an official capacity, and should require similar conduct of subordinate staff and others subject to direction and control of the Clerk. The Clerk should diligently discharge the responsibilities of office. The Clerk should bear in mind obligations to the tribal community, the general public as well as to the legal profession. The Clerk should treat fairly and courteously laypersons who desire to file suits to examine the court's public records.

RULE 4

A CLERK MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE.

A Clerk, so far as such activities do not unduly interfere with the proper performance of official duties, has both a duty and the authority to engage in the following quasi-official activities:

- A. The Clerk may speak, write, lecture, teach, and participate in other activities concerning court management, the legal system, and the administration of justice.
- B. The Clerk may promote the development of professional organizations and foster the interchange of technical information and experience with others in the profession. The Clerk should be available to the public at large for speaking engagements and public appearances designed to enhance the public's knowledge of the operation of the court system.

RULE 5

A CLERK SHOULD REGULATE ALL EXTRA-OFFICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH OFFICIAL DUTIES.

- A. Avocational Activities: A Clerk may write, lecture, teach, and speak on subjects unrelated to the profession, and may engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the office, interfere with the performance of official duties, or adversely reflect on the operation and dignity of the court.
- B. Civic and Charitable Activities: A Clerk may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of official duties. A Clerk may serve as an officer, director, trustee or advisor of a civic or charitable organization and solicit funds for any such organization, subject to the following limitations.
 - 1. The Clerk must not use or permit the use of the prestige of the Clerk's office in the solicitation of funds.

2. The Clerk must not solicit subordinate staff to contribute to or participate in any civic or charitable activity, but may call their attention to a general fund-raising campaign such as United Way, school activities, or tribal events.
 3. The Clerk must not solicit funds from lawyers, advocates, or persons likely to come before the Clerk's office or the court served.
- C. Financial Activities. Without the express permission of the court, a Clerk may not carry on financial and business dealings, including service as a fiduciary. Such permission shall not be granted in any case where the activity would tend to reflect adversely or impartiality, interfere with the proper performance of official duties, exploit official position, or be involved in frequent transactions with lawyers, advocates, or persons likely to come before the Clerk's office of the court.

RULE 6

A CLERK MUST REGULARLY FILE REPORTS OF COMPENSATION RECEIVED FOR QUASI-OFFICIAL AND EXTRA-OFFICIAL ACTIVITIES.

A Clerk may receive compensation and reimbursement of expenses for quasi-official and extra-official activities permitted by this Code, if the source of such payments does not influence or give the appearance of influencing the Clerk in the performance of official duties or otherwise give the appearance of impropriety, subject to the following restrictions:

- A. Compensation: Compensation should not exceed a reasonable amount nor should it exceed that normally received by others for the same activity.
- B. Expense Reimbursement: Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by a Clerk, where appropriate to the occasion. Any payment in excess of such an amount is compensation.
- C. Public Reports: A Clerk must make and file such reports as may be prescribed by tribal law by the Judicial Commission or by the rules of the court.

RULE 7

A CLERK MUST REFRAIN FROM PARTISAN POLITICAL ACTIVITY.

- A. Partisan Political Activity: A Clerk should refrain from the following partisan political activity:
 1. Should not act as a leader or hold office in a political organization;
 2. Should not endorse a candidate, party or event;
 3. Should not become a candidate for political office without first resigning from his/her official position; and

4. Should not otherwise actively engage in partisan political activities.

COMPLIANCE WITH THE CODE OF CONDUCT FOR CLERKS OF COURT

All Judges, Clerks of Court, deputy clerks, court administrator, court secretary and/or other staff as indicated in the Judicial Personnel Handbook must comply with this Code and shall make and file any reports in required in Rule 6 C.

JUDICIAL CODE OF CONDUCT For all Judges

Article 1

A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

Independent and honorable judges are indispensable to justice on the Rocky Boy's Reservation. A judge shall participate in establishing, maintaining, and enforcing, and shall himself observe, high standards of conduct so that the integrity and independence of all judges may be preserved. The provisions of this Code shall be construed and applied to further that objective. As employed in this Code, the term "judge" also includes justices.

Article 2

A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES

- A. A judge shall respect and comply with the law and shall conduct himself at all times in a manner that promotes public confidence in the honesty and impartiality of the Chippewa Cree Tribal Court judges.
- B. A judge shall not allow his family, social, or other relationships to influence his judicial conduct or judgment. He shall adhere strictly to (section of Code), governing disqualification of judges. He shall not use his position as judge to advance the private interests of others; nor shall he give, or permit others to give, the impression that they are in a special position to influence him.
- C. Conduct justifying removal from the judiciary include, but is not limited to the following list of conduct:
 - (1) Conviction of a felony;
 - (2) Professional incompetence;
 - (3) Violation of Drug Free Workplace Ordinance
 - (4) Conviction of a misdemeanor involving dishonesty or acts offensive to the morals of the community.

Article 3

A JUDGE SHALL PERFORM THE DUTIES OF HIS OFFICE IMPARTIALLY AND DILIGENTLY

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Responsibilities in deciding cases.

- (1) A judge shall be faithful to the law and maintain sufficient knowledge of the Code and relevant state and federal law. He shall be unswayed by the private interest of particular parties, public outcry for or against a particular ruling, or fear of criticism.
- (2) A judge shall maintain order and decorum in proceedings before him.
- (3) A judge shall be patient, dignified, and courteous to plaintiffs and defendants, jurors, witnesses, lawyers, lay advocates, and others with whom he deals in his official capacity, and shall require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.
- (4) A judge shall accord to every person who is legally interested in a proceeding, or his lawyer or advocate, the full right to be heard under this Code, the Indian Civil Rights Act, and any other relevant source of law.
 - (a) Except as authorized by law, the judge shall not initiate nor accept any written or oral communication concerning a pending case, either from a party to the case or from any other person, without either the agreement or presence of all parties. The judge shall not meet with any party to a case, or accept any communication from a party without either the agreement or presence of all other parties.
 - (b) Where circumstances require, ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:
 - (i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and
 - (ii) the judge makes provision promptly to notify all parties of the substance of the ex parte communication and allows an opportunity to respond.

A judge, however, may obtain the advice of a disinterested expert on law applicable to a proceeding before him if he gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. These restrictions do not include communications with other judges or with court personnel whose functions it is to aid the judge in carrying out his judicial activities.

- (5) A judge shall dispose promptly of the business of the court.

- (6) A judge shall abstain from public comment about a pending proceeding in any court, and shall require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from explaining for public information the procedures of the court.
- (7) A judge shall not, with respect to cases, controversies of issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the judicial duties of the office.
- (8) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:
 - (i) where the judge has a personal bias or prejudice concerning a party or a party's lawyer (or lay advocate), or personal knowledge of disputed evidentiary facts concerning the proceeding;
 - (ii) the judge served as a lawyer (or lay advocate) in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer (or lay advocate) concerning the matter, or the judge has been a material witness concerning it.

B. ADMINISTRATIVE RESPONSIBILITIES

- (1) A judge shall diligently perform his administrative responsibilities, maintain professional competence in judicial administration, and assist as needed with the performance of the administrative responsibilities of other judges and court officials.
- (2) A judge shall take or initiate appropriate disciplinary measures against a lawyer or lay advocate for unprofessional conduct of which the judge may become aware.

Article 4

A JUDGE SHALL REGULATE HIS EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH HIS JUDICIAL DUTIES

A judge shall conduct all of the judge's extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge; demean the judicial office; or interfere with the proper performance of judicial duties.

A. ACTIVITIES OF PERSONAL OR RECREATIONAL INTEREST

A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such activities do not interfere with the performance of his judicial duties.

B. CIVIL AND CHARITABLE ACTIVITIES

A judge may participate in civic and charitable activities that do not reflect adversely upon impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political" advantage of its members, subject to the following limitations:

- (1) A judge shall not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or other members of the Chippewa Cree Tribal Courts.
- (2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such organization. He shall not be a speaker or guest of honor at an organization's fund-raising events, but he may attend such events.
- (3) A judge shall not give investment advice to such an organization, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

C. FINANCIAL ACTIVITIES

- (1) A judge shall refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or involve him in frequent transactions with lawyers, lay advocates, or other persons likely to come before the Chippewa Cree Tribal Courts. .
- (2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other money-generating activity including the operation of a business.
- (3) A judge shall manage his investments and other financial interests to minimize the number of cases in which he is disqualified. He shall divest himself of investments and other financial interests that might require frequent disqualification.
- (4) A judge shall only accept gifts, bequests, favors, or loans in circumstances where such acceptance would not cause his impartiality to be questioned. Such circumstances include ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants. A judge must not accept a gift, bequest, favor, or loan from anyone who is a party to a case before that judge or who is likely to become such a party in the near future.

D. ARBITRATION

A judge shall not act as an arbitrator or mediator outside the courtroom.

E. PRACTICE OF LAW OR LAY ADVOCACY

A judge shall not practice law or function as a lay advocate.

F. EXTRA-JUDICIAL APPOINTMENTS

A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, tribe, state, or locality on ceremonial occasions or connection with historical, educational, and cultural activities.

G. FIDUCIARY ACTIVITIES

- (1) A judge shall not serve as executor, administrator or other personal representative, trustee, guardian, attorney in fact or other fiduciary, except for the estate trust or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties.
- (2) A judge shall not serve as a fiduciary if it is likely that the judge as a fiducial will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust or ward becomes involved in adversary proceedings in the court on which Judge serves or one under its appellate jurisdiction.
- (3) The same restrictions on financial activities that apply to a judge personally also apply to the judge while acting in a fiduciary capacity.

Article 5

COMPENSATION RECEIVED FOR EXTRA-JUDICIAL ACTIVITIES

A. COMPENSATION

Compensation for extra-judicial activities shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity.

B. EXPENSE REIMBURSEMENT

Expense reimbursement shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

Article 6

A JUDGE SHALL REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO HIS JUDICIAL OFFICE

A. A judge shall not:

- (1) act as a leader or hold any office in a political organization;
- (2) make speeches for a political organization or candidate or publicly endorse a candidate for public office;
- (3) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions.

B. A judge shall resign his office when he becomes a candidate in an election for a non-judicial office.

C. A judge shall not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

D. A judge shall not:

- (1) with respect to cases, controversies or issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office; or
- (2) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

Article 7

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT BY PART-TIME JUDGES

A. PART-TIME JUDGE

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge:

- (1) is not required to comply with Canon 4, D, E, and F.
- (2) shall not practice law or function as a lay advocate in Tribal Court.

Article 8

A. SANCTION FOR NON-COMPLIANCE

A person to whom this Code applies shall be subject to disciplinary action pursuant to the Chippewa Cree Tribe Personnel Policies & Procedures Manual for any violation or non-compliance with the provisions of this Code.

B. EFFECTIVE DATE OF COMPLIANCE

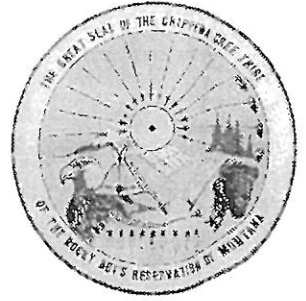
Approved on the 25th day of September, 2006



Bert Corcoran, Judicial Commission Chairman

Date

CHIPPEWA CREE TRIBAL COURT



JUDICIAL PERSONNEL HANDBOOK

CERTIFICATION OF ADHERENCE TO JUDICIAL PERSONNEL HANDBOOK
AND CODE OF ETHICS FOR ALL PERSONNEL (ADOPTED 9-25-06)

I, _____, have received a copy, read and understand the Chippewa Cree Tribe Personnel Policies and Procedures and Judicial Personnel Handbook. I hereby agree to abide by the Chippewa Cree Tribe Personnel Policies and Procedures Manual adopted by the Chippewa Cree Tribe (June 5, 2003) and the Judicial Personnel Handbook (September 25, 2006).

Signed _____

_____ Date

Witness _____

_____ Date

NOTE: The original signed and dated copy must be filed in the employee's personnel file; the employee receives a copy..

