

MUSCOGEE (CREEK) NATION
Rules of the Muscogee District Court

RULE 1. OFFICIAL COURT RULES

District Court Rules are adopted for the Muscogee (Creek) Nation District Court and are to be published and certified by the District Judge. The Rules will be mailed first class to each member of the Muscogee (Creek) Nation Bar Association and other interested parties. Additional copies are available at the office the District Court Clerk. New members of the Muscogee (Creek) Nation Bar Association will presented a copy of upon payment of admission fees.

The Rules of the District Court may amended by the District Judge of the Muscogee (Creek) Nation District Court at any time. Any amendment will be mailed first class to each member of the Muscogee (Creek) Nation Bar Association and other interested parties.

Orders Supplementing—The District Judge may enter orders consistent with these rules for the general conduct of business.

RULE 2. WRIT OF HABEAS CORPUS AD TESTIFICANDUM

A Writ of Habeas Corpus Ad Testificandum may be served by a law enforcement officer or the Creek Nation Lighthouse Department. The Application for a Writ of Habeas Corpus Ad Testificandum shall be signed and verified, detailing the detention location and reason for the subject of the Writ to be brought before the Court. It is the responsibility of counsel to prepare the Writ of Habeas Corpus Ad Testificandum. The District Court Clerk will affix the Law Enforcement Officer's Return when the Writ is approved and set a hearing date and time if the matter has not previously been scheduled.

The Application and Writ shall be in the style of the case at issue. Counsel must serve a copy of the application by mail on the custodian of the prisoner.

RULE 3. JURY TERMS

The District Judge shall be in charge of the jury panel and shall excuse and discharge those jurors not engages when their services are no longer required.

RULE 4. USE OF THE COURTROOM

The courtroom shall be used for regular Court business. Permission for other use may be obtained from the District Court Clerk.

RULES 5. COURTROOM DECORUM

Counsel shall assist the Court in maintaining order and decorum by advising their clients and witness in advance of proper courtroom behavior and attire. Counsel's conduct in the Courtroom as a member of this Bar demonstrates counsel's respect for the administration of Justice.

The following is requested of counsel for proper Courtroom conduct:

1. Punctuality and brevity are virtues appreciated by Judges and Jurors;
2. Arguments shall be addressed to the Court and not opposing counsel, avoid disparaging personal comments or acrimony toward opposing counsel;
3. The lectern is to be used when examining witnesses, making argument or examining prospective jurors, unless the hearing being held has been declared an informal hearing;
4. Do not sit on the counsel tables nor prop feet on tables or chairs;
5. Smoking, eating, drinking beverages and reading newspapers are not permitted in the Courtroom;
6. Do not take files; pleadings; papers or exhibits from the Minute Clerk's desk and from the Court Reporter unless you obtain permission to do so;
7. Do not use the Clerks' desk, phone, or office materials without permission;
8. Advise our clients of the ethical impropriety of discussing pending matters with a Judge.
9. Request permission to withdraw when you have completed business with the Court;
10. Do not hold conferences in the Courtroom with clients when Court is in session;
11. Refrain from employing dilatory tactics;
12. Counsel for the Plaintiff or Prosecution Attorney shall occupy the table nearest the jury box and counsel for the Defendant shall occupy the table furthest from the jury box; and
13. Any Attorney who appears in Court intoxicated or under the influence of intoxicants, drugs, or narcotics may be removed from the Tribal property and summarily be held in contempt;
14. Refrain from addressing one another in Court by their first names;

RULE 6. COURTROOM ATTIRE

Attorneys, as officers of the Court, should appear in attire appropriate for practitioners of this honored profession and should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves. Men shall wear coats and ties and women should wear professional attire for all scheduled Court appearances.

Summer Courtroom attire will be relaxed and no coats will be required from June until September.

Casual attire will be allowed for all unscheduled, weekend, holiday, or emergency

hearings.

In the case of inclement or very hot weather (above 95 degrees) very casual attire will be allowed for all hearings.

RULE 7. PHOTOGRAPHING, RECORDING, BROADCASTING, AND TELEVISIONING JUDICIAL PROCEEDINGS.

In conformity with the practice that has prevailed in the District Court, the following rules governing the taking of photographs, the recording, broadcasting and televising of judicial proceedings in the Courthouse of the Muscogee (Creek) Nation District Court, are hereby promulgated:

1. Except as expressly permitted by the individual Judge, the use of cameras, television, and other broadcasting equipment is prohibited.

A. Inside the courtroom:

1. The use of cameras, television, recording and broadcasting equipment is not prohibited in other areas of the courthouse, provided that media representatives exercise diligence to ensure that such equipment and its use does not interfere with the session of any proceeding being covered.

Notwithstanding these rules, the District Judge may promulgate specific rules governing the use of cameras, television, recording and broadcasting equipment to remain in force and effect for any specific proceeding or event.

The purpose of this directive is to ensure that courtroom proceedings are conducted at all times with dignity and in a manner calculated to avoid the disruption of order and decorum which the judicial process demands.

It should be emphasized that the representatives of the news media are expected to conduct themselves at all times in a professional manner consistent with the spirit and intent of this directive. In order to ensure such conduct, if conduct of the news media which is in violation of the foregoing rules is brought to the attention of the District Judge, the offending person shall be notified immediately to cease and desist such activity. If the offending part refuses to comply with the order, then the District Judge may immediately request the Bailiff or Lighthorse Police to take affirmative action to end such activity and any offender may be removed from Tribal property or held in Contempt of Court.

This directive does not prohibit the District Judge from giving photographic or broadcasting interviews with any television station or radio station or to be photographed in any manner in chambers, and the District Judge may permit broadcasting, televising, recording or photographing of investigative, ceremonial, or naturalization proceedings or any moot trial use for educational or scientific purposes.

RULE 8. COURTHOUSE CLOSING

In the event the Principal Chief of the Muscogee (Creek) Nation orders the Tribal Complex closed or the District Court Judge closes the Courthouse due to inclement weather or some emergency, all cases set for hearing shall automatically be passed to a future date set by the District Court Clerk.

RULE 9. REMOVAL AND EXAMINATION OF COURT FILES

District Court files are not to be removed from the Courthouse or District Court Clerk's office. Adoption and Juvenile files require approval by the District Judge before they may be examined, and then only in the presence of the District Court Clerk or Deputy Court Clerk.

RULE 10. REMOVAL OF EXHIBITS

No exhibit offered or admitted in evidence shall be removed from the courtroom or from the custody of the Court or Court Reporter, as the case may be, without permission of the District Judge, and a written dated receipt shall be given by the person receiving it.

RULE 11. LAW LIBRARY RULES

Law Library books needed for research may be checked out through the District Court Clerk's office by members of the Muscogee (Creek) Nation Bar Association or Tribal Officials. Library books should be returned within 24 hours. If a Library book is needed for an extended time the District Court Clerk must be notified and appropriate notation made on the Library Book Checkout Registry. Citizens of the Muscogee (Creek) Nation may use the Law Library at any time during normal Business hours.

RULE 12. DISTRICT COURT WEB PAGE AND E-MAIL

For information regarding the Muscogee (Creek) Nation District Court refer to <http://muscogeeecreektribalcourt.org>. District court personnel can be reached by e-mail at mvske@aol.com.