

IN THE CROW TRIBAL COURT
IN AND FOR THE CROW NATION

IN RE: COURT ADMINISTRATION)	
)	
)	S.O. NO. 2020-01
)	
)	Hon. Chief Judge Bear Don't Walk
)	

ORDER CLARIFYING COURT ADMINISTRATION

WHEREAS, the administrative authorities, duties, and expectations, of both judges and staff of the Judicial Branch of the Apsaalooke Nation are established, and have been for quite some time, under existing legal authorities, including but not limited to: the Crow Tribal Constitution and Bylaws, the Crow Law and Order Code, Crow Tribal Court Rules of Practice (2014), Crow Tribal Court Rules of Professional Conduct, Policies and Procedures of the Crow Tribal Court, and other applicable Crow Tribal and Federal laws, rules, and regulations; and

WHEREAS, Crow Tribal Court staff and officials, are expected to know and carry out their duties pursuant to, and in compliance with, the above-stated authorities; and

WHEREAS, the Court has recently become aware of the real possibility that there may be a startling lack of understanding, or even misinformed understanding, about the statutorily established administrative structure of the Judicial Branch, and in particular, the relative authority of staff and officials of the Crow Tribal Court; and

WHEREAS, in an effort to protect the Judicial Branch and public from possible negative impacts on Judicial Branch operations caused by the misguided actions of those who either lack knowledge or understanding of the above-stated authorities, or who have been purposely misinformed about such authorities, the Court finds it is necessary and proper to issue a standing order that summarizes and clarifies the administrative structure of the Judicial Branch; and

WHEREAS, the Chief Judge of the Crow Tribal Court, as the head of the Judicial Branch of the Apsaalooke Nation, has the sole and exclusive authority, and in this case duty, to provide such clarification by this Standing Order of the Court.

NOW THEREFORE IT IS HEREBY ORDERED, the following summary shall serve as clarification to all interested parties of the administrative structure, procedures, and authorities of Judicial Branch staff and officials:

Administration-Judicial Branch & Crow Tribal Court

Judicial Branch of the Apsaalooke Nation-Under Article X of the Crow Tribal Constitution and Bylaws, the Judicial Branch is established as a separate and distinct branch of the Crow Tribal Government and consists of all Tribal Courts established by the Crow Law and Order Code (CLOC).

Crow Tribal Courts-The Crow Tribal Courts are composed of three Judges: one Chief Judge and two Associate Judges. CLOC § 3-3-301.

Chief Judge-The Chief Judge of the Crow Tribal Court is the head of the Judicial Branch, with the sole and exclusive authority to, among other things, draft and promulgate court rules and court procedures, hire and supervise Crow Tribal Court staff, and assign cases to Associate and/or Special Judges. CLOC §§ 3-3-303(2) & 3-3-305. The Chief Judge, as head of the Judicial Branch, also controls and is responsible for all Judicial Branch property, including equipment, buildings, grounds, etc. Beyond the Chief Judge's authority to assign/re-assign cases to Associate Judges, assign/re-assign offices to the Associate Judges, assign/re-assign Judicial Branch property in the possession of the Associate Judges, and assign/re-assign staff to the Associate Judges, the Chief Judge does not generally supervise the performance of the Associate Judges. However, the Chief Judge is available to provide advice and assistance on any court-related matter, to any Associate Judge who requests such assistance.

Associate Judges-The Associate Judges of the Crow Tribal Court have the authority and duty to preside over cases and/or matters assigned to them by the Chief Judge of the Crow Tribal Court. CLOC § 3-3-303(2)(c). Associate Judges of the Crow Tribal Court do not exercise any supervisory, or other administrative authority, over Judicial Branch staff, unless such authority has been delegated to them in writing by the Chief Judge. Similarly, Associate Judges do not exercise any control over Judicial Branch property, unless such authority has been delegated to them, in writing, by the Chief Judge.

Court Administrator-The Crow Tribal Court Administrator has the authority and responsibility to supervise all Judicial Branch staff, pursuant to the Position Description for the office of Court Administrator; including all deputy clerks of court. The Court Administrator also oversees all non-judicial operations of the Crow Tribal Court under the direction and supervision of the Chief Judge. In the absence of the Court Administrator, this administrative authority and responsibility returns to the Chief Judge; unless delegated to another staff member or judge, in writing, by the Chief Judge. The Court Administrator does not exercise any supervisory authority over any of the Judges.

Chain of Command-The Chain of Command for Judicial Branch Employees, from top down, is as follows:

- Chief Judge
- Court Administrator
- Judicial Branch Employees

All tribal court staff report to, and are supervised by, the Court Administrator; or in his/her absence, the Chief Judge. Deputy Clerks of Court may report to the Crow Tribal Clerk of Court, if there is one. However, when there is no Clerk of Court, Deputy Clerks report to the Court Administrator. Deputy Clerks of Court work with the Associate Judges assigned to their respective division of court on case-related matters. However, this does not mean that the Associate Judges are their supervisors. As stated above, Associate Judges do not have the authority to supervise tribal court staff; e.g. – oversee staff attendance, performance, discipline, schedule, etc. Unless expressly authorized in writing by the Chief Judge of the Crow Tribal Court to do otherwise, an Associate Judge should always be mindful of his/her duty to avoid taking any action(s) or making any statement(s) that could reasonably be interpreted as contrary to, or even inconsistent with, applicable administrative authorities or requests and directives from their legitimate supervisors; i.e.-the Court Administrator or Chief Judge.

Professional Conduct-Conduct of the Judges of the Crow Tribal Court is governed, in part, by the Crow Tribal Law and Order Code and the Crow Tribal Court Rules of Practice (2014), as well as, the ABA’s Model Code of Judicial Conduct, incorporated therein. Conduct of Judicial Branch staff is governed, in part, by Crow Tribal Law, the Crow Tribal Court Rules of Professional Conduct, the Crow Tribal Court Rules of Practice (2014), and the Code of Ethical

Conduct for Judicial Branch Personnel (2005). Copies of these documents may be obtained upon request made to the Crow Tribal Court Administrator.

Disputes-Judicial Branch-While the court believes it is reasonable to expect court staff and Associate Judges will work together in a professional manner, and avoid interpersonal disputes, should such a dispute arise, the matter shall first be decided by the Court Administrator.

Procedure: Complaints must be submitted in writing by the complaining Associate Judge or staff member, to the Court Administrator, who will perform a preliminary review of the complaint. If the dispute appears to involve judicial-conduct-related issues, in whole or in part, the Court Administrator shall transmit a copy of the complaint and any other related materials to the Chief Judge. The Court Administrator shall consider the complaint pursuant to current Crow Tribal Court policies and procedures, and issue his/her decision to: investigate further, dismiss, attempt informal resolution, and/or initiate formal personnel action. Upon conclusion of the review, the Court Administrator shall provide written notice to the Complainant or both parties, depending on the decision, identifying his/her decision to: investigate, dismiss, request more information/evidence, schedule meetings, and take any other action the Court Administrator determines is appropriate under the circumstances; consistent with the Crow Tribal Court Policies. The Court Administrator shall issue a final written decision. Any complainant with a legitimate reason, supported by legal authority, to dispute the Court Administrator's decision shall have a limited right to appeal the decision to the Chief Judge within five (5) days. Failure to file an appeal within the five day timeframe shall result in the complainant waiving his/her further right to appeal. Upon final resolution or dismissal of the complaint, the Court Administrator shall provide written notice to the parties of his/her decision, either party's right to appeal that decision to the Chief Judge within five (5) days, and notice that any failure to appeal within the five-day timeframe shall result in the Court Administrator's decision being deemed final.

Disputes-Public-Judicial Branch staff are to conduct themselves with the utmost professionalism and courtesy in all dealings with the Public.

Procedure: Public complaints against Judicial Branch staff shall be resolved in the same manner as set forth above. Public complaints against Judges of the Crow Tribal Court fall under the statutorily established and exclusive authority of the Judicial Ethics Board. CLOC § 3-3-306.

IT IS FURTHER ORDERED that, until amended/superseded by future order of the Court, the administrative rules and procedures recited/identified in this Standing Order shall be considered local rules of the Court, and govern all administrative matters of the Judicial Branch and Crow Tribal Court, which have been explicitly addressed herein. All administrative matters not addressed in this Standing order shall remain as identified in other applicable authorities.

IT IS FINALLY ORDERED that the Deputy Clerk of the Civil Court shall immediately forward notice of this Standing Order to all officials and staff of the Crow Tribal Court and Judicial Branch, the Crow Tribal Office of Prosecution, the Acting-Chief of Police for BIA-OJS-Law Enforcement, and the Court's AOTR, BIA-Rocky Mountain Regional Office.

DONE and DATED THIS 27TH DAY OF February, 2020.

By:



Hon. Dennis M. Bear Don't Walk
Chief Judge, Crow Tribal Court