

JUDICIAL COMMITTEE
THREE AFFILIATED TRIBES
TRIBAL BUSINESS CHAMBERS

June 30, 1989
Regular Meeting

PRESENT: Titus Hall, Chairman; Austin Gillette, Secretary; Ed Lone Fight, Member.

ABSENT : None.

OTHERS : Fay Ann Moberg, Clerk of Court; Tom Beyer, Associate Judge; Edith Like Eagle, Administrator for Tribal Court; Maynard Young Bear, Deputy Clerk of Court; Tony Hale, Chief Judge; Maynard Fox, Assistant Prosecutor.

ITEM 1 CALL TO ORDER
Meeting called to order at 8:45 a.m.

ITEM 2 ROLL CALL
Roll called by Secretary Gillette, quorum present.

ITEM 3 JUDGE TOM BEYER
Discussion: Judge Beyer reported on a problem of serving papers on people. The way the process services was handled in the past fifteen years was by using a combination of a process server and Tribal and BIA Police. Today, Tribal Court has not had much services of process so half of the people show up and the other half do not show because they were not served and this upset everyone. (Jim Fitzsimmons sitting in at 8:57 a.m.) Judge Beyer said he had some ideas and one idea was if Judge Hale would take the defendants' name and addresses and mail out the notice of trial instead of having the BIA Police running down these people all over the country side. This will be for criminal cases only, on civil cases the attorneys can mail out their own notices. Court schedule change without property notices given to the people and the attorneys. Judge Beyer said another problem is the Court Schedule which changes without proper notices to the people and the attorneys. Edith Likes Eagle said the Clerk of Court sets up the Court schedule but when the papers do not get served this thrvos the schedule off. Jim Fitzsimmons Tribal Court may have to centralize their schedule. Maynard Fox said when we arraign the people we give them a notice of trial.

ITEM 4 POLICE OFFICERS
Discussion: Judge Beyer said as far as the Police Officers serving papers, you just do not go around serving anybody at 2:00 a.m. in the morning the day before the trial. If police officers do not serve the papers they can call Tribal Court and let them know who they were unable to serve papers to.

ITEM 5 301 CARDS

Discussion: Judge Beyer said Tom Gunderson would like to have the 301 cards on the criminal cases. Judge Hale said they provide Mr. Gunderson the 301 cards, but he never looks at them. Jim Fitzsimmons asked when you (Judge Hale) say you provide Tom Gunderson with the 301 cards how are you providing him (Tom Gunderson) this information, do you send him copies? Judge Beyer said if you (Maynard Young Bear) are sending them to Tom Gunderson then the problem is taken care of. Jim Fitzsimmons said no they are not sending them to him they are putting the 301 cards on his desk. Jim Fitzsimmons said it would be difficult to prosecute a case when you do not have their 301 cards, because you do not know if you are dealing with a first time offender or a fourth time DUI.

ITEM 6 ADMINISTRATOR

Ed Lone Fight moved to authorize the Administrator, both Judges and Jim Fitzsimmons to work out the supervision of all the staff giving the Administrator fifteen days for completion, seconded by Austin Gillette.

Discussion: Ed Lone Fight said in two weeks we will have a follow up meeting.

VOTE: Unanimous-motion carried.

ITEM 7 PURCHASE OF COMPUTER

Austin Gillette moved to approve the purchase of a computer for the Court System to be handled by Frank Henry and Curtis Maynard Young Bear, seconded by Ed Lone Fight.

Discussion: Edith Likes Eagle said when she did the budget she thought that they could make a down payment of \$10,000 and finance the rest.

VOTE: Unanimous-motion carried.

ITEM 8 CFR COURTS

Discussion: Judge Hale said the CFR courts were established because Tribal Court do not have any jurisdiction over non-members. Judge Hale said CFR Court is the BIA's responsibility, if we are going to be the CFR Judges then we need additional funds. CFR Courts will have to appoint an attorney for the defendants, which Dr. Spang did not inform the Tribe. Judge Hale said we should give the CFR Court back to the BIA. Austin Gillette moved that Law & Order request from the Superintendent that they enforce the CFR regulations which govern the court system and that he provide additional funding for whoever the judges they selected and to be consistent with the Tribes under the eighth circuit court, seconded by Ed Lone Fight.

VOTE: Unanimous-motion carried.

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ITEM 9 TRAVEL APPROVAL
Ed Lone Fight moved to approve travel for Maynard Fox, Jim Johnson and Luther Grinnell to attend a child abuse workshop in Green Bay, Wisconsin on June 18-21, 1989, seconded by Austin Gillette provided the applications are approved.

Discussion: Edith Likes Eagle said she sent in Maynard Fox's application and did not know if they were going to approve it. Ed Lone Fight asked if there was money for travel? Edith Likes Eagle said we do have the money.

VOTE: Unanimous-motion carried.

ITEM 10 ADJOURNMENT
Meeting adjourned at 9:30 a.m.

Approved

Disapproved

Secretary, Judicial Committee

Date

Secretary, Tribal Business Council

Date

ATTEST:

Chairman, Tribal Business Council

Date