

**TRIBAL COURT
FOREST COUNTY POTAWATOMI COMMUNITY**

In the Matter of:

**Canons of Judicial Ethics
For The
Forest County Potawatomi
Tribal Courts**

**Rule of the Court
Order Number 1
Dated: September 1,
1994**

By Virtue Of The Authority Invested In The Court Under Section 1.04 Of The Forest County Potawatomi Tribal Court Code, The Following Is Hereby Promulgated As Rule of the Court, Order Number 1, Canons of Judicial Ethics For The Forest County Potawatomi Tribal Courts effective this date:

Introduction

These Canons set forth standards for judicial conduct by the Judges of the Forest County Potawatomi Tribal Court. The purpose of the Canons is to assure fairness, due process and integrity in the administration of justice within the Forest County Potawatomi Community.

Canon One

Forest County Potawatomi Tribal Judges shall promote justice, peace and order among all people who come into the Forest County Potawatomi Community.

Canon Two

Forest County Potawatomi Tribal Judges shall act to create and maintain high standards of conduct and to uphold the integrity and independence of the Tribal judiciary.

To this end Tribal Judges shall maintain a separation between the judiciary and the other branches of Tribal government, while encouraging cooperation and mutual respect among all. If called upon to review the acts of other branches of Tribal government, the Court shall rise above partisanship and act always to maintain a proper balance among the branches of government while resolving the legal issues presented and preserving the independence of the

judiciary.

Tribal Judges shall not serve in the Executive or Legislative branch of the Tribe during their term of office, but this shall not disqualify them from fully participating as a Community member in the meetings of the Tribal General Council as a co-equal with all other Tribal members.

Tribal Judges may serve on Inter-Tribal, State or Federal boards, committees and advisory groups wherein the perspective of Tribal Judges is sought on matters affecting the health and welfare of Indian people generally.

Canon Three

Tribal Judges shall avoid impropriety and the appearance of impropriety in their activities.

Tribal Judges shall respect and comply with the laws of the Tribe, the State and the United States. They shall be mindful of and respect the customs and traditions of the Tribe. They shall at all times act in a manner that promotes public respect and confidence in the honesty and impartiality of the Tribal judiciary.

Canon Four

Tribal Judges shall limit their extra-judicial activities so as to avoid a conflict with their judicial responsibilities which shall take precedence over all other matters.

It is recognized that Tribal Judges are a part of the Forest County Potawatomi and the non-Indian communities, and as such have the right to participate in activities beyond the bounds of their judicial office, so long as such participation does not distract from the performance of their duties or create the appearance of impropriety or a conflict of interest.

To that end, Judges may write, lecture, teach and speak on various subjects that are not or do not appear to be involved directly in matters pending or likely to be pending before the Court. Tribal Judges may receive reasonable and customary amounts of compensation and expenses for such activities provided that said amounts are not paid by actual or potential litigants, their relatives, friends or representatives.

Tribal Judges may represent the Tribe on ceremonial occasions or in conjunction with educational, cultural or historical activities.

Tribal Judges may participate in civic, charitable and Tribal activities that do not reflect upon their impartiality or interfere with the performance of their judicial duties.

Canon Five

Tribal Judges shall avoid financial and business dealings which tend to reflect adversely upon their impartiality, interfere with the performance of their judicial duties, exploit their judicial position or involve them in financial transactions with attorneys, lay advocates or others likely to come before the courts upon which they serve.

Neither Tribal Judges nor any member of their families residing in their household shall accept a gift, favor, or loan from anyone which would affect or appear to affect their fairness and impartiality in judicial proceedings.

Canon Six

Tribal Judges shall perform the duties of their office impartially.

Tribal Court Judges shall be unswayed by personal or partisan interest, public or political pressure, fear of criticism and shall resist any attempts at influence on the Court by any and all persons while respectfully considering and paying due accord to the facts, statements and arguments of litigants and their legal representatives during the course of judicial proceedings.

Tribal judges shall avoid all out-of-court communications with any person regardless of their interest in the case unless all parties to the proceedings are present or represented.

Tribal Judges may seek the advice of disinterested Tribal Elders on matters of Tribal tradition and custom and that of other experts on matters of law and scientific or historic knowledge so long as the advice sought is limited to the points of Tribal tradition and custom, law, and

scientific or historical knowledge and does not involve the specific merits of the case before the Court. The parties should be informed of the advice received and have an opportunity to respond to same.

Tribal Judges may consult with experienced legal advisors during their deliberation of cases for assistance in establishing the methods of factual and legal analysis that are appropriate for the decision-making process. They shall not however request or permit any advisor to make the final decision or to go beyond the point of presenting options as to how the Judge may view various aspects of the case. The advisor may assist the Judge in drafting decisions and writing memoranda, but the advisor shall abstain from preempting any factual or legal decisions that are a part of the judicial function.

Canon Seven

Tribal Judges shall disqualify themselves in any proceeding wherein their impartiality might be reasonably be questioned.

Parties may file in writing a Motion to disqualify a Judge, setting forth specifically and in detail why they believe that the Judge will not be impartial. Tribal Judges will then consider the Motion and grant or deny same in writing, setting forth their reasons therefore. Tribal Judges are not required or expected to honor frivolous or trivial reasons, nor Motions that are filed for apparent purposes of delay. Judges, upon disqualifying themselves, shall promptly seek the designation of another Judge, to be made by the Chief Judge of the Forest County Potawatomi Tribal Court, and the case shall not be delayed or removed from the calendar except upon the Order of the newly designated Judge.

Canon Eight

Tribal Judges shall maintain order and decorum in the Court. They shall not interfere in the proceedings except where necessary to protect the rights of the parties. Judges shall not act as advocates, but may make inquiries of witnesses during proceedings in order to fully and fairly bring out the facts and to clarify matters before the Court.

Tribal Judges shall be patient, dignified and courteous to litigants, witnesses, lawyers, advocates, jurors, Court

staff and all others with whom they deal in their official capacity, and shall require similar conduct from all other persons during Court proceedings as well as from Court staff.

Tribal Judges shall give every person who is legally interested in a proceeding, and their legal representatives the right to be fully heard on matters relevant to the proceeding. Tribal Judges, however, shall not permit persons to abuse the dignity and orderly process of the Court by an unlimited right to speak on irrelevant matters or matters already fully covered in the proceeding.

Tribal Judges shall initiate appropriate disciplinary measures against any lawyer or lay advocate admitted to practice before the Court for any dishonest or unprofessional conduct relating to matters in the Forest County Potawatomi Tribal Courts.

Canon Nine

Tribal Judges shall perform the duties of their office diligently. Their judicial responsibilities shall take precedence over all other activities.

Tribal Judges shall dispose of cases promptly and maintain the Court's calendar on a current basis.

Tribal Judges shall fully accept and perform the administrative duties inherent in running the Tribal Court.

The Tribal Court staff will be required by the Judges to observe high standards of honesty and diligence.

As part of their judicial duties Tribal Judges are expected to undertake and pursue legal education and training programs appropriate to the performance of their judicial duties. This obligation shall continue throughout their tenure as Tribal Judges.

Canon Ten

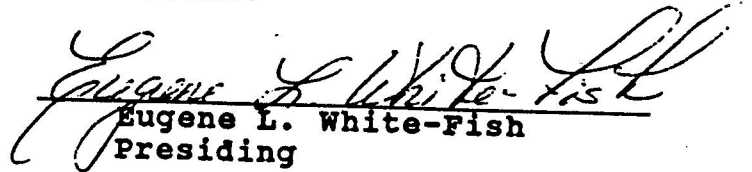
Tribal Judges shall not engage in any political activities except on behalf of measures to improve the law, the Tribal legal system, or the administration of justice.

Tribal Judges may conduct dignified and impartial campaigns for re-election, avoiding discussion of any prior decisions of the Court or about any cases which are pending

or likely to come before the Court. No pledges or promises of conduct in office other than the faithful and impartial performance of the duties of Tribal Judge shall be made.

Dated this 1st day of September, 1994

BY THE COURT:


Eugene L. White-Fish
Presiding