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North Central Regional Office

LAGUNA PUEBLO COURT
Court Improvement Plan
and
Management Audit

June 30, 1982

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TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	i
I. EXECUTIVE SUMMARY	1
II. BACKGROUND	6
III. COURT IMPROVEMENT PLAN	9
A. Accomplishments	9
1. Records Management	9
2. Court Statistics	10
3. Court Forms	11
4. Clerk's Procedures Manual	11
5. Adoption Cases	12
6. Traffic Code	12
7. Appellate Court Procedures	13
8. Court Referrals and Networking	14
9. Court Administrator	14
B. Revised Plan	15
1. Court Staff	16
2. Code Revisions	20
3. Rules and Procedures	22
4. Brochures	24
5. Fiscal Management	25
6. Data Processing	33
7. Courtroom Recordings	53
8. Education and Training	60
9. Long Range Projects	61
C. Proposed Budget	63
D. Evaluation Criteria	63
IV. ADDITIONAL MANAGEMENT AUDIT RECOMMENDATIONS	71
A. Court Statistics	71
B. Clerk's Procedures Manual	80
C. Forms Design	86
D. Facilities	97
E. Caseflow Management	102

APPENDICES

Appendix A	Laguna Resolution No. 63-79
Appendix B	Court Improvement Plan
Appendix C	BIA Profile No. B 018
Appendix D	Revised Court Forms
Appendix E	Court Clerk's Procedures Manual
Appendix F	Proposed Traffic Code
Appendix G	Proposed Traffic Fine Schedule
Appendix H	Proposed Driver's Manual and Certification Program
Appendix I	Appellate Court Procedures
Appendix J	Court Administrator Position Description
Appendix K	Court Records Clerk Position Description
Appendix L	Court Advocate Position Description
Appendix M	Audio/Video Technology and the Courts
Appendix N	New Jersey Municipal Court Sound Recording Manual
Appendix O	State Court Enforcement of Indian Court Judgments in New Mexico

EXHIBITS

		<u>Page</u>
Exhibit 1	"Pegboard Accounting Systems", <u>Report</u> , National Center for State Courts (March, 1980)	31
Exhibit 2	Lanier Advocate II Proposal	54(a)
Exhibit 3	Sample Procedures Manual Page (New Jersey)	83
Exhibit 4	Sample Procedures Manual Page Format (Michigan)	85
Exhibit 5	Standard Forms Specifications and Design Criteria	87-94
Exhibit 6	Model Form	93
Exhibit 7	Document Analysis Worksheet	95
Exhibit 8	Sample Court Forms Index	96
Exhibit 9	Minimum Courtroom Standards	101
Exhibit 10	Sample Docket Card	109

CHARTS

		<u>Page</u>
Chart 1	New Mexico Laguna Pueblo Reservation Judicial System	8
Chart 2	FY 82 Laguna Tribal Court Expenditures	26
Chart 3	FY 82 Laguna Tribal Court Revenues and Trust Funds	27
Chart 4	Laguna Tribal Court Estimated Storage Capacity Required for Automation	36
Chart 5	Comparison of Micro-Computer Systems	38
Chart 6	Proposed Laguna Courtroom Log	56-57
Chart 7	Proposed Laguna Trial Log	58-59
Chart 8	Proposed Court Improvement Plan Budget	64
Chart 9	Laguna Pueblo Court Estimated Caseload (January-March 1982)	74
Chart 10	Proposed Statistical Report Form (Caseload)	77
Chart 11	Proposed Statistical Report (Additional Workload)	79
Chart 12	Existing Court Floorplans	98
Chart 13	Proposed Remodeling Plans	99
Chart 14	Criminal Caseflow	104
Chart 15	Civil Caseflow	106
Chart 16	Recommended Model Caseflow System	112

INTRODUCTION

The Laguna Tribe has by Resolution No. 63-79 adopted a plan for the improvement of the Laguna Court System (see, Appendix A). Various elements of the original plan have been completed (see, Section III(a), page 9 of this report). The tribe has, in addition, submitted to the Bureau of Indian Affairs (BIA) a second phase proposal (\$209,892) to fund completion and implementation of new and remaining items from the Improvement Plan (see, Appendix B). Because of the scope and importance of the proposed plan, the National Center for State Courts was retained to document and evaluate the effectiveness of prior accomplishments, and determine the viability of the proposed plan with special emphasis on the cost effectiveness of the plan. The Center was also requested to perform a general management audit of court practices and make recommendations to improve court operations.

Prior to the Center's visit to the court, the National Center was provided with a copy of the proposed improvement plan and a BIA profile (No. B 018) of the Pueblo of Laguna Judicial System.

The general scope of the plan and the objectives of the Center's evaluation were reviewed on June 8, 1982 with the following tribal, BIA and court representatives.

<u>Tribe</u>	<u>Court</u>	<u>BIA</u>
• Victor Sarracino First Lt. Governor	• C. A. Bowerman Tribal Judge	• Roland Johnson Superintendent
	• "Alley" David Court Administrator	• Ralph Paisano Community Services Officer
	• Cathy Seale	

The National Center was represented by Jim Farrar, Senior Staff Attorney, and Donald Hardenberg, Staff Associate.

After the preliminary meeting, Center staff met with court representatives to review in detail the items and proposed budget contained in the Improvement Plan. Center staff then collected copies of the Tribal Constitution, Law and Order Code, Clerk's Procedures Manual, court forms, proposed traffic code, and facilities floor plans. With this background material, project staff interviewed the following court staff:

- Isabel Gaco (court clerk)
- Gerri Sarracino (assistant court clerk)
- Irvin Shiosee (probation officer)
- Ada Melton (probation officer)

During these interviews, Center staff conducted a management audit of all aspects of the court's operation (even if not addressed in the Improvement Plan). This audit included a review of facility needs, records requirements and practices, fiscal management practices, caseload management, appellate procedures, and staffing needs.

After this analysis phase of the project, project staff met again with the judge and court administrator to review the Center's preliminary findings and recommendations. A second informal meeting was held later with Harry D. Early, governor, and Roland Johnson to discuss the Center's general findings. At this meeting it was agreed that the Center would return on Friday, July 2, 1982 to present a draft report.

The following report represents the Center's findings and recommendations regarding the proposed Laguna Court Improvement Plan and court operations.

I. EXECUTIVE SUMMARY

During the last 16 months, the Laguna Tribal Court has implemented a number of significant mangement and operational improvements as part of their Court Improvement Plan. These improvements include the following:

- Records Management. The Court has installed a color-coded filing system including a standard alpha-numeric case numbering system. The court has started using a standard court docket for all cases.
- Court Statistics. The Court is collecting standard monthly statistics of cases filed, disposed (by type of disposition), and pending cases at end of month for all case types.
- Court Forms. All court forms have been revised using non-technical or non-lawyer language.
- Clerk's Procedures Manual. The Court has prepared an indexed Clerk's Procedures Manual using simple language to describe the step-by-step procedures that must be followed for certain types of tasks. The Manual includes samples of needed forms or documents and has been used as a training tool for court clerks.
- Adoption Cases. At the Court's request, the Tribal Council has enacted a resolution authorizing the Court to hear cases under the Indian Child Welfare Act.
- Traffic Code. A new traffic code (with fine schedule) has been submitted to the Tribal Council for approval.
- Appellate Court Procedures. With the assistance of the Tribal Court the Court of Appeals and the Tribal Council has adopted a new set of Court of Appeals rules and procedures.
- Court Referrals. The Court is expanding its use of state and community referral services.
- Court Administrator. The Rehabilitation Coordinator has been given expanded duties as a Court Administrator.

A. Court Improvement Plan

The Laguna Tribal Court in consultation with the National Center for State Courts has developed a Phase II plan for continuing its efforts under the Court Improvement Plan. The new objectives continue where the prior efforts end and provide a cost effective plan for making the court a modern judicial system servicing the needs of the Laguna Pueblo. The total cost of the proposed plan would be \$141,800 (plus indirect assessments).

The proposed Phase II tasks or objectives include the following items and costs:

Court Staff. A court advocate, jail inmate counselor, and half-time time secretary should be added to the Court Staff. These positions would be temporary or on a contract basis and can be eliminated or made permanent at a later date as the future needs of the court are determined. The three (3) positions will cost \$41,000 through FY 83.

Code Revisions. New and expanded codes should be developed for child welfare, criminal, civil, domestic relations, and probate cases. Attention should also be directed to revising the court's fee schedule to more closely reflect the court's expenses. This task will cost approximately \$45,000.

Rules and Procedures. Existing court procedures (presently in the Law and Order Code) should be documented and combined with a codification of other existing unwritten practices into a single document. This new document should include rules and procedures for the Tribal Court and Court of Appeals. This effort will cost approximately \$10,000.

Brochures. To assist the public, tribal council and court staff, the Court should develop a series of brochures or reports describing the court and its operation. These items would be printed and available to the public. The cost of preparing and printing these materials would be included in the funds for developing the Court Rules and Procedures, and operating expenses.

Fiscal Management. The Court should implement a manual peg board accounting system to improve their ability to account for revenue and monitor expenditures or pay-out of trust fund monies. Such a system will reduce the clerical time presently required to keep such records. The proposed system (and corresponding procedures) will also provide better accounting safeguards, records and planning information to the court. The new system and required accounting procedures will cost approximately \$6,000.

Data Processing. Instead of hiring additional personnel to keep up with workloads, a micro-computer should be purchased for the court. This data processing equipment will eliminate the need to add additional staff while providing the court with management information not previously available to the court. The equipment and programming costs will cost approximately \$19,000.

Courtroom Recording Equipment. With the purchase of cassette recording equipment, the Laguna Tribal Court will be a "court of record" and the Court of Appeals will no longer have to hear appeals as new trials. This equipment (including installation and maintenance) will cost approximately \$5,700.

Education and Training. The most valuable asset the court has is its staff. The use of on-site training is a cost effective investment of court funds. With proper training for all staff, the quality and efficiency of service to the public will be greatly improved. The Center recommends funds to pay for outside trainers and educational equipment be provided to the court. This investment will cost approximately \$10,000.

B. Additional Management Recommendations

In addition to proposed projects listed in the Phase II Court Improvement Plan, the Center has identified a number of recommended improvements the court may be able to implement without additional assistance. These recommendations are noted below.

Court Statistics. A new and expanded monthly statistical report should be developed. The report should also include information regarding workload activities not previously

captured. The new form should also provide more detail information not previously available. The Center has provided a proposed report format and set of instructions later in this report.

Clerk's Procedures Manual. Any future revisions to the existing Clerk's Manual should be done in conformity with the Guidelines and Standards provided by the Center later in this report. The Manual should be expanded to include topics not in the existing Manual, and any revisions resulting from completion of tasks in the Court Improvement Plan.

Forms Design. All future re-designing of existing forms or creation of new forms should conform to standard Forms Specifications and Design Criteria provided later in this report.

Facilities. Proposed remodeling plans should consider the needs of the public, new court staff, and standard courtroom minimum standards. A proposed remodeling floorplan and minimum courtroom standards is provided later in this report.

Caseflow Management. The court should implement the use of a four (4) part DOCKET CARD to monitor the status of cases and collect needed data for the proposed statistical reporting form. A description of this card and its use is provided later in this report.

Storage Equipment. Additional storage equipment for case files should be standard open filing shelves.

C. Long Range Projects

The National Center not only helped develop a Court Improvement Plan and identified some operational changes the court could make, it also identified a number of projects the court, tribe and BIA should include in their long range plans for improving court operations.

These long range plans should include consideration of the following items:

- Benchbooks
- Mental Health Code
- Retention Schedules and Storage of Court Records
- State Court Enforcement of Indian Court Judgments

Even while the court and BIA are working on immediate projects, there should be general discussion of these items. More detailed descriptions of the needs for these projects are contained later in this report.

II. BACKGROUND

The Laguna Pueblo Court is a tribal court with jurisdiction to hear

...disputes between Indians on the reservation, over grievances or claims of Indians against the Pueblo, and over such disputes between Indians and non-Indians as may be brought before the Court by stipulation. Any dispute existing or arising between or among persons in any of the villages which cannot be settled by the parties affected shall be first brought before the village Staff Officer, who shall try to have the parties settle the matter by giving his advise. If the interested parties cannot, with the advice of the Staff Officer, adjust the matter in dispute, the matter shall be submitted to the Pueblo Court. See, Pueblo Constitution, Article V, Section 2.

Matters involving the use of Pueblo land are the exclusive jurisdiction of the mayordomos and council. The court may hear only those offenses "enumerated in any ordinances or resolutions passed and approved, according to the Constitution and By-Laws of the Pueblo of Laguana, when committed by an Indian within the exterior boundaries of the PUEblo of Laguna Reservation". See Judicial and Law and Order Code, Chapter 1, Section 2(b).

According to BIA Profile No. B 018 (see, Appendix C), the reservation has 445,006.94 acreage (tribal and allotted), and an Indian membership population of 6,406. In addition to this membership, there may be as many as 2,000 transients, 5,000 non-enrolled Indians, and 500 non-Indians on the reservation. During 1981 the court heard approximately 1,038 cases [criminal

During 1981 the court heard approximately 1,038 cases [criminal (592), civil (298), juvenile (142), and other (6)]. Based upon January-March, 1982 caseloads, it is anticipated that the court's caseload will increase by approximately 10% in 1982.

To hear and process this caseload, the court has one (1) judge, a court administrator, two (2) clerks, and two (2) probation officers. See Chart 1 below for an outline of the Judicial System's organizational structure. As the chart illustrates, the Pueblo Court has a close working relationship with the mayordomos of each village, community services, and state agencies. All appeals from the Pueblo Court are heard by a nine (9) member Court of Appeals. The decision of the Court of Appeals is final.

NEW MEXICO

LAGUNA PUEBLO RESERVATION JUDICIAL SYSTEM

COURT OF APPEALS

Pueblo Staff Officers

- 1 Governor
- 5 Cane Bearing Staff Officers
- 1 Treasurer
- 1 Secretary
- 1 Interpreter

VILLAGES

PUEBLO COURT

REFERRAL SERVICES

6 Majordomos

- Laguna
- Paquate
- Casa Blanca & Paraje
- Seama
- Encinal
- Mesita

1 Judge

- 1 Court Adm.
- 1 Court Clerk
- 1 Ass't. Ct. Clk.
- 2 Prob. Officers
- 3 CETA (temp.)

Community Services

- Alcohol Counseling
- Caseworkers/Social Workers
- Mental Health Counseling

Agencies

- Santa Clara Rehab. Center
- Gallup Friendship House
- Veteran's Adm. Hospital

III. COURT IMPROVEMENT PLAN

The original Court Improvement Plan and proposal was submitted to the Bureau on September 28, 1979 and was to be completed by September 30, 1982. The original goals and objectives (as modified October 6, 1980) were as follows:

- Improve management of tribal court operations;
- Upgrade current Law and Order Code and develop a juvenile code;
- Provide training for tribal court personnel;
- Develop a juvenile court system; and
- Obtain legal and technical assistance for upgrading the tribe's current Law and Order Code and development of a juvenile code.

These items continue to be the basic goals of the revised proposal and budget submitted to BIA for FY 82.

A. Accomplishments

In the last 16 months the Laguna Court has implemented a number of improvements with limited funds. These accomplishments are noted and described in the following sections.

1. Records Management

The court has installed a color-coded filing system by case type [e.g., criminal (red) and domestic cases (green)]. In addition, all cases are numbered with a uniform alpha-numeric numbering system that identifies the case type, year the case was filed, and a sequential number for each case filed in a

particular category. Criminal cases are filed as CR 82-0001, etc.; Juvenile (Criminal) JU 82-0001; and civil cases are filed according to the nature of the cases, such as Domestic Relations (DR 82-0001), Probate (PR 82-0001), Guardianships (G 82-0001) and General Civil (CV 82-0001). Case files are kept in side filing cabinets with the case number easily visible to court staff.

The court has also instituted the maintenance of a standard form permanent court docket to record abstract entry of court activity, status and dispositions for each case.

2. Court Statistics

In response to BIA requests for caseload information, the Laguna Court is currently collecting caseload statistics by the week for monthly and annual reports. In the past very little data was collected; however, great strides have been made by the court in this area during the past several months. Beginning in January of 1982, the court started compiling monthly caseload statistics on filings and dispositions for different case types. The data elements include the number of:

- o beginning pending cases;
- o new case filings;
- o total cases on the books for the period;
- o dispositions by manner of disposition; and
- o number of cases pending at the end of the period.

The reports provide the court with basic statistics (minimum management information), and will provide the court with a base line from which future caseload trends can be projected.

3. Court Forms

Forms previously used by the court have been revised and standardized. Additional internal forms have been developed to collect and maintain needed management information. In total, the court has revised or created over 25 forms. See, Appendix D for copies of these forms. In all of the forms used by the public the court has attempted to use non-technical or non-legal language that can easily be understood by the parties to a case.

4. Clerk's Procedures Manual

With the assistance of Cathy Seale the court has developed a Court Clerk's Procedures Manual with sections covering the following topics:

- Filing
- Docketing
- Procedures Regarding the Intake of Money
- File Lending and Review Procedures
- Calendaring
- Stamps
- Statistical Reporting Procedures
- Traffic Cases
- Jury Procedures
- Other Procedures

The manual is written in simple language and describes each topic in a sequential step-by-step manner. The manual has been

used as a training resource for court staff and is updated as procedures are modified. See Appendix E.

5. Adoption Cases

The 1978 Indian Child Welfare Act mandated state courts to transfer Indian child adoption cases to any tribe that provided for such jurisdiction and wanted to exercise jurisdiction over a particular case originally filed in a state court. Until recently the Pueblo had no code provision authorizing the hearing of such matters; all such cases had to be heard in state courts. However, at the request of the Laguna Court judge, the tribal council, by Resolution No. 11-82, authorized the court to hear such adoption cases.

6. Traffic Code

The Pueblo of Laguna is presently operating under a traffic code enacted on August 7, 1968. However, with supplemental funds appropriated through the court's P.L. 93-638 contract, a new draft of the code has been developed by Judge Bowerman. Compared to the Pueblo's present nine (9) page code, the proposed code is 99 pages (legal size) and represents an exhaustive treatment of possible traffic violations. See, Appendix F.

More importantly, the proposed code decriminalizes most traffic offenses (except for serious offenses such as DWI and vehicular homicide). According to the 1968 Indian Civil Rights

Act, a defendant may request (and must be provided) a jury trial in a criminal case. The new code would eliminate this right in minor traffic violation cases and reduce the stigma of defendants being treated as criminals. In addition, the new code allows a defendant to dispose of specific petty misdemeanors without having to appear before a judge according to a standard fine payment schedule. See, Appendix G. Attached to the proposed code is a Driver's Manual and description of a certification program prepared by Randall Ray (Safety Officer). See Appendix H.

The tribal council is presently reviewing the proposed code.

7. Appellate Court Procedures

With the assistance of the Laguna Court, the Court of Appeals recently scheduled and heard a number of appeals that had been pending from as long ago as 1979. One reason for such delays was the lack of clear guidelines and procedures resulting from inadequate code provisions and processing schedules for appeals.

On May 11, 1982, the Court of Appeals adopted 14 new Rules of Procedures drafted with the assistance of Judge Bowerman. These new rules and procedures provide considerably more guidance in the processing of appeals. See Appendix I for a copy of the new Rules and Procedures.

8. Court Referrals

During the last year the court has actively been working on identifying and using existing state agencies, organizations, and tribal community services in such areas as alcohol counseling or treatment, marital, family and individual counseling, child placement, and educational assistance (e.g., GED programs, vocational education, Job Corps, etc.). This effort has significantly increased the court's network of available referral resources and strengthened the communication between existing community services and service providers.

9. Court Administrator

Section 11 of the Law and Order Code of Laguna provides for the appointment of a clerk of court.

The Clerk of the Court shall keep the records of all Court proceedings, file pertinent documents for safekeeping and for future reference, prepare all Court documents, receive and receipt for all fines imposed by the Court, and perform all other duties which may be assigned to him from time to time by the Court. See, Chapter I, Section 11(b).

The clerk shall also "... perform other duties for the Pueblo of Laguna as he may be directed by the Governor." See, Chapter I, Section 11(a). No provision is presently made for a court administrator. However, the court and council have recently upgraded the responsibilities, duties and salary of the existing coordinator for the Rehabilitation Department to include court administrator duties.

The new administrator reports directly to the judge and is responsible for carrying out administrative tasks delegated to him by the judge. See, Appendix J for a position description. Court support staff and probation officers report directly to him. The judge is now able to assign administrative tasks previously performed by the judge to the administrator, thereby freeing up more time for judicial duties.

B. Revised Plan

In February of 1982 the Laguna Pueblo submitted to the Bureau of Indian Affairs a revised Court Improvement Plan. See, Appendix B. The proposal would enable the Pueblo to accomplish the following action items:

1. To develop an efficient and responsive court system.
2. To establish a properly developed record keeping system.
3. To properly train court personnel in order to properly service the functions of the Court.
4. To assist the other agencies within the Tribal system in providing the services which they provide the membership of the Pueblo of Laguna.
5. To revise the current Law and Order Code.
6. To develop a Child Welfare Code.
7. To develop written rules of procedure for all Judicial processes and the Appellate Court Rules of Procedure.
8. To improve the image of the court and to create a confidence among the people that they are going to be dealt with fairly and impartially by the court and its officers.

To accomplish these objectives, the court submitted a budget request of \$209,892.

The proposed budget provided for the following items:

<u>Salaries (and Fringe)</u>	\$68,048
• Judge (partial)	
• Court Advocate	
• Court Administrator (partial)	
• Court Records Clerk	
<u>Training and Educational Equipment</u>	14,000
<u>Recording Equipment</u>	7,000
<u>Code Preparations and Revisions</u>	
• Civil	50,000
• Criminal	
• Domestic Relations	
• Child Welfare	
<u>Rules and Procedures</u>	20,000
• Trial Court	
• Appellate Court	
<u>Records Equipment</u>	6,000
<u>Indirect Costs (27.17%)</u>	<u>44,844</u>
TOTAL	\$209,892

During the National Center for State Courts site visit, the court reviewed and revised a number of the items contained in the original proposal. The following sections of this report describe the revised needs and objectives of the Court Improvement Plan.

1. Court Staff

As noted earlier in this report, the court presently has a judge, court administrator, court clerk, assistant court clerk,

(2) probation officers, and (3) CETA (summer employees). Therefore, the court no longer needs funds for a judge or administrator. Nevertheless, the court still needs additional staff (at least temporarily).

National Center staff did observe a number of problems that would justify the need for additional staff including: (1) a backlog in typing probations orders; (2) a large percentage of staff time devoted to counseling and advising persons seeking help from the court; and (3) an extensive amount of time spent by probation officers transporting clients to treatment facilities.

To alleviate some of these problems, the Center has recommended later in this report that the court: (1) begin automating its recordkeeping and case processing practices; (2) make use of the data processing capabilities of mini-computers to speed up preparation of court documents; and (3) install a pegboard accounting system. It is anticipated that improvements in these areas will create enough efficiencies so that additional staff time would be available to current staff, thereby lessening the need for additional clerical help (cost avoidance).

Secretary

A definite need remains, however, for at least a part-time secretary to handle the typing load produced by probation officers and other court personnel. To accomplish this, it is recommended that the court hire a half-time secretary (temporary) to provide general court typing using the word

processing capabilities of a mini-computer. See Appendix K for a proposed position description.

Court Advocate

Many litigants or defendants have little understanding of the judicial system or court practices. Court staff attempt to assist these parties; however, they are not trained to give legal advice. Another problem arises when litigants have to present their case (without assistance of counsel) when the other party has an attorney. Tribal police have a similar problem when a criminal defendant is represented by an attorney. These problems could be alleviated if the court had a legally trained person available to advise or represent parties that do not have an attorney.

The court proposes to hire a licensed attorney as a court advocate. The National Center believes such assistance is needed. The court advocate would have several purposes. First, the advocate would represent tribal members in civil cases where the opposing party has hired an attorney; second, the advocate would act as tribal prosecutor when a defendant in a criminal case is represented by an attorney; and third, the advocate would assist and advise litigants regarding available remedies and preparation of pleadings or forms. The court advocate would also be responsible for providing legal advice and training to tribal police, probation officers, Laguna Pueblo Social Services, etc. See Appendix L for a copy of a proposed position description.

Inmate Jail Counselor

Court probation officers are presently spending a considerable amount of time counseling jail inmates. Many of these inmates are not on probation but still need assistance. Because of the probation officers' training and experience, they are called upon to provide this service (in addition to their large caseload of probationers).

Probation officers also transport inmates to health facilities, alcohol treatment facilities (some round-trips are as much as 280 miles and require 6-8 hours travel time), and to community work sites. This task alone takes as much as 10% of a probation officer's time.

For these reasons, the National Center concurs with the court that there is a need for an inmate jail counselor. Not only will this position relieve a considerable amount of work for the probation officers, it will assist the jail in achieving its purpose as a "rehabilitation center". The need for such assistance and service will expand and require a full time person.

With the addition of this position and the half-time secretary, it is the Center's opinion that no additional probation officers should be added to the court staff at this time.

While current caseloads of the two probation officers are about 50 clients each, this is not excessive, especially for an adult caseload. At one time, an adult workload of 50 units was the recommended standard. The Presidents Commission on Law

Enforcement and Administration of Justice, Task Force Report:
Corrections (1967) reported that 97 percent of all adult probationers in the United States were being supervised by officers whose caseload exceed 50 units.¹.

For these reasons, it is recommended that the court be provided a half-time secretary (temporary), inmate jail counselor (temporary), and a court advocate (contract). After a year's experience, the court can better determine the need for these positions being made permanent, expanded, or eliminated.

2. Code Revisions

The court's original request for funds to revise the Tribal Law and Order Code and develop a Child Welfare Code continues to be a high priority item.

The existing Judicial and Law and Order Code was enacted May 1, 1968. The existing code has ten (10) chapters as follows:

Chapter I	Court System
Chapter II	Criminal Procedures
Chapter III	Criminal Offenses
Chapter IV	Civil Actions
Chapter V	Domestic Relations
Chapter VI	Probate Proceedings
Chapter VII	Disposition of Fines and Fees
Chapter VIII	Sentences
Chapter IX	Juries
Chapter X	Division of Law and Order

These chapters (and sections) need to be revised.

¹ American Bar Association, Standards Relating to Probation, 1970, p. 72.

Because of high turnover of judges and the Pueblo's use of non-member judges, there is a need to document tribal customs in these codes. The existing codes merely reference a requirement to follow tribal custom where appropriate. Although the Pueblo's Constitution and By Laws does articulate some tribal customs², none are contained in the Code.

Many of the criminal offenses contained in the Code are patterned after portions of the Code of Federal Regulations and New Mexico statutes. The Code also contains substantial gaps and therefore, by default, adopts state law by incorporation. A single comprehensive code should be developed. In addition, some sections may need to be revised. For example, Section 30 of the Code makes "(a)ny Indian who shall possess, sell, trade, transport, or manufacture any beer, ale, wine, whiskey, or any article whatsoever which produces alcoholic intoxication within the confines and limits of the Laguna Pueblo Reservation shall be deemed guilty of an offense...". A number of the tribal and court staff interviewed by Center staff believe that this prohibition should be re-evaluated. Other sections also may need to be reviewed.

The Code provides for a number of filing fees including \$10 - Civil Appeals (Section 8c), \$4/.08 cents per mile - Witness Fee (Section 9b), \$5 - Civil Filing Fee and \$1 - Service Fee

² See Article VII - Land Assignment and Land Leasing of Constitution and By Laws (Effective November 10, 1958).

(Section 24), and \$5 - Probate Filing Fee (Section 35b). By court order a \$6 service fee is also collected for service of papers from another jurisdiction. However, no fees are charged for any subsequent pleadings after the initial filing fee (e. g., garnishments). In addition, the existing fees do not even closely approximate the actual cost associated with the court's expenses. A more accurate fee schedule should be developed.

By Resolution No. 11-82, the tribal council has recently authorized the Laguna Tribal Court to hear cases pursuant to the 1978 Indian Child Welfare Act. However, no additional provisions are provided for in the Code. A whole new code needs to be developed in this area.

The code development work described above will require a significant amount of work and expertise. Existing codes from other Indian courts can be used only as a general model. Such codes will have to be modified to reflect local customs and practices. Meetings will have to be held with local and tribal council advisory groups before a proposed code can even be presented to the council for approval. However, the resulting code could be a model for other Pueblos in the Southwest area.

3. Rules and Procedures

If an Indian Child Welfare Code is developed, there will be a need to develop companion rules and procedures. Likewise, with or without any major revisions to the other areas of the

Law and Order Code (i.e., criminal, civil, domestic relations and probate proceedings), there is a need to develop rules and procedures in these areas. Except for a few references to court procedures in the tribal code, there presently are no separate written trial court rules.³

The court has adopted informal practices to supplement the brief description of court procedures contained in the Law and Order Code. These practices should be written to avoid the possibility of new court staff providing incorrect instructions to litigants. To avoid any further confusion, the court procedures contained in the Code should be consolidated with any additional rules and procedures developed by the court and council. A single set of rules and procedures could then be published and made available to attorneys and parties without a need to reproduce the full code.

Without a written comprehensive set of court rules and procedures, there is no certainty that all cases before the court will be treated uniformly. Notwithstanding the fact that the council has recently enacted new rules and procedures for the Court of Appeals, it may also be necessary to review these rules. With the use of new courtroom recording equipment,

³ See Judicial and Order Code: Chapter I, Sections 4, 9, 11 and 12; Chapter II, Sections 13, 16-19; Chapter IV, Sections 23; and Chapter VI, Section 35.)

additional rules will have to be promulgated to cover the use of cassette tapes on appeals. Other changes in the code or court rules may also justify revisions to the appellate court rules.

4. Brochures

Although written court rules and procedures will assist litigants in understanding court operations and requirements, there still is a need to make sure that a non-lawyer understands the court's function/process, and is not required to review a complete set of the rules to answer a single question.

The Center recommends that the court (as part of its Court Improvement Plan) prepare educational materials to assist complainants and defendants in understanding court procedures and in preparing their case. Such aids would create greater public understanding of the court and its role and should greatly assist court staff in their work with clients and the public. Several different kinds of written public education aids aimed at different audiences could be prepared:

1. A general guide to the court and its services aimed at the general reservation population. This could describe the different situations in which the court might be used and describe various alternatives that could or must be tried before a case is filed.
2. A handbook for plaintiffs wishing to file a case. This handbook would describe in detail the various steps that must be followed and what to expect during the proceedings.

3. A handbook for defendants, with perhaps separate sections dealing with criminal and civil cases, describing how to proceed in defending oneself in court.
4. A short annual report briefly explaining the court's work for the year, its major accomplishments, and its goals for the coming year.

These brochures, reports, or handbooks will help the court to build greater support from the tribe and may reduce some of the time needed by court personnel to explain court procedures.

5. Fiscal Management

The Laguna Tribal Court receives the majority of its annual operating funds under a three-year contract with the BIA which is currently being re-negotiated for another three-year period. The court estimates its cost of operation for FY 1982 will be approximately \$188,000. Revenue from fines and fees will amount to an estimated \$15,480 for FY 82 based upon revenue collections for the period September 1981 to April 1982, which are paid directly into the tribal treasury. The court will collect approximately \$38,000 in child support payments and bond money as trust money in FY 82. See Charts 2 and 3 below.

The court has instituted various accounting practices that have greatly increased the court's ability to account for collected funds and monitor expenditures. Nevertheless, there are a number of improvements that should be made if the court is to have a complete financial management system.

CHART 2

FY 82

LAGUNA TRIBAL COURT EXPENDITURES

<u>Expenditure Account</u>	<u>BIA Contract</u>	<u>BIA Supplement</u>	<u>Tribe</u>	<u>CETA</u>	<u>AILTP*</u>	<u>(TOTAL)</u>
500 Salary	\$63,146	\$15,300	\$ -	\$3,500	\$ -	\$ 81,946
510 Fringe Benefit	11,714	2,838				14,552
520 Travel	2,240	969				3,209
530 Operation Exp.	2,828					2,328
532 Office Supp.	4,000					4,000
534 Maintenance	904					904
560 Contractual Serv.		22,000	12,000	8,000		42,000
565 Juror Fees	500					500
572 Vehicle Lease						
574 Communications	1,617					1,617
576 Office Services	600					600
577 Staff Training	1,364					1,364
Equipment						
(Sub-total)	\$ 88,413	\$41,107	\$12,000	\$3,500	\$8,000	\$153,020
- Indirect (27.17%)	<u>24,022</u>	<u>11,169</u>				
TOTAL	\$112,435	\$52,276	\$12,000	\$3,500	\$8,000	\$188,211

*Not yet approved by AILTP.

CHART 3

FY 82
LAGUNA TRIBAL COURT
(Revenues and Trust Funds)

	Revenue			Trust Funds*		
<u>1981</u>	<u>Fines</u>	<u>Fees</u>	<u>TOTAL</u>	<u>Bond</u>	<u>Child Support</u>	<u>TOTAL</u>
September	\$1,447	\$ 66	\$ 1,513	\$ 2,025	\$ -	\$ 2,025
October	906	56	962	1,540	782	2,322
November	1,820	540	2,360	800	1,436	2,236
December	340	60	400	2,555	957	3,512
 <u>1982</u>						
January	533	104	637	3,235	1,385	4,620
February	1,608	96	1,704	790	1,396	2,186
March	1,654	392	2,046	3,430	1,562	4,992
April	594	100	694	280	1,807	2,087
(TOTAL)	<u>\$8,902</u>	<u>\$1,414</u>	<u>\$10,316</u>	<u>\$14,655</u>	<u>\$ 9,325</u>	<u>\$23,980</u>

Monthly Average	\$ 1,113	\$ 177	\$ 1,290	\$ 1,832	\$ 1,332	\$ 3,164
Annual Estimate	\$13,356	\$2,124	\$15,480	\$21,984	\$15,984	\$37,968

*No figures for restitution.

Present Practices

All court money is initially received at the clerk's office, with the exception of bail that is collected by the police during the court's non-office hours. Beginning with September, 1981 the court clerk has been recording all receipts and preparing a monthly report of total receipts for the month for bail, child support, fines, and court fees. The procedures for handling the intake of money is recorded in the Clerk's Manual. A receipt is filled out for all monies taken in. One copy is provided the person making payment (if it is for bond, the receipt is made out to the person actually paying the bond), one copy is retained by the clerk, one copy is filed in the case file, and the fourth copy is given to the Tribal Accounting Office.

Bond money receipts are recorded separately in the BOND LOG in which is recorded the date of payment, the receipt number, the case number, the name of person paying the bond, the defendant's name, the amount of the bond, the date that request for payment is made, the amount of any fine, the amount of refund if any, and the date the bond is refunded.

Child support payments are recorded in two receipt books. First, when the client comes to pay his child support a receipt is written for the amount paid from one receipt book. When the court pays out money for child support another receipt is written from a separate receipt book. At the end of the month both books should balance. Unlike other court receipts, child

support money is kept in a safe in the clerk's office. Often child support money is received and paid during the same day.

The court runs a daily tape of all money deposited with the court for the day. All other receipts are placed in the safe and about twice a week are taken to the tribal accounting office. When the court has to pay out money for bond refunds, a REQUEST FOR PAYMENT slip is prepared and sent to the tribal treasurer's office. The treasurer's office prepares the reimbursement checks and disburses the money directly to the recipients.

Court budget and expenditure records are generally maintained by the tribe. However, the court has been working closely with the tribe to monitor court expenditures.

Financial Management Problems

Even with the above-noted procedures, the court still has problems in the following areas:

- the court maintains no daily or individual account ledger for funds received or disbursed (child support and restitution payments) by the court;
- the court maintains no cumulative total of funds received or disbursed (monthly reports for collected funds are prepared by adding up all receipts);
- the court does not receive notification from the tribe when trust fund monies are paid out by the tribal treasurer;
- the court does not maintain any record of funds remaining in its budget or grants;

- no procedures exist to assure that the clerk receiving funds is not the person who prepares the transmittal (or financial records) to the tribe;
- no central records are kept regarding restitution, garnishments, or judgments collected by the court;
- all filing, service, and witness fees are recorded as "filing fees";
- bond money does not appear to be deposited in an interest-bearing account that would be available to the tribe as revenue;
- multiple receipt books are maintained for child support payments and other trust fund monies.

These situations can be addressed and corrected with the use of modern financial management practices, account codes, deposit transmittal sheets, and most important, a daily ledger for the court that can be used to maintain cumulative totals and prepare monthly reports. A similar system can be developed by expenditures. The following reproduced article (Exhibit 1) by the National Center for State Courts describes a pegboard accounting system that would address these problems.

Improved Financial Management

The first step to improving the court's financial management practices is to implement a simple manual pegboard accounting system for receipts and expenditures. Such an accounting system would, in a single process, provide the court with necessary receipts, daily ledger of all funds collected or

Accounting poses problems for courts

All courts handle money for one purpose or another. As such, they are required to maintain accounting systems to manage the receipt and disbursement of funds for a variety of different accounts. All courts receive payment for filing fees, court costs, and fines, and some may receive child support and installment judgment payments. The filing fee will generally constitute one lump sum per case, although many states still require separate payment for individual transactions relating to a case. In terms of disbursement, the courts may expend money for operating expenses, juror and witness fees, child support, and, perhaps, payroll. In each case the court is responsible for maintaining accounting records that can be reviewed by an independent auditor.

The integrity of the accounting records in many courts depends primarily on the use of traditional bound record books and on procedures that require accounting data to be posted in multiple locations. Most courts typically maintain the following types of records: receipt book or multipart receipt forms, cash book or journal, account books or ledger cards, deposit records, check-books, cash disbursement book or journal, payroll, court budget, and reports.

With the increase in court workloads and the demand for additional information and services by the public, courts are hard pressed to maintain their current accounting systems accurately and up-to-date without increasing personnel requirements. Alternative accounting systems are therefore needed to enable courts to continue operating effectively. Three alternative systems are discussed in this report: pegboard accounting systems (for small courts), intelligent or programmable cash registers (for small to medium courts), and computers (for medium to large courts).

National Center for State Courts

REPORT

Court Improvement Through Applied Technology (CITAT)

ACCOUNTING SYSTEMS IN THE COURTS

MARCH 1980

Pegboard accounting systems offer solutions for small courts

Most small courts throughout the country continue to use traditional accounting books and procedures since many believe that these approaches are the only economical way for them to maintain accurate accounting records. This belief, however, is often incorrect since modern manual accounting systems can offer substantial improvements and solutions at a minimal cost. The pegboard accounting system, in particular, responds to the needs of small courts through a forms system that generally costs less than current accounting books, reduces personnel time required for accounting functions, and provides even greater accuracy than traditional accounting methods.

The pegboard accounting system utilizes a board with pegs along the left side as the sole piece of equipment. Forms such as general ledger sheets (such as receipt or disbursement journals), individual account ledger cards (for cases or individual accounts), receipts, checks, deposit slips, and others are

specially designed as part of the system to meet the needs of the court. The unique part of the pegboard accounting system is that multiple forms relating to the same transaction (such as receipts, deposit slips, and the cash receipts journal) are designed so that corresponding columns of information are securely aligned by the pegs when these records are placed on the pegboard. For example, in a cash receipt system, when the appropriate information is written on the receipt, the impression is simultaneously recorded on the deposit slip and the cash receipt journal through the use of carbon backing (on the top of the receipt) and carbon paper (between the deposit slip and cash receipt journal). Similarly, in a child support system, information is also transcribed on the individual account records while producing a receipt to be given to the individual, an entry for the daily deposit slip, and a chronological entry in the cash receipt journal.

Pegboard accounting systems can be customized to meet the individual needs of courts. For example, if the court is required to divide filing fees among the court fund, sheriff's fund, and library fund, appropriate columns could be provided on the cash journal sheet for that purpose; after the receipt is prepared, these additional columns are completed indicating portions of the filing fee to be allocated to each account. Each column can then be tallied at the bottom to determine the total amounts to be transferred to each of these different accounts.

The court could also design a combined cash receipt and disbursement accounting system for child support (or installment payments for judgments). The child support system consists of specially designed cash receipt and disbursement journal sheets, individual account cards, and a receipt/check form that runs the entire width of the cash receipt and journal sheet. Similarly, many other systems could be designed that would enable the court to record information on several different records with one impression.

Pegboard accounting system, combining receipts, cash receipt journal, and deposit slip.

Pegboard system pluses given

The pegboard accounting system offers courts the following advantages:

- ☐ *Reduces personnel time.* The pegboard accounting system may save up to 75% of clerical time compared with that for maintaining traditional accounting books. Time savings generally result because an entry can be made on multiple records with only one impression and because all records are in close proximity and easy to handle.
- ☐ *Reduces or eliminates transcription errors.* Traditional court accounting systems require that one record be created from another. Even when the original receipt is used to create all other records, there is still some potential for error when the information is transcribed. With a pegboard accounting system, the information transcribed onto subsequent records is exactly the same as the information written on the original receipt, check, or other record.
- ☐ *Reduces costs.* The pegboard accounting system costs approximately \$100 for the pegboard and approximately \$300 to \$500 for an annual supply of forms (depending on volume); the annual cost is, therefore, often less than the cost for traditional accounting books. The greatest cost savings, however,

will be achieved through a substantial reduction (up to 75%) in clerical time required to maintain accounting records.

- ☐ *Reduces training time.* The pegboard accounting system is easy to learn and operate. No extensive bookkeeping experience is needed by individuals who record most information in the system. (One person, however, should be experienced in the policies governing the court accounting system and the methods for managing various accounts.)
- ☐ *Produces up-to-date records.* With traditional accounting systems, the receipts may not be posted to the individual accounts or cash journal until later in the day or week. With a pegboard accounting system, all records are updated immediately, and their current status can be accurately determined.
- ☐ *Reduces auditing time.* Since the pegboard accounting system enables the court to transcribe information to multiple records with one impression, an auditor need not trace each location where information was transcribed to insure that the transcription was accurate. As a result, most auditors will endorse the use of the pegboard accounting system.

expended, individual account ledgers, distribution of funds by various account codes.

Additional procedures need to be developed to assure that clerks receipting funds do not reconcile financial records, and that the court is able to monitor court expenditures and payments from trust fund accounts. A financial management manual should be developed.

6. Data Processing

The typical response to increased workloads is to hire additional staff. Such an approach creates a labor-intensive organization that has long-term financial and organizational implications. Many of the workload problems and need for management information in the Laguna Tribal Court could be solved with modern inexpensive data processing equipment.

It is recommended that consideration be given to automating the court's operations as an alteration to hiring an additional full-time court staff person to help in the processing of cases. A micro-computer is recommended over a mini-computer, or even regular word processing equipment, because of the savings in cost. The following are some of the applications that can be made of an automated system:

1. Tracking the progress of cases,
2. Preparation of notices/letters,
3. Scheduling cases for hearing or trial,
4. Preparation of monthly statistical and management reports,
5. Updating case records,

6. Responding to inquiries, and
7. Word Processing.

The following are some of the court files and records that could be automated or produced by a micro-computer:

1. Case index (one for each casetype),
2. Docket sheet,
3. Daily ledger of cash receipts and disbursements,
4. Bond log,
5. Hearing and trial notices,
6. Index to warrants,
7. Ledger of child support payments and disbursements,
8. Orders and judgments.

The computer will also be able to produce periodically a number of management reports that will be of great help in tracking cases and managing the courts' workload. The following is a list of some of the reports that could be produced:

1. List of pending cases,
2. Age of pending cases,
3. Age of cases disposed,
4. Trial or hearing calendars,
5. Monthly statistical/financial reports,
6. Fugitive or warrant list, and
7. Dismissal list.

Because of the limited storage capabilities of micro-computers it will not be possible to store all cases in the computer at once. Case information should be entered into the

system (active case file) at filing, or at complaint initiation, but once the case is closed, the case will need to be moved to an inactive storage file where it can be referenced if necessary. Additionally, separate files should be maintained for each casetypes, e.g., civil, criminal, juvenile, traffic, and child support.

Based upon the estimated number of annual court filings, the minimum storage capacity required to handle all active casetypes is about 204K characters (Bytes). Additional storage of approximately 50K characters may be required for the storage of programs to handle data entry and editing, file updating, and report generation. Total required capacity is therefore about 254K if all casetypes are to be processed at once. This probably will not be necessary as only one casetype will be accessed at one time. Total memory capacity can therefore be cut to about 155K (104.5K for criminal cases + 50K for programming). See Chart 4.

In addition to the required capacity additional requirements that should be considered are: 1) available software packages and word processing capability, 2) letter quality printer, and 3) ability to be upgraded as additional capacity is required.

The great advantage of a micro-computer is, of course, its price; they range from as little as \$1,000 to slightly over \$13,000.⁴ What is given up is storage/memory capacity and

⁴In addition to the purchase price (or lease cost) the court will have maintenance and supply costs.

CHART 4

Laguna Trial Court
Estimated Storage Capacity Required for Automation
(Characters)

Casetype	Estimated Filings Per Year	Estimated Storage Required Per Case ^a (Characters)	Total Estimated Capacity Required (Active & Inactive Cases)	Total Estimated Capacity Required for Active Cases ^b
Criminal	550	950	552,500	104,500
Civil	290	950	275,500	55,000
Juvenile	90	950	85,500	17,100
Traffic	200	600	120,000	24,000
ICWA	20	950	19,000	3,800
TOTAL	1,150	873(av)	1,003,500	204,400

^aBased upon requirements analysis completed for the National Center for State Court's New Jersey Computerization Study.

^bActive cases were estimated at 20% of the total number of cases filed.

flexibility, although micros have increased greatly in size since they were first introduced about six years ago. When purchasing a micro-computer it is important to first know exactly what applications are to be made of it and just how much storage is required. Then look for a system that best meets those needs. There is tremendous variety in both the storage capacity and capabilities of micro-computers so that the purchaser must know exactly what to look for.

The following list of systems (Chart 5) is meant only to be illustrative of the variety of systems available. The information is over one-year old and several new micro-computers have since come on the market, including a re-designed Apple III, the IBM Personal Computer, the Xerox 820, and Hewlett Packard's HP125.

COMPARISON OF MICRO-COMPUTER SYSTEMS

	SYSTEM/MODEL			
	Altos ACS 8000-7	Apple III	Intertec CompuStar Model 40	North Star Horizon
Capacity (Bytes)	208K	128K	64K	344K
Applications				
Business Data	yes	yes	yes	yes
Data Acquisition	yes	yes	no	yes
Intelligent terminal	yes	yes	yes	no
Process control	yes	no	no	yes
Scientific Computing	yes	yes	no	yes
Word Processing	yes	no	yes	yes
Price	\$11,690	\$5,760	\$5,000	\$14,800

System Requirements

Before the court can start using a micro-computer, there will be a need to develop system requirements and detailed data base requirements before any programming can be started. The general characteristics and requirements of a standard data processing system for a trial court like Laguna are noted below.

- A. General System Requirements. The following processing requirements are common to all case management systems.

They are recommended to minimize or avoid the basic problems of computer systems.

- (1) All systems must provide for on-line, direct access to computerized records. Without on-line inquiry capability, manual recordkeeping cannot be satisfactorily replaced.
- (2) All data entry must be done through keyboard, CRT terminals.
- (3) The database must be complete. All of the data elements now commonly entered in the courts' auxilliary manual records must be provided for in the database. Free text comments should be allowed wherever possible, so that the computerized record will be no less convenient to use than a manual record.
- (4) The database must be flexible. Although most of the data elements needed can be identified before the system is programmed, invariably additional needs arise after the system is operational. Conversely, some data elements may seldom be used or may need to be restructured in some way. The design of the database and the software must be able to accommodate these inevitable modifications without requiring major reprogramming.

- (5) The inquiry and report capabilities must be user-controlled and highly flexible.

"State-of-the-art" inquiry and report-writer software should be employed to provide this capability. Court information needs are relatively dynamic, particularly with respect to caseload management, scheduling, and general court administration. Nontechnical court personnel need to be able to extract and display information from the database in an ad hoc fashion.

- (6) The data entry design must be simple and efficient.

The screen formats and dialogue used for data entry must be designed to facilitate the smooth transcription of data from source documents to computer. This design must take into account that terminals may be operated by clerical personnel with little or no data processing experience and, in some instances, minimum typing and general office skills.

- (7) All data entered must be edited for maximum accuracy and completeness. The error detection and error correction procedure must be easy to understand and use. Ensuring the integrity of the database must be a major design requirement. In addition to normal data entry edits, the systems should include software to periodically inspect the files and identify anomalies or incomplete case records.

- (8) The system design must incorporate safeguards to protect the security and privacy of court data. These safeguards should include the standard protections against destruction of computerized records caused by hardware malfunction, physical disaster, or malicious intent. Data files should be periodically duplicated and saved. The ability to access, add, change, or delete information should be controlled through password identification procedures.

B. Core Functional Requirements. The basic functions which each of these systems should perform are very similar, regardless of which case type is being supported. There are eight major functions which a computerized case management system should perform and which are common to all of the systems listed above. These are discussed below.

- (1) Indexing. All systems should provide a name/case-number indexing capability which includes all parties to a case. The indexing capability should be provided in two forms. First, on-line access to the name index must be provided for all current or active cases. Second, a hard-copy or microfiche name/number index must be provided for closed cases and as backup to the on-line index. The physical record backup is necessary because, without the index,

the court in many instances cannot locate case files and this would have serious consequences for case processing and the answering of public queries during a computer failure.

A computerized index can be generated from the case information entered when a computerized case record is originally set up, thus it represents no extra clerical effort and it yields substantial benefits in reducing duplicate data recording and speeding retrieval of case information.

- (2) Docketing. All case management systems must provide for the docketing of legal instruments filed in a case. The speed of data entry must be a major consideration of the system design. Docket entries should be codified to reduce the amount of key entry necessary.

The automation of the docketing function, when combined with the automation of calendar administration, must eliminate the necessity for physical docket books and records. To accomplish this, the docketing function must be capable of storing the data elements now recorded in physical dockets. The system should also be capable of storing free text, so that the computerized record is not restricted to predefined data elements.

There are three major benefits that result from computerized docketing. First, the recording process itself can be streamlined dramatically. The clerical time needed to retrieve the proper docket book and find the appropriate page is all but eliminated and, through codification of entries, the actual number of key strokes can be reduced from that needed for full text recording of standard entries. Secondly, the computerized storage of docket entries enables immediate access to key information about a case. Finally, the docket entry data provides much of the information needed to track the progress of cases. The presence or absence of particular docket entries signals the status of a case and in a computerized record this allows for automatic generation of exception reports (such as the no progress list or speedy trial report) that can be used for case monitoring.

- (3) Notice Preparation. The systems must be capable of generating the notices now being produced manually. This requires the recording and storage of the names and addresses of attorneys and/or parties to a case. Most notices relate to scheduling case events and, therefore, the notice preparation function is closely linked with calendar administration. The system should also be capable of automatically docketing the sending of notices.

Automation of notice preparation has fairly obvious benefits in reducing the overall clerical workload, since it eliminates the volume of typing now being expended for this task.

- (4) Calendar Administration. All case management systems must be capable of recording the next scheduled event in a case and then periodically generating court calendars. This involves storing basic information, such as type of event, date, and time for the next scheduled event.

Any scheduling practice which is basically routine in nature should be accomplished automatically at the option of the person responsible for scheduling. Additionally, the facility to check for scheduling conflicts should be provided.

There are several benefits associated with automated calendar administration. First, the automated production of court calendars eliminates a clerical task. Secondly, the recording of scheduled events on a computerized case record eliminates the necessity for updating subsidiary case scheduling records and case tracking cards now in common use. Thirdly, the presence of scheduling information on the computerized case record allows for quick response to public queries about upcoming case events. Finally, the scheduling information, when combined with docket

entries, makes possible the automated production of case status reports for continuous case monitoring.

- (5) Case Event Recording. All case management systems must allow for the recording of the results of court hearings, trials, and other court events.
- (6) Exception Reporting/Case Tracking. All case management systems need the ability to identify cases which are approaching specific deadlines, have surpassed certain case processing milestones, or meet other exception reporting conditions. The exact case tracking requirements vary. Some exception reporting conditions remain fairly constant and these are described in the output descriptions. Other exception reporting situations are more fluid, requiring the capability to tailor specific exception reports whenever required.

To achieve the full benefits of computerized case records, the user must be provided with the capability to interrogate the database and search for cases that meet exception conditions. For example, a court administrator may want a list of all civil cases that have been pending more than two years. This request can be satisfied through generalized inquiry software. The user enters the specific criteria and the computer responds with a listing of cases that meet the criteria.

The benefits of exception reporting and case tracking capabilities are difficult to assess, in light of the fact that this kind of information has not been previously available. It is expected that this will open up a wide variety of new possibilities for expediting case flow and streamlining court case processing.

- (7) On-Line Case Inquiry. Direct and instantaneous access to computerized case records is required for all case management systems. This facility, provided through a mini-computer, should enable the court to view all case-related information that has been recorded. The benefits of on-line case inquiry are clear. It provides instant access to information needed to respond to public inquiries and to monitor case status.
- (8) Statistical Reporting. All systems must provide for the generation of case-related statistics. At a minimum, the systems' statistical reporting capability should replace all of the manual statistical reports now being maintained. This includes basic caseflow statistics, such as the number of filings, dispositions, and pending cases.

The automated generation of statistical reports will not only eliminate a large amount of clerical time, but it will improve the reliability of the reports since the statistics will be derived directly from the

computerized court records. Furthermore, statistical data which has previously not been reported can be made available to judges, court administrators, and court researchers.

C. Specific Functional Requirements. The following listing outlines more specific functional requirements which have been identified as necessary or desirable in a computerized case management system. Not all of these requirements apply to all case types and therefore the applicable case type (or types) is indicated for each. Where appropriate, an explanation has been included to clarify the issues or rationale behind the requirement.

(1) The Capability to Automatically Assign Case Numbers.

If the system does not assign sequential case numbers, then a manual log of case numbers would have to be maintained. (All systems.)

(2) The Capability to Record the Filing of Documents and Basic Information About Documents Filed. This is the

docketing function cited previously as a basic requirement. Basic information about documents includes the type of document and the date filed. (All systems.)

(3) The Capability to Record Docket Entries Through the Use of Abbreviations or Codes. Many docket entries are standard and can therefore be codified ("Summons," "judgment," etc.). These types of docket entries

("document type 1") should be contained in a table so that the clerk need only enter the appropriate code. More specific titles can be entered as a part of the "document description" if desired. Any screen display or output report should contain the translated description. (All systems.)

- (4) The Capability to Cross-Reference Documents with the Source of the Documents (plaintiff, defendant, court, etc.), the Filing Attorneys, and Other Documents. The filing of a document with the court generally constitutes a legal action in the processing of cases. As such, documents represent not only a piece of paper, but an entity within a case such as a motion, a complaint, a cross claim, a counterclaim, or a court order. The capability to cross-reference documents with these other entities allows the system to track these legal actions. (All systems.)
- (5) The Capability to Record Free Text Comments Related to the Filing of a Document. Sometimes there is descriptive information about a document which cannot conveniently be recorded as a specific data element. (All systems.)
- (6) The Capability to Record the Next Scheduled Event in a Case and Basic Information About That Event. This is part of the calendar administration function cited previously as a basic requirement. Basic information

about scheduled events includes the type of event, the date, the time, and the judge. (All systems.)

- (7) The Capability to Record the Estimated Amount of Time Required for a Scheduled Event. This is potentially useful as a scheduling aid for the court. (All systems.)
- (8) The Capability to Schedule in Advance Multiple Court Events on the Same Case. This allows for the practice of setting pretrial or trial dates when motion hearings are also scheduled. (All systems.)
- (9) The Capability to Record Adjournment Requests of Scheduled Events, with Sufficient Information to Analyze Adjournment Practices. Adjournment information should include the following: date the adjournment is requested, the attorney requesting the adjournment, the adjournment decision (granted or denied), and the date the adjournment was granted or denied. (All systems.)
- (10) The Capability to Record the Results of Court Events. This is the case event recording function cited previously as a basic requirement. The basic information about court events includes the date, the type, and the result. (All systems.)
- (11) The Capability to Record Multiple Parties Within a Case and Identify Them Uniquely Through a Convenient Sequential Number. (Civil System.)

- (12) The Capability to Record the Attorneys of Record in a Case. (All systems.)
- (13) The Capability to Link Attorneys of Record with the Specific Parties Which They Represent. (Civil System.)
- (14) The Capability to Record the Issuance of Warrants and the Withdrawing of Warrants, Such That Outstanding Warrants Can Be Monitored. (Criminal System.)
- (15) The Capability to Record and Monitor a Special Case Status Conditions that May Not Be Reflected in Docket Entries, Scheduling Entries, or Minute Entries. This is a "catch-all" feature which allows the court to display cases to reflect a variety of different, unrelated case status conditions. Examples include the following:

- case untriable
- awaiting reports
- suspended proceeding
- jury requested
- inactive

The capability to subsequently terminate the special status condition must also be provided. (All systems.)

- (16) The Capability to Record Free-Text Comments Associated with Special Status Conditions. (All systems.)
- (17) The Capability to Reopen Cases Using the Same Case Number, Record All Case-Related Information that Could Possibly Be Recorded on a New Case, and Then Dispose of the Reopened Case. (All systems.)

- (18) The Capability to Store All System Codes Which are Entered by Users in Updatable Files. (All systems.)
- (19) The Capability to Record Multiple Charges on the Same Defendant in the Same Case. (Criminal system.)
- (20) The Capability to Record the Court's Disposition of Each Charge Recorded on the Information. (Criminal system.)
- (21) The Capability to Record the Setting of Bail. Bail setting information includes the date set, the amount of bail, and the bail type (cash, ROR, etc.). (Criminal system.)
- (22) The Capability to Record the Posting of Bail. Bail posting information should include the date posted, the amount posted, the surety name and address if not a bondsman, and the bondsman (if applicable). (Criminal system.)
- (23) The Capability to Record or Generate a Case Disposition, Based on the Disposition of All Claims or Charges Within a Case. In criminal cases, the case is not closed until all charges against a defendant have been disposed. In civil cases, counterclaims and crossclaims sometimes are not disposed at the same time as the original claim. The actual "case disposition," therefore, does not occur until all matters are settled, and this single case disposition may actually be made up of multiple dispositions. For

purposes of recordkeeping and statistics, however, a single disposition must be recorded which ultimately closes the case and records generic information about how the case was disposed and at what stage in processing it was disposed. (All systems.)

(24) The Capability to Schedule and Track Written Motions.

Written motions are somewhat like "cases" within a case. They are filed, scheduled for hearing, and disposed. To record, schedule, and track motions, the system must be capable of uniquely identifying motions within cases. The most convenient way of doing this is through the use of the identifying document number associated with a written motion. Therefore, the recording of a scheduled event and the result of that event must be able to cross-reference specific motion document numbers. (All systems.)

(25) The Capability to Record or Generate the Number of Jail Days of Each Defendant, for Purposes of Crediting Time Served at Sentencing. (Criminal system.)

(26) The Capability to Record the Incarceration and Release of Jail Prisoners in a Way that the Court Has an Accurate Accounting of All Defendants in Jail at Any Given Time. (Criminal system.)

(27) The Capability to record Multiple Aliases for Criminal Defendants. (Criminal system.)

(28) The Capability to Record Addresses and Phone Numbers of All Pro se Parties to a Case. (Civil system.)

- (29) The Capability to Generate a Case Caption From the First Named Plaintiff and Defendant. (Civil systems.)
- (30) The Capability to Link Proof of Service With Specific Parties to a Case. (Civil system.)
- (31) The Capability to Record the Proof of Service Along with the Date of Service, the Date Summons Was Issued and the Method of Service. (Civil system.)

7. Courtroom Recordings

Appeals of cases heard by the Laguna Court are permitted by the Tribal Constitution (Article V, Section 6) and the Law and Order Code (Chapter I, Section 8). All such appeals are heard by nine members of the Tribal Council sitting as The Court of Appeals, which includes the six Cane Bearing Staff Officers, Secretary, Treasurer, and Interpreter.

While there are no statistics on the number of appeals, few cases appear to be appealed. The Court of Appeals, however, recently finished hearing several cases that had been pending since 1979. The Court is apparently now current with only 1982 cases pending before it.

The Court of Appeals wishes to hear all appeals on the record. There is at present, however, no official record of trial proceedings, so that appeals are of necessity of a de novo nature. To remedy this, the court has proposed installing electronic sound recording equipment in the Laguna Court to

record all proceedings. The Center concurs in this proposal and recommends that this be done as quickly as is feasible.

It is recommended that the court install a four-track cassette recorder, with 4-multi-directional microphones placed around the courtroom, such as the Lanier Advocate-II system which is being considered. (See Exhibit 2 for a proposal from Lanier). Other acceptable systems include those by Gyrr-Odetics and Baird-Atomic.

In order to avoid the necessity of preparing written transcripts when a case is appealed, the court needs to be able to duplicate tapes for use by the members of the Court of Appeals when reviewing the trial court record. While high-speed duplicating equipment, with the capability of duplicating several tapes at once, can be purchased, the purchase of such equipment probably would not be cost effective, considering the relatively small number of appeals each year. Instead copying services usually can be purchased locally from recording equipment vendors for not much more than the original cost of the cassette. If this service cannot be purchased locally, the Center can provide names of vendors that can provide this service through the mails. The cost of cassette-to-cassette duplicating is approximately \$3.00 per copy for a C-90 cassette. In order to ensure high quality reproduction, however, a master tape should first be produced from the original. A master tape costs about \$30.00 to produce, so that the total cost of reproducing nine copies for



LANIER BUSINESS PRODUCTS, INC.

GENERAL OFFICE: 1700 CHANTILLY DRIVE, N.E., ATLANTA, GEORGIA 30324 (404) 329-8000 TELEX NO. (54-2750)

Lanier's ADVOCATE II Court Reporting System

<u>FACT</u>	<u>ADVANTAGE</u>	<u>BENEFIT</u>
Local Sales and Service	NO shipping charges NO waiting for repairs	Saves time and money
No erase heads	Eliminates accidental eraser	Testimony always available
Tailing Monitor Head	Operator hears exact recording	Ensures operator that system is recording testimony
Automatic Voice Control	NO guess work for monitor	Ensures audible recording with minimum background distortion
Automatic signal sensor	NO guess work	Prevents over recording
Security lock	Prevents tampering	Safeguards Testimony
Automatic changeover	No forgetting	No loss of important testimony
Four channel input/output	Voice separation	Each voice clear and audible-No unscrambling
Manual gain	Eliminates background distortion	Clear subdued or loud speech
Simultaneous record/play-back	Review all information with out court interruptions	This re-checking system saves valuable time
Speed control	Doubles as transcriber	Economical and convenient
Vocal adaptability	No concentration on microphone location	Worry free dependable recording
LED Logging	Easy to locate cassette information	Saves time for Judges and lawyers who review cases
Steel mounted circuits*	Dissipitates heat faster	Longer component life and less malfunctions
Warning tones	Signals trouble	No wasted work or lost testimony

*Heat is the most dangerous element to electronic components. Faster heat dissipation with metal versus slower heat loss on fiberboard and plastic circuit boards.

WORD PROCESSING SPECIALISTS IN DICTATING EQUIPMENT, AUTOMATIC TYPING SYSTEMS AND 3M COPYING EQUIPMENT

LANIER

LANIER BUSINESS PRODUCTS, INC.

GENERAL OFFICE: 1700 CHANTILLY DRIVE, N.E., ATLANTA, GEORGIA 30324 (404) 329-8000 TELEX NO. (54-2750

Lanier's ADVOCATE II Court Reporting System

<u>Qty</u>	<u>Description</u>	<u>Price</u>	<u>Service/1Yr.</u>
1	Lanier Advocate II, 4-Channel Dual Cassette Court Reporting System with LED Display, safety lock, and NT-004-1 headset	\$2,195.	\$201.
4	Microphones w/stands @ \$99. (Omni-directional and Uni-directional avail.)	\$396.	NSR
1	Lanier Advocate II, 4-Channel Transcribe Unit with LED Display, LX-017-0 Foot Control and NT-004-1 headset	\$749.	\$77.

ACCESSORIES

C-90 Standard Cassettes (Boxes of 12)	\$4.40 each
LCK Cassette Eraser	\$29.50

WORD PROCESSING SPECIALISTS IN DICTATING EQUIPMENT, AUTOMATIC TYPING SYSTEMS AND 3M COPYING EQUIPMENT

each of the nine members of the Court of Appeals, assuming that the entire proceeding is on just one cassette, would be approximately \$57.00.

Additional recommendations concerning the installation and operation of sound recording equipment are: 1. tapes should be no longer than C-90, longer tapes tend to stretch and distort the recording; and 2. leaderless tapes should be used so that none of the proceeding is missed while the tape is being wound. While tapes may be purchased through Lanier at \$4.40 each, the court should consider shopping around for another supplier. Blank, leaderless tapes with labels and plastic cases can be purchased for as little as \$1.88 per cassette. (See Appendix M for additional general information on sound recording.)

Courtroom Logs

With the use of courtroom recording equipment there will be a need to maintain a general log of courtroom proceedings and a detailed log for each trial to locate proceedings on the cassettes. Chart 6 (Courtroom Log) below is a general log that would be used each day to record arraignments, sentences and trials. At the beginning of a court session, the clerk would record the general information at the top of the form. As a case was heard, the clerk would then record the time, case name/number, proceeding, and tape footage (from the cassette).

An additional more detailed log [see, Chart 7 (Trial Log)] would be prepared for each trial. The top portion of the trial

LAGUNA COURTROOM LOG

Judge _____

Date _____

Recorder _____

Tape No. _____

TIME	CASE NAME/ NUMBER	PROCEEDING	TAPE FOOTAGE	NOTES

LAGUNA TRIAL LOG

Case Name _____

Date _____

Case Number _____

Recorder _____

Judge _____

Tape No. _____

PlaintiffDefendant

Attorney: _____

Party: _____

Witness I: _____

Witness II: _____

Witness III: _____

Witness IV: _____

Witness V: _____

TIME	SPEAKER/ EVENT	TAPE FOOTAGE	NOTES

log would be the proper name of all persons appearing before the court. Thereafter, the clerk need only record an abbreviation to identify each speaker or event. This form is two-sided and should be sufficient to index all proceedings for each trial.

At the end of each day, the courtroom clerk should insert the general logs for that day in a three-ring binder. The detailed trial log could be kept in the court file. If there is a need to transcribe a proceeding, the clerk need only locate the appropriate numbered tape used for that day and fast-forward the tape to the noted footage for the required proceeding. The court will have to sequentially number and store all used tape for future retrieval. These tapes cannot be erased or reused until the required retention period has passed.

A sound recording manual should be developed for the Laguna Tribal Court. See Appendix N for a copy of a chapter from the sound recording manual prepared for use by New Jersey Municipal Courts that covers equipment specifications and operating procedures.

8. Education and Training

The National Center concurs with the court's assessment of the need for on-site training of court staff and the purchase of educational equipment. See Appendix B (Court Improvement Plan).

Outside training consultants can bring to the court national experience and adapt it to local needs. Although

national training programs provide a participant with general information, such knowledge has to be re-conveyed to employees not attending the program. On-site training will allow for full participation of personnel working in the court system. The materials from these programs along with purchased equipment (e.g., overhead projector) will make it possible to repeat and expand training programs for new employees.

9. Long-Range Projects

The areas described above are all projects reflecting immediate court needs that should be addressed in the Court Improvement Plan during fiscal years 82 and 83. However, the court should not assume that completion of the Plan will solve all of the court's long-term needs.

The National Center recommends that the following projects be considered by the tribe, court, and BIA for implementation after completion of the present Court Improvement Plan:

Benchbook. The present tribal court judge is a lawyer, has extensive experience in trial courts, and has developed a sensitivity to tribal customs and traditions. However, a new judge may not possess these qualifications. A local benchbook (adapted from available national benchbooks) would provide a uniform quality of judicial practices.

Mental Health Code. Although there presently exists a need for a tribal mental health code, a considerable amount of preliminary work needs to be done with state agencies before a tribal code can be developed.

Retention Schedules and Storage of Court Records. A major function of courts is to decide disputes between parties and preserve the resulting disposition for future review and documentation. Because the court has a relatively low caseload, it has been able to store all of its prior court records. However, even without a storage space problem, there will come a time when records have no present-day usefulness. There is also the danger that stored records could be damaged if not properly stored.

The National Center believes the court will eventually need to develop a records retention schedule to determine which records need to be kept and for how long. There will also be a need to consider the use of open storage shelves and the security of records.

State Court Enforcement of Indian Court Judgments. The court indicates that there presently are few occasions when a tribal court judgment or order has to be enforced in state courts. When this has occurred, local state courts have generally been cooperative. In turn, the tribal court has enforced appropriate state court judgments and orders. The tribal court will also hold a defendant for extradition to other tribal courts.

Nevertheless, as the tribal court expands its jurisdiction and relationships with state courts or agencies, there will be a need to develop a strong relationship with the state. On Friday, June 19, 1981, the National Center for State Courts and

the National Association of Indian Court Judges conducted a statewide meeting between state and tribal court judges in Albuquerque, New Mexico to discuss this topic. See Appendix O for a copy of the Center's report from that meeting.

C. Proposed Budget

In consultation with the court, the National Center has reviewed the costs and expenses that would be required to implement the proposed Court Improvement Plans contained in Sections III(B) 1-8 of this report. Chart #8 below summarizes the proposed budget for each item.

The total cost of the Improvement Plan would be \$141,800 (plus appropriate indirect expenses of the tribe). The proposed budget has been allocated between FY 82 and 83 to reflect the phased need for funds.

D. Evaluation Criteria

The proposed projects in the Court Improvement Plan will greatly enhance the court's ability to manage its operation and provide quality justice to litigants appearing before the court if fully implemented. However, before any funds are appropriated or expended, there needs to be agreed-upon criteria for evaluating progress and the success of the Plan.

These criteria need to be simple and measureable. The National Center offers the following general and specific criteria (for each project) which will provide the tribe, court.

PUEBLO OF LAGUNA
COURT IMPROVEMENT PLAN
(Phase II)

<u>Expenditures</u>	<u>Proposed Budget*</u>		
	<u>FY 82</u>	<u>FY 83</u>	<u>TOTAL</u>
500 <u>Salaries</u>			
• Inmate Counselor	\$ 5,000	\$ 7,500	\$12,500
• Secretary (1/2 time)	2,000	3,000	5,000
510 <u>Fringe Benefits**</u>			
520 <u>Travel</u>		2,000	2,000
530 <u>Operating Expenses</u>	2,000		2,000
532 <u>Office Supplies</u>		1,500	1,500
555 <u>Equipment</u>			
• Courtroom Recorder	5,300		5,300
• Micro-computer	7,000		7,000
• Educational Aids	2,000		2,000
560 <u>Contractual Services</u>			
• Court Advocate	23,500		23,500
• Code Revisions	30,000	15,000	45,000
• Development of Court Rules and Procedures	10,000		10,000
• Accounting Procedures	6,000		6,000
• Data Processing Programming	6,000	6,000	12,000
• On-site Training		8,000	8,000
(TOTAL)	\$75,300	\$66,500	\$141,800

* Appropriate indirect assessments for the Pueblo would have to be added to this budget.

** No fringe benefits since employees would be temporary.

and BIA with the needed information to measure the Plan's success.

1. General Criteria

The first and most important criteria (at least initially) would be the development of a detail workplan including a list of deliverables and deadlines by the court. From this workplan all parties can monitor the progress of the Plan. Progress should be documented in monthly progress reports from the court (and any consultants). The reports should list scheduled objectives for the month, progress toward achievement of those objectives, and factors or events affecting the accomplishment of each task, and suggestions or steps being taken to correct any problems. The monthly reports should also include a summary of monthly project expenditures.

2. Court Staff

Each of the proposed additional court staff (i.e., court advocate, inmate jail counselor, and secretary) have a different set of work products that can be documented and used as a basis for evaluating improvements in court operations.

Inmate Jail Counselor

Since one of the main reasons for hiring a counselor is to relieve existing probation officers of some of their present workload, the first information that should be documented is how much time they are spending on tasks the counselor will be performing and the reduction of required time after the counselor is hired.

Additional criteria could include the following information:

- Are probation officers reducing their backlog of work?
- Are there fewer suicide attempts by jail inmates after the counselor is hired?
- What services have been started by the counselor?
- How many clients has the counselor worked with and what kind of assistance was provided?
- Jail inmates could be interviewed or provided with a questionnaire to complete after they are released from incarceration regarding their impression of the use of a counselor and any suggestions they may have for improving the program.

Court Advocate

Each month the court advocate should be collecting statistics on the following items:

- How many cases did he/she prosecute or present (civil/criminal)?
- What type/number of assistance was provided to litigants?
- What training programs and materials were developed and presented to police officers, probation officers, etc?

Additional criteria could be added to this list.

Secretary

The major purpose of this position is to reduce the backlog of pending probation orders waiting to be typed, and keeping up with the typing needs of the judge and court administrator.

Therefore, the most relevant evaluation criteria for this position is whether pending probation reports are brought up-to-date and are the typing requirements of the judge and administrator being met.

3. Code Revisions

This project will require the most time and money and, therefore, needs to be monitored closely. Some of the benchmarks of success should include the following events, tasks or deliverables:

- Have a community and professional advisory committees been identified and formed (minutes of each meeting of the committee(s) should be prepared and available for review)?
- Draft copies of proposed codes should be submitted to BIA.
- Have the proposed codes been submitted and approved by the local advisory committees?
- Have there been any public hearings on the proposed codes?
- Each proposed code should have a general summary of the local customs or traditions that have been incorporated into the code.
- Has the proposed code been submitted to the tribal advisory committee and council for review and approval?

The final and best indicator of the success of this Improvement Plan project will, of course, be whether the code is finally adopted.

4. Rules and Procedures

The final rules and procedures will have to address all of the types of cases and requirements covered by the newly-developed codes. Nevertheless, there are other criteria that can be used to assure final success, including the following items:

- Do the proposed rules and procedures conform to the due process requirements of the Indian Civil Rights Act?
- Have all court rules and procedures (trial and appellate court) been incorporated into a single document?
- Can non-lawyers understand the rules and procedures?

Finally, have the proposed rules and procedures been reviewed and approved by the tribal court, court of appeals, and tribal council?

5. Brochures

Before any work can be done on this portion of the Improvement Plan, the court will have to identify which brochures or reports should be developed. Once this task has been accomplished, the following events and progress should be documented:

- Were draft brochures or reports submitted for review and approved by the court?

- Were non-court/legally-trained persons given an opportunity to review the material before they are published?
- How many persons are requesting or using the brochures?

6. Fiscal Management

The basic criteria for evaluating the implementation of this objective is whether the problems identified earlier in this report (see pages 29-30) have been resolved. In addition, the final financial management practices and manual must conform to all applicable BIA and Tribal accounting requirements.

7. Data Processing

The long-term success of this project probably cannot be measured within the project's funding period. Cost avoidance achieved by the reduced need to hire staff and the management/planning capabilities of the court can only be ascertained over a period of time.

In the interim, the following events should occur:

- Has an analysis been done of possible applications?
- Have programs been "up and running" long enough (or accurately enough) so court staff are willing to abandon their old manual tasks?
- Is the system producing operational and management documents or reports?
- Are court personnel suggesting new programs or enhancements to the system?

In general, the court staff should feel comfortable with the data processing equipment and applications.

8. Courtroom Recordings

The primary reasons for installing courtroom recording equipment is to create an official record of court proceedings and provide the court of appeals with an accurate record of appeals so there will be no need for trial de novos when a case is appealed.

Consequently, the following events should be documented to evaluate the success of this effort:

- Are all courtroom proceedings being recorded?
- Can court staff locate court proceedings on the cassettes from their courtroom logs?
- Is the Court of Appeals using the cassette recordings instead of hearing the trial over when they rule on an appeal?

9. Education and Training

Only after training programs have been presented can this aspect of the Improvement Plan be evaluated. The reaction of the participants and their use of training materials after the training sessions must be documented to determine whether or not the programs have been successful.

IV. ADDITIONAL MANGEMENT AUDIT RECOMMENDATIONS

In addition to reviewing the proposed Court Improvement Plan staff from the National Center attempted to identify management and operational practices that could be changed by the court with minimal additional assistance. Project staff were able to identify the following six (6) general areas where improvements could be made independently by the court. These areas include: (1) court statistics; (2) clerk's procedures manual; (3) forms design; (4) facilities; (5) caseflow management; and (6) case filing equipment.

A. Court Statistics

The statistic reports being prepared by the court do in fact provide management information previously not available. Nevertheless, a closer review of the reports indicates that much of the data serves no present management use (e.g., data by male or female) and needed information is not collected or reported in a format useful to the court, Tribe, or BIA.

Statistics on the operations of the court serve three basic functions for those directly involved in the day-to-day activities of the court:

1. Operations control of the routine day-to-day activities of the court,
2. Management control aimed at the optimum use of resources by the court, and
3. Internal planning and research, including goal setting, program development and evaluation, and the identification of caseload trends.

In addition, court statistics must meet the general information needs of other governmental units, the press, and must serve to increase the public's understanding of the courts.⁵

Data which provide operational control, as in the case of recordkeeping, scheduling of cases, use of judge-time, and the availability of staff and facilities are most useful to local court personnel such as the court administrator, the judge and the clerk. Some of the specific uses of caseload information are listed below:

1. Development of baseline information for identification of caseload trends;
2. Public information/relations;
3. Analysis of court operations aimed at improving court efficiency and operations;
4. Identification of less costly case processing procedures;
5. Budget justifications;
6. Organizational and management studies;
7. Case flow management; and
8. Identification of needs for additional judges and court personnel.

⁵ National Center for State Courts. An Organizational and Management Study of the Administration Office of the Courts, State of New Jersey (North Andover, MA: Northeastern Regional Office) 1980, p. 242.

The court should be commended for collecting data on case dispositions and manner of disposition; however, it is the Center's recommendation that existing report formats be further revised. The BIA should first decide what information it needs to determine funding, staffing, facility, and equipment requirements of the court. Much of this information may already be collected by the court, so that alterations of statistical reporting forms would not create additional work for the clerical staff of the court, while providing useful management information for both the court and BIA.

Additionally, the clerk does not appear to be entering the number of pending cases at the start of each month, which should be carried over from the previous month's end-pending caseload figure. Additionally, the manner of disposition is not being entered for all dispositions. The total number of active cases is therefore probably being understated each month. For this reason, it is difficult to arrive at an accurate estimate of total annual filings and dispositions; however, based on the information at hand, it is estimated that the total number of filings for the Laguna Court will be about 1,144 (4 x 286 filings) during 1982. (See Chart 9).

In order to assure the collection and reporting of accurate caseload statistics, the production of statistics should be a by-product of existing clerk procedures. The more some event or action is repeated, the greater is the chance for error. By incorporating statistical production with existing court procedures, not only is time being saved, but greater accuracy is assured. [See section on Case Processing (page 107) for recommendations concerning the collection of caseload statistics].

Chart 9

Laguna Pueblo Court
Estimated Caseload - January-March 1982

	Pending Previous Period	TRIAL COURT							Pending
		Dispositions						Warrants	
	Filed	Dism'd	Plea	Judge Trial	Jury Trial	Informal Disp.			
I. Criminal	0	137	1	106	0	0	0		30
II. Traffic (Civil/Crim.)	0	51	0	37	0	0	0		14
III. Juvenile	0	22	0	18	0	0	0		4
IV. Civil	0	72	0	0	7	0	0		64*
V. ICWA	3	4	0	0	0	0	0		0**
TOTAL	3	286	1	161	7	0	0		112

Annual Estimate: 1,114 case filings

*Manner of disposition in one case is unknown

**Seven cases apparently disposed but manner of disposition not recorded.

Another area of concern is the collection of workload measures in an effort to document the true extent of the work being done by the court. National Center staff noted that the court performs a lot of non-documented work that is not directly related to processing individual cases and that is not traditionally handled by courts. It is important that all activities of the court be documented so that the court can receive credit for all the work it does and in order to better plan for and document future personnel and facility needs.

An undetermined number of cases are never officially filed with the court because they are either resolved informally through counseling provided by nearly all court officials or by being referred to tribal officials. The following are some of the informal activities now being performed by the court:

- Financial/consumer counseling provided by the court administrator;
- Counseling provided by probation officers to non-clients;
- Counseling and assistance provided by the clerk to persons seeking help from the court;
- Advising police officers, majordomos, and other tribal officials by the judge;
- Notifying tribal members of pending complaints against them in credit matters;
- Referral of traditional matters, such as property disputes, to village and tribal officers for resolution; and
- Domestic relations counseling.

Each of these activities involves extra work for court personnel and takes away from the time available to perform their more traditional functions. Some relief will be provided by the hiring of additional court staff, such as an inmate jail counselor and a court advocate, to perform some of these activities. The court, however, still needs to document these activities through development of workload measures. The following is a list of some of the measures that could be considered:

- Number of counseling contacts;
- Number of cases referred to other offices;
- Number of letters sent notifying defendants of pending cases;
- Number of requests for advise/assistance with court procedures; and
- Number of cases/disputes resolved by non-court agencies.

Charts 10 and 11 below are proposed statistical report formats (prepared by National Center staff) which will document the items described earlier in this section. The form can be used to collect data on a daily basis by court staff merely by recording "hash" marks as an event occurs. The hash marks can be tallied to produce monthly and annual reports using the same form. Brief instructions for completing Chart 10 follow the chart.

Chart 10

(TOTAL)

INSTRUCTIONS

1. Pending Beginning of Month. Record number from prior months "Pending End of Month" column.
2. Filed. Number of cases filed with court in each case type.
3. Dismissed or Withdrawn. Use this column to record dismissals or withdrawals in civil or criminal cases.
4. Guilty Plea Before Judge.
5. Consent or Default Judgments. If a party in a civil case admits liability in an answer or fails to respond after being served with a complaint, enter disposition in this column.
6. Trials (Guilty or Not-Guilty). Record verdict of jury or decision of judge.
7. Plea Before Clerk. Any matter disposed of by a forfeiture of a bond or payment of a fine (per a schedule) before a court clerk should be recorded here.
8. Informal. Any disposition arrived at by the parties (e.g., majordomo's decisions regarding land) and recorded with court should be noted here (dismissed or withdrawn complaints should not be recorded here).
9. Pending End of Month. This figure is calculated by adding together "Pending Beginning of Month" and "Filed" columns and subtracting figures in "Disposition" columns.
10. Bench Warrant Before Disposition. If a person has appeared before the court at least once and fails to return for trial, the court has no control over the processing of the case while a bench warrant is outstanding. Each such bench warrant should be recorded here.
11. Active Cases. Subtract "Bench Warrant Before Disposition" from "Pending End of Month" column to determine the number of "active cases" before the court.

ADDITIONAL WORKLOAD

Days or Weeks

Week of Month

COUNSELING

- Credit/Consumer
- Court Procedures
- Domestic Relations
- Legal Procedures

COURTESY LETTERS

MOTIONS

POST JUDGMENT ACTIVITY

- Garnishments
- Restitution
- Petitions
- Child Support Payments
- Bench Warrants
- Enforcement of Foreign Judgments/Orders

B. Clerk's Procedures

The court is to be commended for having recently complied a Clerk's Procedures Manual. See Appendix E. Clerk's manuals are an essential aide and reference source for court personnel and serve several functions, among which are:

1. As a reference source for court personnel in performing their daily duties;
2. As a training tool for teaching court procedures to new court personnel;
3. To encourage consistency in procedures when there is more than one clerk in the office performing the same operations; and
4. To help educate the public and inform non-court personnel of court procedures.

Manuals should clearly document all procedures by the clerk and the court, and they should be divided into convenient and clearly distinct sections for easy reference. The different sections should be related to the different events that transpire during a case, such as filing, bookkeeping, docketing, indexing, issuance of summons, return of summons, filing of an answer, etc. In this way, the proper procedure can be quickly found according to the stage of the case.

The court's present procedures manual has sections covering the following topics:

- Filing
- Docketing
- Procedures Regarding the Intake of Money
- File Lending and Review Procedures
- Calendaring
- Stamps
- Statistical Reporting Procedures
- Traffic Cases
- Jury Procedures
- Other (Miscellaneous) Procedures

These sections generally cover many of the existing clerical areas; however, if the court implements the recommendations contained in this report, there will be a need to substantially revise various sections of the manual.

The manual may also have to be expanded to include the following topics:

- Courtroom Recording
- Records Retention and Destruction
- Budget Practices and Records
- Personnel Management
- Data Processing
- Court Bailiff Procedures
- Probation
- Enforcement of Judgments (Tribal and State Court)
- Appeals

Every clerical or staff procedure should be documented.

The format of a clerk's procedures manual is very important. A manual should have a short introduction to each section followed by a step-by-step description of the procedures that must be followed. Required forms or documents should be referenced in the step-by-step procedures. Clerks may find the manual easier to use if the form or document is immediately after the place it is referenced. Detailed instructions for filling out each blank on a form need not be in the general narrative. Instructions for completing a form can be on the reverse side of a form. The instructions should be numbered to correspond to numbered blanks on the sample form.

Even the physical layout of the manual and updating procedures are critical to the manual's usefulness and accuracy. The manual should be in a looseleaf binder to facilitate future updates and to protect the pages in the manual. Two (2) sections of a manual should not be on the same page. Following this practice will make it easier to insert new pages without disturbing subsequent sections. New employees can now be given a copy of certain pages that deal with their areas of responsibility.

Each page of the manual should be formulated identically. Separate columns for section numbers, procedure, reference (or citation), and clerk's notes will make it easier for staff to locate needed information. The column for clerk's notes provides a space for inserting additional information or proposed future changes. The following page (Exhibit 3) from an actual manual prepared by the Center illustrates the use of these columns.

NEW JERSEY COUNTY DISTRICT COURT*

Civil

1.0 Case Initiation

Section	Procedure	Reference	Clerk Notes
---------	-----------	-----------	-------------

1.1

Filing

Civil cases are initiated by the plaintiff filing the original of the SUMMONS and COMPLAINT and one copy of each for each defendant. (Plaintiff may request a jury trial at this time. See procedure 3.1.) The AFFIDAVIT OF PROOF OF NON-MILITARY SERVICE also may be filed with the court at this time.

Most cases are initiated through the mail and are filed by attorneys who provide their own forms.

When the SUMMONS and COMPLAINT and the fees are received, either in the mail or over the counter:

- a. Stamp the SUMMONS with the current date and impress the original with the seal of the court. R. 6:2-1
- b. Verify that the proper fees (filing and mileage) have been submitted and that forms have been completed properly.
- c. Check SUMMONS and COMPLAINT for: R. 6:2-1
R. 4:4-2
 1. Name of the Court
 2. Plaintiff's and defendant's names and addresses.
 3. Name and address of the plaintiff's attorney.
 4. Description by the plaintiff of the reasons for, and the amount of, the claim.

*Taken from A MODEL MANUAL CASE PROCESSING SYSTEM, NEW JERSEY COUNTY DISTRICT COURTS, CIVIL; prepared by the National Center for State Courts (December, 1981).

Each page should also note who prepared the procedures and when it was last revised. The following sample page (Exhibit 4) provides a standard place for such information. The described procedures and sample forms (reduced) would be typed or placed within the borders.

SUBJECT	SECTION	DATE
PREPARED BY	CHAPTER	PAGE

A master binder should be maintained by the Court Administrator. Additional (full or partial) binders should be provided to other appropriate individuals. Each manual should be numbered and a list maintained as to who has been assigned each numbered binder. As amendments are made, copies should be provided to each person. The updates should be accompanied with instructions describing which pages are to be removed and which pages are to be inserted.

At least annually, a MASTER INDEX should be distributed (with noted revision dates for each page) so each individual can check to see if they have all revisions in their binder. This index should be developed on an ongoing basis throughout the year as amendments are made. New indexes may also have to be made and distributed with periodic amendments (without reference to amendment dates).

C. Forms Design

The establishment of standard specifications and design criteria for court forms is the first phase of any effort to provide simplified, efficient and unified forms. Although the Laguna Court has made great strides in improving court forms, changes in procedures or practice may require certain revisions. New forms may also have to be developed. If this situation occurs (or the court merely wishes to improve upon present form designs) the following standards and guidelines should be used.

STANDARD FORMS SPECIFICATIONS
AND
DESIGN CRITERIA

Simplification and standardization of forms and procedures is expected to produce the following results:

- Consolidation and simplification of present forms in terms of wording, size and appearance;
- Standardization of the placement of information on court forms to maximize clerical efficiency and the effective processing of information (manually or with data processing);
- Elimination of useless or unnecessary forms and the development of a procedure to curb future proliferation of unneeded records;
- Facilitate the timely processing of cases through the court;
- Improve communications between litigants, attorneys, court staffs, judges and other justice system personnel;
- Improve public opinion through the favorable reaction to easily understood forms which expedite processing; and
- Achieve cost savings through the reduction in paper usage, printing, staff time, and storage.

1. STANDARD SPECIFICATIONS FOR PRINTING OF FORMS*

- 1.1 Five-eighths inch stub allowance at top for binding on multi-part forms; a minimum of one-fourth inch border on each side and a minimum of one-half inch at the bottom.
- 1.2 Standard two-hole punch at the top for file fasteners or binding. (1/4" holes 2-3/4" center to center).
- 1.3 Standard header across the top of the form including:
 - Laguna Pueblo Court at the top left corner (and logo if desired);
 - Parties to the action at the top left;
 - Form title in bold print at top center;
 - Case number and office box at top right for "filed" or if used, "received" stamp.

*Use U.S. Government Printing Office Style Manual for style guide (as applicable)

- 1.4 Form number, date of last revision and form name in the lower left-hand margin.

Example: Form No. CR 200, (2/82) Notice to Appear

- 1.5 Applicable court rule or code in the lower right hand margin.
- 1.6 If a form-by-form basis is considered desirable, distribution list should be printed on the first page of the form in the lower left hand corner immediately above the margin line.
- 1.7 On multi-part forms, copy designations printed in the lower center margin.
- 1.8 White paper for the original; copied may be color coded; printing ink should be black.
- 1.9 Print size of six or seven point for captions, eight or ten point for narrative and 12 point for titles. Type style should generally be sans serif.
- 1.10 Vertical spacing for typewriter entry of data allowing six lines to the inch.
- 1.11 Fold marks printed in left margin so appropriate address will appear in standard #10 window envelope.
- 1.12 Double typewriter spacing for all handwritten entries (1/3").
- 1.13 Maximum of five tab stop indicators across the top (use as few as possible).
- 1.14 Printed on letter-sized paper (8-1/2"x11").
- 1.15 One page forms, if possible. Printing on reverse side of form should be tumble printed.
- 1.16 Forms for each case type may be color coded (or printed on pastel colored paper-easier to duplicate on microfilm).

2. FORM NUMBERING

The components of the numbering system are as follows:

2.1 Identification of case type. (Examples)

General	GF	100
Criminal	CR	200
Traffic	TR	300
Civil	CV	400
Small Claims	SC	500
Family	FA	600
Paternity	PA	700
Probate	PR	800
Civil Commitment	CC	900
Adoption	AD	1000
Guardianship	GS	1100
Accounting	AC	1200

2.2 Numbering subsequent parts of a multipart form when they are different from the first part. Add a decimal to the form number as follows: .1 to ply 2, .2 to ply 3, .3 to ply 4-etc. (Example: CR200, CR200.1, CR200.2, CR200.3)

2.3 Date (month and year) of last revision.

2.4 Designation of the form as a standard form, if applicable.

3. CONVENTIONS FOR THE BODY OF FORMS

3.1 Organization

The body of forms should be organized into functional components. Each functional component should be introduced by a title in all capitals preceded by an arabic number. The functional breakdowns necessary are dictated by each form and should be sequential. Some general categorizations are as follows:

a. Motions and petitions

1. MOTION/PETITION
2. AFFIDAVIT/VERIFICATION

b. Warrants and summonses

1. WARRANT/SUMMONS
2. RETURN/AFFIDAVIT OF SERVICE

c. Orders

1. BASIS OR INTRODUCTION
2. FINDINGS AND/OR CONCLUSIONS
3. ORDER

3.2 Paragraph Numbering

The major components of each paragraph should be numbered according to the following numbering system:

1. Paragraph Title

1.1 a. (1) (A) (i)

3.3 Spacing of Body

Spacing of lines for entry of information should correspond with standard (six lines to the inch) typewriter spacing.

3.4 Predrawn Lines

- a. Predrawn lines should be provided for any blank which may be filled in by handwriting.
- b. Predrawn lines should be used for data entries that need to be entered and may be overlooked.
- c. Predrawn lines should be avoided elsewhere.

3.5 Check boxes

- a. Check boxes should be used wherever identifiable alternatives to choices exist. For example:

☐

By delivery to the person named

☐

By mailing to the person named at the address of service

- b. The check box should be placed in front of the choice, unless a column of yes/no responses follows a series of questions.
- c. Where check boxes represent alternative choices, the added use of number or letters should be avoided, unless needed for data entry purposes.

3.6 Signatures

- a. On criminal forms, if the defendant is required to sign a form, his or her lawyer should sign the form also.
- b. If the handwritten signature of a party is required, a line for the typed or printed name in addition to the signature should be provided to avoid problems in deciphering the signature.
- c. The title of the signator, address and telephone number should be listed on forms where that information would be of use to the court or other parties.

3.7 Language Conventions

In general, simple concise non-technical language is preferred. Some language conventions are as follows:

<u>Preferred</u>	<u>Instead of</u>
attorney	counsel or lawyer
is accused of	is charged with
the State	the plaintiff
appeal	review
case record to date	records & files, etc
I am	Affiant is

3.8 Capitalization for Emphasis

The following terms should be printed in all capitals or bold print:

- a. YOU ARE SUMMONED
- b. YOU ARE COMMANDED
- c. IT IS ORDERED
- d. FAILURE TO APPEAR WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST
- e. FAILURE TO APPEAR AND DEFEND WILL RESULT IN A JUDGMENT BEING RENDERED AGAINST YOU IN THE AMOUNT DEMANDED

There should be a minimum use of capital letters, underlining and italics only where necessary for emphasis.

4. SUBSTANTIVE DESIGN CRITERIA WILL INCLUDE

- 4.1 Forms designed to be self-explanatory wherever possible--when extra instructions are necessary, the reverse side of a separate cover sheet will be included.
- 4.2 Use of verified disclosure under penalty of contempt of court when a jurat is not specifically required by statute or court rule.
- 4.3 Compliance with statutes and court rules.
- 4.4 Design to achieve maximum efficiency and clarity in processing.
- 4.5 Conformance with the approved printing and design criteria.

5. FORMS DESIGN ILLUSTRATION

The form produced on the following page (Exhibit 6) is illustrative of many of the design standards discussed above.

6. INSTRUCTIONS

A camera-ready copy of each form should be on special enamel paper. This camera-ready form can be used for immediate duplication either by the court or by a local printer. Both time and storage space can be saved through use of these forms, which can be produced according to the court's individual needs rather than stocking huge supplies.

When printing is done, standard specifications for printing must be observed. Allowing sufficient space at the top for binding and tumble printing reverse sides of forms are especially important. Forms are to be printed in black ink on 8-1/2 x 11 inch pastel or white paper, color banded according to case type, in order to permit good quality duplication. Present microfilm technology produces varying degrees of gray or black copy from dark shades of paper (like blue and red) and will not reproduce colored ink. All old forms should be discarded when new forms are printed.

Other general instructions are:

1. Plaintiff information is on the left side of forms and defendant information is on the right side except for high volume forms normally mailed such as the Notice to Appear and the Civil Judgment forms.
2. High volume forms which are usually mailed are designed so addresses will appear in standard #10 window envelopes when folded on lines marked in the left margin of forms.
3. Unless specifically required by statute or code or court rule, a signed and dated declaration is used instead of a sworn jurat.

SUBJECT DISTRICT COURT SAMPLE FORMS	SECTION 3000 DATE 7-1-79
PREPARED BY SCAO INFORMATION SERVICES	CHAPTER 8 PAGE 3145

STATE OF MICHIGAN — DISTRICT COURT	SUMMONS AND COMPLAINT	CASE NO.
---------------------------------------	--------------------------------------	----------

Court address

Court telephone no.

Plaintiff name(s) and address(es)	
Plaintiff's attorney	Bar no.
Address and telephone no.	

Defendant name
Address
Defendant name
Address
Defendant name
Address

NOTICEIn the Name of the People of the State of Michigan, to the above named Defendant(s): **YOU ARE BEING SUED:**

A. You are notified that you have 15 days after receiving this summons to file with this court a written answer to the Plaintiff's complaint or to take such other action as may be permitted by law.

B. Failure to answer, or take other action permitted by law, may cause judgment to be entered against you for the relief demanded in the Plaintiff's complaint.

Date issued by court	Expiration date of summons	Process Server	Clerk
			By: Deputy

(SEAL)

COMPLAINT

Attach additional sheets if necessary.

I declare under penalty of contempt of court that to the best of my knowledge, information and belief there is good ground to support the contents of this pleading.

Signature of Plaintiff/Attorney

FOR VERIFIED COMPLAINTS ONLY

Subscribed and sworn to before me on _____ Date _____ County _____ Michigan.

My commission expires: _____ Date _____ Signature: _____ Deputy Clerk/Notary Public

SUMMONS AND COMPLAINT, Form No. DCZ01 (4 part, yellow) Revised 6/79

4. A standard return of service provides for a signed certification by a court officer or a sworn affidavit by a peace officer/or process server, plus listing of multiple defendants, description of unsuccessful attempts to serve process and an acknowledgment of service.

Before a new form is designed every effort should be made to understand its preparation, use, and distribution. The following DOCUMENT ANALYSIS worksheet (Exhibit 7) will facilitate the determination of these items and other information needed for each form. Once a form has been developed (or revised) it should be listed on a FORMS INDEX like the following sample from Michigan (Exhibit 8).

DOCUMENT ANALYSIS

DOCUMENT
NUMBER

NAME/TITLE

CITATION

--	--	--

USERS STATEMENT OF PURPOSE: (or justification)

--

DOCUMENTS CHARACTERISTICS

Usage/Frequency _____	Annual No. _____
<input type="checkbox"/> Handwritten <input type="checkbox"/> Typed <input type="checkbox"/> W.P. <input type="checkbox"/> Computer <input type="checkbox"/> Other	
No. of Copies _____	Carbon Interleaf _____ NCR _____
Staff time required to prepare _____	

PREPARATION

Step	Procedures Required of Court Staff
1	
2	
3	
4	
5	
6	
7	

CONTENTS

Item	Description of Data	Item	Description of Data

ROUTING

Copy	Recipient		Use/Action Taken
	Person	Office	
1			
2			
3			
4			

SUBJECT	DISTRICT COURT APPROVED FORMS INDEX	SECTION	3000	DATE	1-31-80
PREPARED BY	SCAO	CHAPTER	8	PAGE	3141

APPROVED DISTRICT COURT FORMS INDEX - JANUARY, 1980

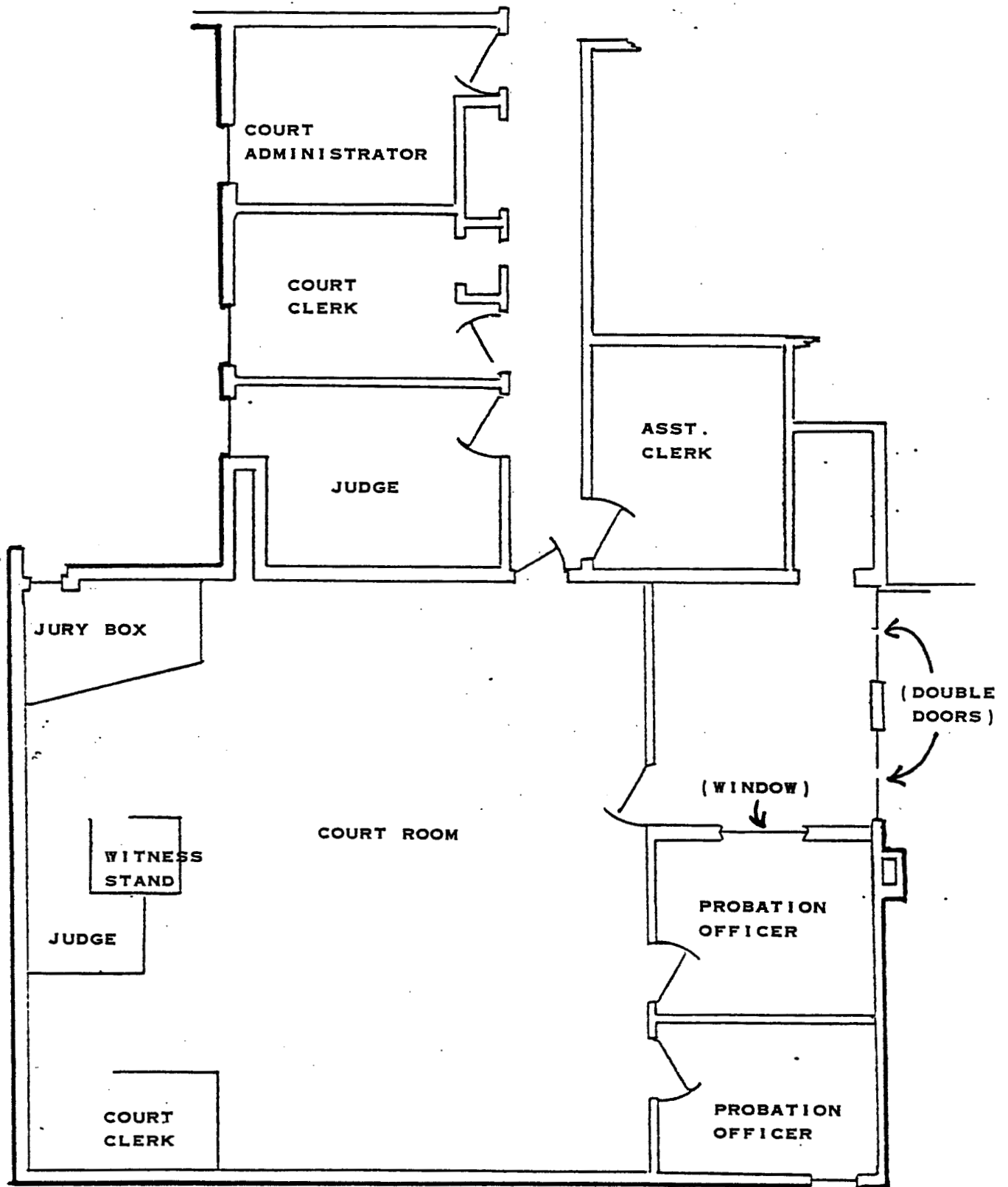
<u>Form No.</u>	<u>Rev. Date</u>	<u>Title</u>	<u>Color Band & No. of Parts</u>	<u>Discontinued Form No.</u>
DCZ01	6/79	Summons & Complaint with Return of Service	Y 4-part	DC1, DC52
DCZ01A	6/79	Summons & Complaint, Account Stated	Y 4-part	DC51
DCY02	8/79	Attorney's Appearance & Notice	W 3-part	DC2
DCY06	6/79	Notice to Appear	W 3-part	DC6, DC208
DCZ07	1/79	Default	Y 3-part	DC7, DC70
DC8		Stipulation to Adjourn	Y 3-part	
DCZ09	3/79	Dismissal, Voluntary	Y 3-part	DC9, DC16
DCZ09A	3/79	Dismissal, Nonservice/No Progress	Y 3-part	
DCZ10	1/79	Judgment, Civil	Y 3-part	DC10
DCY11	6/79	Order to Appear, Subpoena with Return of Service	W 3-part	DC11, DC71, DC207
DCG12	1/80	Affidavit & Writ of Garnishment after Judgment	Y 5-part	DC12
DPG13	3/79	Garnishee Disclosure	Y Pad	DC15
DCG14	1/80	Garnishment Order To Pay/Release	Y 2-part	DC14
DCG15	1/80	Petition for Payment Order - Stay of Garnishment	Y 3-part	DC4
DCG16	1/80	Petition to Set Aside Payment Order	Y 3-part	DC5
DCZ17	1/80	Satisfaction of Judgment	Y Pad	DC17, DC28
DCZ19	1/80	Execution	Y Pad	DC24, DC25, DC27A, B, C, D, DC28

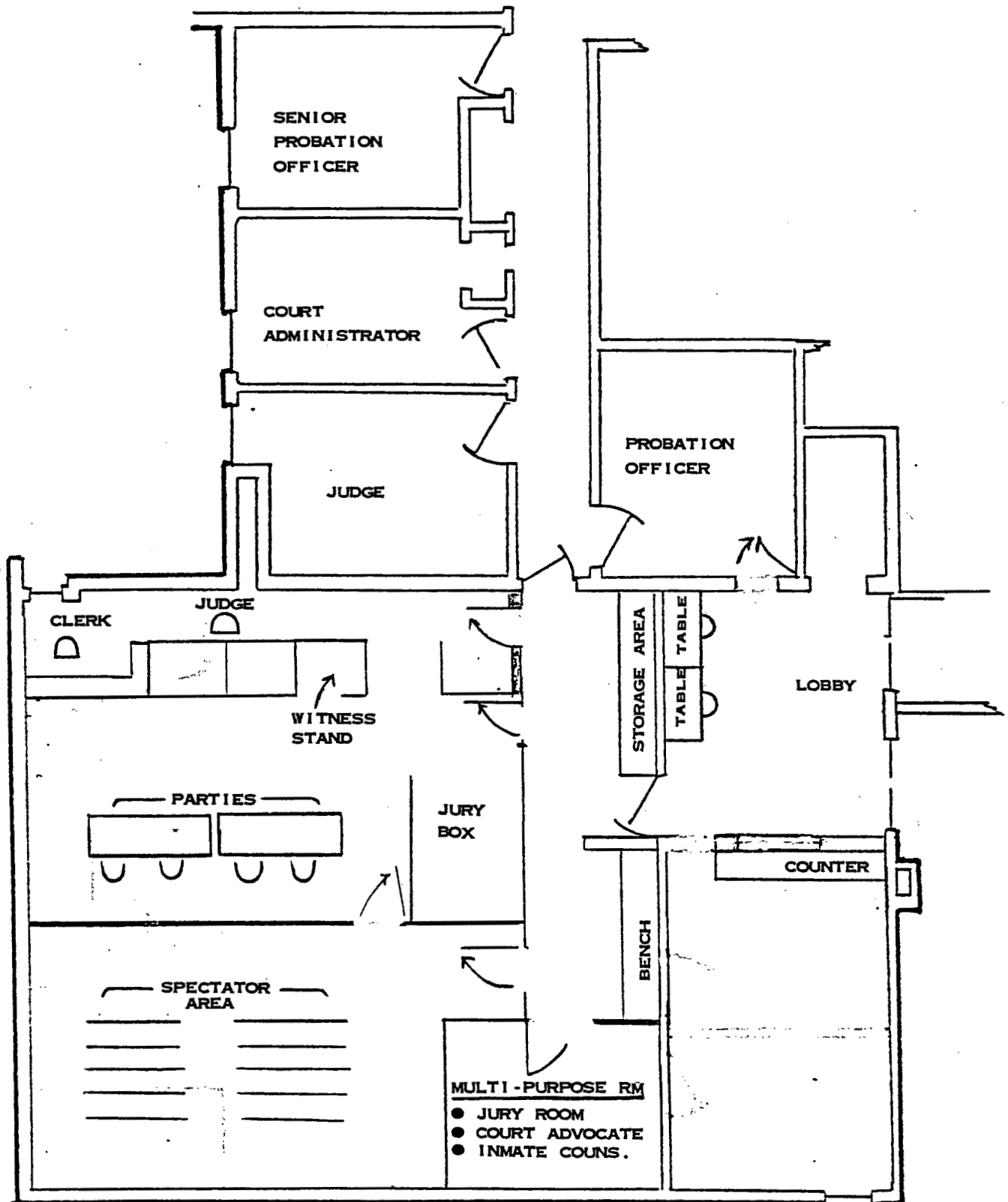
D. Facilities

The court is presently considering relocating the court clerk and assistant court clerk in the area occupied by the two (2) probation offices. The two (2) probation offices would be consolidated and the two officers would be relocated in offices off the judicial corridor. See Chart 12 for a floor plan of existing court facilities.

The proposed remodeling would improve the traffic pattern of litigants and individuals having to come to the clerk's office; however, this change would not provide for a jury room or office space for a court advocate and inmate counselor. Additional improvements could be made to the courtroom and lobby area to accomodate persons needing a place to fill out forms and pleadings. Chart 13 below illustrates a floorplan that would meet these needs. The floorplan would also provide for the following design improvements:

- The judge and clerk would have a private entrance to the courtroom.
- The clerk would be immediately next to the judge.
- Parties to a case would have a designated area separated from spectators by a railing.
- Parties, attorneys, and jurors would have a separate entrance, as would spectators.
- A storage area for supplies and forms is now available outside the courtroom.
- A bench is available for sequestered witnesses immediately outside the courtroom.
- One probation officer has a doorway off the lobby for probationer use (instead of having to come down the judicial corridor).





These features and the proposed floor plans conform to the minimum courtroom standards prepared and used by the National Center. (See Exhibit 9).

After the court has reviewed these floorplans there may be changes that need to be made. Nevertheless, if the court is considering remodeling its facilities, the items noted above should be considered.

MINIMUM COURTROOM STANDARDS

- There should be a separate table, desk, or bench for the judge (preferably raised).
- There should be separate entrances to the courtroom for the judge and the public.
- There should be a table and chairs for the prosecutor and defendant.
- There should be separate seating areas and chairs for the public.
- There should be a tape recorder microphone for the judge, and preferably a separate microphone for the prosecutor, defendant and witness.
- The courtroom should not be shared with other activities during court sessions.
- When court is in session, there should be a sign at the public entrance to the courtroom identifying the name of the court and judge.
- The tape recorder should be within reach of the judge if not being operated by a clerk or reporter.
- There should be a chair and microphone near the judge for any person giving sworn testimony.
- The courtrooms should be capable of being closed so the public cannot see or hear non-traffic juvenile court proceedings or hearings.

E. Caseflow Management

Considerable improvement appears to have been made during the past year in the handling of court cases. Improvements have been made in such areas as (1) preparation of forms, (2) preparation of clerk's manual, (3) use of flat file-folders with color-coding, and (4) development of a caseload reporting system. In addition, the processing of criminal and regular civil cases appear to proceed smoothly without undue delay. Nevertheless, clerical processing time can be reduced significantly. Before any proposed changes can be fully understood, it is important to review present procedures. The following is a description of both criminal and civil caseflow procedures/stages.

Criminal Caseflow. Most criminal cases begin with an arrest and filing of the complaint by the arresting officer. Complaints are picked up each morning from the police by the clerk. Most defendants are released on bond. Bond payments are recorded by the clerk in the BOND LOG.

When the complaint is received by the clerk a CASE JACKET is prepared for the case. (If a SUMMONS is required, the clerk prepares one at this time and gives it to the police for service. SUMMONSES are recorded in the SUMMONS BOOK by entering the date of issuance, name of defendant, and court date. When service of SUMMONS is returned, this is also noted in the book. The case is recorded in the DAILY CASE LOG by entering the date of filing, case number, and defendant's name. At case initiation, if the defendant has a criminal

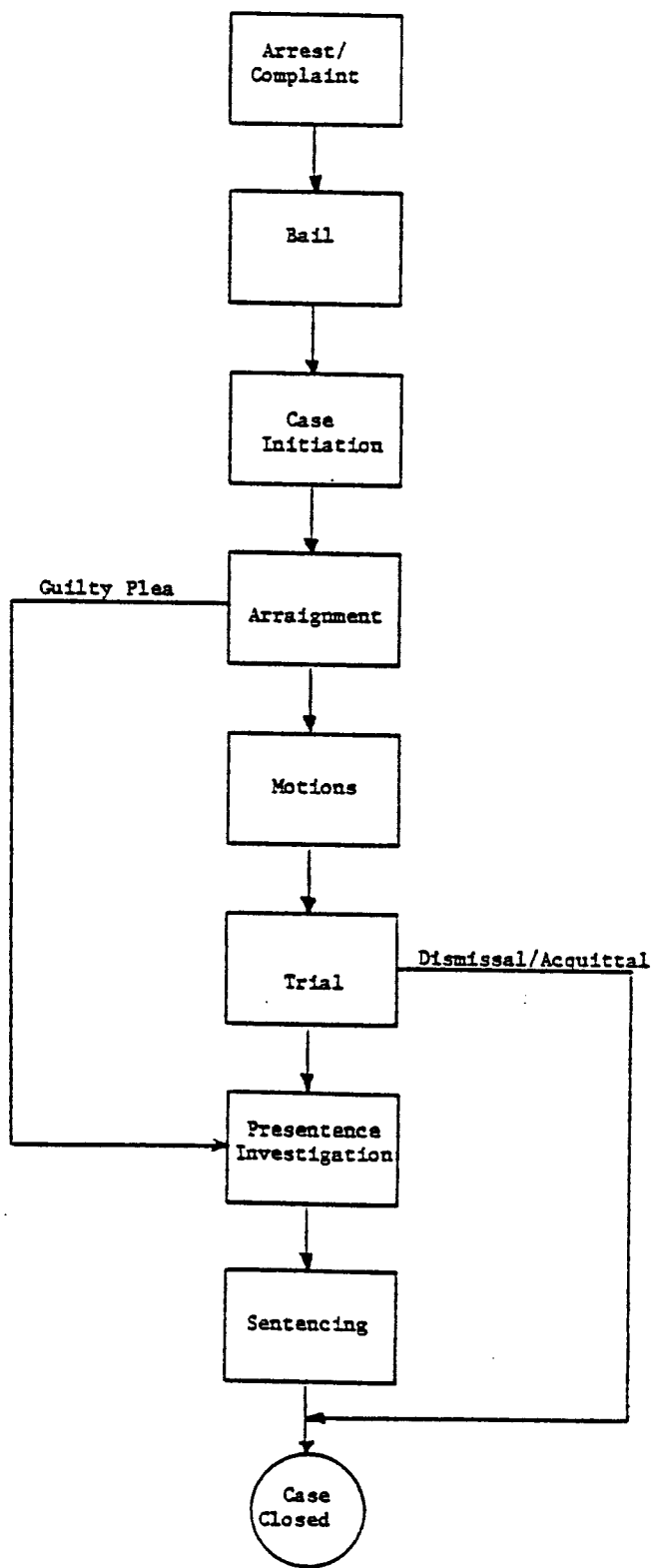
history the new charge(s) are entered on his or her RAP CARD. One is prepared if the defendant is not already included in the file. The RAP CARD is also used as a general INDEX to criminal cases.

Defendants are arraigned before the judge as quickly as possible. This is usually done at the next available court day after arrest. (Court days are presently Tuesdays and Friday.) At the arraignment defendants are charged, have their rights explained to them, and enter a plea to the charge(s). If the defendants plead guilty at this time, sentencing may occur immediately and the case is closed. If the defendant pleads not guilty, the case will be set for trial, usually during the next week, although if witnesses are to be called enough time is allowed for them to be served a subpoena.

Once arraignment is completed, the DOCKET SHEET is prepared by the clerk and the results of the arraignment are recorded. The case is then scheduled for trial at the next court session if time is available. In addition to the Docket Sheet the results of the arraignment are recorded in the ARRAIGNMENT BOOK. Entered are the defendant's name, case number, and charge(s).

Most criminal cases appear to proceed smoothly. There is no plea bargaining and most defendants either represent themselves or have a friend appear for them. There is also no prosecutor for the court so that the arresting officer must appear to present the case. See Chart 14 for a diagram of the criminal caseflow

Laguna Court - Criminal Caseflow

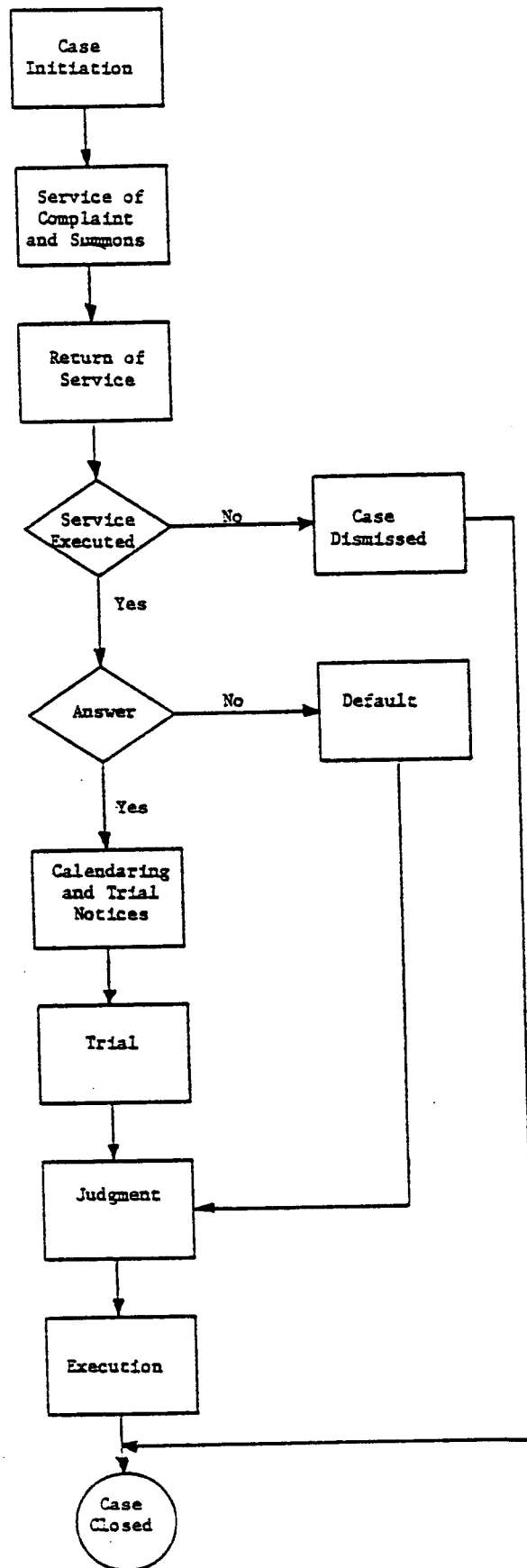


Civil. Most civil cases proceed through similar case stages or events. As with criminal cases, most civil cases seem to be disposed of with a minimum of court appearances, and most cases are handled pro se.

Cases are initiated with the filing of a complaint with clerk and payment of a \$5 filing fee and \$1 for service of process. The clerk prepares a receipt for the fees, prepares a case file folder, indexes the case, and prepares a SUMMONS. A DOCKET SHEET is usually not prepared for a case until after the first hearing in the case, usually the trial. The SUMMONS is given to the police for service. Service may be either personal or by certified mail, which is used to serve defendants off the reservation. If served, the police return the service to the clerk and the return is noted in the SUMMONS BOOK. Answers must be received by the clerk within 15 days, 40 days if service was by certified mail. (An ANSWER form is included with the SUMMONS for use by the defendant.) Once the ANSWER is returned, the case is scheduled for trial for the next available date. Priority, however, is given to emergency juvenile and criminal cases. Once the trial date is set, both parties are notified of the date by mail; five days are allowed for delivery of the notices. See Chart 15 for a diagram of the case events and flow of typical civil cases.

Additional Workload Activity

Many court procedures are fairly informal and the court tries to rely on informal and traditional procedures to obtain settlements. For example, the court receives approximately 15



complaints each week from off-the-reservation creditors seeking to collect overdue debts from tribal members. Instead of immediately processing these cases, the court sends letters to the defendants warning them that if they do not settle with the complainant within five days, the case will be filed and they will be summoned to appear for a hearing. Approximately 20% (3 cases) settle their debts at this time. This means that as many as 106 cases each year may be settled before ever being officially filed with the court.

Another procedure the court uses to resolve disputes, is to make use of the traditional tribal practices. The Majordomo in each village have responsibility for making land/real property assignments. Whenever the court receives inquiries about filing of a complaint regarding property, the court refers the party to the Majordomo in that village. If a case is already filed that pertains to land assignments it is likewise referred to the Majordomo. No estimate were provided to Center staff on the number of these cases.

Case Processing and Recordkeeping Recommendations. There are a number of occasions during a case when duplicate information is recorded, that if eliminated could save time. At case initiation, indexing, docketing, and calendar preparation, the same information is either typed or written. This includes, name of complainant, name of defendant, date of filing/arrest, and case number, while the case number is also recorded twice for statistical compilation purposes: once at filing and again at disposition.

The gathering and reporting of caseload statistics should be a by-product of the case processing system. This has two advantages, it saves time and it results in more accurate statistics.

It is recommended that, if the court does not automate its records or if automation is likely to take more than one year, that the court proceed to revise slightly its docketing, indexing, case tracking, and statistical gathering procedures through adoption of a four-part, NCR docket card that can combine all of these operations.

At case initiation the CASE JACKET would be completed and the DOCKET Card prepared by typing onto the top of the card: (1) name of defendant, (2) name of complainant or arresting officer, (3) date of complaint or arrest and (4) name of attorney. Each card should be already pre-printed with case number. (See following sample (Exhibit 10) of a DOCKET CARD used in other courts).

This DOCKET CARD is a four-part form. Part 1 serves as the index and should be filed alphabetically by defendant's last name in a card file. (Cases do not need to be also indexed by plaintiff's name.) Parts 2 and 3 are used to gather caseload statistics. Part 2 should be filed by casetype within month of filing in a card file. This card will remain here permanently. At the end of the month the clerk can complete the statistical report on filings by merely counting the number of cards filed within each casetype for the month.

GREAT LAKES SYSTEMS CORP., WESTERN, N.Y. (718) 671-6010 ©1979 CRIMINAL/V&T FORM JC80A

Part 3 is a combination case tracking and disposition card. Currently the clerk maintains a file of all active cases in her office, shelved by event or pending event. For example all cases awaiting arraignment are filed together. Part 3 would replace this file with a card file and the case jackets could all be filed together numerically by case number. As the case proceeds through different case events, Part 3 would be re-filed under progressively different categories, until the case is disposed.

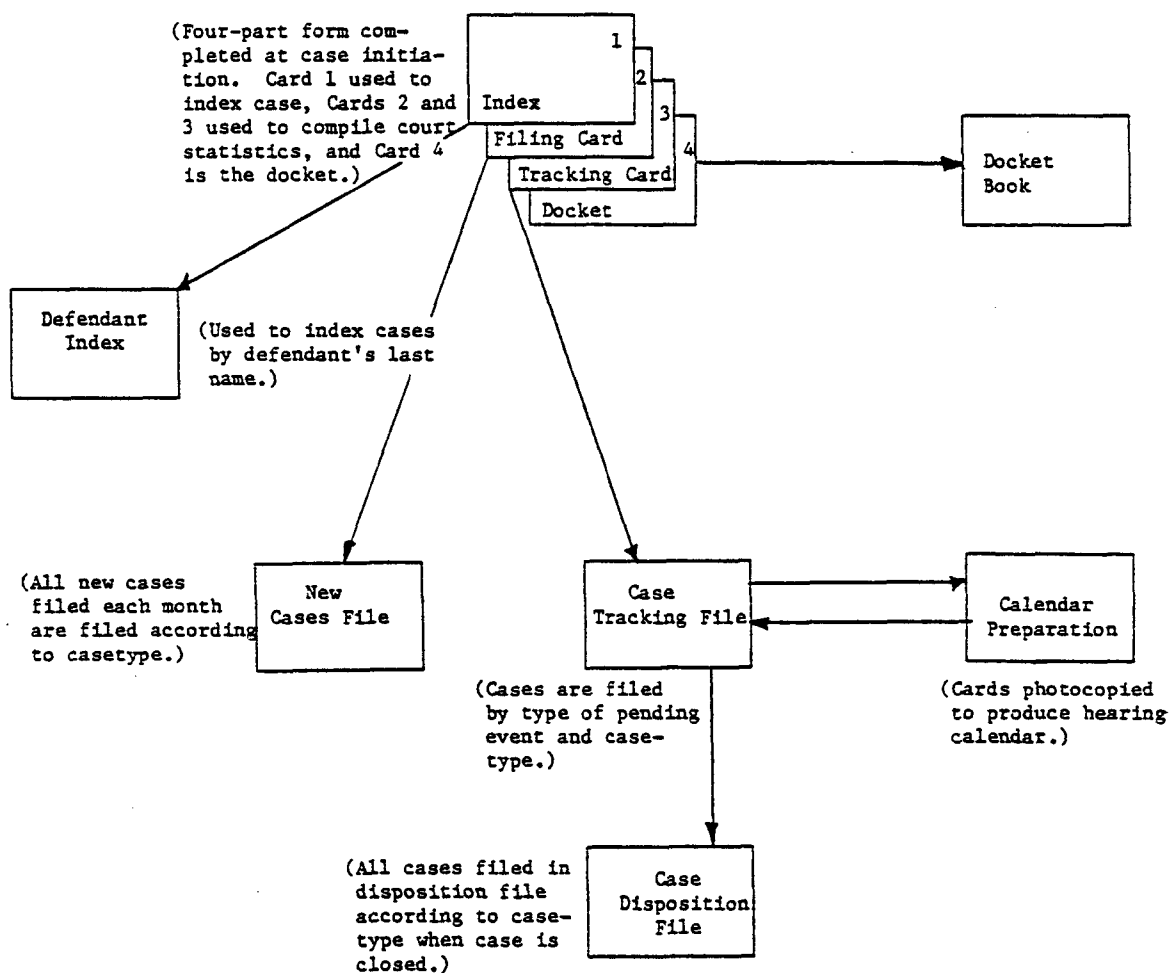
At disposition the date of disposition and manner of disposition should be recorded on Part 3 and it should be re-filed in a disposition card file by casetype, manner of disposition, and month of disposition.

As with the Part 2 card, when the monthly statistical report must be compiled the clerk only needs to count the number of dispositions/Part 3 cards filed in the disposed cases file for that particular month.

One additional advantage of using a card with the case title appearing across the top of the card is that by laying the cards one over the other so that the top portion of each card is visible, they can be laid face down on a photocopying machine to produce a list of cases. This is a good time-saving method for producing daily trial calendars. The day prior to trial, the clerk can pull the cards for those cases scheduled for trial the next day and quickly photocopy a trial calendar without having to retype each case title. Additional information concerning special appointments could be added to the calendar afterward.

By adopting this system, the court would save the time it takes to re-type the case title for the purposes of docketing, indexing, scheduling, listing cases filed, and listing cases disposed. Additionally, court caseload statistics become a by-product of the docketing operation thus assuring more reliable statistics. See Chart 16 for a diagram of the proposed caseflow management system. Additional data from the DOCKET CARD could also be used to complete the proposed statistical report described earlier in this report (See Chart 10).

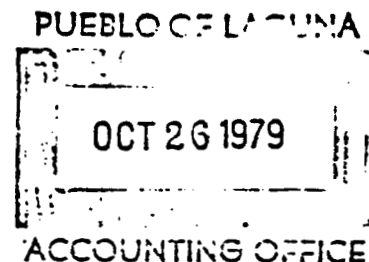
Recommended
Model caseflow management System
Laguna Tribal Court



APPENDIX A

Laguna Resolution No. 63-79

PUEBLO OF LAGUNA
Resolution No. 63-79



At a duly called meeting of the Pueblo of Laguna Council on the 16th day of October, 1979, the following resolution was adopted.

WHEREAS, the Pueblo of Laguna is an American Indian Tribe organized pursuant to the provisions of Section 16 of the Federal Indian Reorganization Act. 25 U.S. C. S276; and

WHEREAS, as such, the Pueblo of Laguna is authorized by S271.18 Title 25 Code of Federal Regulations, to request a contract to plan, conduct, and administer all or part of any program which the bureau is authorized to administer for the benefit of Indians; and

WHEREAS, the Pueblo of Laguna desires to enter into a contract to administer the Tribal Court Program hereinafter described;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Pueblo of Laguna hereby requests that a contract be entered into with the Bureau of Indian Affairs to carry out law enforcement activities within the following project scope: Enforcement of Pueblo of Laguna Constitution, Ordinances, and laws and applicable federal and state laws, through a coordinated system of Police, Judicial and Correction activities within the jurisdictional boundaries of the Pueblo of Laguna.

BE IT FURTHER RESOLVED, that the Honorable Floyd R. Correa, Governor, be and is hereby authorized to negotiate and execute the contract and any amendments thereto;

BE IT FURTHER RESOLVED, that the authorities granted by this resolution shall expire on the 30th day of September, 1982.

BE IT FURTHER RESOLVED, that the Bureau of Indian Affairs be, and hereby, is requested to provide access to Bureau records and to furnish information to the Governor upon his request as may be necessary or appropriate to prepare a contract application and to carry out the contract in accordance with the provisions of S271.16 Title 25 Code of Federal Regulations, and to provide such technical assistance as the Governor may need in assisting the preparation of technical parts of the application in accordance with the provisions of S271.17 Title 25, Code of Federal Regulations.

Henry D. Early
Governor (acting)

Ed Juarez
Member of Council

Ed Juarez
Member of Council

ATTEST:

Gerald Pedro
Tribal Secretary

CERTIFICATION

The foregoing resolution was enacted upon the Council of the Pueblo of Laguna on the 16th day of October, 1979, by a vote of 20 for, 3 opposed, and 0 abstaining, at a duly called meeting at which a quorum of the Pueblo Council was present.

ATTEST:

Henry D. Early
Governor

Gerald Pedro
Tribal Secretary

APPENDIX B
Court Improvement Plan



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

ALBUQUERQUE AREA OFFICE

P.O. BOX 8327

ALBUQUERQUE, NEW MEXICO 87108

Office of Self-Determination

FEB 25 1982

Memorandum

To: Deputy Assistant Secretary - Indian Affairs (Operations)

From: Area Director, Albuquerque Area Office

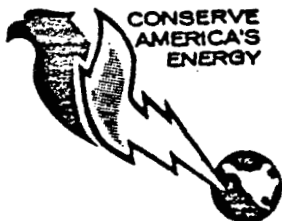
Subject: Tribal Court Proposal, Pueblo of Laguna

Transmitted herewith is the Pueblo of Laguna's proposal for additional funds to upgrade their Tribal Court Program. It is our understanding that your office has, on a number of occasions, been in contact with Mr. Roland Johnson, Superintendent, Laguna Agency, regarding the Pueblo's request.

Our previous review of the proposal resulted in a request for clarification and additional information from the Tribe. Having met with Tribal and Agency representative on February 4, 1982 and upon reviewing their resubmitted proposal, we find it meets the requirements of 25 CFR 271 and that sufficient information and justification has been provided to warrant funding. However, since funds are not available at either the Agency or Area Office level, we are unable to take further action on Laguna's request. Thus, we are forwarding the proposal to you with our recommendation that every effort be made by your office to identify any uncommitted funds for Laguna's proposal.

As evidenced by the progress the Tribe has made in their Tribal Court Program and their desire to continue improving their court system, we request your prompt and favorable consideration of the Pueblo's proposal. Should you have any questions concerning the proposal or desire additional information, please do not hesitate to contact the Area Self-Determination Officer at FTS 474-3942 or Superintendent Roland Johnson at (505) 552-6001.

Larry W. Welch
Acting Area Director



Save Energy and You Serve America!

Received
Bureau of Indian Affairs
Per Management

MAR 4 1982

Central Office

3/8
3



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
LAGUNA AGENCY
P.O. BOX 1448
LAGUNA, NEW MEXICO 87026

IN REPLY REFER TO:

FEB 10 1992

THROUGH: Area Director, Albuquerque Area Office

Memorandum

To: Assistant Secretary for Indian Affairs
Attention: Chief, Division of Tribal
Government Services

From: Superintendent, Laguna Agency

Subject: Tribal Court Proposal, Pueblo of Laguna

Enclosed is a funding proposal presented to me by the Governor of the Pueblo of Laguna. The proposal, if funded, would enable the Pueblo to accomplish the following action items:

1. To develop an efficient and responsive Court system.
2. To establish an properly developed record keeping system.
3. To properly train Court personnel in order to properly service the functions of the Court.
4. To assist the other agencies within the Tribal system in providing the services which they provide the membership of the Pueblo of Laguna.
5. To revise the current Law and Order Code.
6. To develop a Child Welfare Code.
7. To develop written rules of procedure for all Judicial processes and the Appellate Court Rules of Procedure.
8. To improve the image of the Court and to create a confidence among the people that they are going to be dealt with fairly and impartially by the Court and its officers.

RECEIVED
BUREAU OF INDIAN AFFAIRS
ALBUQUERQUE, NEW MEXICO

FEB 12 1992

AREA DIRECTOR'S OFFICE

The Pueblo of Laguna has strived to develop and operate a tribal court program which is responsive to the needs of the people, one which is a fair and impartial forum, and one which accords the people their constitutional and due process rights. If this proposal is funded, the Pueblo would be able to accomplish the identified action items--this should result in a sound and thorough judicial system. The budget for this proposal, including salaries for court personnel, is reasonable and justified.

The Laguna Tribal Court is an active entity which handles a heavy and varied caseload. For example, during the period of June 1981, through October 1981, the number and type of cases processed through the Tribal Court are as follows:

Criminal Violations	462
Adult (320)	
Juvenile (142)	
Traffic Violations	139
Civil Cases	54
Guardianship Cases	12
Domestic Relations	19
	<hr/>
TOTAL	686

I feel that the positive efforts of the Pueblo of Laguna to improve its tribal court system deserves the Bureau's support and consideration. I recommend that the Pueblo's proposal be favorably considered for funding with any funds available to the Bureau.

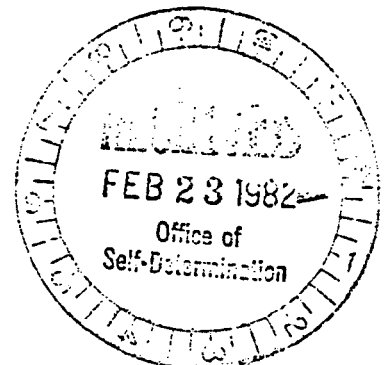
Contract application contents as required by 25 CFR 271.14 have already been submitted in the original FY 79 contract. Therefore, in accordance with discussions held by the Self Determination Officer and the Agency Community Services Officer, it was agreed that only the Scope of Work needed to be expounded and clarified.

We are satisfied that there has been contract compliance by the Pueblo of Laguna in their administration of the Tribal Courts Program in light of the information and assistance made available to them.

Should you have any questions concerning the proposal, please contact me at (505) 552-6001.

Robert E. Johnson
Superintendent

Enclosure



PUEBLO OF LAGUNA

P.O. BOX 184

LAGUNA, NEW MEXICO 87026

Office of:

The Governor
The Secretary
The Treasurer

(505) 243-3716
(505) 552-6651
(505) 552-6652

November 2, 1981

MEMORANDUM

TO: Harry D. Early, Governor

FROM: Wayne Granger, Division Manager, Law & Order
C. A. Bowerman, Tribal Judge
Alley David, Rehabilitation Coordinator

SUBJECT: Proposal

This year review is a proposal which has been prepared for the Bureau of Indian Affairs.

The purpose of this proposal is to request for additional funds in order to further develop the Tribal Court Program in efforts to further develop and enhance the structure, organization, and services provided by the Tribal Court.

Prepared By Alley David Date 11/3/81

Prepared By C. A. B. Date 11-3-81

Approved By C. A. B. Date 11-3-81

Approved By Wayne Granger Date 11-3-81

Approved By Pat Hines Date 11/3/81

Approved By Wayne Granger Date 11/5/81



the following is submitted in accordance with Part 271, 14 of F.L. 90-630 Regulations:

A. NAME AND ADDRESS:

Pueblo of Laguna
P.O. Box 194
Laguna, New Mexico 87026
(505) 243-3716

B. NAME OF TRIBE:

Pueblo of Laguna

C. TRIBE BENEFITING:

Laguna Tribe

D. DOCUMENTATION:

See the attached Tribal Resolution No. , dated

E. DATE SUBMITTED:

September 28, 1979

F. SIGNATURE:

Our transmittal letter of September 28, 1979, will suffice

G. ESTIMATED NUMBER OF TRIBAL MEMBERS TO BENEFIT:

The Laguna Tribe as a whole are potential recipients
of service.

Population: 6,059

H. DESCRIPTIVE NARRATIVE:

See the attached program narrative.

I. PLAN OF OPERATION:

Same as Item (H)

J. STATEMENT OF KNOWLEDGE:

See Tribal Resolution

K. KEY PERSONNEL:

Floyd R. Correa, Governor, Pueblo of Laguna
Tim A. Sarracino, Treasurer, Pueblo of Laguna
Glenn A. Paquin, Division Manager, Division of Law and Order
Gabriel Faisano, Tribal Judge, Laguna Pueblo Court

Position descriptions of program staff are incorporated in the attached proposal.

L. LISTING OF EQUIPMENT, FACILITIES, AND BUILDINGS NEEDED:

None are included in the proposal.

M. C.P.A. CERTIFICATION:

By Ernst & Ernst. Copy of Certification is on file at the Albuquerque Area Office.

N. MANAGEMENT SYSTEMS:

All required management systems by the Bureau have been developed, adopted, and implemented. A review of these systems was performed by the Area Office on March 16, 1979.

O. ADVANCE PAYMENT:

None

P. TERM OF CONTRACT:

Three (3) years beginning October 1, 1979, and ending September 30, 1982, as authorized by the attached resolution.

The Pueblo of Laguna Tribal Court is currently in the process of re-establishing the entire operational court system, from the use of common court forms to administrative procedures, rules of procedure, records management systems, and the revision and development of applicable codes.

The primary need of the Tribal Court is that it be a responsive court to the needs of the people and that it be viewed by the people as a fair and impartial forum before which they can take their complaints and grievances, imagined or real; and a forum before which they can appear in those instances where there are criminal charges pending against them, firmly convinced that their constitutional and due process rights will be safeguarded by the court and that the facts of their particular case can be fully developed on both sides and that justice will be rendered.

There is a great need for immediate revision of the Law and Order Code. The present Code is antiquated and grossly inadequate. We need a Code which is current and responsive to the needs of the people of the Pueblo of Laguna. The current Law and Order Code appears to be a mixture of laws derived from the Bureau of Indian Affairs, State of New Mexico, Federal law and constitutional provisions. In adjudicating some cases before the court, state law is applied because of the substantial gaps in the Code.

There also is a need to develop written Appellate Rules of Procedure for the Pueblo of Laguna. Presently, there is brief but non-explicit mention of the procedures written into the Tribal Law and Order Code dated 1968. It is important to have these rules written and in detail to ensure conformity and fairness in each case that reaches this level of review. Without thoroughly written rules of procedure, arbitrary procedures have a high potential probability to be non-consistent and bring out additional confusion and ultimately, the question arises whether a fair and formal procedure was applied.

In any kind of a court system, there must be a properly developed record keeping system. This should include records of each type of case processed through the court and also some form of recording of each trial. For reasons of efficiency and accuracy, we intend to use a recording device monitored by court personnel. The use of a recording system would accomplish the following goals:

1. The Tribal Court's action could be easily and accurately reviewed in those cases where an appeal is being made or where there has been a writ of habeas corpus filed in the Federal Court.
2. Due to the electronic recording of the hearings, the litigants would be prevented from fabricating or exaggerating the actions of the Tribal Court Judge.
3. Because there is no recording system at present, in the event that such a case be appealed, the entire case is heard all over again by the appellate officers. For appellate procedures, the recording device would abolish the trial de novo procedures in

favor of more appropriate methods. The appellate officers workload could be reduced to a consideration of abusive discretion, and to matters of error in the application of law by the Tribal Court Judge. Under the current trial de novo system, it is possible and in fact probable that the Tribal Court heard a completely different case presentation than that which was presented to the appellate officers at a later date, the result being that the Tribal Judge is being second guessed, not upon the case that he heard, but upon the case that the appellate officers heard at the second hearing.

The growth of courts nationwide has mandated efficient records management to assist and support the courts in achieving justice. Records management, as it applies to the Tribal Court, is an active continuing program for controlling the intake, maintenance, use and disposition of records used in the court to document and perform its business, which is to achieve justice. A records management system need not be complicated or overly technical. It can be relatively simple, as long as it is systematic and realistic in its approach, and is supported by well thought out procedures, through documentation in a procedures manual, as well as by well-trained personnel. The system must be sensitive to, and incorporate the needs, expectations and formal relationships among the individuals and organizations who are part of or use the Tribal Court. Ultimately, all records must support the Court's goal of achieving justice.

Because of the more sophisticated judicial system being developed, there is an imperative need for a Court Records Clerk to maintain and monitor all recorded trial information and individual files of all cases heard in the Tribal Court. Adequate funds were not available to the Court program to identify a Court Records Clerk, who not only will maintain and monitor files and information, but also assist the Court Clerk with the processing of paper work. Presently, we do not have a person to assist the Court Clerk with the enormous amount of paper work, documentation, filing, docketing, etc., which has revealed itself as a result of the development activities.

With regards to court personnel, there is a real need to develop adequate staff positions and to properly train these people to carry out the duties and assist Tribal members who are seeking justice or other services from the Tribal Court. In the past, training has been done by the former Tribal Court Judge or by attendance by the staff at various conferences and seminars available through various organizations involved in the development of Tribal Judicial System.

Realistically, today, the Judge does not have sufficient time to train a staff on a consistent and ongoing basis. Alternatively, training seminars conducted off the Reservation, while valuable, do not have the focus which we feel is necessary to address the unique needs and problems here at Laguna. Therefore, we anticipate bringing professional trainers to the Reservation to train and assist in the development of technical areas. After technical training and basic development of systems and procedures, attendance at select conferences and training seminars will be appropriate

for court staff. It is very important to attend the various conferences and seminars regarding Indian Judicial Systems at the national level to share ideas, and to keep abreast of litigation and congressional acts which affect the entire Native American population.

As standards, organization, and procedures of the Tribal Court are elevated, we recognize the necessity to be responsive to the individual needs of the people within the more sophisticated judicial framework.

To assist the people with judicial services, we intend to develop a Tribal Court Advocacy Program as a component within the structure of the Tribal Court. Presently, we do have available to us, a small amount of funds to begin developing the Advocacy component. This is to be done by contracting a consultant on part-time basis.

We anticipate a maximum of three months to adequately develop the Advocacy component, then we hope to hire a full-time person to fill the Advocate position.

The advocate will be utilized for several different purposes. First, he will actually represent Tribal members in cases where the opposing party has hired an attorney; second, he will act as Tribal Court Prosecutor when a defendant in a criminal case is represented by an attorney; and third, he will assist in the training of Tribal Police Officers in case presentations and methods of prosecution. Other various duties will be carried out, such as, assisting litigants in Tribal Court with preparation of pleadings, advising litigants of remedies available to them before the Tribal Court and basically being legal advisors to the Tribal Police, Probation Officers, Laguna Pueblo Social Services, and the general population.

Along with the increase in staff and a wider variety of services, are added responsibilities of management and administration. To balance out the responsibilities, we also wish to create a position of Court Administrator. The Administrator will manage the supervision of court personnel and administrate the contractual and budget responsibilities of the Tribal Court. The Tribal Court has never had an official administrator; however, we feel it is quite imperative to implement the position to maintain an ongoing quality of judicial services for the Pueblo of Laguna.

Since we've begun re-establishing the Tribal Court system, the efficiency of the number of cases being heard has increased, meaning more people are being served and back-logged cases no longer exist in this system. The filing and record keeping system have also experienced significant favorable changes from the prior system, although there still lies ahead much more to be accomplished.

The past record keeping system was not set up to break down statistical data categorically or by violation, nor did it have a file index for easy access and retrieval of files. The following are examples of the number of cases processed through the Tribal Court between the period of June 1981 to October 1981. Criminal Violations: 462 total - 320 adult, 142 juveniles; Civil Cases: 54 total; Traffic Violations: 139 total; Guardianships: 12 total; Domestic Relations: 19 total. So the total number of all cases processed through the Tribal Court within the five (5) month period is 686 cases. This figure will generally break the total number of cases per month to 137 cases.

With the current Fiscal Year 1982 budget allocation for the Tribal Court program, there is a very limited amount of funds to operate on. For the progressive developmental and organizational purposes, there are no monies we can possibly obligate out of our FY-82 allocation.

The developmental activities we have begun have never been attempted and challenged on behalf of the Pueblo of Laguna. Although, the antiquated and obscure system, procedures, and Law and Order Code have been recognized for a number of years.

At this time, it is in the very best interest of the Pueblo to pursue a new foundation for the judicial system. As a result of the poorly managed past system, inadequate services were not meeting the needs of the people in a responsive and sensitive manner. Alcoholism was on the rise, children were being abused, neglected, and not attending schools or dropping out at early ages, and there was an increase in suicides and attempts. Of course, the courts cannot take full responsibility and provide a panacea, but there are various social programs in the community that are providing direct services for these needs. In the past, the Court and the social programs did not cooperate and work very well in unison. Today, the communication, cooperation and coordination is experiencing a new light and needs of the people are being met more adequately. The Tribal Court is the primary referring agency on the entire Reservation and also is currently responsible for linking as a networking system, people in need of various services to the proper agencies who provide direct services. The Court also monitors the referrals to ensure that a client has received thorough and adequate services.

We sincerely hope that the Bureau of Indian Affairs, Laguna Agency can assist us in our efforts to make better the services of our Tribal Judicial System. It is also likely that other Indian Tribes throughout the country who are also struggling in developing a sound and thorough judicial system, can benefit from the development of our system.

Attached is a budget summary and breakdown of what we are requesting from the Bureau of Indian Affairs.

BUDGET SUMMARY

500 - <u>SALARIES:</u>	\$ 57,400	T
Tribal Judge (partial salary of \$35,000).....	\$16,000	
Court Advocate.....	18,000	
Court Administrator (partial salary of \$20,300) ..	13,100	
Court Records Clerk.....	10,300	
510 - <u>FRINGE BENEFITS @ .1855%</u>	10,648	
560 - <u>TRIBAL LAW AND ORDER CODE</u>	30,000	
To include Civil, Criminal, Domestic Relations, and Appellate		
560 - <u>CHILD WELFARE CODE</u>	20,000	
Children's Code		
560 - <u>RULES OF PROCEDURE</u>	10,000	
For Criminal, Civil, Domestic Relations, and Children's Code		193,000
560 - <u>APPELLATE COURT RULES OF PROCEDURE</u>	10,000	
577 - <u>TRAINING</u>	12,000	
531 - <u>EDUCATIONAL AIDES</u>	2,000	
Overhead projector, movie screen, chalkboard, film and equipment rentals		
555 - <u>RECORDING EQUIPMENT</u>	7,000	
Electronic monitoring reel to reel recorder, microphones, reel to reel tapes		
532 - <u>RECORDS MANAGEMENT</u>	<u>6,000</u>	
	TOTAL	\$165,048
INDIRECT COST @ *27.17%		<u>44,844</u>
*27.17% = 90% of projected indirect cost of 30.19%		
	GRAND TOTAL	<u>\$209,892</u>

CONTENTS OF 93-638 CONTRACT APPLICATION 271.14

Numbers 1-8 and 10-16 are answered on the attached copy of a previously submitted contract.

9) Plan of operations, which shall include but is not limited to:

A. Statement of Tribal goals and objectives to be obtained by the contract.

1. To develop an efficient and responsive Court system.
2. To establish a properly developed record-keeping system.
3. To properly train Court personnel in order to properly service the functions of the Court.
4. To assist the other agencies within the Tribal system in providing the services which they provide the memberships of the Pueblo of Laguna.
5. To revise the current Law and Order Code.
6. To develop a Child Welfare Code.
7. To develop written rules of procedure for all Judicial processes and the Appellate Court Rules of Procedure.
8. To improve the image of the Court and to create a confidence among the people that they are going to be dealt with fairly impartially by the Court and its officers.

B. The organization, methods and procedures to be used to accomplish the Tribal goals and objectives.

1. Through training of Court personnel, and by using the administration and procedures manual.
2. By reorganizing the entire old system and properly developing a new system according to modern methods and our particular needs.
3. By bringing professional trainers to the Reservation to train and assist in the development of technical areas.

On-site training by the Judge or other authorized staff personnel to focus and address the unique needs and problems here at Laguna.

4. Through a networking process, linking identified persons in need of various services to direct service providers within the Tribal structure.
 5. By drafting various sections of the Code, i.e. civil, domestic relations, probate, etc., and holding hearings for the general Tribal membership to participate and add their input. Also, to have participation from various Tribal agencies which will be affected, such as Social Services, Police Department, Probation, etc., and to have all contents of the Code reviewed by the Tribal Council for their input.
 6. Same as #5 above.
 7. By drafting the procedures in a way that will make it easier for individual litigants to resolve their disputes in a proper, orderly and constructive manner.
 8. By accomplishing each of the above stated goals and objectives.
- C. The means to measure progress and accomplishment:
1. By filling out monthly forms designed for self-evaluation and monthly reporting of appropriate court documentation, such as, number of cases processed, types of cases, disposition of cases, intake of money, (fines and bonds), etc. This system will serve as a measure of how responsive and efficient the Court is in all areas of service which the Court provides. See Section VII, pages 14 and 15 of the Pueblo of Laguna Tribal Court Clerk's Manual.
 2. By setting deadline dates for drafting and submitting judicial codes to the Tribal Council for approval.
- D. See attached budget summary.
- E. See attached staffing plan.
- F. Same as C above.

APPENDIX C

BIA Profile No. B 018

PROFILE NO. B018

JUDICIAL SYSTEM
OF THE
PUEBLO OF LAGUNA
LAGUNA PUEBLO RESERVATION

LOCATION: Valencia, Bernalillo and Sandoval Counties, New Mexico

TRIBAL OFFICE:

Pueblo of Laguna
P.O. Box 194
Laguna, New Mexico 87026
(505) 243-7616/552-6654
Governor: Harry Early 12/82

JUDICIAL OFFICE:

Laguna Pueblo Court
P.O. Box 194
Laguna, New Mexico 87026
(505) 552-6685
Chief Judge: C.A. Bowerman

TRIBAL ORGANIZATION:

Laguna Pueblo Council
Authorization: IRA, June 18, 1934
Tribal Constitution Approved Dec. 21, 1949
Number of Council Members: 21
Term of Office: 1 year

JUDICIAL ORGANIZATION:

Laguna Pueblo Court
Authorization: Tribal Constitution and
By Laws, Article V Judicial System
Number of Court Personnel: 6
Term of Office (Chief Judge): Indefinite

RESERVATION ACREAGE BIA '81:

Tribal	440,940.74
Allotted	4,066.20
Federal	0
Non-Indian	NA
Total	445,006.94

COURT COMPOSITION '81:

Judges	1
Juvenile	0
Clerks	3
Other	2
Total	6

POPULATION BIA '81:

Indian	6,406
Non-Indian	NA
Total	6,406

CASELOAD '81:

Criminal	592
Civil	298
Juvenile	142
Other	6
Total	1,038

COURT JURISDICTION:

The tribal court exercises jurisdiction over all legal matters regarding Indians. The court does not purport to exercise jurisdiction over non-Indians.

SUPPORT PERSONNEL:

In addition to the staff listed above the court has the services of two full-time probation officers.

FACILITIES:

The Indian court's facilities (courtroom, jury room, clerk's office, judge's chambers, and law library) appear to be adequate. The law library needs improvement however.

There are tribal jail facilities which are considered to be good. A separate juvenile facility exists which is rated as fair.

AGREEMENTS WITH OTHER JURISDICTIONS:

There are no written agreements with surrounding tribes and counties for mutual recognition of judicial decrees. In practice, the tribal court does not accord full faith and credit to civil judgments from state or county courts. Instead, any civil dispute cases are in effect retried at a tribal court hearing. Formalized procedures do not exist regarding state extradition requests for Indians located within the Pueblo. As in civil matters, the tribal court is vested with considerable discretion in determining whether to order extradition.

TRIBAL COURT PROCEDURES:

The Pueblo has developed written rules of court. Additionally, the code provides that customary laws may be applied by the court, and in practice traditional methods of conciliation are often utilized.

Pursuant to the tribal code, the governor and his elected staff of eight officers act as an appellate court to review tribal (trial) court decisions. A \$10 appeal bond is required.

The Pueblo council has adopted a lengthy ordinance setting forth the prerequisites for practice by professional attorneys, including a written application, an annual fee of \$40, authorization to practice before the New Mexico Supreme Court and the U.S. District Court for the District of New Mexico and an oath to uphold tribal laws.

APPENDIX D
Revised Court Forms

CRIMINAL '81

OCT 27 1981

CR 81-00203

Marcella (Chino) Begay, Bernie Garcia,
Kathleen Louis

CR 81-00204

Dale Aragon

205

Edgar Brown

OCT 28 1981

206

Emery Charlie

207

Timothy Bradley

208

James Sarracino

209

Richard Aragon Sr.

CIVIL 1981

OCT 27 1981

HERB Mac TOOLS / FLOYD SARRACINO

CV-81-0069

GURLEY MOTOR CO / BENJAMIN & CORDELIA CHEE

70

MIRA CONSTRUCTION CO, INC / EMMETT E. HUNT, SR.

71

HERB Mac TOOLS / ARTHUR ARMSTRONG

72

AMERICAN FINANCIAL SERVICES INC / RICHARD & FRANCES DAY

73

AMERICAN FURNITURE / ROSE MYRTLE DUNN

74

ERNEST M. HARRIS FOR ALLIANCE NATIONAL BANK / N. HARRIS

75

BANK OF AMERICA / N. HARRIS

76

INDEX

A-1

77

SUMMONS

PUEBLO COURT OF LAGUNA

MARY SMITH
PLAINTIFF

STATE OF NEW MEXICO

JOHN SMITH
DEFENDANT

TO: JOHN SMITH

You are hereby summoned to appear before the above entitled Court at the
Laguna Rehabilitation Center (Courtroom) Laguna, New Mexico, on the 29th
day of November, 1981 at 4:30 pm to answer to:

(☒) CIVIL COMPLAINT
() CRIMINAL COMPLAINT

() TRAFFIC CITATION

October 31, 1981
DATE

C. A. Bowerman
JUDGE, LAGUNA TRIBAL COURT

Failure to appear may result in a default judgment being issued in Civil Case
OR a Warrant for Arrest of the Defendant in a Criminal Case.

POLICE OFFICER'S CERTIFICATION

Served on Defendant this twenty-second
day of November, 1981

John Smith
SIGNATURE OF RECIPIENT

John J. Doe
SIGNATURE OF OFFICER

PUEBLO OF LAGUNA
TRIBAL COURT
P. O. BOX 194
LAGUNA, NEW MEXICO 87026

Nº 25

Codes
Circle One

- A Filing Fees
- B Transcripts and Copies
- C Jury and Witness
- D Child Support
- ☒ E Fines and Costs
- F Bonds
- G Miscellaneous

Case Number: CR-81-00639

Date: OCT. 31, 1981

From: PATRICIA SARRACINO

Style: PUEBLO OF LAGUNA - vs - PATRICIA SARRACINO

Description: FINE FOR DISORDERLY CONDUCT

Amount: \$25.00

Clerk's Signature: Isabel Gaco

Other: _____

Amount Tendered: \$ 30.00

Change Returned \$ 5.00

Check No. _____

WHITE COPY — INDIVIDUAL
CANARY COPY — COURT CLERK

PINK COPY — CASE FILE
GOLDENROD COPY — ACCOUNTING

① →

CV-81-0001 ← ②

LAGUNA TRIBAL COURT

SUIT FOR DAMAGES ← ③

JOHN DOE ← ④

vs.

JOHN SMITH

DATE FILED APRIL 26, 1981 ← ⑤

ASSIGNED TO JUDGE: ← ⑥

C.A. BOWERMAN

CV-81-0001

- ① COLOR-CODED FOLDER AS TO GENERAL TYPE OF CASE
- ② CASE NUMBER
- ③ SPECIFIC TYPE OF CASE
- ④ STYLE OF CASE
- ⑤ DATE OF FILING
- ⑥ JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED

DIRECT INDEX

PLAINTIFF

CASE
NUMBER

DEFENDANT

Sarracino, Gerrie *CV-81-0001* *David, Alley*

REVERSE INDEX

THE VALLIANT COMPANY, ALBUQUERQUE, N. M.

DEFENDANT

CASE
NUMBER

PLAINTIFF

David, Alley *CV-81-0001* *Sarracino, Gerrie*

CRIMINAL
CASE
NUMBERS

CR81-19
CR81-490
BROWN, Aubrey J.

NAME BROWN, Aubrey J. DATE OF BIRTH 2-23-58 S.S. # 585-82-8233
 ADDRESS Box 311 Casa Blanca NM VILLAGE Paraje HR Blk. EYES Brn. WT HT 5'4" SEX M
 PARENT, SPOUSE
 OF GUARDIAN Carole Brown ADDRESS _____

REMARKS: SPOUSE: Gary Day

DATE OF ARREST	OFFENSE	COMPLAINANT	COURT DATE	DISPOSITION
2-19-81	Disorderly Conduct	Carole Brown	2-23-81	Twenty days in jail.
03/01/81	Escape	Russell Martin	03/09/81	Do remaining time of 7 days.
10/20/81	Disorderly Conduct	Off. Waikaniwa	10/23/81	Guilty; \$30.00 fine or 15days jail; Pay fine; 6mos Probation

DATE FILED 10-31-81	DEFENDANT	DFT. NO.	DATE/REOPEN	DOCKET CV-81-	CASE NUMBER 00050
JUDGE C.A. BOWERMAN	R/D	DATE	BY	NEW JUDGE	FINE AMOUNT
			DATE PAID	RECEIPT #	

GERRIE SARRACINO

VS

ALLEY DAVID

ATTORNEY
STAN READ

GARY FERNANDEZ

FEE \$ 6.00

ADDRESS Plaintiff: Box 12, Laguna, N.M. 87026	DATE OF BIRTH 04-01-50	CITATION #	SSN 330-40-0000
Defendant: Box 11, Laguna, N.M. 87026	POLICE	TRIBE Both Laguna	

WARRANT ISSUED	DATE OF ARREST	DATE OF ARRAIGNMENT	OFFENSE	PLEA	BOND AMOUNT	DATE REC'D	RECEIPT #
SUMMONS ISSUED 11-01-81	SUMMONS RETURNED 11-15-81	CASE TYPE: CIVIL DAMAGES				BOND REIMBURSED	

ORIGINAL CHARGES				DISPOSITION				
ORDINANCE NUMBER	PLEA	COUNTS	DISPOSITION	COUNTS	DISMISSED	REASON	DATE	

DATE	DESCRIPTION
10-31-81	Filing Civil Complaint alleging that Defendant dropped a box on the foot of the Plaintiff, causing bone breakage, and praying the court for redress in the amount of \$1,000,000.00. crs
10-31-81	Filing Court's copy of cash receipt for filing fee of \$6.00
11-01-81	Issuing Summons to Defendant. crs
11-15-81	Filing Summons and Return of Service. crs
11-16-81	Filing Defendant's Answer to Civil Complaint and Defendant's Counterclaim.
11-17-81	Filing Clerk's Notice of Trial, set for 12-01-81. crs
11-17-81	Filing Plaintiff's Motion for Continuance. crs
11-20-81	Filing Clerk's Notice of Hearing on Plaintiff's Motion for Continuance, set for 11-29-81. crs
11-29-81	Filing Order granting continuance of trial until 12-22-81. crs
12-29-81	Filing Judgment finding that the allegations of the plaintiff are true and are hereby adopted as the Court's findings and ordering defendant to pay damages to plaintiff in the amount of \$1,000,000.00, plus court costs and reasonable attorney's fees of \$999,999.99. crs
01-10-82	Filing Defendant's Notice of Appeal. crs
01-10-82	Filing Court's copy of cash receipt for appeal filing fee of \$10.00
02-02-82	Filing Mandate affirming the Tribal Court's Judgment. crs
03-03-82	Filing Plaintiff's Satisfaction of Judgment. crs

JURY NON-JURY	DATE TRIED 12-22-81	DATE OF VERDICT 12-22-81	NATURE OF DISPOSITION							
DATE SENTENCED	FINE	COST \$3000	SUSP.	FINE DUE	INCARCERATED	SUSP.	DEF.	PROB.	CREDIT	RESTITUTIO
NOTICE OF APPEAL 01-10-82	DOCKETING STATEMENT		MANDATE 02-02-82	AFFIRM XXX	REVERSE	REMAND				

A-7(a)

DATE FILED 10-31-81	DEFENDANT H.A. ALVAREZ	DEPT. NO.	DATE/REOPEN 12-31-81	DOCKET CR-81-	CASE NUMBER 00001
JUDGE C.A. BOWERMAN	R/D D	DATE 11-01-81	BY D	NEW JUDGE Clark-Acoma	FINE AMOUNT \$30 -- --
				DATE PAID 11-20-81	RECEIPT 25

VS		ATTORNEY
		FILE \$

ADDRESS P.O. Box 30, Laguna, N.M. 87026	DATE OF BIRTH 04-22-22	CITATION # HXX-777-999-444-3	SSN 330-40-0099
POLICE Officer Walt Heaton		TRIBE Laguna	

WARRANT ISSUED 11-01-81	DATE OF ARREST 11-01-81	DATE OF ARRAIGNMENT 11-01-81	OFFENSE	PLEA G	BOND AMOUNT \$10	DATE REC'D 10-31-81	RECEIPT # 22
SUMMONS ISSUED	SUMMONS RETURNED					BOND REIMBURSED applied to fine	

ORIGINAL CHARGES			DISPOSITION				
ORDINANCE NUMBER	PLEA	COUNTS	DISPOSITION	COUNTS	DISMISSED	REASON	DATE

DATE	DESCRIPTION
10-31-81	Filing Criminal Complaint alleging: DWI (one count). crs
10-31-81	Filing Court's copy of cash receipt for \$30 bond. crs
11-01-81	Filing Defendant's Disqualification of Judge Bowerman and reassigning Judge Clark of Acoma to hear the case. crs
11-01-81	Issuing and filing arrest warrant for failure to appear at arraignment. crs
11-01-81	Filing Judgment and Dispositional Order on Criminal Complaint, finding that the Defendant pleaded guilty to the charge alleged and Ordering Defendant to pay a \$30 fine for DWI and placing him on six months probation under the supervision of Mr. Shiosee. crs
11-20-81	Filing Court's copy of cash receipt for \$20 for DWI fine. \$10 bond was applied to remainder of fine. crs
12-31-81	Filing Petition to Revoke Probation crs.
01-09-82	Filing Judgment and Dispositional Order finding Defendant to have violated his terms of probation and ordering him to be incarcerated for 12 years. crs

<input type="checkbox"/> JURY <input type="checkbox"/> NON-JURY	DATE TRIED	DATE OF VERDICT	NATURE OF DISPOSITION fine/probation---incarceration							
DATE SENTENCED 11-01-81	FINE \$30	COST	SUSP.	FINE DUE 11-21-81	INCARCERATED 01-09-82	SUSP.	DEF.	PROB. 6m0	CREDIT none	RESTITUTION
NOTICE OF APPEAL	DOCKETING STATEMENT	MANDATE	AFFIRM	REVERSE	REMAND					

A - 7 (L)

SAVE YOUR RECEIPTS

PUEBLO OF LAGUNA
TRIBAL COURT

Nº 9097

Dec 07, 1981

RECEIVED OF

Richard Kie

Child Support for Mary Kie

Seventy five and ⁴⁰/₁₀₀

Dollars \$ 75⁰⁰

CHECK ☐
CASH ☒

BALANCE
DUE \$ 0

PUEBLO OF LAGUNA
TRIBAL COURT

BY Geraldine Parracino

A-8(a)

SAVE YOUR RECEIPTS

PUEBLO OF LAGUNA
TRIBAL COURT

PUEBLO OF LAGUNA

No 9141

Dec 07 1981

RECEIVED OF

Child Support for Mary Kie
Seventy-five + 00/100

Dollars \$ 75.00

CHECK ☐
CASH ☐

BALANCE
DUE \$

PUEBLO OF LAGUNA
TRIBAL COURT

By Adeline Kie

A-8(b)

*CASH RECEIPTS
FOR JAN. 23, 1982*

0.00 T1

00

*RECEIPTS
NUMBERED*

	6.00	+1
251	6.00	+1
thru	25.00	+1
258	55.00	+1
	250.00	+1
	6.00	+1
	6.00	+1
	30.00	+1
<i>TOTAL</i> →	<u>384.00</u>	T1

00

Checks

6.00	+1
6.00	+1
6.00	+1
6.00	+1
24.00	T1

00

Cash

(\$20 bills) →	280.00	+2
(\$10 bills) →	70.00	+2
(\$5 bills) →	10.00	+2
	360.00	T2

00

(CHECKS) →	24.00	+1
(CASH) →	360.00	+1

<i>TOTAL</i> →	<u>384.00</u>	T1
----------------	---------------	----

00

UNITED STATES OF AMERICA)
State of New Mexico)
County of Cibola) SS.
PUEBLO OF LAGUNA)

I, _____, Judge of the Laguna Tribal Court, do hereby certify that _____, whose name is subscribed to the foregoing Certificate of Attestation, now is, and was at the time of the signing and sealing the same, the Clerk of the Laguna Tribal Court, and keeper of the seal and records thereof, duly appointed, commissioned and qualified to office; that full faith and credit are and of a right ought to be given to his official acts as such, in all Courts of Record in the United States and elsewhere, and that his attestation is in due form of law and by the proper officer.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Old Laguna, Laguna Pueblo, New Mexico, United States of America, this _____ day of _____, 198__.

(court seal)

Laguna Tribal Judge

UNITED STATES OF AMERICA)
State of New Mexico)
County of Cibola) SS.
PUEBLO OF LAGUNA)

I, _____, Clerk of the Laguna Tribal Court, do hereby certify that _____, whose name is subscribed to the foregoing Certificate of Attestation, now is, and was at the time of the signing and sealing the same, the Laguna Tribal Judge, and was duly appointed, commissioned and qualified to office; that full faith and credit are and of a right ought to be given to all his official acts as such, in all Courts of Record in the United States and elsewhere, and that his attestation is in due form of law and by the proper officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court at Old Laguna, Laguna Pueblo, New Mexico, United States of America, this _____ day of _____, 198__.

(court seal)

Clerk, Laguna Tribal Court

DATE	MISC. NO.	DESCRIPTION
7-10-81	1	Order of Appointment & Oath of Court Clerk, Isabel G.
1-16-81	2	Destruction of Police Evidence - Liquor
1-29-82	3	Appointment & Oath of Deputy Clerk, B. "Alley" David



evidence SP-MISC. INDEX

1981

Case No.	Style	BERN. CO. # CV81-07004 BERN. CO. # CV10461-81	Name of Attorney Requesting Service
SR81-00001	Regents of University of N.M. vs. T. L. Lockwood		John Silko
SP-81-00002	University Heights Hospital / -vs- Alfred + Rafaelita Romero		
81-00003	Loh, Cheng Yo, M.D. / Cibola Gen. Hospital, a New Mexico Corp. (Mary Gunn)		Bruce E. Factorine
81-00004	Bernalillo District Court #D831-5607 Lorenza Ruiz -vs- Daniel Ruiz		Stanford
81-	5 Second Judicial District, County of Bernalillo Horton Leminder, Jr. D.D.S. -vs- Patricia Lind Dailley		John N. Freeman
P81	6 State of New Mexico in the Magistrate Court-Cibola County. Clerk- L. Lopez Beneficial Finances -vs- Florence Senecque		
	7 District Court of the Second Judicial District, Bernalillo County Lorenza Ruiz -vs- Daniel Ruiz		Bruce E. Factorine / Stanford
SP81-00003	District Court of the Second Judicial District, Bernalillo County Richardson Ford Sales -vs- Arlene Cheromiah + Carmelia Cheromiah		William H. Hyde
00009	District Court of the Second Judicial District, Bernalillo County: Richardson Ford Sales -vs- Finances A. + Glenn M. Johnson		William H. Hyde

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

-vs-

No. _____

TO:

NOTICE OF HEARING

BE AND YOU ARE HEREBY NOTIFIED that the above entitled matter
will come on for _____ (TRIAL) _____ (HEARING ON MOTION(S)). TO _____

on the _____ day of _____, 198__ at _____ (am)(pm)
at the Laguna Rehabilitation Center, Laguna, New Mexico, before the
Honorable C.A. Eowerman.

ISABEL GACO
CLERK, LAGUNA TRIBAL COURT

I HEREBY CERTIFY that a true copy
of the foregoing was mailed to the
above designated (counsel)(parties), this

_____ day of _____, 198__.

I. NEW CASES

C I V I L

INJURY, DEATH, PROPERTY DAMAGE

DEBTS

LAND OWNERSHIP

HOUSING AUTHORITY

PROBATE

GUARDIANSHIP

OTHER CIVIL (Paternity, Change of Name, Miscellaneous Docket, etc.)

NEW CASES

DOMESTIC RELATIONS

PETITIONS FOR LEGAL SEPARATION

DR-82-004

PETITIONS FOR CUSTODY/CHANGE OF CUSTODYPETITIONS FOR VISITATION/CHANGE OF VISITATIONPETITIONS FOR CHILD SUPPORT/CHANGE OF CHILD SUPPORT PAYMENTSCASES APPEALED (ALL TYPES)AFFIRMEDREVERSED

A-14 (b)

NEW CASES

CRIMINAL

was involved in the offense

MALE ADULT

CR-82-006 ✓

A

A

A

A

FEMALE ADULT

A

A

A

A

MALE JUVENILE

A

A

A

A

FEMALE JUVENILE

A

A

A

A

TRAFFIC - MALE

A

A

A

A

TRAFFIC - FEMALE

A

A

A

A

A-14(c)

INJURY, DEATH, PROPERTY DAMAGE

NO TRIAL

JURY TRIAL

NON-JURY

WITHDRAWN OR DISMISSED

DEBTS

CV-82-0045

LAND OWNERSHIPHOUSING AUTHORITYPROBATEGUARDIANSHIP

A-14(d)

CASES CLOSED

NO TRIAL

JURY TRIAL

NON-JURY

WITHDRAWN OR DISMISSED

OTHER CIVIL

DOMESTIC RELATIONS

LEGAL SEPARATION

CUSTODY

VISITATION

CHILD SUPPORT

CASES CLOSED

C R I M I N A L

DISMISSED

GUILTY PLEA

GUILTY-NON-JURY

GUILTY-JURY

INNOCENT-NJ

INNOCENT-JURY

MALE ADULT

CR-82-006

FEMALE ADULT

MALE JUVENILE

FEMALE JUVENILE

TRAFFIC - MALE

TRAFFIC - FEMALE

A-14(f)

	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	TOTAL
BONDS	\$1145	\$1655	\$2135	\$4535	\$2175	\$3630	\$2055	\$17,330.00
FILING FEES	\$ 40	\$ 54	\$ 26	\$ 22	\$ 21	\$ 232	\$ 72	\$ 574.00
FINES	\$ 880	\$ 805	\$2003	\$1072	\$1535	\$1886	\$1537	\$ 9,718.00
CHILD SUPPORT	\$1248.35*	\$ 157*	\$ 887*	\$1538.71*	\$ 756	\$ 712	\$ 894	6,193.06

*Figures may be incorrect because receipt books are not explicit for these months as to whether funds were received or paid out by the court.

AVERAGE DAILY INTAKE OF BOND MONIES: \$117.09
" WEEKLY " " " \$566.33

TOTAL CIVIL CASES FILED: 112

TOTAL SERVICE OF PROCESS FEES: \$112.00 (assumed from data re: total civil cases filed)

CASELOAD REPORT FOR THE MONTH OF _____, 198_____.

CIVIL CASES

I-A. INJURY, DEATH, PROPERTY DAMAGE:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial_____
 - (b) jury trial_____
 - (c) non-jury trial_____
 - (d) withdrawn or dismissed_____
 - (e) total cases closed----- -
5. TOTAL PENDING-----

I-B. DEBTS:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial_____
 - (b) jury trial_____
 - (c) non-jury trial_____
 - (d) withdrawn or dismissed_____
 - (e) total cases closed----- -
5. TOTAL PENDING-----

I-C. LAND OWNERSHIP:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial_____
 - (b) jury trial_____
 - (c) non-jury trial_____
 - (d) withdrawn or dismissed_____
 - (e) total cases closed----- -
5. TOTAL PENDING-----

I. (CIVIL CASES CONTINUED)

I-D. HOUSING AUTHORITY:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial-----
 - (b) jury trial-----
 - (c) non-jury trial-----
 - (d) withdrawn or dismissed-----
 - (e) total cases closed----- -
5. TOTAL PENDING-----

I-E. PROBATE:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial-----
 - (b) jury trial-----
 - (c) non-jury trial-----
 - (d) withdrawn or dismissed-----
 - (e) total cases closed----- -
5. TOTAL PENDING-----

I-F. GUARDIANSHIP:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial-----
 - (b) jury trial-----
 - (c) non-jury trial-----
 - (d) withdrawn or dismissed-----
 - (e) total cases closed----- -
5. TOTAL PENDING-----

I. (CIVIL CASES CONTINUED)

I-E. ALL OTHER CIVIL:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial_____
 - (b) jury trial_____
 - (c) non-jury trial_____
 - (d) withdrawn or dismissed_____
 - (e) total cases closed----- -
5. TOTAL PENDING-----

II. DOMESTIC RELATIONS CASES

I-A. PETITIONS FOR LEGAL SEPARATION:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial_____
 - (b) jury trial_____
 - (c) non-jury trial_____
 - (d) withdrawn or dismissed_____
 - (e) total cases closed----- -
5. TOTAL PENDING-----

II-B. PETITIONS FOR CUSTODY/CHANGE OF CUSTODY:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial_____
 - (b) jury trial_____
 - (c) non-jury trial_____
 - (d) withdrawn or dismissed_____
 - (e) total cases closed----- -
5. TOTAL PENDING-----

II. (DOMESTIC RELATIONS CONTINUED)

II-C. PETITIONS FOR VISITATION/CHANGE OF VISITATION:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial_____
 - (b) jury trial_____
 - (c) non-jury trial_____
 - (d) withdrawn or dismissed_____
 - (e) total cases closed----- -
5. TOTAL PENDING-----

II-D. PETITIONS FOR CHILD SUPPORT/CHANGE OF CHILD SUPPORT PAYMENTS:

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Cases closed
 - (a) no trial_____
 - (b) jury trial_____
 - (c) non-jury trial_____
 - (d) withdrawn or dismissed_____
 - (e) total cases closed----- -
5. TOTAL PENDING-----

III. CRIMINAL MATTERS

1. Pending from last month-----
2. NEW CASES FILED THIS MONTH:
 - (a) Male Adult
 - (1) alcohol_____
 - (2) non-alcohol_____

SUB TOTAL_____

III. CRIMINAL MATTERS

(NEW CASES FILED CONTINUED)

(b) Female Adult

(1) alcohol_____

(2) non-alcohol_____

SUB TOTAL_____

(c) Male Juvenile

(1) alcohol_____

(2) non-alcohol_____

SUB TOTAL_____

(d) Female Juvenile

(1) alcohol_____

(2) non-alcohol_____

SUB TOTAL_____

(e) Traffic - Male _____

(f) Traffic - Female _____

SUB TOTAL_____

(g) TOTAL NEW CASES FILED-----+_____

3. SUB TOTAL-----+_____

4. CASES CLOSED:

(a) Male Adult

(1) dismissed_____

(2) guilty plea_____

(3) guilty - non-jury_____

(4) guilty - jury_____

(5) innocent - non-jury_____

(6) innocent - jury_____

SUB TOTAL_____

(b) Female Adult

(1) dismissed_____

(2) guilty plea_____

(3) guilty - non-jury_____

(4) guilty - jury_____

(5) innocent - non-jury_____

(6) innocent - jury_____

SUB TOTAL_____

III. CRIMINAL MATTERS

(CASES CLOSED CONTINUED)

(c) Male Juvenile

- (1) dismissed _____
- (2) guilty plea _____
- (3) guilty - non-jury _____
- (4) guilty - jury _____
- (5) innocent - non-jury _____
- (6) innocent - jury _____

SUB TOTAL _____

(d) Female Juvenile

- (1) dismissed _____
- (2) guilty plea _____
- (3) guilty - non-jury _____
- (4) guilty - jury _____
- (5) innocent - non-jury _____
- (6) innocent - jury _____

SUB TOTAL _____

(e) Traffic - Male

- (1) dismissed _____
- (2) guilty plea _____
- (3) guilty - non-jury _____
- (4) guilty - jury _____
- (5) innocent - non-jury _____
- (6) innocent - jury _____

SUB TOTAL _____

(f) Traffic - Female

- (1) dismissed _____
- (2) guilty plea _____
- (3) guilty - non-jury _____
- (4) guilty - jury _____
- (5) innocent - non-jury _____
- (6) innocent - jury _____

SUB TOTAL _____

(g) TOTAL CASES CLOSED-----

5. TOTAL CRIMINAL CASES PENDING-----

IV. TOTAL CASELOAD FIGURES (ALL TYPES)

1. Pending from last month-----
2. New cases filed this month----- +
3. Sub total-----
4. Total number of cases closed this month----- -
5. Total number of cases pending at the end of this month-----

V. NUMBER OF CASES APPEALED (ALL TYPES) _____

Number of appeals affirmed _____

Number of appeals reversed _____

BOND LOG

JANUARY 28, 1982 → ∞

DATE PAID	RECEIPT NO.	CASE NO.	BOND PAID BY	-FOR- NAME OF Δ	DATE OF REQUEST FOR PAYMENT	AMT. OF BOND	AMT. OF FINE	AMT. OF REFUND	DI. REF. PA.
1-28-82	129	CR-82-004	John Smith	DON DOE	2/12/82	\$300	\$200	\$100	3-1

PUEBLO OF LAGUNA
REQUEST FOR PAYMENT

Prepare and present to the Treasurer's Office 9 days prior to payment so all payments can be scheduled through our computer. Justification for earlier payments must be included.

Prepare a Check for Payment To:

NAME: Walter Johnson

ADDRESS: P.O. Box 214

New Laguna, New Mexico 87038

VENDOR ORDER NO. _____ PURCHASE ORDER NO. _____

AMOUNT OF PAYMENT \$20.00

JUSTIFICATION FOR PAYMENT Refund due to person for Bond.

CHARGE PAYMENT TO:

Line No	Amount	Fund (Ledger)	Cost Center No.	Object Code	Department Name
1	\$20.00	01	000	630	Tribal Court
2					
3					
4					
5					

Director _____ Date _____

ACCOUNTING ONLY

Division Mgr. C.A.R. _____ Date _____

Prewritten: _____

Treasurer _____ Date _____

Time or Date Needed: _____

MISC. No.	NAME OF DEFENDANT	CRIME(S) ALLEGED	DATE OF ISSUE OF WARRANT	DATE OF ARREST	DATE OF CANCELLATION OF WARRANT	NAME AFFIAN (OFFICE)
14	JOHN DOE	ARSON	12-16-81	1-22-82	1-23-82	HEATON

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

PUEBLO OF LAGUNA,

-VS-

Case No. _____

_____.

CANCELLATION OF WARRANT

TO: ANY AUTHORIZED PEACE OFFICER:

BE AND YOU ARE HEREBY NOTIFIED that the _____ BENCH WARRANT
_____ ARREST WARRANT, issued
on _____, 198 _____ in the above styled and numbered cause, is
hereby cancelled for the following reason:

_____ the defendant was arrested on _____, 198 _____,
by Officer _____.

_____ the case against the defendant has been dismissed
_____ by order of the Court.

COURT CLERK

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

CIVIL CASE NO. _____

(name) (tribe)

(address) (date of birth)

PLAINTIFF,

-VS-

(name) (tribe)

(address) (date of birth)

DEFENDANT.

CIVIL COMPLAINT

The above named complainant declares that the defendant, through his own action or through his agent, has damaged the person or the property of the complainant by committing or causing to be committed the following acts:

The complainant asks that the Court order the defendant to make redress in the following manner:

COMPLAINANT

BY: _____
Advocate or Attorney

Address

Phone

This complaint has been signed before me on this date: _____

C.A. BOWERMAN
Tribal Judge

(court seal)

By: _____
COURT CLERK

White: court file
Canary: Defendant (served with summons)
Pink: Plaintiff

A-21

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

CIVIL CASE NO. _____

PLAINTIFF,

-VS-

DEFENDANT.

DEFENDANT'S ANSWER TO CIVIL COMPLAINT

COMES NOW THE DEFENDANT and for his/her answer to the Plaintiff's complaint states:

1. The amount of damages claimed by the Plaintiff is(not) owed because: _____;
_____;

OR

1. The personal property claimed by the Plaintiff should (not) be turned over to the Plaintiff because: _____;
_____;

2. (If applicable) Defendant asserts the following counterclaim against the Plaintiff: _____
_____.

Signature of Defendant

(please print name)

address

phone

White: court file
Canary: Plaintiff's copy
Pink: Defendant's copy

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

CIVIL CASE NO. _____

PLAINTIFF.

-VS-

DEFENDANT.

J U D G M E N T O N C I V I L C O M P L A I N T

This matter having come on for hearing this _____ day of _____, 198____, on the application of the Plaintiff for judgment against the Defendant and the Plaintiff, _____, personally appearing, (and/or by its attorney, _____), and the Defendant, _____, personally appearing, (and/or by its attorney _____), and after service of process, and the Court having heard the statements of the parties, (by their counsel), and the Court having examined the court file and being otherwise fully advised in the premises FINDS: .

1. That the Court has jurisdiction over the parties and the subject matter of this action;
2. That the allegations contained in the Plaintiff's complaint are:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that _____ is hereby awarded judgment against _____, in the sum of \$ _____, (plus cost of this action in the sum of \$ _____), (plus reasonable attorney fees of \$ _____).

C.A. BOWERMAN
Tribal Judge

White: court file
Canary: Plaintiff's copy
Pink: Defendant's copy

IN THE LAGUNA TRIBAL COURT

PUEBLO OF LAGUNA
LAGUNA, NEW MEXICO

PUEBLO OF LAGUNA

-vs-

NO: _____

Defendant)

BENCH WARRANT

TO: Any Police Officer of the Laguna Police Department, or other Authorized Law Enforcement Officer.

YOU ARE HEREBY COMMANDED: To arrest _____ and bring him/her forthwith, before this Court to answer to:

(Check appropriate box or boxes)

- _____ Failure to appear at the time and place ordered by this Court.
- _____ Failure to appear as required by a summons issued by this Court.
- _____ Failure to appear as required by a subpoena issued by this Court.
- _____ Failure to appear as required by citation.
- _____ Failure to pay fines or costs previously imposed.
- _____ Contempt of Court.
- _____ Failure to comply with conditions of probation.
- _____ Failure to appear in accordance with the conditions of release imposed by this Court.

DO THIS BY LAW:

Dated this _____ day of _____, 19_____.

BOND SET AT \$ _____

Judge, Laguna Tribal Court

RETURN

I, ARRESTED THE ABOVE-NAMED PERSON on the _____ day of _____,
19_____ by taking such person into custody, as ordered by the Court.

Signature

Title

WARRANT TO APPREHEND

Nº 2053

LAGUNA TRIBAL COURT

PUEBLO OF _____ JURISDICTION

NEW MEXICO

VS

To any Officer of the Pueblo of _____:

WHEREAS a complaint has been filed in the above-entitled Court charging that the offense of _____

has been committed and accusing the above-named Defendant thereof, you are commanded to apprehend and bring the said Defendant before this Court to show cause why he should not be held for trial.

Dated: _____

JUDGE

Pueblo Jurisdiction

Received the within warrant on the

_____ day of _____ 19____

and executed the same on the _____

day of _____ 19____, by

arresting the within-named Defendant

at _____

and now have him before the Court

as commanded.

(Officer's Signature)

Dated: _____

(Title)

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

STATE OF NEW MEXICO)
COUNTY OF CIBOLA) SS.
PUEBLO OF LAGUNA)

AFFIDAVIT FOR ARREST WARRANT

THE UNDERSIGNED, being duly sworn upon his/her oath
states that he/she has reason to believe that on or about the
_____ day of _____, 1981, within the
exterior boundaries of the Laguna Pueblo Reservation, Laguna, New
Mexico, the defendant(s), _____

_____ of the _____
Tribe, did commit the following act(s) contrary to (state ordinance
or law defining the offense, the title of the ordinance or law and
the date of passage):

THE UNDERSIGNED further states the following facts on
oath to establish probable cause to believe that the above named
defendant(s) is/are _____

Further affiant sayeth not.

(signature)

(title)

(affiant's name and police no.)
(please print)

Subscribed and sworn to before me at Laguna, New Mexico, this
_____ day of _____, 1981.

(seal)

(judge, clerk or notary public)

My commission expires:

CAB/crs

A-26

S U B P E O N A

ACTIONS

TRIBAL JURISDICTION

TO: _____

You are hereby commanded to make appearance in Tribal Court as a,

() Witness

() Plaintiff

() Defendant

in the proceedings of _____ VS _____

in and for the jurisdiction of the Pueblo of Laguna.

Hearing is scheduled for the _____ day of _____, 19____.
at _____ at the Laguna Rehabilitation Center (Courtroom) Laguna, New Mexico.

DATE

JUDGE, LAGUNA TRIBAL COURT

IF YOU FAIL TO APPEAR, YOU MAY BE HELD IN CONTEMPT OF COURT AND ORDERED
TO SERVE A JAIL SENTENCE OR PAY A FINE.

POLICE OFFICER'S CERTIFICATION

Served on Defendant this _____

day of _____, 19____

SIGNATURE OF RECIPIENT

SIGNATURE OF OFFICER

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

PUEBLO OF LAGUNA, and/or

No. _____

_____ Complaining Witness,

DOB: _____

Plaintiff,

SSN: _____

-vs-

CITATION # _____

_____, Defendant.

Address: _____

Phone: _____

CRIMINAL COMPLAINT

The Complainant, _____, who resides at _____, hereby complains and states, upon his/her oath, that on the ____ day of _____, 198____, the Defendant, _____, a member of the Tribe of _____ (Indians), did commit while within the exterior boundaries of the Pueblo of Laguna Reservation, an act or acts which violated the Law and Order Code of the Pueblo of Laguna, to wit:

SECTIONS: _____

The essential facts of the offense(s) are stated as follows:

Dated at Laguna, New Mexico, this _____ day of _____, 198____.

Signature of Complainant

Subscribed and sworn to before me this _____ day of _____, 198____.

C.A. BOWERMAN
Laguna Tribal Judge

(COURT SEAL)

BY: _____
ISABEL GACO
Clerk, Laguna Tribal Court

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

PUEBLO OF LAGUNA, Plaintiff)
)
 vs.)
)
)
 , Defendant)

CHARGES: _____

JUDGEMENT AND DISPOSITIONAL ORDER

This matter having come on for hearing this _____ day of _____, 19____,
 and the defendant being fully advised of his/her rights, and informed of the charges
 against him/her, and the Court having ACCEPTED THE DEFENDANT'S PLEA OF:

GUILTY, to the charge(s) of: _____

NOT GUILTY to the charge(s) of: _____

UPON TRIAL ON _____, 19____, by the Court or Jury, the Defendant was found:

GUILTY, to the charge(s) of: _____

NOT GUILTY to the charge(s) of: _____

ON _____, 19____, the Court imposed the following sentence(s):

FOR THE CHARGE(S) OF: _____

SO THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

- | | |
|---|---|
| <input type="checkbox"/> Treatment Program | <input type="checkbox"/> Jail Commitment _____ days |
| <input type="checkbox"/> Santa Clara Rehab Center | <input type="checkbox"/> Probation |
| <input type="checkbox"/> Star Lodge | <input type="checkbox"/> Fine \$ _____ |
| <input type="checkbox"/> Other | <input type="checkbox"/> Restitution \$ _____ |
| <input type="checkbox"/> Social Services | <input type="checkbox"/> School |
| <input type="checkbox"/> Service Center | <input type="checkbox"/> Advisement |
| <input type="checkbox"/> Alcohol Counseling | <input type="checkbox"/> Bail Bond Refund \$ _____ |
| <input type="checkbox"/> Family Counseling | <input type="checkbox"/> Other |
| <input type="checkbox"/> Marital Counseling | <input type="checkbox"/> Comments: |
| <input type="checkbox"/> Antabuse | |
| <input type="checkbox"/> Mental Health | |
| <input type="checkbox"/> Exercise treatment plan at
own discretion | |

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

PUEBLO OF LAGUNA, Plaintiff

-vs-

_____, Defendant

The undersigned defendant was present in the Laguna Tribal Court Judge C.A. BOWERMAN presiding; on _____. The Defendant was charged with a violation of Section(s) _____

_____ of the Laguna Tribal Law and Order.

Code, to wit: _____

(Name of charge(s))

_____ and was arraigned on the above date. The following rights were explained to the Defendant at his/her arraignment.

1. The right to obtain counsel at defendant's own expense.
2. The right to consult with counsel prior to proceeding in Court.
3. The right to be informed of the charges against him/her.
4. The right to a public and speedy trial by jury.
5. The right to be confronted by witnesses against him/her and to cross-examine witnesses in his/her own behalf.
6. The right to call witnesses in his/her own behalf.
7. The privilege against self-incrimination.
8. The right to testify at trial or to remain silent with no inference of guilt being drawn from a decision to remain silent.
9. The right to appeal, upon a finding of guilt.
10. The right to be released on bail or under conditions determined by the Court prior to a trial on the charges.
11. The maximum and minimum penalties for the crime(s) charged are:

CODE VIOLATION

NAME OF CRIME

MAX./MIN. PENALTIES

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The Defendant in this case, after advise of his/her rights under the Indian Civil Rights Act, pleaded (GUILTY) (NOT GUILTY).

DEFENDANT

TRIBAL JUDGE

IN THE TRIBAL COURT OF THE PUEBLO OF LAGUNA

PUEBLO OF LAGUNA

-VS-

DEFENDANT ()

COURT ORDER

TO PROBATION SUPERVISOR: _____

THE SUBJECT NAMED HEREIN IS HEREBY PLACED UNDER YOUR SUPERVISION FOR A PERIOD OF _____ MONTHS/DAYS AND SUBJECT TO THE CONDITIONS PRESCRIBED BELOW, OR ANY OTHER CONDITIONS WHICH YOU MAY CAUSE TO BE REQUIRED.

NAME OF SUBJECT: _____

PROBATION DATE: _____ EXPIRATION DATE: _____

JUDGMENT TERMS

FOR ANY VIOLATION CONTRARY TO THE JUDGMENT TERMS THE DEFENDANT WILL BE SUBJECT TO PAY A FINE OF \$ _____ OR TO SERVE THE REMAINING _____ DAYS IN JAIL.

PROBATION CHECK

DATE	NAME	TIME	OFFICER
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

JAIL COMMITMENT ORDER

It is hereby ordered that _____ be and is hereby committed to the Laguna Jail on _____ to serve a term of _____ days in the offense(s) _____.

He/she is to be released on _____ at _____ unless said date is changed under a tribal work project as authorized below and as specified in writing by the Director of Rehabilitative Services.

It is further ordered that the following conditions apply:

Eligible for Tribal Work Project ____ Yes ____ No

Release between _____ and _____ on _____ to go to work.

Other:

The Keeper of the Jail of Laguna is hereby instructed and ordered to enforce the provisions of this Jail Commitment Order.

C.A.P.

Tribal Judge

Date

NOTICE OF APPEAL - CIVIL

LAGUNA PUEBLO COURT

PUEBLO OF LAGUNA.

COMPLAINANT

DEFENDANT

I, _____, hereby file this NOTICE OF APPEAL from the decision of the Laguna Pueblo Court in the above case and hereby post the bond and \$10.00 filing fee as required.

Furthermore, I advise the Court, of the following reason(s) for appealing the decision of the Laguna Pueblo Court:

Dated this _____ day of _____, 1981.

APPELLANT

(Note: In all civil cases, the appellant must post bond and a \$10.00 filing fee. In Criminal cases, there shall be no appeal fee, but bond must be posted as may be required by the judge.)

THE PUEBLO OF LAGUNA

JURY SUMMONS

TO:

GREETINGS....

YOU ARE HEREBY COMMANDED to be and appear before
the Hon. C.A. Bowerman, Tribal Judge, Laguna Tribal Court,
at the Courtroom of the Laguna Rehabilitation Center,
located on the Laguna Reservation, on the _____
day of _____, A.D. 198____, at _____ (am/pm)
to be qualified to serve as a juror for the Pueblo of
Laguna.

WITNESS the Honorable C.A. Bowerman, Tribal
Judge, Pueblo of Laguna and the seal of the Tribal Court,
this _____ day of _____, 198_____.

(court seal)

COURT CLERK

NOTICE: Any person willfully failing to report at the time
stated above will be punished for contempt of court
in the same manner had personal service been made.

LAGUNA TRIBAL COURT

PETTY MISDEMEANOR FINE SCHEDULE FOR TRAFFIC OFFENSES

<u>SUBSECTION</u>	<u>OFFENSE</u>	<u>FINE</u>
4.3	Failure to Produce a Driver's License Upon Demand	\$ 10.00
5.7	Permitting a Violation	\$ 20.00
5.8	Following Too Closely	\$ 20.00
5.9	Obstruction to Driving	\$ 25.00
5.10	Interference with Driver of Vehicle	\$ 25.00
5.11	Sudden Stop or Decrease in Speed	\$ 15.00
5.12	Drive to Right of Approaching Vehicle	\$ 25.00
5.13	Driving on Left Prohibited Under Certain Circumstances	\$ 20.00
5.14	Driving on or Across Double Yellow Lines Prohibited	\$ 50.00
5.15	Keep Vehicle Within Traffic Lane	\$ 20.00
5.16	Driving on Sidewalk Prohibited	\$ 25.00
5.17	Limitation on Backing	\$ 25.00
5.19	Following Fire Apparatus Prohibited	\$ 50.00
5.20	Fire Areas	\$ 20.00
5.21	Crossing Fire Hose	\$ 25.00
5.22	Throwing Substance at Vehicle	\$ 25.00
5.23	Littering	\$ 50.00
5.24	Object Obstructing Public Way	\$ 50.00 plus towing and storage
5.25	Occupied Trailer	\$ 50.00
5.26	Towed Vehicles Swerving	\$ 50.00
6.5	Written Reports of Accidents	\$ 25.00
6.6	When Driver Unable to Report	\$ 25.00
7.1	School Zone Speed Limit	\$ 5.00 per mile up to 10 miles, plus \$20.00 per mile for every mile over 10 miles per hour.
7.2	Residential or Business District Speed Limit	\$ 1.00 per mile up to 10 miles, plus \$5.00 per mile for every mile over 10 miles per hour.
7.4	Speed Limit During Ceremonial Occasions Within Designated Village Limits	\$ 2.00 per mile over speed limit

7.5	Minimum Speed Regulation	\$ 15.00
9.1	Obedience to Traffic Control Devices	\$ 25.00
9.5	Stop Signs	\$ 25.00
9.6	Yield Signs	\$ 25.00
9.7	Display of Unauthorized Signs, Signals or Markings	\$ 25.00
9.10	Obedience to Signal Indicating Approach of Train	\$ 25.00
9.11	All Vehicles Must Stop at Certain Railroad Grade Crossings	\$ 50.00
10.1	Use of Roadway	\$ 25.00
10.2	Passing Vehicles Proceeding in Opposite Direction	\$ 25.00
10.3	Overtaking a Vehicle on the Left	\$ 25.00
10.4	When Overtaking on the Right is Permitted	\$ 25.00
10.5	Limitations on Overtaking on the Left	\$ 25.00
10.6	Further Limitations on Driving to Left of Center of Roadway	\$ 25.00
10.7	No Passing Zones	\$ 50.00
10.8	One-Way Roadways	\$ 30.00
10.9	Driving on Roadways Laned for Traffic	\$ 25.00
10.10	No Passing in a School Zone	\$ 50.00
10.11	Overtaking and Passing or Approaching a School Bus	\$ 50.00
11.1	Stop When Dangerous to Proceed Forward	\$ 25.00
11.2	Stop When Emerging From an Alley, Driveway or Privately Used Road, Etc.	\$ 25.00
11.3	Stop to Keep Intersection Unobstructed	\$ 15.00
11.4	Stop for Blind or Handicapped	\$ 50.00
11.5	Stop When Signalled--School Zone	\$ 50.00
11.6	Stop for Pedestrian in Crosswalk	\$ 50.00
12.2	Motorcycles on Streets Laned for Traffic	\$ 25.00
12.3	Minimum Size for Street (Motorcycle)	\$ 20.00
12.4	Minimum Size for Controlled Access Roadways (Motorcycle)	\$ 20.00
12.5	Motorcycles Restricted from Certain Streets, Lanes and Paths	\$ 50.00
12.6	Height of Handlebars	\$ 20.00
12.7	Clinging to Other Vehicles	\$ 50.00
12.8	Hands on Handlebars	\$ 25.00
12.9	Riding on Seat, Feet on Foot Rest	\$ 25.00
12.10	One Passenger Limit	\$ 25.00

12.11	Maneuverability of Motorcycle--90 Degree Angle	\$ 25.00
12.12	Equipment	\$ 25.00
12.13	Windshield or Glasses	\$ 25.00
12.14	Helmets	\$ 25.00
12.15	Motorcycle Headlamps	\$ 25.00
13.2	No Animals on Controlled Access Roadways, Prohibited Streets, etc.	\$ 25.00
13.3	Riding Animals on the Right, etc.	\$ 25.00
13.4	Duty of Motorists to Animals	\$ 50.00
13.6	Animals Not Permitted on Sidewalks	\$ 25.00
13.7	Horses With Bit and Reins	\$ 25.00
13.8	Racing of Animals Prohibited	\$ 30.00
13.9	No Animals on Street After Dark	\$ 30.00
14.1	Stopping, Standing or Parking Prohibited--No Signs Required	\$ 25.00
14.2	Stopping, Standing or Parking Prohibited by Sign	\$ 10.00
14.3	Parking Not to Obstruct Traffic	\$ 25.00
14.4	Parking Prohibited in Fire Lane	\$ 10.00
14.5	Controlled Access Roadways--Stopping, Standing or Parking	\$ 30.00
14.7	Opening and Closing of Doors	\$ 20.00
14.8	Boarding or Alighting from Vehicles	\$ 20.00
14.9	Unattended Motor Vehicle	\$ 25.00
15.1	Unsafe Vehicle; Improperly Equipped or Unsafely Loaded	\$ 35.00
15.2	Minimum Size of Vehicle	\$ 15.00
15.4	License Plates	\$ 20.00
15.5	Brakes	\$ 15.00
15.6	Windshields Must be Unobstructed and Equipped with Wipers	\$ 20.00
15.7	When Lighted Lamps and Signalling Devices are Required	\$ 20.00
15.8	Headlamps on Motor Vehicles	\$ 20.00
15.9	Taillamps on Motor Vehicles	\$ 20.00
15.10	Headlamps and Spotlights Not to Project Glaring Beams	\$ 20.00
15.11	Stop Lamps	\$ 20.00
15.12	Reflectors	\$ 15.00
15.13	Mufflers Required	\$ 20.00

15.14	School Bus Signs on School Bus	\$ 15.00
15.15	Lamp or Flag on Projecting Load	\$ 15.00
15.16	Emergency Equipment	\$ 25.00
15.18	Emissions Control Equipment	\$ 15.00
15.19	Equipment in Condition to Prevent Excessive Fumes or Smoke	\$ 15.00

COURT RECORDS

CHECK-OUT LOG

File #	CHECKED OUT BY (SIGNATURE)	DATE AND Time (OUT)	DATE AND Time (IN)
CR 82-00025			
CR 82-00181	Alley	5-23-82 2:05	5-23-82 2:40
CR 82-00146	Ada	5-24-82 11:45	5-24-82 11:50
CR 82-00147	"	"	"
DR 81-00025	"	"	"
CR 81-00209	W 5-25-82	4:16	
CR-81-00497	W 5-25-82	4:16	

THE LAGUNA PUEBLO COURT

PUEBLO OF LAGUNA, Plaintiff,

-VS-

Cause No. _____

Defendant.

ORDER FOR RELEASE

TO: THE KEEPER OF THE LAGUNA PUEBLO JAIL

The Defendant, _____ having been convicted
of the offense(s) of _____

IN VIOLATION OF THE LAGUNA
LAW AND ORDER CODE

Chapter _____

Section _____

Subsection _____

The Defendant having been sentenced to _____

AND: _____

THE COURT BEING FULLY ADVISED in the premises FINDS:

THEREFORE, YOU ARE DIRECTED BY THIS ORDER,

To release the defendant, _____ from custody on the
conditions set forthwith.

Dated this _____ day of _____, 198____, at _____ M.

C.A. BOWERMAN
LAGUNA TRIBAL JUDGE

COURT SEAL

APPENDIX E

Court Clerk's Manual

PUEBLO OF LAGUNA

TRIBAL COURT

COURT CLERK'S MANUAL

I N D E X

page

SECTION I -- FILING

To File a New Case-----	1
To Issue Summons-----	1
To File Documents in Older Cases-----	2

SECTION II -- DOCKETING

To Docket a New Case-----	3
To Docket Papers Filed in Older Cases-----	3

SECTION III -- PROCEDURES REGARDING THE INTAKE OF MONEY

To Write Cash Receipts-----	5
Child Support-----	5
Special Procedures Regarding Bonds Received by the LPD-----	5
Daily Balancing of Cash Intake-----	6
Monthly Fiscal Report-----	6
Bond Disbursements-----	6

SECTION IV -- FILE LENDING AND REVIEW PROCEDURES

File Review Procedures-----	7
File Lending Procedures-----	7
File Copying Procedures-----	8

SECTION V -- CALENDARING

Case Prioritization-----	9
To Calendar Criminal Matters-----	9
To Calendar Civil Cases-----	10

SECTION VI -- STAMPS

Received Stamp-----	11
Filing Stamp-----	11
Endorsed Stamp-----	11
Judge's Name Stamp-----	12
Judge's Signature Stamp-----	12
Clerk's Name Stamp-----	12
Certified Stamp-----	12
Court Seal-----	12
Court Seal Stamp-----	13
Pueblo of Laguna Stamp-----	13
File Folder Stamp-----	13

SECTION VII -- STATISTICAL REPORTING PROCEDURES

How To Do Monthly Reports-----	14
To Compile the Annual Report-----	15

SECTION VIII -- TRAFFIC CASES

How To Keep Records of Traffic Citations-----	16
---	----

SECTION IX -- JURY PROCEDURES

What To Do When a Jury is Requested-----	17
Juror Orientation-----	17

SECTION X -- OTHER PROCEDURES

Miscellaneous Docket-----	18
SP Miscellaneous Docket-----	18
To Certify Copies-----	18
To Exemplify Copies-----	18
Warrants and Cancellations-----	19
Special Notifications	
Notification of Counsel-----	20
Notification of Treasurer in Custody Matters-----	20
Notification of Adoption or Change of Name-----	20

I N D E X T O A P P E N D I X

	page
Civil and Criminal Logs-----	A-1
Summons-----	A-2
Cash Receipt-----	A-3
File Folder-----	A-4
Plaintiff-Defendant Index for Civil Cases-----	A-5
Criminal Rap Card-----	A-6
Docket Sheet for Civil Cases-----	A-7(a)
Docket Sheet for Criminal Cases-----	A-7(b)
Child Support "Received" Receipt-----	A-8(a)
Child Support "Paid" Receipt-----	A-8(b)
Tape Total of Daily Cash Receipts-----	A-9
Exemplification Form-----	A-10
Miscellaneous Index-----	A-11
SP Miscellaneous Index-----	A-12
Notice of Hearing-----	A-13
Monthly Report Worksheet-----	A-14(a) thru A-14(f)
Running Monthly Fiscal Report-----	A-15
Monthly Caseload Report Form-----	A-16(a) thru A-16(g)
Bond Log-----	A-17
Request for Payment Form-----	A-18
Warrant Log-----	A-19
Cancellation of Warrant Form-----	A-20
Civil Complaint Form-----	A-21
Defendant's Answer to Civil Complaint Form-----	A-22
Judgment on Civil Complaint Form-----	A-23
Bench Warrant Form-----	A-24
Arrest Warrant Form-----	A-25
Affidavit for Arrest Warrant Form-----	A-26
Subpoena-----	A-27

INDEX TO APPENDIX CONTINUED

page

Criminal Complaint Form-----	A-28
Judgment and Dispositional Order Form-----	A-29
Advice of Rights Form-----	A-30
Court Order to Probation Services-----	A-31
Jail Commitment Order-----	A-32
Notice of Civil Appeal Form-----	A-33
Jury Summons-----	A-34
Petty Misdemeanor Fine Schedule for Traffic Offenses-----	A-35(a) thru A-35(d)
Court Records Check-Out Log-----	A-36
Order for Release From Confinement Form-----	A-37

SECTION I * * * F I L I N G

TO FILE A NEW CASE

When a complaint or petition is presented to the clerk for filing:

1. CHECK PAPERS PRESENTED to make sure that everything is in order and done correctly. Help the client to correctly fill out complaints and petitions if they need help in doing so.
2. ASSIGN A CASE NUMBER TO THE CASE. Case numbers are assigned sequentially by the year as follows:

CV-82-0001...REGULAR CIVIL SUITS
PR-82-0001...ESTATE (Probate) CASES
HA-82-0001...HOUSING AUTHORITY CASES
G-82-0001...GUARDIANSHIPS
DR-82-0001...LEGAL SEPARATIONS, CUSTODY, ETC.
CR-82-0001...CRIMINAL COMPLAINTS
JV-82-0001...JUVENILE MATTERS (Including cases of child abuse and neglect)
TR-82-0001...TRAFFIC OFFENSES

Number all papers presented and number the court file folder.

3. Enter the case number and the style of the case in the DAILY LOG for whatever type of case you have just filed, i.e. Civil, Criminal or whatever. (See Appendix example A-1)
4. APPLY "time-date" FILING STAMP to all original papers and APPLY "ENDORSED" STAMP to all copies. (See Section VI of this manual entitled STAMPS) Return copies to client.
5. ISSUE SUMMONS (See Appendix example A-2)

FOR CIVIL CASES, issue summons as soon as Civil Complaint is filed. A summons must be issued for every case. Attach the yellow copy of the Civil Complaint to the summons and also provide a "Defendant's Answer to Civil Complaint" form. Stamp the original complaint with the SUMMONS ISSUED stamp and the date that the summons was issued so that the docket clerk will know that she should docket this information.

FOR CRIMINAL CASES, if the defendant pleads guilty at arraignment, you need not issue a summons. If the defendant pleads NOT GUILTY at arraignment, issue a summons and attach a copy of the criminal complaint thereto. Stamp original complaint with the SUMMONS ISSUED stamp and the date that the summons was issued.

6. Charge a FILING FEE for all complaints or petitions filed except Criminal, Juvenile or Traffic Offenses and issue a receipt to the client. (For instructions on how to fill out a receipt as in Appendix example A-3, see the section of this manual entitled Daily Procedures Regarding the Intake of Money, Section III). Give the original, (white copy) of the receipt to the client who gave you the filing fee.

7. FILL OUT THE FILE FOLDER, (See Appendix example A-4), and insert original papers into the appropriately colored folder. Folders are color coded as follows:

CIVIL - manilla
 PROBATE - manilla
 HOUSING AUTHORITY - manilla
 DOMESTIC RELATIONS - green
 JUVENILE - blue (Abuse-neglect cases: manilla folder with blue band at top)
 CRIMINAL - red
 GUARDIANSHIP - gold
 TRAFFIC - brown

8. INDEX THE CASE

For CIVIL types of cases, i.e. Civil, DR, Probate, Housing, Guardianship use the Plaintiff-Defendant index. (See Appendix example A-5)

For CRIMINAL types of cases, i.e. Criminal, Juvenile and Traffic, index the case numbers of the alphabetically filed "Rap Cards". (See Appendix example A-6)

9. SET THE CASE FOR HEARING.
(See Section V of this manual entitled CALENDARING)

FOR PAPERS FILED DAILY IN OLDER CASES

When someone wishes to file documents in a case which has been previously opened:

1. CHECK EACH DOCUMENT before filing to make sure that it has the correct case number. If it doesn't, check the Plaintiff-Defendant alphabetical index if it's a Civil type case or the "Rap Cards" if it's a Criminal type case. Find the name(s) of the parties to find the correct case number.
2. APPLY THE TIME-DATE FILING STAMP to all original papers and the ENDORSED STAMP to all copies. Return copies to client. (See Section VI, Stamps).
3. If a "motion" has been filed, remember to SET IT FOR MOTIONS HEARING. (See Section V of this manual entitled CALENDARING). Put all motions filed on any given day in a special place until they are set on the calendar so that you won't forget to set them for hearing if it is necessary to do so.

SECTION II * * * D O C K E T I N G

All documents in all cases must be "docketed". This procedure consists of typing relevant information onto the case "docket sheet". (See Appendix examples A-7(a) for civil and A-7(b) (for criminal) for each case type.) Docketing not only gives you a permanent record of information in case a file is lost, but it also makes it easy for you to compile statistics on a need to know basis, for example, when a request is made by the BIA for certain kinds of statistical information.

You will notice by looking at examples A-7(a) and A-7(b) that these docket sheets were designed for use with both criminal and civil style cases. In addition, the boxes for specific kinds of information and the criminal "computer field" in the center of the page will make it easy to design computer coding for use in the future, (although all statistical information is maintained manually at this time.)

TO DOCKET A NEW CASE

1. TYPE A NEW DOCKET SHEET for each new case, using the case number, style of case, type of case, assigned judge, names of attorneys, fee paid, summons issued, etc.
2. Enter the filing date and a brief synopsis of each original document filed in the DESCRIPTION SECTION of the docket sheet.
3. Take relevant information from the docket sheet and write it down on the MONTHLY REPORT WORK SHEET. (See Section VII of this manual entitled HOW TO DO MONTHLY REPORTS.)
4. File the folder away.

TO DOCKET PAPERS FILED IN OLDER CASES

1. All papers for a particular day should be SORTED AND PUT IN NUMERICAL ORDER for easy docketing.
2. PULL DOCKET SHEETS by case number and make entries for each pleading in the DESCRIPTION section of the docket sheet.
3. Check papers for relevant information to be noted on the MONTHLY REPORT WORK SHEET.
4. After all daily papers have been docketed and checked for statistical information, they may be FILED into the appropriate case file folder. All papers in the folder should appear in CHRONOLOGICAL ORDER. Clusters of documents filed on the same day should be put into a logical sequence, i.e. petition or complaint first, motion, affidavit in support of motion,

order granting/denying motion, etc. This is done if and only if these papers have the same filing date.

* * * N O T E * * *

ONLY THOSE PAPERS which are considered "PLEADINGS", i.e. petition or complaint, motions, orders, notices of hearing, answers or responses, summons, subpoenas, court cash receipts, etc., should go into the court file. NO social reports, psycho-diagnostic reports, letters, etc. should go into the court file. These should be retained by the probation officers, social agencies or in the judge's personal files.

SECTION III * * * DAILY PROCEDURES REGARDING THE INTAKE OF MONEY

FOR ALL MONIES COLLECTED BY THE CLERK WITH THE EXCEPTION OF CHILD SUPPORT

1. A cash receipt form should be filled out as in Appendix example A-3. Receipts are pre-numbered and should only be used in that order. Fill in all blanks and circle the correct accounting code.
2. The white (original) copy of the receipt is given to the client. The yellow copy is retained by the Court Clerk for her records. The pink copy is filed into the case file. The goldenrod copy is turned over to the Tribal Accounting Office.
3. If you make a mistake in writing out a receipt, write VOID across the body of the receipt and discard the white and pink copies. The Court Clerk retains the yellow copy for her records and the goldenrod copy is sent to the Tribal Accounting Office. All pre-numbered receipts must be accounted for.

FOR BOND MONIES

1. Please note that when monies are received by the Laguna Police Dept. at times other than regular working hours, said monies are always turned over to the Court Clerk. A receipt should be written by the Court Clerk to THE LPD for each bond amount they turn over. The name of the actual person who paid the bond should be written in parentheses next to LPD on the "received of" line of the receipt, and for whom the bond was paid should also be noted.
2. Bond monies are refunded to the defendant upon his/her appearance in court and any fine levied is deducted therefrom. (See the subsection entitled: "BOND DISBURSEMENTS" for refund procedures. (pg. 6)).

FOR CHILD SUPPORT

1. When a client comes in to pay his child support, a receipt is written for the amount paid in the "CHILD SUPPORT MONIES RECEIVED BY THE COURT" receipt book. (See Appendix example A-8(a)).
2. When monies are paid out to a child support recipient, a receipt is written from the "CHILD SUPPORT MONIES PAID BY THE COURT" receipt book. The "received of" line is filled with "Laguna Tribal Court". The signature line is signed by the recipient. (See example A-8(b))

Both child support books should balance when receipts are totaled. Cash is kept in the court safe---not turned in to the Tribal Accounting Office.

AT THE END OF EACH BUSINESS DAY

1. Run a tape total of all cash and checks received with the exception of child support money. (See example A-9)
2. Run a tape total of all amounts listed on receipts written that day. This total amount should balance against the total actual cash.
3. The tapes which were used to prove a balance, along with all goldenrod copies of the cash receipts and the actual cash should be turned over to the Tribal Accounting Office at the end of each day.

MONTHLY FISCAL REPORT

A special monthly report of funds handled by the court is turned over to the Tribal Judge within three working days of the last day of the month. (See Appendix example A-15). This report is compiled by adding the amounts of each cash receipt issued for that month in each category, i.e. bonds, fines, etc.

BOND DISBURSEMENTS

If a defendant is found not guilty, the entire bond amount paid for him/her is refunded to whomever paid it.

If a defendant is found guilty and fined, the fine amount is deducted from the bond amount and the remainder of the bond amount is refunded to whomever paid it.

CAREFUL RECORDS of bond and fine amounts are to be kept in the "BOND DISBURSEMENT LOG". (See Appendix example A-17). PLEASE NOTE THAT the bond refund is paid to the defendant in a case only if (s)he is the one who paid the bond.

TO REFUND A BOND AMOUNT, a "Request for Payment" form, (See Appendix example A-18), is prepared and submitted to the Tribal Treasurer's Office. Within about 10 days, you should receive a check from the Treasurer's Office which is payable to the person who paid the bond. When you receive the check, notify the payee by phone if possible, or if (s)he has no phone, by mail, to pick up his/her refund check. The date of refund is noted on the Bond Disbursement Log.

SECTION IV * * * FILE LENDING AND REVIEW PROCEDURES

REVIEW PROCEDURES

All files are public record and are subject to review by any interested party with the following exceptions:

JUVENILE MATTERS are sequestered records and may be reviewed only by officers of the court, the Governor, Tribal Secretary, Tribal Treasurer, Business Manager or Division Manager.

GUARDIANSHIPS are sequestered records and may be reviewed only by officers of the Court, the Governor, Tribal Secretary, Tribal Treasurer, Business Manager or Division Manager.

ADOPTION MATTERS are sequestered records and may be reviewed only by officers of the Court, the Governor, Tribal Secretary, Tribal Treasurer, Business Manager or Division Manager, except that pursuant to the Indian Child Welfare Act of 1978, any adopted person over the age of 18 may review his/her adoption records.

Any person who can prove a legitimate interest in a particular sequestered case may review said matter after receiving written permission from the Tribal Judge, Governor, Secretary, Treasurer, Business Manager or Division Manager. Such written permission is to be documented in the Court records.

All file reviews are to be conducted in the presence of the Court Clerk or her designee and the Clerk may not allow en masse perusal through Court files by anyone, i.e. the interested party must specifically request the file to be reviewed by citing the name of the case.

FILE LENDING PROCEDURES

Files may be removed from the office of the Court Clerk by the following persons:

--All officers of the Court)	
--Tribal Governor)	
--Tribal Secretary)	
--Tribal Treasurer)	or their designees
--Business Manager)	
--Division Manager)	

When a file is lent to any of the above designated persons, they are to be advised that they assume full responsibility for the safety of the file and that no documents may be removed or altered in any manner. The Clerk will

obtain the signature of the borrower and note the case file number, date of removal and date of return on the "Court Records Check Out Log", (see Appendix example A-36).

COPYING PROCEDURES

Copies of unsequestered documents are to be provided to Tribal officials, at their request, for official Tribal use, free of charge. All other persons requesting copies are to be charged 20¢ per xeroxed page.

SECTION V * * * C A L E N D A R I N G

Calendaring consists of setting each case, whether civil or criminal, for hearing. It is very important that the People of the Pueblo of Laguna receive prompt judicial attention and therefore every case must be processed as expeditiously as possible and no unnecessary delays should occur in having cases brought before the Court.

CASE PRIORITIZATION

Court cases are prioritized as follows:

- first priority: EMERGENCY MATTERS involving the immediate welfare of children and senior citizens or other emergency measures to be taken concerning threats of violence.
- second priority: JUVENILE MATTERS including custody, delinquency, accusations of abuse or neglect, etc.
- third priority: Adult CRIMINAL MATTERS including traffic offenses
- fourth priority: CIVIL MATTERS including Legal Separations, Estates, etc.

TO CALENDAR CRIMINAL MATTERS

1. ARRAIGNMENTS are to be heard within 36 hours after apprehension of the defendant. However, since court days are presently on Tuesdays and Fridays, it is conceivable that a defendant may spend more than 36 hours in jail. It is therefore imperative that arraignments be set for hearing on the NEXT AVAILABLE COURT DAY AFTER APPREHENSION.
2. SENTENCING. If the Defendant pleads guilty at arraignment, he is sentenced at that time, unless the judge decides to postpone sentencing. If the defendant is sentenced at the time of arraignment, no further hearings are set. If (s)he is not sentenced at arraignment, a date must be chosen for the sentencing hearing.
3. TRIAL. If the defendant pleads not guilty at arraignment, his/her trial must be set for the next session of the Court under the provisions of the Pueblo of Laguna Law and Order Code. Sometimes this may not be possible because the calendar for that day may already have been filled. In this event, SET THE TRIAL FOR THE NEXT AVAILABLE TIME SLOT.
* *REMEMBER, that criminal matters always take precedence over civil matters and so sometimes hearings in civil cases must wait until criminal cases have been heard.

TO CALENDAR CIVIL MATTERS

1. TRIALS

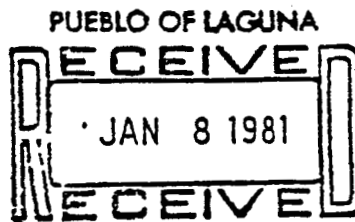
- A. Trials must be set for within 20 days after the defendant has been served with a summons and a copy of the complaint.
- B. If the summons is mailed to the defendant, (s)he has 40 days within which to answer the complaint either personally or in writing. "Defendant's Answer to Civil Complaint" form should be mailed to the defendant along with the summons and a copy of the complaint. Whether or not an answer is received by the Clerk after 40 days have elapsed, the trial should be set for the next available court day, but not sooner than 5 days so that Notices of Trial can be sent.

2. MOTIONS

If motions are filed by either party, they must be ruled upon prior to trial. If the party who filed the motion sends a "Request for Hearing" form, set the motions hearing for a date prior to the trial date, but not sooner than 5 days after the Notice of Hearing is sent. Notice of Hearing, (See Appendix example A-13), must be mailed to all parties to the action. If there has been no request for hearing, then motions can be heard and ruled upon immediately prior to trial and you need not set aside a special hearing time for them. If an order is provided by counsel, along with the motion, show both motion and order to the judge. Orders are not usually signed "ex parte", that is without the other party having an opportunity to argue against the granting of such motion, but whether or not to sign such an order is within the judge's discretion. The judge may tell you to set the motion for a hearing even though no Request for Hearing was received. In that event, follow the procedure above, giving at least 5 days notice to all parties.

SECTION VI * * * S T A M P S

THE PUEBLO OF LAGUNA RECEIVED STAMP



TRIBAL COURT

The Pueblo of Laguna "Received" Stamp should only be used for recording the date of receipt of personal correspondence or other documents which are not part of any court case. This stamp should never be used on any documents which go into the court file.

THE LAGUNA TRIBAL COURT FILING STAMP

FILED
IN MY OFFICE THIS
JAN 19 PM 2:29

Isabel Gaco
CLERK LAGUNA TRIBAL COURT

The Laguna Tribal Court Filing Stamp is used on the original of all documents which are part of a court case.

THE LAGUNA TRIBAL COURT ENDORSED STAMP

ENDORSED
FILED IN MY OFFICE THIS

JAN 14 1982
Isabel Gaco
AUTHORIZED SIGNATURE

The Laguna Tribal Court Endorsed Stamp is used on all copies of original documents which bear the court filing stamp.

THE JUDGE'S NAME STAMP

C. A. BOWERMAN

The Judge's name stamp goes on all copies of original documents which the judge has signed.

THE JUDGE'S SIGNATURE STAMP

C. A. Bowerman

The Judge's signature stamp is used only in those instances when he authorizes you to use it in his absense.

THE CLERK'S NAME STAMP

ISABEL GACO

The Clerk's Name Stamp is used on all copies of original documents which bear the Court Clerk's signature.

THE CERTIFIED STAMP

I, ISABEL GACO, Clerk of the Laguna Tribal Court, do hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears on file and of record in my said office.

Dated this 19th day of January, 1982.

ISABEL GACO

Clerk, Laguna Tribal Court

BY: Geraldine Sarracino
Deputy

The Clerk's Certification Stamp goes on any copy of a document which the client requests to be authenticated. It is always dated and signed and the Court Seal is placed over it.

THE LAGUNA TRIBAL COURT SEAL

The Laguna Tribal Court Seal Pueblo Court of Laguna and is judge's or clerk's signature

is the official seal of the placed over or near the as proof of authenticity.

THE COURT SEAL STAMP

COURT SEAL

The Court Seal Stamp is used only on copies of documents the originals of which bear the original court seal.

THE PUEBLO OF LAGUNA STAMP

PUEBLO OF LAGUNA

The Pueblo of Laguna Stamp is used in any instance when it would be easier to use it than to type or hand-write the words "Pueblo of Laguna".

THE FILE FOLDER SIDE TAB NUMBER STAMP



This numbering stamp is used to number the side tabs of file folders so that the numbers can be easily seen in the filing cabinets for easy retrieval of case files.

SECTION VII * * * S T A T I S T I C A L R E P O R T I N G P R O C E D U R E S

HOW TO DO MONTHLY REPORTS

New cases and separate documents are docketed daily. When docketing procedures are completed, as in Section II, go through all new cases and separate documents to find the following information FOR THE MONTHLY REPORT WORK SHEET:

1. FOR EACH NEW CASE FILED, fill in the case number in the proper section (new cases), category, (civil, criminal, etc.) and sub-category, (debts, injury, etc.) on the monthly report work sheet.

For example, a new legal separation case numbered DR-82-004 would be listed under the new case section, the category of Domestic Relations and the sub-category of Petitions for Legal Separation. (See Appendix example A-14(b)).

A new criminal case numbered CR-82-006, as another example, involving a male adult charged with DWI would be listed in the new case section, criminal category, "male adult" sub-category and the "A" column at right is marked because alcohol was involved in the offense. (See Appendix example A-14(c)).

2. FOR EACH CASE CLOSED, write the case number in the appropriate section, (cases closed), category and sub-category, as above, paying special attention to the type of disposition columns.

For example, if a civil case numbered CV-82-0045 is closed by a judgment finding in favor of the plaintiff, after a hearing without a jury being present, first check the docket sheet to find out what type of case it is if you can't determine this by reading the judgment. Then write the case number in the proper section, cases closed, category, civil, sub-category such as debts, and type of disposition, such as "no trial", "jury trial", "non-jury trial", and "withdrawn or dismissed". Our case number for this particular case is CV-82-0045. It is a debt case and was heard by the judge only without a jury. See Appendix example A-14(d) and note that the non-jury column is filled in. WHAT CLOSES A CIVIL CASE IS ANYTHING, (Judgment, order, etc.) WHICH COMPLETELY SATISFIES EVERYTHING ASKED FOR IN THE ORIGINAL COMPLAINT AS TO ALL PARTIES. A judgment which applies to only one party in a multiple party suit would not close the case because the other parties to the action have not been dealt with.

For a criminal example, we'll use our male adult DWI case number CR-82-006. The defendant has pleaded guilty, so the case number is marked in the cases closed section, criminal category, male adult sub-category and the disposition column marked "guilty plea". (See Appendix example A-14(f)).

TO COMPILE THE MONTHLY REPORT FROM THE WORK SHEET

On the first working day of each month, totals of the cases listed in all sections, categories, sub-categories and disposition columns are compiled to prepare the monthly report. The pending balance in each category from the previous month is listed, the total new cases filed in each category is added and the total cases disposed of in each category is subtracted to give you a new pending balance for this month. (See Appendix example A-16).

TO COMPILE THE ANNUAL REPORT

The annual report is compiled in the same manner as is the monthly report and the figures are taken from all twelve monthly reports for the year. To compile the annual report, start with the pending caseload figure at the beginning of the year in each category to get the new case total. Add all twelve months new cases in each category to get the sub total. After these have been added, to the pending figure, subtract the total of all twelve months dispositions in each category and the resulting balance is the end of the year pending caseload figure for each type of case. Use the same type of reporting form as in Appendix example A-16.

SECTION VIII * * * S P E C I A L P R O C E D U R E S F O R T R A F F I C C A S E

Traffic citations issued by the Laguna Police Department are to be turned in to the Court Clerk within 24 hours of issuance. When a traffic citation for a PETTY MISDEMEANOR offense is received, the following procedures are implemented:

OPTION I: FINE

1. All traffic citations received on a given day are kept together, (after the filing stamp has been affixed to them), in the daily pending traffic citation folder. The folder is kept in order by date.
2. When a traffic violator comes in to pay his/her fine, the citation is pulled from the pending citation folder and attached to the pink copy of the cash receipt. Both are placed in the closed traffic citation folder which is kept in numerical order by citation number. The correct amount due for each fine can be found in the Laguna Tribal Court Petty Misdemeanor Fine Schedule. (See Appendix Example A-35).

OPTION II: HEARING

3. The other option an alleged traffic violator has is to plead not guilty and have his/her case set for hearing. In this event, the LPD officer who issued the citation should be directed to write out a formal complaint and the citation should be pulled from the pending citation folder and attached as an exhibit to the complaint. The case is then set for hearing at the next possible arraignment date.
4. The pending citation folder is checked at the end of each day and any violator who has failed within 7 days to either pay his/her fine or to arrange for court hearing shall have issued a warrant for his/her arrest. When the violator is apprehended, the arresting officer will file a complaint, to which the original citation is attached as an exhibit, and the case is then set for hearing on the next possible arraignment date.

* Please note that the above procedures are followed only if the alleged traffic offense is a Petty Misdemeanor. Misdemeanor and Major Misdemeanor offenses under the Pueblo of Laguna Traffic Code always receive a formal court hearing.

SECTION IX * * * JURY PROCEDURES

When a jury is requested in any case:

1. Issue and mail twelve jury summons to people whose names are on the list of jurors provided to you by the Tribal Secretary. (See Appendix Example A-34). Six of the twelve people summoned plus a possible alternate juror will be selected.
2. Conduct a juror orientation on the appointed day as follows:

JUROR ORIENTATION

- a. Give a lecture on what jury duty is all about; how it is the duty of each Tribal member to provide such service to the Pueblo, etc.
 - b. Discuss PRACTICAL MATTERS:
 - 1) where to park;
 - 2) whether lunch will be provided and under what circumstances;
 - 3) whether and how much they are to be compensated for their time and when and how their checks will be delivered;
 - 4) how long a period of time they will be responsible to be available to serve on a jury panel.
 - c. Tell prospective jurors under what circumstances postponements will be granted.
 - d. Explain that all twelve will not be selected as jurors and the reasons why.
 - e. Have the jurors give their reasons why they may feel that they should be excused from jury duty.
 - f. Assist the judge in administering the JUROR'S OATH.
 - g. When the jury panel is selected, tell them when, where and what time to report.
 - h. Serve coffee and cookies.
3. Provide the judge with the Uniform Jury Instruction Folder on the day of trial.

SECTION X * * * O T H E R P R O C E D U R E S

MISCELLANEOUS FOLDER

Any document which should be retained by the Clerk but which does not belong to any regular case file should be sequentially numbered and put into the miscellaneous file folder. Examples of such documents would be:

- Orders of Appointment of Officers of the Court;
- Orders for Destruction of Police Evidence;
- Affidavits for Arrest Warrants when no criminal case file exists yet, etc.

These documents should bear a filing stamp and should be indexed in the miscellaneous index. (See Appendix example A-11)

SP MISCELLANEOUS FOLDER for SERVICE OF PROCESS ON OUTSIDE CASES

The SP Miscellaneous Folder contains all requests for service of process by the LPD from state and federal judicial districts and other tribes. When service is accomplished by an LPD officer, a bill for \$6.00 is sent to the requesting party and upon receipt of payment, a cash receipt is mailed. A copy of the cash receipt along with the letter of request is filed in the SP Miscellaneous folder. The filing stamp should be applied to each document filed and each should be indexed just as the regular miscellaneous file is indexed. (See Appendix example A-12)

CERTIFIED COPIES

Clients may ask you to provide them with a certified copy of a document. On the xerox copy you make, place the "certified stamp", (See Section VI of this manual entitled "STAMPS"), at the bottom of the xeroxed page. Date and sign the stamp. Place the "court seal" over the stamp.

EXEMPLIFIED COPIES

When an exemplified copy is requested, certify the xerox copy as above and add the Exemplification form (See Appendix example A-10). Court seals are affixed at both the Clerk's and Judge's signatures.

WARRANTS AND CANCELLATIONS

1. BENCH WARRANTS are issued upon the judge's orders and in cases currently pending before the Court. They are to be noted in the WARRANT LOG, (See Appendix example A-19), and when the defendant is apprehended, a CANCELLATION OF WARRANT is issued, (See Appendix example A-20) and filed and a copy is provided to the LPD for their records.
2. ARREST WARRANTS are issued for suspects when no criminal complaint has yet been filed. An Affidavit for Arrest Warrant, stating the officer's "probable cause" to believe that a defendant is guilty of having committed a certain offense is received and filed by the Clerk in the Miscellaneous Folder and indexed in the Miscellaneous Index.

When a criminal complaint is finally filed on the suspect, a xeroxed copy of the Arrest Warrant and Affidavit for Arrest Warrant are attached to the criminal complaint as exhibits to the case. Remember that when the defendant is arrested, a cancellation of arrest warrant must be issued and filed as above.

---- Even if a defendant has not been arrested on either a Bench Warrant or an Arrest Warrant, but his/her case has been dismissed or any charges or allegations against him/her have been dropped, or upon the judge's order, a Cancellation of Warrant is issued.

SPECIAL NOTIFICATIONS

NOTIFICATION OF COUNSEL

If counsel has been retained by either party to an action, all notifications of hearing, etc. must be sent to counsel rather than to the individual litigant.

NOTIFICATION OF TRIBAL TREASURER WITH REGARD TO CUSTODY MATTERS

Because monies are held in trust by the Tribal Treasurer, certified copies of all orders granting custody are to be sent to that office for their information.

NOTIFICATION OF ADOPTION OR CHANGE OF NAME

Certified copies of all final decrees of adoption or orders granting change of name are to be sent to the Tribal Enrollment Office and to the Southern Pueblo Agency Census for their information.

APPENDIX F

Proposed Traffic Code

PUEBLO OF LAGUNA

TRAFFIC CODE

TABLE OF CONTENTS

Page

SECTION I --- GENERAL PROVISIONS

Subsection 1.1	Name and Effective Date of Code-----	1
1.2	Application of the Code-----	1
1.3	Construction of Traffic Code-----	1
1.4	Traffic Offense Defined-----	1
1.5	Classification of Traffic Offenses-----	1
1.6	Classified Traffic Offenses Defined-----	2

SECTION II --- DEFINITIONS

Subsection 2.1	Definition of Words and Phrases-----	3
2.2	Accident-----	3
2.3	Aiding and Abetting-----	3
2.4	Authorized Emergency Vehicle-----	3
2.5	Bail Bond-----	4
2.6	Bicycle-----	4
2.7	Block-----	4
2.8	Commercial Vehicle-----	4
2.9	Controlled Access Street-----	4
2.10	Crosswalk-----	4
2.11	Curb Loading Zone-----	5
2.12	Daytime-----	5
2.13	Disabled Person-----	5
2.14	Divided Street-----	5
2.15	Draft Animal-----	5
2.16	Drag Race-----	5
2.17	Driver or Operator-----	6
2.18	DWI-----	6
2.19	Explosives-----	6
2.20	Farm Tractor-----	6
2.21	Foot Path-----	6
2.22	Freeway-----	6
2.23	Fuel Tank-----	6
2.24	Glove Compartment-----	7
2.25	Gross Weight-----	7
2.26	Highway-----	7
2.27	Intersection-----	7
2.28	Interstate-----	7
2.29	Laned Roadway-----	7
2.30	Motorcycle-----	7
2.31	Motorist-----	8
2.32	Motor Scooter-----	8
2.33	Motor Vehicle-----	8
2.34	Night Time-----	8
2.35	Owner-----	8
2.36	Park or Parking-----	8
2.37	Pedestrian-----	9
2.38	Person-----	9
2.39	Police Officer-----	9
2.40	Private Road or Private Driveway-----	9
2.41	Public Grounds-----	9
2.42	Railroad-----	9
2.43	Railroad Sign or Signal-----	9
2.44	Recognizance-----	10
2.45	Release on Personal Recognizance or Release on Own Recognizance-----	10
2.46	Right of Way-----	10
2.47	Roadway-----	10
2.48	Roadwork Site-----	10
2.49	School Bus-----	10

	page
SECTION II --- DEFINITIONS (Continued)	
Subsection 2.50 Semi-Trailer-----	11
2.51 Sidewalk-----	11
2.52 Slow Moving Traffic-----	11
2.53 Stop-----	11
2.54 Stop Intersection-----	11
2.55 Stop, Stopping or Standing-----	11
2.56 Traffic-----	11
2.57 Traffic Control Devices-----	12
2.58 Traffic Control Signal-----	12
2.59 Trailer-----	12
2.60 Unattended Vehicle-----	12
2.61 U-Turn-----	12
2.62 Vehicle-----	12
2.63 Worker-----	13
SECTION III --- ADMINISTRATION	
Subsection 3.1 Governor--Responsibility for Management-----	14
3.2 Authority to Make Emergency Regulations; Test Traffic Control Devices-----	14
3.3 Authority to Install Traffic Control Devices-----	14
3.4 Authority to Determine Speed Limits-----	15
3.5 Authority to Mark Traffic Lanes-----	15
3.6 Authority to Establish No Passing Zones-----	15
3.7 Authority to Erect Stop Signs-----	15
3.8 Authority to Erect Yield Signs-----	16
3.9 Authority to Designate School Crossings-----	16
3.10 Authority to Designate Crosswalks and Establish Safety Zones-----	16
3.11 Authority to Designate Foot, Bicycle and Bridle Paths, Lanes, Streets and Routes-----	17
3.12 Authority to Restrict or Prohibit Either Stopping or Standing or Parking; Markings, Signs or Meters Required-----	17
3.13 Authority to Prohibit Stopping, Standing or Parking Near Hazardous or Congested Areas-----	17
3.14 Tribal Police Department--Responsibility of Enforcement-----	18
3.15 Traffic Accident Studies-----	18
3.16 Police Department to Maintain Traffic Accident Reports--	18
3.17 Authority of Tribal Police Officers-----	18
3.18 Authority of Fire Department and Safety Officers-----	19
SECTION IV --- LICENSE AND REGISTRATION REQUIREMENTS	
Subsection 4.1 Consent to Jurisdiction-----	20
4.2 Licensing by the Pueblo of Laguna Exclusive of the State Licensing Authority-----	20
4.3 Failure to Produce a Driver's License Upon Demand-----	21
4.4 Vehicle Registration-----	21
4.5 Driving While License is Suspended, Revoked, Cancelled or Denied-----	21
SECTION V --- MISCELLANEOUS	
Subsection 5.1 Obedience to Code Required-----	22
5.2 Obedience to Police Officers, Flagmen and Fire Department Personnel-----	22
5.3 Refusal to Give Information to or Cooperate With Police Officer-----	22
5.4 Parents' Responsibility-----	23
5.5 Authorized Emergency Vehicles-----	23
5.6 Duties of Owner (Intoxicated Driver, in Loaning of a Vehicle to an Unlicensed Individual)-----	24
5.7 Permitting a Violation-----	24
5.8 Following Too Closely-----	25
5.9 Obstruction to Driving-----	25

SECTION V --- MISCELLANEOUS (Continued)

Page

Subsection 5.10	Interference with Driver of Vehicle-----	25
5.11	Sudden Stop or Decrease in Speed-----	26
5.12	Drive to Right of Approaching Vehicle-----	26
5.13	Driving on Left Prohibited Under Certain Circumstances--	26
5.14	Driving on or Across Double Yellow Lines Prohibited-----	27
5.15	Keep Vehicle Within Traffic Lane-----	27
5.16	Driving on Sidewalk Prohibited-----	27
5.17	Limitation on Backing-----	28
5.18	Yield to, Pull Over and Stop for Emergency Vehicles-----	28
5.19	Following Fire Apparatus Prohibited-----	28
5.20	Fire Areas-----	29
5.21	Crossing Fire Hose-----	29
5.22	Throwing Substance at Vehicle-----	29
5.23	Littering-----	30
5.24	Object Obstructing Public Way-----	30
5.25	Occupied Trailer-----	31
5.26	Towed Vehicles Swerving-----	31

SECTION VI --- ACCIDENTS, REPORTS

Subsection 6.1	Duty in the Event of Injury or Death of Person or Persons Involved in an Accident-----	32
6.2	Accidents Involving Damage to Vehicle-----	33
6.3	Duty Upon Striking Unattended Car, Fixtures or Other Property-----	33
6.4	Immediate Notice of Accidents-----	34
6.5	Written Reports of Accidents-----	35
6.6	When Driver Unable to Report-----	35
6.7	Confidentiality of Reports, Information Required to be Disclosed, and Admissibility Into Evidence-----	35
6.8	Fee for Written Information-----	36

SECTION VII --- SPEED RESTRICTIONS

Subsection 7.1	School Zone Speed Limit-----	37
7.2	Residential or Business District Speed Limit-----	37
7.3	Reserved	
7.4	Speed Limit During Ceremonial Occasions Within Designated Village Limits-----	38
7.5	Minimum Speed Regulation-----	38
7.6	Racing on Streets, Drag Racing-----	38
7.7	Charging Violation-----	38

SECTION VIII --- AGGRAVATED VIOLATIONS

Subsection 8.1	Driving While Under the Influence of Intoxicating Liquor or Drug-----	39
8.2	Reckless Driving-----	42
8.3	Careless Driving-----	42
8.4	Negligent Homicide by Motor Vehicle--Failure to Prosecute-----	43

SECTION IX --- TRAFFIC CONTROL SIGNS, SIGNALS, MARKINGS, RAILROAD CROSSINGS

Subsection 9.1	Obedience to Traffic Control Devices-----	44
9.2	Traffic Control Signal Legend-----	45
9.3	Pedestrian Control Signal-----	46
9.4	Flashing Signals-----	47
9.5	"Stop" Signs-----	47
9.6	"Yield" Signs-----	48
9.7	Display of Unauthorized Signs, Signals or Markings-----	48
9.8	Reserved	
9.9	Interference With Official Traffic Control Devices or Railroad Signs-----	49
9.10	Obedience to Signal Indicating Approach of Train-----	50
9.11	All Vehicles Must Stop at Certain Railroad Grade Cross- ings-----	50
9.12	Certain Vehicles Must Stop at All Railroad Crossings----	51

SECTION X --- DRIVING ON RIGHT SIDE OF ROADWAY - OVERTAKING AND PASSING - USE OF ROADWAY

Subsection 10.1	Use of Roadway-----	52
10.2	Passing Vehicles Proceeding in Opposite Direction-----	53
10.3	Overtaking a Vehicle on the Left-----	53
10.4	When Overtaking on the Right is Permitted-----	54
10.5	Limitations on Overtaking on the Left-----	54
10.6	Further Limitations on Driving to Left of Center of Roadway-----	55
10.7	No Passing Zones-----	55
10.8	One-Way Roadways-----	56
10.9	Driving on Roadways Laned for Traffic-----	56
10.10	No Passing in a School Zone-----	57
10.11	Overtaking and Passing or Approaching a School Bus-----	57

SECTION XI --- SPECIAL STOPS

Subsection 11.1	Stop When Dangerous to Proceed Forward-----	59
11.2	Stop When Emerging From an Alley, Driveway or Privately Used Road, Etc.-----	59
11.3	Stop to Keep Intersection Unobstructed-----	59
11.4	Stop for Blind or Handicapped-----	60
11.5	Stop When Signalled, School Zone-----	60
11.6	Stop for Pedestrian in Crosswalk-----	61

SECTION XII --- MOTORCYCLES

Subsection 12.1	Traffic Regulations Apply-----	62
12.2	On Streets Laned for Traffic-----	62
12.3	Minimum Size for Streets-----	62
12.4	Minimum Size for Controlled Access Roadways-----	63
12.5	Restricted from Certain Streets, Lanes and Paths-----	63
12.6	Height of Handlebars-----	63
12.7	Clinging to Other Vehicles-----	64
12.8	Hands on Handlebars-----	64
12.9	Riding on Seat, Feet or Foot Rest-----	64
12.10	One Passenger Limit-----	65
12.11	Maneuverability of Motorcycle - 90 Degree Angle-----	65
12.12	Equipment-----	66
12.13	Windshield or Glasses-----	66
12.14	Helmets-----	66
12.15	One or Two Headlamps-----	67

SECTION XIII --- ANIMALS (DRAFT ANIMALS, HORSES, ETC.)

Subsection 13.1	Traffic Regulations Apply-----	68
13.2	No Animals on Controlled Access Roadways, Prohibited Streets, Etc.-----	68
13.3	Riding Animals on the Right, Etc.-----	68
13.4	Duty of Motorists to Animals-----	69
13.5	Endangering Person With Animal or Exciting Animal-----	69
13.6	Animals Not Permitted on Sidewalks-----	69
13.7	Horses With Bit and Reins-----	70
13.8	Racing of Animals Prohibited-----	70
13.9	No Animals on Street After Dark-----	70

SECTION XIV --- STOPPING, STANDING OR PARKING

Subsection 14.1	Stopping, Standing or Parking Prohibited - No Signs Required-----	71
14.2	Stopping, Standing or Parking Prohibited by Sign-----	72
14.3	Parking Not to Obstruct Traffic-----	72
14.4	Parking Prohibited in Fire Lane-----	72
14.5	Controlled Access Roadways - Stopping, Standing or Parking-----	73
14.6	Child or Animal Locked in Vehicle-----	74
14.7	Opening and Closing of Doors-----	74

SECTION XIV --- STOPPING, STANDING OR PARKING (Continued)

Subsection 14.8	Boarding or Allighting from Vehicles-----	74
14.9	Unattended Motor Vehicle-----	75
14.10	Authorized Police and Emergency Vehicles Excepted-----	75
14.11	Registered Owner Responsible-----	75
14.12	Authority to Remove Vehicles-----	76

SECTION XV --- EQUIPMENT

Subsection 15.1	Unsafe Vehicle; Improperly Equipped or Unsafely Loaded--	79
15.2	Minimum Size of Vehicle-----	79
15.3	Farm and Road Equipment Excepted-----	80
15.4	License Plates-----	80
15.5	Brakes-----	80
15.6	Windshields Must be Unobstructed and Equipped With Wipers-----	82
15.7	When Lighted Lamps and Signalling Devices are Required--	83
15.8	Headlamps on Motor Vehicles-----	83
15.9	Taillamps-----	83
15.10	Headlamps and Spotlights Not to Project Glaring Beams---	84
15.11	Stop Lamps-----	85
15.12	Reflectors-----	85
15.13	Mufflers Required-----	86
15.14	School Bus Signs on School Bus-----	86
15.15	Lamp or Flag on Projecting Load-----	87
15.16	Emergency Equipment-----	87
15.17	Tampering With or Injuring Vehicle-----	88
15.18	Emission Control Equipment-----	89
15.19	Equipment in Condition to Prevent Excessive Fumes or Smoke-----	89

SECTION XVI --- JURISDICTION, PROCEDURES, CITATIONS, ETC.

Subsection 16.1	Violation-----	91
16.2	Jurisdiction-----	91
16.3	Public Records and Reports-----	91
16.4	Forms and Records of Traffic Citations and Arrests-----	91
16.5	Procedures on Arrest - Reports, Etc.-----	92
16.6	Citation in Lieu of Arrest-----	93
16.7	Citations Issued by Uniformed, On-Duty Police Officers--	93
16.8	Citations to Give Number and Shortened Caption of Section-----	94
16.9	Failure to Appear on Citation-----	94
16.10	When Person Charged May Elect to Appear at Tribal Court Clerk's Office or Before Tribal Court Judge-----	94
16.11	Multiple Charges, Multiple Defendants-----	95
16.12	Right to Amend, Surplusage, Variance, Etc.-----	95
16.13	Burden of Proof, Exceptions by Defense-----	96
16.14	Appeals from Tribal Court-----	96
16.15	Dispositions and Records of Traffic Citations, Warrants	
16.16	Illegal Cancellation of Traffic Citations-----	98
16.17	Audit of Records and Reports-----	98
16.18	Option to Plead Guilty Without the Necessity of a Formal Court Appearance-----	98

ATTACHMENT --- PUEBLO OF LAGUNA DRIVER'S MANUAL AND CERTIFICATION PROGRAM-----	100
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TRAFFIC CODE FOR THE PUEBLO OF LAGUNA

Section 1

GENERAL PROVISIONS

Subsection 1.1--Name and Effective Date of Code.

This Code is called and may be cited as the "Traffic Code". It shall become effective on the _____ day of _____, 198____.

Subsection 1.2--Application of the Code.

The Traffic Code has no applications to traffic offenses committed prior to its effective date. A traffic offense committed prior to the effective date of the Traffic Code, if any of the essential elements of the crime occurred before that date, prosecution for prior traffic offenses shall be governed, prosecuted and punished under the laws existing at the time such traffic offenses were committed.

Subsection 1.3--Construction of Traffic Code.

In traffic cases where no provision of this Code is applicable, the common law, as recognized by the United States and the several states of the union shall govern.

Subsection 1.4--Traffic Offense Defined.

A traffic offense is an act or omission forbidden by law and for which, upon the finding of plea of guilty a sentence pursuant to this Code may be imposed.

Subsection 1.5--Classification of Traffic Offenses.

Traffic offenses are classified as major misdemeanors, misdemeanors and petty misdemeanors.

Subsection 1.6--Classified Traffic Offenses Defined.

A. A major misdemeanor is a traffic offense if it is so designated by law or if upon conviction thereof a sentence of up to six (6) months imprisonment and/or a fine of \$500.00 or both such fine and imprisonment is authorized.

B. A traffic offense is a misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment of up to three (3) months and/or a fine of \$300.00 may be imposed, or both such fine and imprisonment is authorized.

C. A traffic offense is a petty misdemeanor if it is so designated by law and if upon conviction the defendant is not subject to imprisonment and not subject to a fine in excess of \$150.00, as authorized by law.

Section 2
DEFINITIONS

Subsection 2.1--Definition of Words and Phrases.

A. The following words and phrases when used in this Code shall, for the purposes of this Code, have the meanings ascribed to them in this Code.

B. Words and phrases defined in State Statutes which regulate operation of vehicles will be understood to have the same meaning ascribed to them as in the State Statutes, unless otherwise defined in this Code. The other terms will be understood to have their commonly accepted meaning, except where the context clearly indicates a different meaning, or where such term has been defined elsewhere in this Code.

Subsection 2.2--Accident.

An accident is the touching or scraping of a vehicle or a bicycle against any other vehicle, person or object, whether intentionally or negligently.

Subsection 2.3--Aiding and Abetting.

To help, assist or facilitate the commission of a crime, promote the accomplishment thereof, help in advancing or bringing it about or encourage, counsel or incite as to its commission.

Subsection 2.4--Authorized Emergency Vehicle.

Vehicles of the fire department, police vehicles, ambulances, and such emergency vehicles of Tribal departments or public service corporations are authorized or designated by the Commissioner of the Department of Motor Vehicles, Chief of New Mexico State Police, or by the Governor or his designated representative.

Subsection 2.5--Bail Bond.

A contract between a surety and the Tribe to the effect the accused will comply with all the conditions of the bond which subjects the bond to forfeiture if not followed.

Subsection 2.6--Bicycle.

Every pedal-powered device propelled by human power which one or more persons may ride; having two wheels, both being 20 inches or more in diameter; or having three wheels, all being 12 inches or more in diameter; handlebars; a seat which is approximately 18 inches high; pedals as though designed for a bicycle and a seat in which the base of the seat is 30 inches or more from the ground beneath.

Subsection 2.7--Block.

That portion of a roadway between two intersections.

Subsection 2.8--Commercial Vehicle.

Every vehicle designed, maintained or used primarily for the transportation of property but not a one-half or three-quarter ton pickup truck.

Subsection 2.9--Controlled Access Street.

Every highway, street or roadway in respect to which no person or occupants of abutting property or lands and other persons have a legal right of access to or from same, except at such place and in such manner as may be determined by the Tribal authority having jurisdiction over such highway, streets or roadway.

Subsection 2.10--Crosswalk.

That part of the roadway at an intersection including the prolongation or connection of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, center line or

absence of curbs, from the edges of the transversible roadway. Any portion of a roadway, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Subsection 2.11--Curb Loading Zone.

A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of passenger or materials.

Subsection 2.12--Daytime.

Daytime means from a half hour before sunrise to a half hour after sunset.

Subsection 2.13--Disabled Person.

Any person who has suffered the loss or complete or total loss of use of one or both legs at or above the ankle or one arm or both arms at or above the wrist.

Subsection 2.14--Divided Street.

A street which is either divided by a raised median or by painted lines separated by more than three feet in width.

Subsection 2.15--Draft Animal.

Any animal which is harnessed to pull a load.

Subsection 2.16--Drag Race.

The operation of two or more vehicles from a point side by side at accelerating speeds in competitive attempt to out-distance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing relative speeds or power acceleration of a vehicle or vehicles within certain distance or time limit.

Subsection 2.17--Driver or Operator.

Every person who drives or is in actual control of a vehicle.

Subsection 2.18--DWI.

Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, narcotic drug or other drug, or any combination thereof.

Subsection 2.19--Explosives.

Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, or nitrogen fertilizer.

Subsection 2.20--Farm Tractor.

Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Subsection 2.21--Foot Path.

A pathway, or trail designated by sign for the use of pedestrians only.

Subsection 2.22--Freeway.

Interstate 40.

Subsection 2.23--Fuel Tank.

A fuel tank is one used to transport flammable liquid, combustible liquid, or compressed gas solely for the purpose of supplying fuel for the propulsion of a vehicle.

Subsection 2.24--Glove Compartment.

Any storage compartment of any size, either with or without a door, either in the cab of a truck or in the driver's or passenger's area of a vehicle.

Subsection 2.25--Gross Weight.

The weight of a vehicle unloaded plus the weight of any load thereon. The weight of the converter gear shall be added to the gross weight of the pulling vehicle.

Subsection 2.26--Highway.

Same as public way.

Subsection 2.27--Intersection.

The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadway of two highways which join one another at, or approximately at, right angles, or the area within which vehicles travelling upon different highways joining at any other angle may come in conflict.

Subsection 2.28--Interstate.

The roadway known as Interstate 40.

Subsection 2.29--Laned Roadway.

A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Subsection 2.30--Motorcycle.

Every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Subsection 2.31--Motorist.

Every person who drives or is in actual physical control of a motor vehicle.

Subsection 2.32--Motor Scooter.

A motorcycle which has a motor of less than 5 horsepower or a motor displacement of less than 125 cubic centimeters.

Subsection 2.33--Motor Vehicle.

Every vehicle which is either propelled by electric power obtained from overhead trolley wires but not operated upon rails or self-propelled by an internal combustion engine or electric motor power and includes any connected trailer or semi-trailer.

Subsection 2.34--Night Time.

Night time means any time other than that which is designated as Day Time.

Subsection 2.35--Owner.

A person who holds any title or officer, manager, co-owner, co-partner, trustee, receiver, member of any association or entity holding legal title. In the event of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of conditions with an immediate right of possession and the vendee or leasee, then such vendee or leasee or mortgagor shall be deemed the owner.

Subsection 2.36--Park or Parking.

When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Subsection 2.37--Pedestrian.

Any person afoot.

Subsection 2.38--Person.

Every natural person including, but not limited to any partner, officer or trustee of any firm, co-partnership, co-operative, association, corporation, estate, trust, receiver, club, company, joint venture, syndicate, firm, or other entity.

Subsection 2.39--Police Officer.

Every officer of the Tribal Police Department or any other person authorized by the Chief of Police of the Tribe to direct or regulate traffic or to make arrests for violations of traffic regulations.

Subsection 2.40--Private Road or Private Driveway.

Every way or place assigned for private use to be used for vehicular travel by the assignee and those having express or implied permission from the assignee, but not by others.

Subsection 2.41--Public Grounds.

All public grounds owned and under the control of the Tribe that are open to the use of the public.

Subsection 2.42--Railroad.

A carrier of persons or property upon cars, operated upon stationary rails.

Subsection 2.43--Railroad Sign or Signal.

Any sign, signal or device erected by authority of the authorized tribal body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Subsection 2.44--Recognizance.

An obligation requiring the accused to appear at all appropriate times and places or to forfeit any bail and subject himself to criminal penalty for failure to appear.

Subsection 2.45--Release on Personal Recognizance or Release on Own Recognizance

The release of a defendant without bail, bail bond or sureties upon his promise to appear at all appropriate times and places, and which subjects him to criminal penalty for failure to appear.

Subsection 2.46--Right of Way.

As between two or more vehicles, bicycles, or pedestrians, the privilege of the immediate use of the roadway.

Subsection 2.47--Roadway.

That portion of a road or a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term (roadway) as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

Subsection 2.48--Roadwork Site.

Any place on a highway where construction, maintenance or repair requires workers, vehicles or equipment to be used in the roadway or on adjacent shoulder.

Subsection 2.49--School Bus.

Any motor vehicle, whether privately owned and operated for compensation or Tribally owned, which is generally used to transport children, students or teachers to and from school or school activities.

Subsection 2.50--Semi-Trailer.

Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Subsection 2.51--Sidewalk.

That portion of the street between the curb lines or lateral lines of the roadway and the adjacent property lines intended for the use of pedestrians.

Subsection 2.52--Slow Moving Traffic.

That traffic which is travelling at least 10 miles per hour less than the posted speed limit.

Subsection 2.53--Stop.

Complete cessation of movement.

Subsection 2.54--Stop Intersection.

An intersection in which the traffic is controlled by one or more stop signs.

Subsection 2.55--Stop, Stopping or Standing.

When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in accordance with the directions of a police officer or traffic control sign or signal.

Subsection 2.56--Traffic.

Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using in any Tribal way or public way for purposes of travel.

Subsection 2.57--Traffic Control Devices.

All signs, signals, markings and devices placed or erected by authority of a Tribal or State body or official having jurisdiction, for the purpose of regulating or warning or guiding traffic.

Subsection 2.58--Traffic Control Signal.

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Subsection 2.59--Trailer.

Every vehicle either with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and which includes house or camp trailers.

Subsection 2.60--Unattended Vehicle.

Any vehicle is unattended whenever a driver is not in a position or in adequate mental or physical condition to observe the vehicle at all times or is not in adequate mental or physical condition to drive the vehicle if necessary.

Subsection 2.61--U-Turn.

A turn by which a vehicle initially travels in one direction, makes a movement resembling the letter of (U), and upon completion of such movement, travels in the opposite direction to the direction of travel in which the vehicle was travelling prior to the starting of the turning movement.

Subsection 2.62--Vehicle.

Every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway, except devices moved by human power or used exclusively upon stationary rails or track.

Subsection 2.63--Worker.

Any pedestrian officially engaged in work or supervision or inspection at a roadwork site.

Section 3

ADMINISTRATION

Subsection 3.1--Governor - Responsibility for Management.

The Tribal Governor of the Pueblo of Laguna is responsible for coordination and management of an effective traffic control program, implemented by the Tribal Council or its designated representatives, which provides for efficient and safe movement of vehicular, bicycle, pedestrian and other traffic.

Subsection 3.2--Authority to Make Emergency Regulations; Test Traffic Control Devices.

A. The Governor, or his designated representative, is hereby empowered to make and enforce temporary regulations to cover emergencies which threaten the health, welfare or safety of the public provided that such temporary regulations shall not be enforceable by citation after the emergency has passed or subsided to a point where the health, welfare or safety of the public is no longer threatened.

B. The Governor, or his designated representative, may test traffic control devices under actual conditions of traffic.

Subsection 3.3--Authority to Install Traffic Control Devices.

The Governor, or his designated representative, shall place and maintain traffic control signs, signals and devices when and as required under this article to make effective its provisions and may place and maintain such additional traffic control devices as are deemed necessary to regulate traffic under this article or to guide or warn traffic.

ALTERNATE Subsection 3.3--Authority to Install Traffic Control Devices.

The Governor, or his designated representatives, working in conjunction with, and taking into consideration the recommendations of, appropriate BIA officials and the State Highway Department, shall place and maintain traffic control signs, signals and devices when and as required under the subsection to make effective its provisions and may place and maintain such additional traffic control devices as are deemed necessary to regulate traffic under this subsection or to guide or warn traffic.

Subsection 3.4--Authority to Determine Speed Limits.

A. The Governor or his designated representative, shall determine upon the basis of an engineering and traffic investigation the speed upon any street or highway which is reasonable or safe under the conditions found to exist, and he shall declare a speed limit thereat which shall be effective at all times or during hours of daytime or night time or at such times as may be determined where appropriate signs giving notice of the authorized speed are erected.

B. Alteration of speed limits on State highways within the exterior boundaries of the Pueblo of Laguna or Tribal highways shall not be effective until such alteration has been approved by the Tribal Council of the Pueblo of Laguna.

Subsection 3.5--Authority to Mark Traffic Lanes.

The Governor, or his designated representative, upon the basis of engineering and traffic study investigation, is hereby authorized to mark traffic lanes upon the roadways of any public way or Tribal way where a regular alignment of traffic is necessary.

Subsection 3.6--Authority to Establish No Passing Zones.

The Governor, or his designated representative, is hereby authorized to determine those portions of any roadway where overtaking or passing or driving to the left of the roadway would be hazardous, and by appropriate signs and/or markings on the highway indicate the beginning and end of such zones.

Subsection 3.7--Authority to Erect Stop Signs.

Whenever the Governor, or his designated representative, has designated and described a street as a through street, stop signs shall be placed and maintained on every street intersection intersecting such through street or intersecting any portion thereof, unless traffic at such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such

through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs or traffic control devices shall be erected at the approaches of either or both said streets, as may be determined by the Governor and/or his designated representative.

Subsection 3.8--Authority to Erect Yield Signs.

The Governor, or his designated representative, is hereby authorized upon the basis of engineering and traffic study an investigation to determine and designate intersections where particular hazards exist upon other than through streets and to determine whether such vehicles shall yield to the right-of-way at one or more entrances to such intersection, and shall erect a yield sign at every such place.

Subsection 3.9--Authority to Designate School Crossings.

A. The Governor, or his designated representative, with respect to streets and roadways within the exterior boundaries of the Pueblo of Laguna, with advice of the local school representatives or their designated representative, is hereby authorized to establish and mark and/or cause to be marked, crossings over or cross streets or highways abutting a school or the grounds adjacent thereto.

B. At all school crossings appropriate signs shall be provided as prescribed by the Governor or his designated representative indicating the crossing and regulating traffic movement within school zones.

Subsection 3.10--Authority to Designate Crosswalks and Establish Safety Zones.

The Governor, or his designated representative, upon the basis of engineering and traffic study and investigation, is hereby authorized to:

A. Designate and maintain crosswalks by appropriate devices, marks or lines upon the surface of the roadway, where, in his opinion, there is a particular danger to pedestrians crossing the roadway; and

8. Establish safety zones of such kind and character at such places as he may deem necessary for the protection of pedestrians.

Subsection 3.11--Authority to Designate Foot, Bicycle and Bridle Paths, Lanes, Streets and Routes.

The Governor, or his designated representative, shall have authority to declare any street or part thereof a foot path, bicycle lane or bridle path and to place appropriate signs or devices indicating the same and limiting the use of such street or part thereof to a foot path, bicycle lane or bridle path.

Subsection 3.12--Authority to Restrict or Prohibit Either Stopping or Standing or Parking; Markings, Signs or Meters Required.

The Governor, or his designated representative, upon the basis of engineering and traffic investigation, may, in addition to authority otherwise granted in this article, restrict or prohibit either stopping or standing or parking in areas where either stopping or standing or parking is normally allowed by placing appropriate markings, signs, or parking meters giving notice thereof, and no such restriction or prohibition shall be effective unless said markings, signs or meters are erected and/or in place at the time of any alleged offense.

Subsection 3.13--Authority to Prohibit Stopping, Standing or Parking Near Hazardous or Congested Areas.

The Governor, or his designated representative, is hereby authorized, upon the basis of engineering and traffic study and investigation, to determine and designate zones by proper signs, placed at adequate intervals to inform the motorists, in which the stopping, standing or parking of vehicles will create an especially hazardous condition or will cause unusual delay to traffic and no person shall stop, stand or park a vehicle in any such designated place.

Subsection 3.14--Tribal Police Department-Responsibility of Enforcement.

The Tribal Police Department shall enforce the regulations of this article and State vehicle laws, make arrests for violations of such, investigate accidents; cooperate with other Tribal officials in the administration of traffic laws and in developing ways and means to improve traffic conditions, and carry out those duties especially imposed by this article.

Subsection 3.15--Traffic Accident Studies.

Whenever accidents at any particular location become numerous, the Chief of the Tribal Police Department shall cooperate with those appropriate Tribal officials in conducting studies of such accidents and determining appropriate remedial measures to be recommended to the Governor and staff.

Subsection 3.16--Police Department to Maintain Traffic Accident Reports.

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. A record of each citation issued in connection with the accident shall be forwarded to the Tribal Court.

Subsection 3.17--Authority of Tribal Police Officers.

A. All Tribal Police Officers shall have the authority, and those Tribal Police Officers as are assigned by the Chief of the Police Department, shall have the duty to enforce all traffic laws of this article and all State vehicle laws applicable, to make arrests for traffic violations, to investigate accidents, to make reports concerning traffic accidents, to cooperate with other Tribal officials in the administration of traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties especially imposed upon them by this article.

B. Police officers, or other officers as are assigned by the Chief of the Tribal Police Department, are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or other emergency to expedite traffic or to safeguard pedestrians, they may direct as conditions require, notwithstanding the provisions of the traffic laws.

Subsection 3.18--Authority of Fire Department and Safety Officers.

Officers of the Tribal Fire Department, volunteer fire department and Tribal Safety Officers, when at the scene of a fire, accident or rescue, may direct traffic or assist police in directing traffic either thereat or in the immediate vicinity thereto.

Section 4

LICENSE AND REGISTRATION REQUIREMENTS

Subsection 4.1--Consent to Jurisdiction.

Any person who operates a vehicle of any type anywhere within the jurisdiction of the Laguna Indian Reservation hereby consents to the jurisdiction of the Laguna Indian Tribe and shall have in his possession a current and valid driver's license issued by a proper licensing authority of a State and the Tribe which entitles the driver to operate said vehicle on public highways, roadways or streets of the State within which he is licensed.

Subsection 4.2--Licensing by the Pueblo of Laguna Exclusive of the State Licensing Authority.

An individual may request a valid operator's license from the Tribal authorities for purposes of operating a vehicle within the exterior boundaries of the Pueblo of Laguna so long as (s)he complies with the following requirements:

A. A written request and recommendation from a village officer and directed to a safety officer must be made;

B. An affidavit from the safety officer and directed to the Tribal Court, affirming that the applicant has passed the Defensive Driving Course administered by the Safety Office of the Pueblo of Laguna within the past one year from the date of said application and further affirming that the applicant has not been convicted of an aggravated traffic offense within the past one year must be provided;

C. The permits authorized in this subsection shall not be granted to exceed one year from the date of issue.

Subsection 4.3--Failure to Produce a Driver's License Upon Demand.

It shall be unlawful for any person operating a motor vehicle within the exterior boundaries of the Pueblo of Laguna to refuse to produce a valid driver's license to an officer when demanded by said officer during the course of his duties as police officer. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 4.4--Vehicle Registration.

Any vehicle operated within the jurisdiction of the Laguna Indian Reservations, must be properly registered, licensed and equipped in accordance with the laws of the State of New Mexico and the Laguna Indian Tribe. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 4.5--Driving While License is Suspended, Revoked, Cancelled or Denied.

A. It shall be unlawful for any person to drive a motor vehicle on the public ways within the exterior boundaries of the Pueblo of Laguna at a time when his privilege to do so is suspended, revoked, cancelled or denied.

B. Every person convicted of a violation of this subsection shall be punished upon first conviction by the penalty prescribed in this Code for Misdemeanor.

Section 5

MISCELLANEOUS

Subsection 5.1--Obedience to Code Required.

It is unlawful and, unless otherwise declared in this Code, to do any act forbidden or fail to perform any act required by this Code.

Subsection 5.2--Obedience to Police Officers, Flagmen and Fire Department Personnel.

No person shall fail or refuse to comply with any order or direction of a police officer, flagman or fire department official, invested by law with authority to direct, control or regulate traffic. Further, it shall be unlawful to fail to yield to or stop for an emergency vehicle which is operating its emergency flashing equipment. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 5.3--Refusal to Give Information to or Cooperate With Police Officer.

It shall be unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle or for such person to represent to any officer either that he was the driver of a motor vehicle when in fact he was not, or that he was not the driver of a motor vehicle when in fact he was, or that the driver was some other person that the actual driver for purposes of either having the actual driver avoid receiving or having some other person receive a citation under the provisions of this Code or the State Statute relating to offenses in the State Motor Vehicle Code. It shall also be unlawful for any person to refuse or neglect to stop when signalled to stop by any police officer or refuse upon demand of such police officer to produce his certificate

of license registration of such vehicle or to refuse or to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle or his vehicle driver's license when requested by any officer or court. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 5.4--Parents Responsibility.

The parent of any child and/or the guardian of any ward shall not authorize nor knowingly permit any such child or ward to violate any of the provisions of this Code. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 5.5--Authorized Emergency Vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Traffic Code;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation of said vehicle;

3. Exceed the maximum speed limit so long as he does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in a specified direction.

C. The exemption herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals except that:

1. An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of said vehicle.

2. Authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Subsection 5.6--Duties of Owner (Intoxicated Driver, in Loaning of a Vehicle to an Unlicensed Individual).

It shall be unlawful for an owner of a vehicle to loan said vehicle and allow the operation of his vehicle to a person who is under the influence of intoxicating liquor, narcotic drug, or other drug, or any combination thereof, to a degree which renders him incapable of driving such a vehicle, or to loan and allow an individual to operate a vehicle knowing that said individual does not possess a valid driver's license. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 5.7--Permitting a Violation.

It shall be unlawful for any person to knowingly authorize or permit a motor vehicle owned by him or under his control to be driven by any person in violation of any of the provisions of this Code or any of the motor vehicle laws of the State of New Mexico.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.8--Following Too Closely.

The driver of a motor vehicle shall not follow any other vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, existing traffic conditions, and the condition of the roadway. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.9--Obstruction to Driving.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct his view to the front, sides or rear of the vehicle as to interfere with the driver's control over the mechanism of the vehicle. A driver of a vehicle which is equipped with extended side mirrors on each side of his vehicle which are so located as to reflect to the driver a view of the roadway to the rear of such vehicle shall be deemed to have an adequate view of the rear of his vehicle, provided there is no obstruction of his view to the side mirrors. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.10--Interference with Driver of Vehicle.

It shall be unlawful for any person to ride in such a position as to interfere in any way with the driver's view ahead, to the rear, or to the sides of the vehicle, or to interfere with his control over the driving mechanism of the vehicle. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.11--Sudden Stop or Decrease in Speed.

No person shall suddenly stop or suddenly decrease the speed of a vehicle thereby endangering any other vehicle, person or property without good cause. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.12--Drive to Right of Approaching Vehicle.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main-travelled portion of the roadway as nearly as possible. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.13--Driving on Left Prohibited Under Certain Circumstances.

A. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curb in the roadway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within 100 feet of or transversing any intersection or railroad grade crossing;

(3) When the view is obstructed upon approaching within 100 feet of any bridge or viaduct.

(4) When prohibited under any other subsection of this Code.

B. The foregoing limitations shall not apply upon a one-way roadway.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.14--Driving on or Across Double Yellow Lines Prohibited.

Where double yellow lines are painted on a pavement it shall be unlawful to drive any vehicle on or across such lines. This subsection does not apply when the right-of-way of a roadway is closed to traffic while under construction or repair, or to the driver of a vehicle turning to the left into or from an alley, private or public drive or onto open land provided that such turn shall be made as perpendicularly as possible. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor

Subsection 5.15--Keep Vehicle Within Traffic Lane.

No operator of a vehicle shall fail to keep such vehicle within the boundaries of a marked traffic lane, except when lawfully passing another vehicle, making a lawful turning movement or lawfully changing lanes. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.16--Driving on Sidewalk Prohibited.

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway, or as authorized by the Governor or his designated representative. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.17--Limitation on Backing.

A. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

B. No vehicle shall be backed into an intersection or around a corner unless preceded by an observer to safely direct such movement.

C. In no case shall a vehicle be backed more than 60 feet unless preceded by an observer to safely direct such movement.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.18--Yield to, Pull Over and Stop for Emergency Vehicles.

Upon approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such a vehicle, and when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield right of way and immediately drive to a position parallel to, and as close to as possible, to the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized vehicle has passed, except when otherwise directed by a police officer. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 5.19--Following Fire Apparatus Prohibited.

The driver of a vehicle other than an emergency vehicle shall not follow any fire apparatus travelling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle

within the block where the fire apparatus has been stopped in answer to a fire alarm. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.20--Fire Areas.

No person shall drive or operate a motor vehicle on a roadway, except as authorized emergency vehicle or vehicle of a duly authorized member of a fire or police department, within 500 feet of an emergency situation which has been responded to by any fire department vehicle unless directed to so drive by a member of the fire department or police department.

The emergency shall be deemed to have ceased to exist when the official of the fire department in charge at the scene of the emergency shall so indicate. However, officials of the fire department or police department who are present shall make every effort to prevent the closing off entirely of congested arterials passing the scene in any such emergency. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.21--Crossing Fire Hose.

No vehicle shall be driven over any unprotected fire hose when laid down on any street or private driveway to be used at a fire or alarm of fire, without the consent of the fire department official or police officer. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.22--Throwing Substance at Vehicle.

A. No person shall maliciously and willfully throw or project any rock, brick, bottle, metal or other missile, or project any substance which is corrosive, highly flammable or capable of causing damage or injury to any vehicle or any occupant thereof.

B. No person shall aid or abet any other person in the violation of paragraph A, above.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 5.23--Littering.

It shall be unlawful for any occupant of any motor vehicle, bicyclist, pedestrian or any other person on a roadway, to dispose of or discard refuse on any roadway in any manner other than by placing the refuse in a receptacle provided for the purpose by responsible Tribal authorities. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.24--Object Obstructing Public Way.

No person shall place, abandon or otherwise permit to remain on a public way any machinery, equipment, material or object which obstructs or impedes traffic or creates a traffic hazard. Any such object placed or remaining on the public way may be removed and disposed of without apparent value, or if with apparent value, shall be removed by the Tribal Police Department to any appropriate storage area and the removal and/or storage thereof shall be at the owner's expense. Further, the Tribe shall not be financially responsible for any damage incurred in the removal or storage. When the stored object remains unclaimed for thirty (30) days after removal from the public way, the object shall be deemed to be abandoned and may be sold at public auction, with the proceeds of the sale being accredited to the Tribe of the Pueblo of Laguna after all just costs are paid. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.25--Occupied Trailer.

No person shall knowingly tow a trailer on a public way when the trailer is occupied by any person. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 5.26--Towed Vehicles Swerving.

No person shall tow another vehicle, trailer, boat, etc., when such vehicle being towed whips or swerves from side to side or fails to follow substantially in the path of the towing vehicle. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Section 6

ACCIDENTS, REPORTS

Subsection 6.1--Duty in the Event of Injury or Death of Person or Persons Involved in an Accident.

A. A driver of any vehicle involved in an accident resulting in the injury or death of any person shall immediately stop such vehicle at the scene of said accident or as close thereto as possible but shall then forthwith return to, and in every event remain at the scene of such accident until he has fulfilled the requirements of paragraph B of this section.

B. The driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant or any person attending any such vehicle collided with and shall render to any person injured in such accident, reasonable assistance, including first aid and/or the transportation or making arrangements for transportation of such injured person or persons to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such transportation is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.

C. Any person failing to stop or comply with any of the requirements of paragraph B of this subsection under said circumstances shall, upon conviction, be subject to the penalty as prescribed in this Code for Major Misdemeanor; provided that this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

D. Upon notice of conviction of any person under the provisions of this section, the Tribal Court may suspend the privilege of driving within the exterior boundaries of the Pueblo of Laguna for up to eighteen (18) months.

Subsection 6.2--Accidents Involving Damage to Vehicle.

The driver of a vehicle which is involved in an accident resulting only in damage to a vehicle which is attended by any person shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible without obstructing traffic more than is necessary and shall forthwith return to, and in every event remain at, the scene of such accident until he has given his name, address, registration number of the vehicle he is driving, and upon request shall exhibit his operator's or chauffeur's license to the driver or occupant of or person attending any vehicle collided with. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 6.3--Duty Upon Striking Unattended Car, Fixtures or Other Property.

A. The operator of any vehicle which collided with any other vehicle, which is unattended, shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle, the name and address of the operator and the owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in or upon the vehicle struck a written notice, giving the name and address of the operator and owner of the vehicle striking such other vehicle. The person striking said vehicle shall further make a report of said accident to the Chief of Police of the Laguna Tribal Police Department.

B. The driver of any vehicle involved in any accident resulting only in damage to property fixed or placed upon or adjacent to any highway or roadway shall take reasonable steps to locate and notify the owner or person in charge of said property of the fact of such accident and the name and address of the operator and owner of the vehicle striking such property or shall leave in a conspicuous place upon the property such struck a written notice, giving the name and address of the operator and owner of said vehicle so striking the property, and such person shall further make a report of said accident to the Chief of Police of the Laguna Tribal Police Department.

C. Any person failing to stop to comply with any of the requirements in paragraph A and B of this subsection shall upon conviction be subject to the penalty as prescribed in this Code for Misdemeanor; provided that this provision shall not apply to any person injured or incapacitated by such accident to the extent of said driver being physically incapable of complying herewith.

Subsection 6.4--Immediate Notice of Accidents.

The driver of a vehicle involved in an accident, if the accident results in death, injury or damage to any vehicle or property in apparent extent of One Hundred Dollars (\$100.00) or more, shall immediately, by the quickest means of communication, give notice of such accident to the Tribal Police Department. The duty to report to the Tribal Police Department is additional and independent to the duty to stop and identify himself and to render aid as required under other sections of this subsection to the Tribal Traffic Code. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 6.5--Written Reports of Accidents.

Both the driver and the owner of a vehicle involved in an accident resulting in injury or death of any person or total property damage to an apparent extent of One Hundred Dollars (\$100.00), or more, shall, within five (5) days after such accident, forward a written report of such accident to the Tribal Police Department. The provisions of this subsection shall not be applicable when the accident has been investigated at the scene by a Tribal Police Officer while such driver was present. A copy of any report of an accident occurring within the exterior boundaries of the Pueblo of Laguna shall be made available to the Tribal safety officers within thirty (30) days of occurrence. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 6.6--When Driver Unable to Report.

A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required by this subsection and there was another occupant in the vehicle at the time of this accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of an accident as required in this subsection and such driver is not the owner of the vehicle, then the owner of the vehicle shall, within five (5) days of learning of the accident, make such report not made by the driver.

Subsection 6.7--Confidentiality of Reports, Information Required to be Disclosed, and Admissibility into Evidence.

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting, and shall be for the confidential use of the Tribal Police

Department or other Tribal or governmental agencies having use of the records for accident prevention purposes, except that the Tribal Police Department may disclose the names and addresses of persons reported as involved in the accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor, any person injured thereby, or any authorized representative of such an interested party or the attorney or the insured thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of said accident.

Subsection 6.8--Fee for Written Information.

Any information authorized for release under subsection 6.7 of this section may be furnished in written form for a fee of Three Dollars (\$3.00). All fees for such copies shall be deposited with the Laguna Tribal Treasurer's Office.

Section 7

SPEED RESTRICTIONS

Subsection 7.1--School Zone Speed Limit.

No person shall drive a vehicle in excess of the posted speed limit in a posted school zone. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 7.2--Residential or Business District Speed Limit.

No person shall drive a vehicle on a public way at a speed faster than 15 miles per hour in any residential or business district, unless otherwise posted. Except when a special hazard exists that requires lower speed for compliance with this subsection of this section, in every event, speed shall be controlled as may be necessary to avoid colliding with any other person, vehicle or other conveyance or on entering the public way in compliance with legal requirements, and it shall be the duty of all persons to use due care and drive at a safe and appropriate speed. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 7.3--Reserved.

Subsection 7.4--Speed Limit During Ceremonial Occasions Within Designated Village Limits.

In no event will the operator of a motor vehicle exceed 5 miles per hour when in the vicinity of a ceremony or traditional event within the exterior boundaries of the Pueblo of Laguna. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 7.5--Minimum Speed Regulation.

No person shall drive a motor vehicle at such a low speed or as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 7.6--Racing on Streets, Drag Racing.

A. Unless written permission setting out pertinent conditions is obtained from the Chief of Police of the Tribal Police Department and the Governor or his designated representative, and only in accordance with such conditions, no person shall drive a vehicle on a street in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration for the purpose of making a speed record, whether or not the speed is in excess of the maximum speed prescribed by law, and no person shall in any manner participate in any such race, drag race, competition, contest, test or exhibition. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

B. No official or agency of the Tribal Government shall be held liable in any civil action in connection with the permission which is authorized in this subsection.

Subsection 7.7--Charging Violation.

In every charge of speeding violation the citation, the complaint, the summons or notice to appear shall state the speed at which the defendant is alleged to have driven and also the speed limit applicable at the location of the alleged violation.

Section 8

AGGRAVATED VIOLATIONS

Subsection 8.1--Driving While Under the Influence of Intoxicating
Liquor or Drug.

A. It shall be unlawful for any person to drive or be in actual physical control of any motor vehicle while such person is under the influence of any drug to a degree which impairs his ability, either mentally or physically or both, to operate such motor vehicle. Such drug shall include intoxicating liquor, narcotic drug or other drug or any combination of intoxicating liquor, narcotic drug or other drug. The fact that a person charged with a violation of this subsection is or has been entitled to use such liquor or narcotic drug or other drug or any combination thereof under the laws of the State of New Mexico shall not constitute a defense against any charge of a violation of this subsection. The gravamen of this offense is the mental and/or physical condition of the driver which impairs the ability of such driver to safely operate such motor vehicle. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Major Misdemeanor.

B. Implied consent to submit to chemical test:

(1) Any person who operates a motor vehicle within the exterior boundaries of the Pueblo of Laguna shall be deemed to have given consent, subject to the provision of the Implied Consent Act, (Chapter 68, Laws 1971), to a chemical test or tests of his blood or breath for purposes of determining the alcoholic, narcotic or drug content of his blood, if arrested while the person was driving or in actual physical control of a motor vehicle while alleged to be under the influence of intoxicating liquor, narcotic drug, or other drug, or any combination thereof.

(2) A breath test for alcohol shall be administered at the direction of a Tribal Police Officer of the Pueblo of Laguna Tribal Police Department who has reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within the exterior boundaries of the Pueblo of Laguna, while under the influence of intoxicating liquor. Law enforcement officer may designate the test or tests to be given.

(3) Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn his consent provided in subsection 4.98(1), and the test or tests designated by the law enforcement officer may be administered.

C. Evidence for carrying burden of proof.

Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquors or drugs, the amount of alcohol or drugs in a person's blood at the time alleged as shown by chemical analysis of his blood, breath or other bodily substances shall give rise to the following presumptions:

(1) If there was at the time .05% or less by weight of alcohol in the person's blood, it shall be presumed that he was not under the influence of intoxicating liquor.

(2) If there was at the time in excess of .05% but less than .10% by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

(3) If there was at the time .10% or more by weight of alcohol in the person's blood, it shall be presumed that he was under the influence of intoxicating liquor.

(4) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 100 cubic centimeters of blood.

(5) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

D. When a blood test is administered the withdrawal of blood for purposes of determining its alcoholic content may be performed only by a physician, registered nurse, or qualified technician. This limitation shall not apply to the taking of breath specimens.

E. The person tested may have a physician, or qualified technician, chemist, registered nurse or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the discretion of the law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

F. Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, the full information concerning the test or tests shall be made available to him or his attorney.

G. Refusal to submit to chemical test could result in the revocation of privilege to drive within the exterior boundaries of the Pueblo of Laguna.

(1) If a person under arrest refuses, upon request of the police officer, to submit to chemical tests designated by this subsection none shall be administered.

(2) The police officer shall prepare in such an event a sworn report, and submit the report to the Tribal Court Judge, stating the facts and circumstances causing him to believe he had reasonable grounds to believe the arrested person had been driving

and was in actual physical control of a motor vehicle within the exterior boundaries of the Pueblo of Laguna while under the influence of intoxicating liquor, and further stating that, upon his request, the person refused to submit to a chemical test, after being advised that failure to submit could result in suspension of his driving privileges within the exterior boundaries of the Pueblo of Laguna.

Subsection 8.2--Reckless Driving.

A. Any person who drives a vehicle carelessly and heedlessly and in willful or wanton disregard of the rights or safety of others, and without due caution and circumspection, and at a speed or in a manner so as to endanger or be likely to endanger any person or property, is guilty of reckless driving. Any person charged under this subsection may be found guilty of the lesser included offense of careless driving.

B. Any person convicted of reckless driving shall be subject to the penalty as prescribed in this Code for Major Misdemeanor.

Subsection 8.3--Careless Driving.

A. Any person operating a vehicle on the roadway shall give his full and entire attention to the operation of the vehicle.

B. Any person who operates a vehicle in a careless, inattentive or imprudent manner, without due regard for conditions of traffic, weather, and roadway, grade, corners, width or road, and all other attendant circumstances, so as to endanger life, limb, or property of any person shall be guilty of careless driving.

C. This subsection shall be a lesser offense of reckless driving of subsection 8.2 above. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 8.4--Negligent Homicide by Motor Vehicle -- Failure to Prosecute.

A. When the death of any person shall ensue within three (3) years as a proximate result of injury received by the driving of any vehicle by any person while under the influence or affected by intoxicating liquor and/or narcotic drugs as defined within this section or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

B. If the State or Federal government shall refuse or neglect to prosecute any person for negligent homicides by means of a motor vehicle, the Laguna Tribal Court shall have jurisdiction to try that person for violation of the criminal laws of the Pueblo and Tribe of Laguna.

C. Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Major Misdemeanor.

Section 9

TRAFFIC CONTROL SIGNS, SIGNALS,
MARKINGS, RAILROAD CROSSINGS

Subsection 9.1--Obedience to Traffic Control Devices.

A. The driver of any vehicle shall obey instructions of any official traffic control device applicable hereto placed in accordance with this section unless otherwise directed by police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

B. No provision of this subsection for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged offense an official sign is not in proper position and sufficiently legible or visible to be seen by an ordinary observant person.

C. Whenever official traffic control devices are placed in a position approximately conforming to the requirements of this section such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

D. Any official traffic control device placed pursuant to the provision of this section and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this section, unless the contrary shall be established by competent evidence.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 9.2--Traffic Control Signal Legend.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend. And said lights shall indicate and apply to the drivers of vehicles and pedestrians as follows:

A. Green indication.

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a signal at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian controlled signal, as provided in subsection 9.3 herein, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

B. Steady Yellow indication.

(1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian controlled signal as provided in subsection 9.3 are hereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

C. Steady Red indication.

(1) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on or near the side of the intersection, or, if none, then before entering the intersection or shall remain standing until a green indication is shown: Provided, that such traffic may, after stopping, cautiously proceed or make a right turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicular traffic making such turn shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection of an adjacent crosswalk at the time such signal is exhibited.

(2) Unless otherwise directed by a pedestrian controlled signal as provided in subsection 9.3 herein, pedestrians facing a steady red signal alone shall not enter the roadway.

D. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Subsection 9.3--Pedestrian Control Signal.

Whenever special pedestrian control signals exhibiting the words "WALK" or "DON'T WALK" are in place, such signals shall indicate as follows:

A. Steady "WALK" -- Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles even if the signal has changed to a flashing "DON'T WALK" signal; and

B. "DON'T WALK" -- No pedestrian shall start to walk across the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "WALK" signal shall walk as rapidly as possible to the sidewalk or safety zone.

Subsection 9.4--Flashing Signals.

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(1) Flashing Red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

(2) Flashing Yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal with caution; and

This subsection shall not apply at railroad grade crossings conduct of drivers approaching railroad grade crossings and shall be governed by the rules set forth in subsection 9.10 through 9.12 of this section.

Subsection 9.5--"Stop" Signs.

A. Stop. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly

marked line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic before entering the intersection.

B. Yield Right of Way after Stopping. Except when directed to proceed by police officer, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by paragraph A above and, after having stopped, shall yield the right of way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street so as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 9.6--"Yield" Signs.

A. The driver of a vehicle, approaching a "yield" sign shall slow to a reasonable speed for existing conditions of traffic, visibility and road surface condition, yielding right of way to all vehicles on the intersection street which constitutes an immediate hazard. The driver of a vehicle who proceeds past any "yield" sign facing such vehicle and who collides with a vehicle proceeding on the intersecting street or roadway shall be deemed prima facie to have violated the provisions of this article.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 9.7--Display of Unauthorized Signs, Signals or Markings.

A. No person shall place, maintain, or display upon, or in view of, any public way, any unauthorized sign, signal, marking, light, device or combination thereof which:

(1) Purports to be, is an imitation of, resembles, or could be easily confused with an official traffic control device, a railroad sign or signal, or the lights of an emergency vehicle;

(2) Attempts to direct the movement of traffic; or

(3) Hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal.

B. No person shall place or maintain, nor shall any Tribal authority permit upon any public way, any unauthorized traffic signal or sign or any sign bearing thereon any commercial advertising.

C. The provisions of this subsection shall not be deemed to prohibit erection upon privately used property adjacent to public ways of signs giving useful directional information and of a type that cannot be mistaken for official signs and which do not create a hazard to a motorist travelling on the public way.

D. Every sign, signal, or marking prohibited by this subsection is hereby declared to be a Tribal nuisance, and the authority having jurisdiction over the public way is hereby empowered to remove the same or cause it to be removed without notice, assessing costs involved to the violator.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 9.8--Reserved.

Subsection 9.9--Interference with Official Traffic Control Devices or Railroad Signs.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or inscription, shield, or insignia thereon, or any other part thereof.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 9.10--Obedience to Signal Indicating Approach of Train.

A. When any person driving a vehicle approaches a railroad grade crossing under any of the circumstances in this subsection, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electrical or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives a signal of the approach or passage of a railroad train;

(3) A railroad train, approaching within approximately fifteen hundred feet of the railroad crossing, emits an audible signal from such distance, and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 9.11--All Vehicles Must Stop at Certain Railroad Grade Crossings.

When a stop sign is erected at a railroad grade crossing, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail or such railroad and shall proceed only upon exercising due care.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 9.12--Certain Vehicles Must Stop at All Railroad Crossings.

A. The driver of a motor vehicle carrying passengers for hire, or of a school bus carrying any school child, or of a vehicle carrying explosive substances, compressed gas or flammable liquid as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train. After stopping as required herein and upon proceeding when it is safe to do so, the driver shall cross, use only such gear of the vehicle that will not necessitate changing gears while transversing such crossing and shall not shift gears while crossing the track or tracks.

B. No stop need be made at any crossing where a flagman, police officer or traffic control signal directs traffic to proceed.

C. Automatic gate crossing. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being operated.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Section 10

DRIVING ON RIGHT SIDE OF ROADWAY - OVERTAKING
AND PASSING - USE OF ROADWAY

Subsection 10.1-- Use of Roadway.

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway or roadway; provided, any person so doing shall yield the right of way to all vehicles travelling in the proper direction upon the unobstructed portion of the highway or roadway within such distance as to constitute an immediate hazard;

(3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(4) Upon a roadway restricted to one-way traffic.

B. Upon all roadways any vehicle proceeding slower than the legal maximum speed or at a speed slower than necessary for the safe operation at the time and place and under the conditions then existing, shall be driven in the right hand lane when available for traffic, or as close as practicable to the right hand curb or edge of roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, exit, or into a private roadway or driveway when such left turn is legally permitted.

C. Upon any roadway having four or more lanes for moving traffic and providing for a two-way movement of traffic, no vehicle shall be driven to the left of the center lane of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraphs A(2) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, or privately used road or driveway.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 10.2--Passing Vehicles Proceeding in Opposite Direction.

Drivers of vehicles proceeding in opposite directions shall pass to the right of each other, and upon roadways having width for not more than one lane of traffic in each direction each driver shall give to the driver at least one-half (1/2) of the main travelled portion of the roadway as nearly as possible.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 10.3--Overtaking a Vehicle on the Left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 10.4--When Overtaking on the Right is Permitted.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lanes of moving vehicles in each direction;

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions of sufficient width for two or more lanes of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall movement be made by driving off the pavement or main-travelled portion of the roadway.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 10.5--Limitations on Overtaking on the Left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by provisions of subsection 10.4 and unless such left side is clearly visible and is free from on-coming traffic for a sufficient distance ahead to permit such overtaking passing to be completely made without interfering with the operation of any vehicles approaching from the opposite direction or in any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet (200') of any approaching vehicle.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 10.6--Further Limitations on Driving to Left of Center of Roadway.

A. No vehicle shall be driven on the left side of the roadway under the following conditions:

(1) When approaching or upon the crest of a grade or a curb in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within one hundred feet (100') of or transversing any intersection or railroad grade crossing;

(3) When the view is obstructed upon approaching within one hundred feet (100') of any bridge or viaduct.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

B. The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in subsection 10.1, nor to the driver of a vehicle turning left into or from an alley or private driveway.

Subsection 10.7--No Passing Zones.

A. The State Highway Commission in conjunction with the Tribal authorities are hereby authorized to determine those portions of any highway under their jurisdiction for overtaking and passing or when driving to the left of the roadway would be especially hazardous and there may be appropriate signs or markings on the roadway to indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

B. Where signs or markings are in place to define a no passing zone as set forth in this subsection, no driver shall at any time drive on the left side of the roadway within such no passing zone or to the left of any pavement striping designated to mark such no passing zone throughout its length.

C. This subsection does not apply under the conditions described in subsection 10.1, nor to the driver of a vehicle turning left into or from an alley or private driveway.

Subsection 10.8--One-Way Roadways.

A. The State Highway Commission may designate any State highway or separate roadway under its jurisdiction and the Tribal authorities may designate any Tribal street or roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

B. Upon a roadway designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 10.9--Driving on Roadways Laned for Traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all other consistent herewith shall apply:

A. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made safely.

B. Upon a roadway which is divided into three lanes and provides a two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle travelling in the same direction. When such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where a center lane is at the time allocated exclusively to traffic moving in the same direction, that vehicle is proceeding and such allocation is designated by official traffic-control devices.

C. Official traffic-control devices may be erected directing slow moving or other specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

D. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of such vehicles shall obey the directions of every such device.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 10.10--No Passing in a School Zone.

No vehicle shall be driven so as to overtake and pass any other vehicle proceeding in the same direction while driving either on a public way adjacent to a school while children are going to or leaving school, or in a school zone when the school zones are in place.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 10.11--Overtaking and Passing or Approaching a School Bus.

A. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the roadway, with special school bus signals in operation, for the purpose of receiving or discharging any school children, shall stop the vehicle at least ten (10) feet before reaching such school bus and shall not proceed until such school bus has resumed motion, or until signalled by the bus driver to proceed.

B. The driver of a vehicle upon a street with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. Such street shall include but not be limited to streets divided by raised medians. However, such streets shall not include streets divided by painted medians.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Section 11

SPECIAL STOPS

Subsection 11.1--Stop When Dangerous to Proceed Forward.

The operator of any bicycle or motor vehicle shall stop his bicycle or motor vehicle if possible when either a pedestrian, or other bicycle or motor vehicle is stopped in the roadway immediately ahead and a collision would occur if the operator does not stop, or road and weather conditions are such that the operator's safety, the safety of any other person, or any property is endangered if the operator does not stop.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 11.2--Stop When Emerging From an Alley, Driveway or Privately Used Road, Etc.

The driver of a vehicle emerging from an alley, a driveway, or a privately used road, a building or open land shall stop such vehicle immediately prior to driving either onto the sidewalk or any sidewalk area, yielding the right of way to any pedestrian as may be necessary to avoid collision, and before and upon entering the roadway, shall yield the right of way to all vehicles, bicycles, or animals approaching on said roadway.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 11.3--Stop to Keep Intersection Unobstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the outer side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, even though a traffic control signal indicates he may proceed.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 11.4--Stop for Blind or Handicapped.

Whenever a pedestrian, guided by guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, is crossing or attempting to cross a public way, the driver of every vehicle approaching the intersection or place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 11.5--Stop When Signalled, School Zone.

It shall be unlawful for any operator of any bicycle or motor vehicle not to stop at any time that a uniformed school crossing guard who is standing by a crosswalk within an established school zone which is appropriately marked with signs, clearly signals either by hand or verbal command for the operator to stop, regardless of whether such operator can see any child or any other person in the crosswalk, at the curb, or approaching the curb or crosswalk; provided that the signal to stop is given at a time the school crossing guard is normally on duty. This duty to stop when signalled to stop in a school zone crosswalk is in addition to the duty to stop for pedestrians as specified in subsection 11.6 below.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 11.6--Stop for Pedestrian in Crosswalk.

A. In the absence of operating traffic controls at an intersection, the operator of a bicycle or motor vehicle shall slow down or stop to yield the right of way to a pedestrian in a marked or unmarked crosswalk. However, no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to stop or yield.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

B. Whenever a vehicle is stopped at a marked or unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of the vehicle approaching from the rear shall not overtake and pass such vehicle.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Section 12

MOTORCYCLES

Subsection 12.1--Traffic Regulations Apply.

Every person operating a motorcycle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other vehicle under this Traffic Code, except as to special exemptions listed in this section, and except as to those provisions of the Traffic Code which by their very nature can have no application.

Subsection 12.2--On Streets Laned for Traffic.

A. Full use of a lane. A motorcycle is entitled to the full use of a lane, and no other motor vehicle shall be driven in such a manner as to deprive any motorcycle of such full use of a lane.

B. Passing. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken, except that this provision shall not apply to police officers in the performance of their official duties.

C. Between lanes prohibited. No person shall operate any motorcycle between lanes of traffic or between adjacent lines or rows of vehicles except that this provision does not apply to police officers in the performance of their duties.

D. No more than two abreast. Motorcycles may be driven two abreast in a single lane.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.3--Minimum Size for Streets.

It shall be unlawful to operate on any street, any motorcycle with a wheel base between both axles of less than three (3) feet, four (4) inches (3'4"), a motor displacement of less than forty-five (45) cubic centimeters, or a seat height of less than twenty-five (25)

inches measured from the ground to the lowest point on the top of the seat cushion without rider.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.4--Minimum Size for Controlled Access Roadways.

No person shall operate a motorcycle upon any controlled access roadway or upon any exit or entrance ramp thereof which does not have all of the following: A wheelbase between both axles of three (3) feet four (4) inches (3'4"); a motor displacement of one hundred twenty-five (125) cubic centimeters or more; and a motor of at least five (5) horsepower or the equivalent thereof.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.5--Restricted from Certain Streets, Lanes and Paths.

No motorcycle shall be driven upon any street, bicycle or foot path on which there are appropriate signs in place giving adequate notice that motorcycles are prohibited the use of that street, bicycle or foot path.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.6--Height of Handlebars.

No motorcycle shall be equipped with handlebars which have an outer end raised more than fifteen (15) inches above the level of the seat normally occupied by the operator. The level of the seat shall be determined as being the top of the seat when the seat is fully depressed.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.7--Clinging to Other Vehicles.

No person operating or driving upon a motorcycle shall attach himself or his vehicle to any moving vehicle upon a street.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.8--Hands on Handlebars.

No person shall operate a motorcycle without keeping both hands on the handlebars except to signal turns.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.9--Riding on Seat, Feet or Foot Rest.

A. Operator. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and shall have his feet upon the foot rest provided on the machine.

B. Passenger. No person operating a motorcycle shall carry any other person as a passenger unless such vehicle is designed to carry more than one person and such passenger is either seated upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached behind the operator's seat, and the passenger has his feet upon the foot rest provided on the machine for a passenger.

C. In any event, no operator of any motorcycle shall ride in a position or carry any person riding in a position that will interfere with the operation or control of the motorcycle or with the view of the operator.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.10--One Passenger Limit.

No operator of any motorcycle shall carry on his motorcycle any passenger unless the motorcycle is designed to carry such passenger, nor shall the operator of any motorcycle carry on his vehicle more than one passenger at a time, regardless of design of the motorcycle, except for motorcycles equipped with side cars. No operator of a motorcycle shall carry more passengers in his side car than it was designed for.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.11--Manueverability of Motorcycle - 90 Degree Angle.

No motorcycle shall be equipped in a manner such that it is incapable of turning a 90 degree angle within a circle having a radius of not more than fourteen (14) feet. Evidence of a motorcycle being unable to turn a 90 degree angle within a circle having a radius of not more than fourteen (14) feet shall be prima facie evidence of an unsafe vehicle. For purposes of this subsection, a police officer may require the operator of a motorcycle to demonstrate the ability of any such vehicle to be so ridden. Failure or refusal of any operator to demonstrate the ability of any such vehicle after such vehicle was being operated on the street shall be prima facie evidence of an unsafe vehicle.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.12--Equipment.

Every motorcycle shall be equipped as required of any other motor vehicle, unless specifically exempted from such requirements by this section, or such equipment in its very nature is inconsistent with the structure and use of a motorcycle.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.13--Windshield or Glasses.

A. Any person operating a motorcycle not having a fixed windshield of a type approved by the Commissioner of the New Mexico Department of Motor Vehicles shall wear an eye protective device which may be a face shield attached to a safety helmet, goggles, or safety glasses.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

B. All eye protective devices or windshields shall be of a type approved by the regulations promulgated by the Commissioner of the New Mexico Department of Motor Vehicles.

Subsection 12.14--Helmets.

A. On operator. No person under the age of eighteen years shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as head gear and meeting the standards specified by the Commissioner of Motor Vehicles of the State of New Mexico.

B. On passenger. No person shall carry any passenger who is under the age of eighteen years on any motorcycle unless the passenger is wearing a safety helmet securely fastened on his head in a normal manner as head gear and meeting the standards specified above.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 12.15--One or Two Headlamps.

Every motorcycle shall be equipped with at least one head lamp and not more than two, and any head lamp shall be located at a height measured from the center of the lamp of not more than fifty-four (54) inches nor less than twenty (20) inches to the level ground upon which the vehicle stands.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Section 13

ANIMALS (HORSES, DRAFT ANIMALS, ETC.)

Subsection 13.1--Traffic Regulations Apply.

Every person either riding, driving before a load or leading any horse or other draft animal shall be granted all the rights and be subject to all of the duties applicable to the driver of a vehicle, except as to special regulations in this section and except as to those provisions of law and ordinances which by their very nature can have no application.

Subsection 13.2--No Animals on Controlled Access Roadways, Prohibited Streets, Etc.

No person shall ride, lead or drive before a load any horse, farm or draft animal either on any street where signs have been erected by the designated Tribal authorities and which prohibit the use of the road to such animal or upon the controlled access roadways except in performance of public or official duties, or upon pass adjacent to such controlled access roadways or streets which are provided for other uses.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 13.3--Riding Animals on the Right, Etc.

Every person riding, leaving or driving before a load any horse or other draft animal shall do so as near to the right side of the roadway as practicable, exercising due care when passing or skirting around a standing vehicle or obstruction.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 13.4--Duty of Motorist to Animals.

In approaching or passing any horse, farm or draft animal, whether being ridden, led, driven before a load or running loose, every person operating a motor vehicle shall slow down, and in passing such animal shall maintain a reasonable speed and keep a safe distance, and further, he shall bring his vehicle immediately to a stop when such animal appears to be frightened, and if there is a person in charge, such person signals or requests a motorist to stop.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 13.5--Endangering Person With Animal or Exciting Animal.

No person shall knowingly endanger any person riding, leading or driving a horse, farm or other draft animal by intentionally exciting such animal by an activity which includes but is not limited to the sounding of a horn, abrupt startling movements, and the cracking of a whip.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 13.6--Animals Not Permitted on Sidewalks.

No person in control of a horse or draft animal shall allow such animal to travel on any sidewalk except to cross such sidewalk as is necessary.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 13.7--Horses With Bit and Reins.

No person shall ride or drive before a load a horse on, or adjacent to, any street or on any bridle path unless such animal is bitted, nor shall he ride or drive such animal without holding the reins to such animal in his hands.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 13.8--Racing of Animals Prohibited.

No person shall allow a horse or draft animal in his control either to gallop on a street or adjacent to a street or to race such animal whether galloping or trotting for trial of speed.

Subsection 13.9--No Animals on Street After Dark.

No person during the hours of darkness shall ride or drive any horse or draft animal upon the travelled portion of any roadway which is normally used by a motor vehicle.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Section 14

STOPPING, STANDING OR PARKING

Subsection 14.1--Stopping, Standing or Parking Prohibited - No Signs Required.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- A. Next to a curb which is painted either yellow or red.
- B. On a sidewalk.
- C. Within three (3) feet of a public or private driveway.
- D. Within an intersection.
- E. Within fifteen (15) feet of a fire hydrant.
- F. On a crosswalk or within ten (10) feet of a crosswalk at an intersection.
- G. Within thirty (30) feet of the approach of any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of a roadway, unless the Governor or his designated representative has specifically, by marking or by parking meters, indicated parking to be permitted.
- H. Between a safety zone and the adjacent curb, or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Governor or his designated representative has indicated a different length by signs or markings.
- I. Within fifty (50) feet of the nearest rail of a railroad crossing.
- J. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when proper sign posted).
- K. Along side or opposite any street, excavation or obstruction when stopping, standing or parking would obstruct traffic.

L. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

M. Upon any bridge or other elevated structure upon a roadway.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 14.2--Stopping, Standing or Parking Prohibited by Sign.

No person shall stop, stand or park a vehicle either in a street, on Tribal grounds, or in a Tribal parking lot, except when necessary to avoid conflict with other traffic or in compliance with law or at the direction of a police officer or traffic control device, where proper signs have been placed at intervals adequate to inform the motorist prohibiting the stopping, standing or parking of vehicles.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 14.3--Parking Not to Obstruct Traffic.

No person shall park a vehicle on a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of width of the roadway for free movement of vehicular traffic.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 14.4--Parking Prohibited in Fire Lane.

No person shall either stop, stand or park a vehicle in a marked fire lane or otherwise obstruct such lane, whether such lane is public property or on private property which is devoted to public use. Such fire lane shall be marked either with a sign or a red curb.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 14.5--Controlled Access Roadways - Stopping, Standing or Parking.

A. No person shall stop, park or leave standing any vehicle upon the controlled access roadways or entrance or exit ramps thereof except:

(1) When necessary to avoid injury or damages to persons or property;

(2) When required by law or in obedience to a peace officer or traffic control device;

(3) When any person is actually engaged in maintenance or construction on the controlled access roadway, or of a Tribal agency actually engaged in the performance of official duties;

(4) When any vehicle is so disabled that it is impossible to avoid stopping; or

(5) When any vehicle, whether commercial or private, stops to render emergency assistance to a vehicle or person.

B. In any event, no vehicle which is lawfully stopped or parked shall be stopped or parked, if practicable, other than in a position parallel with the edge of the controlled access roadway, headed in the direction of lawful traffic movement and off the traffic lanes and onto the shoulder of the controlled access roadway with emergency flashers operating if so equipped.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 14.6--Child or Animal Locked in Vehicle.

No person shall leave any child or animal in any standing or parked locked vehicle. The Police Department or any officer or agent thereof is hereby authorized to use whatever force is reasonably necessary to remove the child or animal from the vehicle whenever it reasonably appears that such child or animal's health, welfare or safety will be substantially endangered.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 14.7--Opening and Closing of Doors.

No person shall open the door of, or emerge from, any motor vehicle on the side available to moving traffic unless and until it is clear of any approaching vehicle or bicycle and it is reasonably safe to do so, nor shall any person leave a door open on the side of the vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 14.8--Boarding or Allighting from Vehicles.

No person shall board or allight from any moving vehicle or any vehicle which is stopped in traffic, nor shall any person allight or enter a vehicle, except when stopped at a curb or in a passenger loading zone.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 14.9--Unattended Motor Vehicle.

No person shall park or permit a vehicle to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake or placing the transmission in a parking position; and when parked or standing upon any grade, turning the front wheels in such a manner that the vehicle will be held by the curb or will leave the roadway if the brake fails or the transmission slips from parking position.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 14.10--Authorized Police and Emergency Vehicles Excepted.

Any authorized emergency vehicle being used in an official capacity may stand or park irrespective of the provisions of this section, provided a lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet from the vehicle in all directions is displayed during such standing or parking, and further, that such standing or parking shall not be for a period longer than necessary.

Subsection 14.11--Registered Owner Responsible.

Any prosecution charging a violation of any provision or subsection of this Code governing or regulating the stopping, standing or parking of a vehicle, proof that the particular vehicle described in a citation or complaint was parked in violation of the Code, together with proof that the defendant named therein was at the time of such violation the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the registered owner and that the defendant was the person who parked or placed the vehicle at the point where, and for the time during which the violation occurred. It shall be proof that the defendant was the registered owner if he was so designated by the motor vehicle registration list.

Subsection 14.12--Authority to Remove Vehicles.

A. Authority to remove under certain conditions. Members of the Police Department are hereby authorized to remove a vehicle to the nearest storage garage or area designated or maintained by the Police Department or by this Tribal authority, under any of the following circumstances. Any costs incidental to such removal and storage shall be assessed against the owner of such vehicle.

(1) When any vehicle is left unattended upon any bridge, or viaduct or on any controlled access roadway which such vehicle constitutes an obstruction or hazard to traffic.

(2) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.

(3) When a vehicle is being driven upon the streets and is not in proper condition to be driven.

(4) When any vehicle is left unattended upon a street and is parked illegally so as to constitute an obstruction or definite hazard to the normal movement of traffic.

(5) When any vehicle is left unattended upon a street continuously for more than seventy-two (72) hours and is presumed to be abandoned.

(6) When the driver of such a vehicle is taken into custody by the Police Department and such vehicle would thereby be left unattended upon a street.

(7) Where the use of the street or any portion thereof is authorized by the Police Department for purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such vehicles, trailers, etc., would interfere with such use or movement and signs prohibiting parking are erected or placed at least twenty-four (24) hours prior to such use or movement.

(8) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reasons which include, but are not limited to, necessary and emergency repairs of utility installations. However, if removal is due to such utility repair, cost of such removal shall be paid in advance by the utility company seeking the removal.

(9) When parked, left unattended or abandoned during a fire, flood, storm or other public emergency which is apt to cause substantial damage to the vehicle and its removal is in the best interests of the owner.

(10) When it is either unattended or disabled and loaded with either a dangerous, flammable, combustible or explosive substance which, either by its presence or load conditions, impairs the health, welfare or safety of the public.

B. Receipt from garage. Police officers shall obtain a receipt from the wrecker service to which such vehicle is delivered indicating the date, hour and place, and identification of the vehicle.

C. Notice to owner of removal. Whenever an officer authorizes the removal of a vehicle and is unable to ascertain the name and address of the owner thereof, the officer shall report immediately to the Police Department. The Police Department shall give notice in writing to such owner of the fact of such removal, the reasons therefor, and the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, the officer shall issue signed and dated instructions in writing to the garage (or wrecker) specifically stating whether the vehicle is to be held for investigation or whether it is to be released to the owner after all attendant charges have been paid by the owner.

D. Owner appears during removal. If any such vehicle is about to be removed or is in the process of being removed from the street and the owner thereof or his agent appears and claims the vehicle and agrees forthwith to remove it from such street, such vehicle shall be delivered to such owner or agent upon demand therefor and upon furnishing satisfactory evidence of the identity and ownership of or agency. If any such owner or agent shall fail, refuse or neglect to forthwith remove such vehicle, such vehicle shall nevertheless be removed. Removal by such owner or agent shall not relieve the offender from liability for any fine or penalty for the violation of any law or ordinance for which the vehicle was to be removed.

Section 15

EQUIPMENT

Subsection 15.1--Unsafe Vehicle; Improperly Equipped or
Unsafely Loaded.

A. It shall be unlawful for any person to drive or move or for the owner to cause or permit to be driven or moved any vehicle, any combination of vehicles or any trailer which is in such unsafe condition mechanically, overloaded, or so loaded so as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as to require in this section or in State Statutes, or which is equipped or loaded in any manner in violation of this section or State Statutes.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

B. Presumption. Any police officer at any time having reasonable cause to believe that any such vehicle is unsafe, or not equipped as required by law, or that its equipment is not in proper adjustment or repair or that the vehicle is improperly loaded may require the operator of such vehicle to stop and submit such vehicle to inspection and test as may be appropriate and reasonable. When such vehicle is being operated, failure or refusal of any operator to submit such vehicle to inspection after a request by a uniformed police officer to inspect such vehicle shall be prima facie evidence of an unsafe vehicle within the meaning of paragraph 15.1A.

Subsection 15.2--Minimum Size of Vehicle.

It shall be unlawful to operate any motor vehicle with the wheel base between any two axles thereof of less than three (3) feet, six (6) inches (3'6"). For purpose of this section, wheel base shall be measured upon a straight line from the center to center of the vehicle axles designated.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.3--Farm and Road Equipment Excepted.

The equipment required of a motor vehicle by regulations in this article shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as hereinafter made applicable.

Subsection 15.4--License Plates.

A. It shall be unlawful for any person to park or operate a motor vehicle on a roadway unless there is attached to the rear thereof, a license plate for the current license year, unless the State of issuance requires only one license plate, in which case such plates shall be affixed to the vehicle as provided by law of the State of issuance; such license plate or plates to be maintained free of dirt, emblems, trailer hitches, or any other obstruction so that the color, State of issuance, years and license number of letters thereon are clearly visible.

B. No person shall display upon a vehicle any registration evidence, registration plate, or permit not issued for such vehicle or not otherwise lawfully issued.

C. No person shall display upon a vehicle a license plate altered from its original markings.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.5--Brakes.

A. Brake equipment required:

(1) Every motor vehicle, when operated upon a street, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.

(2) Every house trailer of a gross weight of 3,000 pounds or more, when operated upon a street, shall be equipped with brakes adequate to control the movement of, and to stop and hold such vehicle, and so designed as to be applied by the driver of the towing motor vehicle.

(3) Every bus, truck, road tractor, or truck tractor shall be equipped with parking brakes capable of locking the rear driving wheels and adequate under any condition of loading to hold, to the limit of traction of such brake wheels, such vehicle or combination of vehicles to which such motor vehicle may be attached. The operating controls of such parking brake shall be independent of the operating controls of the service brakes.

(4) In any combination of motor-drawn vehicles, means shall be provided for applying the rear-most trailer brakes, or any trailer equipped with brakes, in approximate synchronism with the brakes in the towing vehicle and developing the required braking effort on the rear-most wheels at the fastest rate; or means shall be provided for applying brake effort first on the rear-most trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

B. Every motor vehicle or combination of motor drawn vehicles shall be capable at all times, and under all conditions, of loading, of being stopped on a dry, smooth, level road, free from loose material, upon application of the service brake, within the distance specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	Feet to Stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combinations of vehicles having brakes on all wheels.....	30.....	14
Vehicles or combinations of vehicles not having brakes on all wheels.....	40.....	10.7

C. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to wheels on opposite sides of the vehicle.

Subsection 15.6--Windshields Must be Unobstructed and Equipped With Wipers.

A. No person shall drive any motor vehicle with any sign, poster or other non-transparent material upon the front windshield, side windows or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highways.

B. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle, and such windshield wipers shall be in good working order.

C. Windshield, windows in defective condition. It shall be unlawful for any person to drive a vehicle when the windshield, side wings, side or rear windows are in such defective condition as to impair the vision of the driver.

D. Windshield, windows obscured. It shall be unlawful for any person to drive a vehicle when the windshield, side wings, side windows in the driver's compartment, or rear window is obstructed by reason of accumulation of frost, moisture, fog, snow, mud, or dirt or any other matter to an extent as to substantially interfere with or impair the vision of the driver to the front, sides or rear of said vehicle.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.7--When Lighted Lamps and Signalling Devices are Required.

Every vehicle upon a highway or roadway within this reservation at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway or roadway are not clearly discernible at a distance of five hundred (500) feet ahead, shall display lighted lamps and illuminating devices, and further that stop lights, turn signals and other signalling devices shall be lighted as prescribed for the use of such devices.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.8--Headlamps on Motor Vehicles.

A. Every motor vehicle other than a motorcycle or a motor driven cycle shall be equipped with at least two (2) headlamps with at least one (1) on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this section.

B. Each headlamp shall not be more than fifty-four (54) inches nor less than twenty (20) inches, measured from the center of the headlamp to the level ground upon which the vehicle stands when such vehicle is without a load. Such headlamps shall emit a clear white light plainly visible from a distance of five hundred (500) feet to the front when the vehicle is without a load, when on a straightlevel, unlighted roadway under normal atmospheric conditions.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.9--Taillamps.

A. Every motor vehicle, trailer, semi-trailer, or any other motor vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) taillamps mounted

on the rear, which, when lighted as required in subsection 15.1, shall emit a red light plainly visible at a distance of one thousand (1,000) feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, and motorcycles and motor-driven cycles, shall have at least one (1) taillamp. On a combination of vehicles only the taillamps on the rear-most vehicle need actually be seen from the distance specified. On vehicles equipped with more than one (1) taillamp, the lamp shall be mounted on the same level and as widely spaced laterally as practicable.

B. Every taillamp upon every vehicle shall be located at a height of not more than seventy-two inches (72") not less than twenty inches (20").

C. Either a taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet (50') to the rear. Any taillamp or taillamps, together with any separate lamp or lamps for illuminating the rear registration plate shall be wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.10--Headlamps and Spotlights Not to Project Glaring Beams.

A. On-coming motorists. It shall be unlawful for a driver of a vehicle to drive at times specified in subsection 15.1 with lighted headlamps or spotlights having a distribution of lights or composite beams so aimed or directed as to project glaring rays of light into the eyes of any on-coming motorist when such vehicle is within five hundred feet (500').

B. Overtaken vehicle. Whenever a driver overtakes another vehicle proceeding in the same direction and within two hundred feet (200'), such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected through the rear windows of the overtaken vehicle.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.11--Stop Lamps.

A. It shall be unlawful for any person to drive any motor vehicle, motorcycle, motor driven cycle or motorscooter, unless it is equipped with at least one (1) stop lamp which shall emit a red, amber or yellow light actuated by the application of the service brakes and which may, but need not, be incorporated with one or more other rear lamps.

B. Every stop lamp shall be plainly visible and understandable from a distance of one hundred feet (100') to the rear, both during normal sunlight and at night time.

C. No stop lamp shall admit a glaring or dazzling light.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.12--Reflectors.

A. Every motor vehicle, trailer, semi-trailer and pole trailer shall carry on the rear, either as part of the taillamps or separately two or more red reflectors meeting the requirements of this subsection, except that motorcycles and motor driven cycles shall carry at least one such reflector.

B. Every such reflector shall be mounted on the vehicle at a height not less than twenty inches (20"), nor more than sixty inches (60"), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet (300') to one hundred feet (100'), from such vehicle when directly in front of lawful upper beams of headlamps.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.13--Mufflers Required.

It shall be unlawful for any person to operate a motor vehicle if such vehicle is not equipped with a properly attached, operating muffler in good working order of construction sufficient to prevent excessive or unusual noise of said motor vehicle or to muffle or deaden the sound from said motor. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the motor vehicle as originally manufactured.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.14--School Bus Signs on School Bus.

Every bus used for transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus" in letters not less than eight inches (8") in height.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.15--Lamp or Flag on Projecting Load.

A. It shall be unlawful to drive or permit to be driven any vehicle whenever the load upon such vehicle extends to the rear four feet (4') or more beyond the bed or body of such vehicle, unless there shall be displayed at the extreme rear of the load at the specified time in subsection 15.8 hereof, a red light or lantern plainly visible from a distance of at least five hundred feet (500') to the sides and rear. The red light or lantern required under this subsection shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear of such load a bright colored flag or cloth not less than one hundred (100) square inches and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

When any mechanical device, whether a temporary or permanent part of the vehicle, extends beyond the front bumpers thereof, the extreme front corners of such projection shall at the time specified in subsection 15.8, be indicated by amber lights or lanterns visible from a distance of at least five hundred feet (500') to the sides and front. At any other time there shall be displayed at the extreme front end of such load a bright colored flag or cloth not less than one hundred (100) square inches and so hung that the entire area is visible to the driver of a vehicle approaching from the opposite direction.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.16--Emergency Equipment.

A. Red lights. It shall be unlawful for any person to operate a vehicle other than an official vehicle, equipped with any red lights mounted so as to project a beam in a forward direction,

or a siren, unless written permission of the Governor or his designated representative is first obtained. Permission shall be given only to fire department vehicles, law enforcement agency vehicles and ambulances.

B. Flashing lights. It shall be unlawful for any person to operate a vehicle equipped with flashing lights, except on authorized emergency vehicles, red school buses, snow removal equipment, highway marking equipment or two cars which are standing on the roadway for purpose of removing, and actually engaging in towing any disabled vehicle. However, such tow cars are prohibited from using flashing lights while going to or returning from the location of the disabled vehicle if not engaged in towing of such vehicle. Further, the operators of the two vehicles shall observe all traffic regulations while going to or returning from the locations of disabled vehicles or while engaged in the towing of disabled vehicles.

C. Flashing red lights. Flashing red lights may be used as warning lights on disabled or parking vehicles and on any vehicle as a means of indicating a turn.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.17--Tampering With or Injuring Vehicle.

No person, individually or in association with one or more persons, shall:

A. Purposely and without authority from the owner, start or cause to be started the motor of any motor vehicle; or

B. Purposely and maliciously shift or change the starting device of gears of a standing motor vehicle to a position other than that in which they were left by the owner or driver of said motor vehicle; or

C. Purposely scratch or damage the chase, running gear, body, sides, top covering or upholstery of a motor vehicle, the property of another; or

D. Purposely destroy any part of a motor vehicle or purposely cut, mash, mark, or in any other way destroy or damage any part, attachment, fastening or appurtenance of a motor vehicle, without the permission of the owner thereof; or

E. Purposely drain or start the drainage of any radiator or oil tank or gas tank upon a motor vehicle without the permission of the owner thereof; or

F. Purposely put any metallic or other substance of liquid in the radiator, carbureator, oil tank, grease cup, oilers, lamps, gas tanks or machinery of the motor vehicle with the intent to injure or damage the same or impede the working of the machinery thereof; or

G. Maliciously tighten or loosen any bracket, bolt, wire, nut, screw or other fastening of a motor vehicle; or

H. Purposely release the brake upon a standing motor vehicle with the intent to injure said machine.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Misdemeanor.

Subsection 15.18--Emission Control Equipment.

Every registered gasoline-fueled motor vehicle manufactured or assembled commencing with 1968 models, shall at all times be equipped and maintained in good working order and adjusted with the factory installed devices and equipment or their replacement designed to prevent, reduce or control exhaust emissions or air pollution.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Subsection 15.19--Equipment in Condition to Prevent Excessive Fumes or Smoke.

No person shall operate any vehicle unless the muffler, emission control equipment or device, if any, engine and power mechanism of the vehicle are in such mechanical condition and so

adjusted so as to prevent the escape of excessive fumes or smoke.

It shall be deemed excessive fumes or smoke if the fumes are visible for a period of five seconds after start.

Any person who violates this provision of the Traffic Code of the Pueblo of Laguna shall be subject to the penalty as prescribed in this Code for Petty Misdemeanor.

Section 16

JURISDICTION, PROCEDURES, CITATIONS, ETC.

Subsection 16.1--Violation.

It shall be a violation of this Traffic Code to fail to perform any act required by this Traffic Code or to do any act prohibited by this Traffic Code.

Subsection 16.2--Jurisdiction.

The enforcement of this article shall be limited to the streets and roadways of the Pueblo of Laguna, and shall be deemed to include those thoroughfares on privately assigned property used by the public for the purposes of vehicular traffic by permission of the person assigned private use of said property.

Subsection 16.3--Public Records and Reports.

All records or reports provided in this Traffic Code shall be public record unless provided herein or by law (see subsection 6.7).

Subsection 16.4--Forms and Records of Traffic Citations and Arrests.

A. The Pueblo of Laguna shall provide books of traffic citations forms for notifying alleged violators to appear and answer to charges in the Tribal Court of this Tribe. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed.

B. The Chief of Police of the Tribal Police Department or his authorized agent shall maintain a record of every book so issued, and shall require a written receipt of every such book, and shall maintain a record of every such book and each set of citations contained herein.

Subsection 16.5--Procedures on Arrest - Reports, Etc.

A. Telephone calls. Following arrest, any person charged with a violation of this article is entitled to have a reasonable opportunity to make three (3) telephone calls beginning not later than twenty (20) minutes after the time of arrival at the Tribal Police Station. Nothing in this subsection limits any right to make telephone calls at any time later than twenty (20) minutes after the time of arrival at the Police Station to make more than three (3) telephone calls.

B. Bond, released without delay. Every person charged with a violation of this article shall be given an opportunity to post a suitable bond and be released without unnecessary delay.

C. Release on personal recognizance. If any person charged with a violation of this Traffic Code is unable to post a bond, then he shall be brought either before the Tribal Court or to the Tribal Court's designated representatives without unnecessary delay. The Court or the Court's designated representative may, in the exercise of its discretion, release the arrested person on his own personal recognizance. The names and appointments of the Court's designated representatives shall be posted at the booking desk and no person other than a Tribal Court Judge or the Governor of the Pueblo, or a designated representative may release said person on his personal recognizance any person so charged. Minors are excepted from this subsection and may be released to parents or legal guardian.

D. Arresting officer reports. Within twenty-four (24) hours after arrest, the arresting officer shall make a written report of the arrest and such report shall include the name of the arrested person, and the location, time and circumstances of the arrest.

Subsection 16.6--Citation in Lieu of Arrest.

A. A law enforcement officer who arrests a person without a warrant for a petty misdemeanor may offer the person arrested the option of accepting a citation to appear in lieu of booking him at the police station.

B. A police officer who halts a person for any violation of this Code, other than for the purposes of giving him a warning, and does not take such person into custody, shall take the name, address and operator's license number of the cited person, the license plate number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing a traffic citation containing notice to answer the charge alleged in Tribal Court within seven (7) days after the occurrence of the alleged violation, or on a specific date and time which date shall not be sooner than five (5) days after the occurrence of the alleged violation. In the event the officer does not take the person into custody and issues him a citation as provided herein, the alleged violator must give his written promise to appear as provided in the citation and should he refuse to do so, the officer shall take said person into custody.

C. The person's signature on the citation constitutes a promise to appear at the time and place stated in the citation.

D. The uniform traffic citation used as notice to appear is a valid complaint, though not verified, in the event the person receiving it voluntarily appears in Court.

Subsection 16.7--Citations Issued by Uniformed, On-Duty Police Officers.

All citations issued under this Traffic Code shall be issued by uniformed, on-duty police officers. No form of complaint other than the citation shall be issued unless the alleged violator chooses to plead not guilty at a court hearing. In this event, the complaining officer will be notified by the Court Clerk to sign a formal Criminal Complaint.

Subsection 16.8--Citations to Give Number and Shortened Caption of Section.

Each citation given by an officer shall give the number and the essence of the caption of the subsection of the offense charged, and it will not be deemed necessary to give full caption of the number of the paragraph. This subsection shall not be construed to in any way alter, modify or limit the right to amend as specified herein.

Subsection 16.9--Failure to Appear on Citation.

A. It shall be unlawful for any person to violate his written promise to appear at the time and place stated on the citation, regardless of the disposition of the charge for which said citation was originally issued. A written promise to appear in Court may be complied with by an appearance by counsel.

B. Whenever any person fails to appear at the time and place fixed by the terms of the citation, after his release on his own personal recognizance, or bail bond, the Clerk of the Tribal Court or designated representative:

- (1) Shall secure a warrant for his arrest; and
- (2) Shall request a forfeiture of bail by a judge of the Tribal Court.

C. The Court may direct that a forfeiture be set aside, upon such conditions as the Court may impose, if it appears that justice does not require the enforcement of the forfeiture.

Subsection 16.10--When Person Charged May Elect to Appear at Tribal Court Clerk's Office or Before Tribal Court Judge.

A. Any person charged with an offense or his personal representative with the charge for which payment of a fine may be made to the Tribal Court Clerk shall have the option of paying such fine within the time specified in the notice of arrest at the Tribal Court Clerk's Office upon entering a plea of guilty and upon waiving appearance in Court; or may have the option of depositing required lawful bail, and upon a plea of not guilty, shall be entitled to a

trial as authorized by law; provided that such person so charged has not been previously convicted or pled guilty to any other moving traffic violation within the prior six (6) months, or that the offense is not one which the presiding Tribal Judge has deemed of so serious a nature that a Court appearance is required.

B. For purposes of this Traffic Code the payment of a fine to the Tribal Court Clerk shall be deemed an acknowledgement of conviction of the alleged offense and the Tribal Court Clerk upon accepting the prescribed fine, shall issue a receipt to the violator or his representative acknowledging payment thereof.

Subsection 16.11--Multiple Charges, Multiple Defendants.

Nothing in this Traffic Code shall be construed to limit the number of charges or the number of defendants arising out of the same incident, and violation of this Traffic Code by one person shall not, per se, excuse violation by any other person.

Subsection 16.12--Right to Amend, Surplusage, Variance, Etc.

A. Right to amend the charge. The right to amend a different charge on a citation shall be granted at any time prior to the completion of the Tribe's case. If the defendant is substantially prejudiced in the presentation of his case as a result of the amendment, the Court, on its own motion, may order a continuance of the trial or the balance of the trial to a later date. The right to amend is not limited in number, provided the defendant is not substantially prejudiced by the number of amendments.

B. Defects, Errors and Omissions. A complaint or citation shall not be deemed invalid, nor shall the trial, judgment or other proceedings thereon be stayed, arrested or in any manner affected because of any defect, error, omission, imperfection, or repugnancy therein which does not prejudice the substantial rights of the defendant upon the merits.

C. Surplusage. Any unnecessary allegation contained in a citation or complaint may be regarded as surplusage and dropped from the official record.

D. Variance. No variance between those allegations of a citation or a complaint or any supplemental pleadings which state the particulars of the offense, whether amended or not, and for the evidence offered in support thereof shall be grounds for acquittal of the defendant unless such variance prejudices substantial rights of the defendant. The Court may at any time allow the complaint or citation to be amended in respect to any variance to conform to the evidence. If the Court finds that the defendant has been prejudiced by an amendment, the Court may postpone the trial or grant such other relief as may be proper under the circumstances.

E. Effect. No appeal or motion made after the verdict, based on any such defect, error, omission, repugnancy, imperfection variance or failure to prove surplusage shall be sustained unless it is affirmatively shown that the defendant was in fact prejudiced thereby in his defense on the merits.

Subsection 16.13--Burden of Proof, Exceptions by Defense.

In all prosecutions under this Traffic Code in which the defense is based on an exception of exemption, the burden shall be on the defendant to present sufficient evidence to raise a reasonable doubt as to such defense, and then the burden shall shift to the prosecution to prove the absence of the exception or the exemption just as any other element of the offense.

Subsection 16.14--Appeals from Tribal Court.

An appeal from the Tribal Court may be taken by the filing with the Tribal Court Clerk's Office a Notice of Appeal and by posting an appeal bond within ten (10) days after judgment and sentence are rendered in the Tribal Court.

Subsection 16.15--Disposition and Records of Traffic Citations,
Warrants and Complaints.

A. The disposition of traffic citations issued by Tribal police officers to an alleged violator of any provision of this article or the motor vehicle laws of the State of New Mexico shall be as follows:

- (1) The original to the Tribal Court.
- (2) First and second duplicate to the central records section of the Tribal Police Department.
- (3) Third duplicate to the violator.

B. Upon the filing of such original citation in the Tribal Court as aforesaid, said citation may be disposed of only by trial in Tribal Court or by other official action by a Judge of the Tribal Court including, at the discretion of the presiding Tribal Court Judge, a forfeiture of bail, or by payment of fine to the Tribal Court Clerk. Whenever a Judge of the Tribal Court disposes of a traffic citation, whether by trial or other disposition, he shall do so by documentation on the record, said documentation shall be public record.

C. The Tribal Chief of Police shall require the return to him of all copies of all traffic citations which have been spoiled or for any reason have not been issued to the alleged violator, and said citations shall be forwarded by the Chief of Police to the Tribal Court Judge.

D. The Tribal Court Clerk shall maintain or cause to be maintained in connection with every traffic citation a record of the disposition of all citations.

E. The Tribal Chief of Police shall maintain or cause to be maintained a record of serially numbered warrants issued by the Tribal Court on said traffic violation charges which are delivered to the Tribal Police Department for service, and for the final disposition of all such warrants.

F. It shall be unlawful and official misconduct for any member of the Tribal Police Department, or other officer or Tribal employee, to dispose of, alter, or deface a traffic citation or any copy thereof or the record of the issuance of a disposition of any traffic citation, complaint or warrant, in a manner other than is required by this subsection.

Subsection 16.16--Illegal Cancellation of Traffic Citations.

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this Traffic Code.

Subsection 16.17--Audit of Records and Reports.

Every record of traffic citations, complaints thereon and warrants issued therefor required in this Traffic Code shall be available for audit at least annually by the Tribe. A report of such audit, together with a summary thereof, shall be forwarded to the Governor and the Tribal Council.

Subsection 16.18--Option to Plead Guilty Without the Necessity of a Formal Court Appearance.

A. Any person charged with the violation of any subsection of this Traffic Code may exercise his option to plead guilty to the offense alleged by appearing or by having his personal representative appear at the office of the Tribal Court Clerk, within five (5) days of the date of issuance of the citation, to pay the fine prescribed by the Tribal Court Judge for said violation, if the violation is a Petty Misdemeanor.

B. Any person charged with a violation of any subsection of this Traffic Code may exercise his option to plead not guilty to the offense alleged by appearing at the office of the Tribal Court Clerk within five (5) days of the date of issuance of the citation to request a formal Court hearing date.

C. Any person charged with an offense which is a Major Misdemeanor or Misdemeanor must appear for arraignment before the Tribal Court Judge at the time and date designated on the citation issued.

APPENDIX C

Proposed Traffic Fine Schedule

LAGUNA TRIBAL COURT

PETTY MISDEMEANOR FINE SCHEDULE FOR TRAFFIC OFFENSES

<u>SUBSECTION</u>	<u>OFFENSE</u>	<u>FINE</u>
4.3	Failure to Produce a Driver's License Upon Demand	\$ 10.00
5.7	Permitting a Violation	\$ 20.00
5.8	Following Too Closely	\$ 20.00
5.9	Obstruction to Driving	\$ 25.00
5.10	Interference with Driver of Vehicle	\$ 25.00
5.11	Sudden Stop or Decrease in Speed	\$ 15.00
5.12	Drive to Right of Approaching Vehicle	\$ 25.00
5.13	Driving on Left Prohibited Under Certain Circumstances	\$ 20.00
5.14	Driving on or Across Double Yellow Lines Prohibited	\$ 50.00
5.15	Keep Vehicle Within Traffic Lane	\$ 20.00
5.16	Driving on Sidewalk Prohibited	\$ 25.00
5.17	Limitation on Backing	\$ 25.00
5.19	Following Fire Apparatus Prohibited	\$ 50.00
5.20	Fire Areas	\$ 20.00
5.21	Crossing Fire Hose	\$ 25.00
5.22	Throwing Substance at Vehicle	\$ 25.00
5.23	Littering	\$ 50.00
5.24	Object Obstructing Public Way	\$ 50.00 plus towing and storage
5.25	Occupied Trailer	\$ 50.00
5.26	Towed Vehicles Swerving	\$ 50.00
6.5	Written Reports of Accidents	\$ 25.00
6.6	When Driver Unable to Report	\$ 25.00
7.1	School Zone Speed Limit	\$ 5.00 per mile up to 10 miles, plus \$20.00 per mile for every mile over 10 miles per hour.
7.2	Residential or Business District Speed Limit	\$ 1.00 per mile up to 10 miles, plus \$5.00 per mile for every mile over 10 miles per hour.
7.4	Speed Limit During Ceremonial Occasions Within Designated Village Limits	\$ 2.00 per mile over speed limit

7.5	Minimum Speed Regulation	\$ 15.00
9.1	Obedience to Traffic Control Devices	\$ 25.00
9.5	Stop Signs	\$ 25.00
9.6	Yield Signs	\$ 25.00
9.7	Display of Unauthorized Signs, Signals or Markings	\$ 25.00
9.10	Obedience to Signal Indicating Approach of Train	\$ 25.00
9.11	All Vehicles Must Stop at Certain Railroad Grade Crossings	\$ 50.00
10.1	Use of Roadway	\$ 25.00
10.2	Passing Vehicles Proceeding in Opposite Direction	\$ 25.00
10.3	Overtaking a Vehicle on the Left	\$ 25.00
10.4	When Overtaking on the Right is Permitted	\$ 25.00
10.5	Limitations on Overtaking on the Left	\$ 25.00
10.6	Further Limitations on Driving to Left of Center of Roadway	\$ 25.00
10.7	No Passing Zones	\$ 50.00
10.8	One-Way Roadways	\$ 30.00
10.9	Driving on Roadways Laned for Traffic	\$ 25.00
10.10	No Passing in a School Zone	\$ 50.00
10.11	Overtaking and Passing or Approaching a School Bus	\$ 50.00
11.1	Stop When Dangerous to Proceed Forward	\$ 25.00
11.2	Stop When Emerging From an Alley, Driveway or Privately Used Road, Etc.	\$ 25.00
11.3	Stop to Keep Intersection Unobstructed	\$ 15.00
11.4	Stop for Blind or Handicapped	\$ 50.00
11.5	Stop When Signalled--School Zone	\$ 50.00
11.6	Stop for Pedestrian in Crosswalk	\$ 50.00
12.2	Motorcycles on Streets Laned for Traffic	\$ 25.00
12.3	Minimum Size for Street (Motorcycle)	\$ 20.00
12.4	Minimum Size for Controlled Access Roadways (Motorcycle)	\$ 20.00
12.5	Motorcycles Restricted from Certain Streets, Lanes and Paths	\$ 50.00
12.6	Height of Handlebars	\$ 20.00
12.7	Clinging to Other Vehicles	\$ 50.00
12.8	Hands on Handlebars	\$ 25.00
12.9	Riding on Seat, Feet on Foot Rest	\$ 25.00
12.10	One Passenger Limit	\$ 25.00

12.11	Maneuverability of Motorcycle--90 Degree Angle	\$ 25.00
12.12	Equipment	\$ 25.00
12.13	Windshield or Glasses	\$ 25.00
12.14	Helmets	\$ 25.00
12.15	Motorcycle Headlamps	\$ 25.00
13.2	No Animals on Controlled Access Roadways, Prohibited Streets, etc.	\$ 25.00
13.3	Riding Animals on the Right, etc.	\$ 25.00
13.4	Duty of Motorists to Animals	\$ 50.00
13.6	Animals Not Permitted on Sidewalks	\$ 25.00
13.7	Horses With Bit and Reins	\$ 25.00
13.8	Racing of Animals Prohibited	\$ 30.00
13.9	No Animals on Street After Dark	\$ 30.00
14.1	Stopping, Standing or Parking Prohibited--No Signs Required	\$ 25.00
14.2	Stopping, Standing or Parking Prohibited by Sign	\$ 10.00
14.3	Parking Not to Obstruct Traffic	\$ 25.00
14.4	Parking Prohibited in Fire Lane	\$ 10.00
14.5	Controlled Access Roadways--Stopping, Standing or Parking	\$ 30.00
14.7	Opening and Closing of Doors	\$ 20.00
14.8	Boarding or Allighting from Vehicles	\$ 20.00
14.9	Unattended Motor Vehicle	\$ 25.00
15.1	Unsafe Vehicle; Improperly Equipped or Unsafely Loaded	\$ 35.00
15.2	Minimum Size of Vehicle	\$ 15.00
15.4	License Plates	\$ 20.00
15.5	Brakes	\$ 15.00
15.6	Windshields Must be Unobstructed and Equipped with Wipers	\$ 20.00
15.7	When Lighted Lamps and Signalling Devices are Required	\$ 20.00
15.8	Headlamps on Motor Vehicles	\$ 20.00
15.9	Taillamps on Motor Vehicles	\$ 20.00
15.10	Headlamps and Spotlights Not to Project Glaring Beams	\$ 20.00
15.11	Stop Lamps	\$ 20.00
15.12	Reflectors	\$ 15.00
15.13	Mufflers Required	\$ 20.00

15.14	School Bus Signs on School Bus	\$ 15.00
15.15	Lamp or Flag on Projecting Load	\$ 15.00
15.16	Emergency Equipment	\$ 25.00
15.18	Emissions Control Equipment	\$ 15.00
15.19	Equipment in Condition to Prevent Excessive Fumes or Smoke	\$ 15.00

APPENDIX H

Proposed Driver's Manual and Certification Program

PUEBLO OF LAGUNA

DRIVER'S MANUAL

AND

CERTIFICATION PROGRAM

This Driver's Manual was prepared by the Tribal
Safety Office for the Laguna Tribal Employees,
who operate Tribally owned vehicles.

TABLE OF CONTENTS

A. INTRODUCTION.....	1
B. PUBLIC RELATIONS.....	1
C. THE VEHICLE.....	2
1. Vehicle Inspection Report.....	3
2. Daily Vehicle Inspection Report.....	4
D. DRIVING POLICY.....	5
1. Speed.....	5
2. Following Distance.....	5
3. Backing Vehicles.....	5
4. Road Hazards.....	5
5. Announcing Stops.....	6
6. Flasher Signals.....	6
7. Mountain Driving.....	6
8. Radio Transmission.....	6
9. Parking the Vehicle.....	6
10. Passenger Comfort.....	7
E. PICKUP AND DELIVERY ETIQUETTE.....	7
1. Pickup Procedures.....	7
2. Delivery Procedures.....	8
F. CONTINGENCY/EMERGENCY PROCEDURES.....	8
1. Vehicle Breakdown.....	9
G. VEHICLE COLLISION/ACCIDENTS.....	9
H. VEHICLE ON FIRE.....	9
I. VEHICLE UNABLE TO PROCEED	10
J. SITUATION NOT COVERED BY RULES.....	10
K. DEFENSIVE DRIVING COURSE.....	10
L. CERTIFICATION PROGRAM.....	11

A. INTRODUCTION

The purpose of this manual is to describe your responsibilities as a driver/operator for the Pueblo of Laguna transportation service and to provide you with a reference document for future consultation and review. The subjects covered in the manual include:

- Public Relations
- The Vehicle
- Driving Policy
- Pickup and Delivery Etiquette
- Contingency/Emergency Procedures

This manual is not intended to cover every eventuality that you, as a driver/operator, might face. Much of this information will be covered in your initial and ongoing training activities. Use these other training activities to supplement the information contained in this document.

B. PUBLIC RELATIONS

The vehicle operator or driver plays a significant role in maintaining a positive public relations posture for the transportation service. In your role as a vehicle operator, remember the following basic public relation rules:

- Always be neat in appearance and dress.
- Always be courteous to passengers.
- Always operate the vehicle in a safe and conscientious manner, most of all treat the Tribally owned vehicle as if it were your own vehicle.
- Always seek to educate passengers concerning the service your Department provides.

The enthusiasm which you, as the organization's representative, show for the service and the courtesy you extend to all passengers will be crucial to the continued efficiency, effectiveness, and success of the service.

C. THE VEHICLE

The transportation service operates with the use of the specially equipped vehicles. These vehicles are slightly modified versions of the type of vehicle used by many people for recreational or everyday purposes. They are not, however, just "ordinary vehicles." They constitute a special form of public transportation and should, therefore, be operated with the special care and unique sense of responsibility required by such equipment. Few vehicles are equipped with a two-way radio permitting instant communication with the immediate supervisor. The primary purpose of the radio is to:

- Permit ease of dispatching; that is scheduling and assignment of vehicles to pick-up and deliver clients and cargo.
- Allow instant communication with the central facility in the event of an emergency.

The two-way radio equipment can also be used to communicate with another vehicle when it is in service. This ability should be used sparingly and only when absolutely necessary.

Each vehicle is also equipped with emergency-related equipment including:

- First Aid Kit.
- Fire Extinguisher
- Tire Jack
- Blanket
- Ice Scraper
- Rider Restraints/Seat Belts

This equipment should be checked periodically to make sure it is in proper working order and you, as the driver/operator, should make sure this equipment is on board each operating day.

Maintenance of the vehicles is an important part of keeping the service efficient. Besides your driving abilities, a properly maintained vehicle is crucial to the daily safety of your passengers and yourself.

The routine maintenance of these vehicles is provided at periodic intervals. This includes regular preventive maintenance tasks designed to keep the vehicles in suitable running order.

To a large degree, the success of the preventive maintenance program depends on you and your vigilance in seeing that problems are spotted and fixed before they become safety hazards.

Prior to starting your work each day, it is your responsibility to inspect the vehicle for possible mechanical or other defects. Begin each day by giving the vehicle assigned to you a brief visual inspection.

Examine such items as:

- Lights-head, tail, turn signals, brakes, parking lights, dash board.
- Mirrors.
- Tires-pressure and wear, condition of spare tire.
- Horn
- Steering
- Vehicle damage (body, windows, door latches, etc.)
- Windshield wipers (especially during periods of inclement weather)
- Brakes-parking brakes, hand brakes.
- Oil level, water level, fan belts.
- Emergency equipment.

This inspection need not take long, but can be a major factor in keeping the service safe and operating.

It is possible that during your examination of the vehicle you may discover some problems. Also, as you proceed through your daily runs certain other problems may be discovered that simply were not apparent during the inspection at the beginning of the day. In such cases, complete a Daily Vehicle Inspection Report. As the report illustrates, this form allows you to report any defects you find in the vehicle. If the defect is major, it should be reported to the supervisor as soon as possible and a decision made as to whether or not to operate that vehicle that day.

During your daily inspection, also consider the cleanliness of the vehicle. Show pride in the appearance of your vehicle and keep trash cleaned up and in one place. Avoid scattering supplies on the window ledge in front of you, especially something that might obstruct your view.

DAILY VEHICLE INSPECTION REPORT

Prior to starting your vehicle each day, it is your responsibility to inspect the vehicle for possible mechanical or other defects. Begin each day by giving the vehicle assigned to you a brief visual inspection.

DATE _____ TIME _____ AM/PM
MILEAGE BEG. _____ OPERATOR _____
MILEAGE END. _____ DEPARTMENT _____
TOTAL MILES _____ VEHICLE LIC.# _____ TYPE _____

Check any defective item with an "X" and give details.

_____ Brakes	_____ Damage (body, window, door latches, etc.)
_____ Steering	_____ Fire Extinguisher
_____ Lights	_____ First Aid Kit
_____ Head	_____ Window wipers
_____ Tail	_____ Other _____
_____ Signal	
_____ Dash	
_____ Mirrors	
_____ Tires _____ Spare	
_____ Defroster/Spare	
_____ Fuel	

Details: _____

Breakdowns: _____

Operator's Signature: _____

D. DRIVING POLICY

Your driving practices should be governed at all times by the safety and comfort of your passengers. The specific driving techniques expected of you have been (or will be) covered by the immediate supervisor. The following driving policies are presented as general reminders as to the type of driving performance expected of you.

1. SPEED

Vehicles must adhere to the legal speed limits at all times. Particular care should be exercised in residential areas and school zones. Should speeds lower than the posted limit be necessary because of passenger considerations, take care not to unduly impede the normal flow of traffic. Common sense, tempered with professional driving skills, is often the best measure of operating speeds.

2. FOLLOWING DISTANCE

Vehicles must be operated at a safe distance from the vehicle in front to avoid rear end collisions. Sudden stops caused by following another vehicle too closely are unnecessary and easily avoidable. Remember to consider prevailing weather conditions when judging following distance.

3. BACKING VEHICLES

Extreme caution should be exhibited when you are attempting to back a vehicle. The height and physical design of the vehicle limits the driver's visibility during a backing maneuver. The added distraction of passengers can make backing up even more difficult. You may often be required to back the vehicle from a driveway in a residential area. Be sure to check (and recheck) for approaching vehicles on the street and pedestrians who may be walking in that area.

4. ROAD HAZARDS

Considerable care must be exercised when road hazards are encountered that might endanger the passengers, damage done to the cargo, and costly vehicle damage. Road hazards include dips, bumps, potholes and poor maintained roads which can be avoided or taken at low speed. Unusually shaped driveway entrances can also qualify as road hazards requiring extra caution.

5. ANNOUNCING STOPS

When carrying passengers with several different destinations, make sure you announce the stop and the person(s) alighting at the stop. This procedure can help many passengers orient themselves as they ride.

6. FLASHER SIGNALS

The emergency signals on each vehicle must always be on while the vehicle stops to pick up or deliver passengers. Also in the event of a vehicle breakdown.

7. MOUNTAIN DRIVING

Depending upon the route used, you may be required to operate the vehicle along curving, mountainous roads, often under adverse weather conditions. Extreme caution should be taken under such circumstances. It is usually desirable to reduce your speed so as to have the vehicle under complete control at all times. Do not contribute to the potential for equipment or brake failure that may require drastic emergency stopping measures.

8. RADIO TRANSMISSION

Radio transmission should preferably be initiated by the driver when the vehicle is stopped. Acknowledgements of call from the supervisor may be made while the vehicle is in motion, but should be kept to the minimum. If a call is received while the vehicle is moving and a notation is required (for example: writing down a name and address), ask the supervisor to "standby". Then at the next stop (or after stopping out of the lane of traffic), return the call to supervisor and record the information as appropriate.

9. PARKING THE VEHICLE

When it is necessary to leave the vehicle, be sure to: (1) place the transmission in the park position; (2) set the hand brake so that the vehicle cannot move; (3) turn off the headlights if they are on and make sure that the emergency lights are on if passengers are boarding or alighting; (4) turn off the motor and remove the keys. Never leave the vehicle while the motor is running or if the hand brake is not engaged.

10. PASSENGER COMFORT

Periodically check with the passengers to determine if the vehicle is too warm or too cold. Always adjust the temperature controls for maximum passenger comfort, not yours. Also remember that smoking by either passengers or the driver could be unsafe.

E. PICKUP AND DELIVERY ETIQUETTE

Passenger pickup and delivery should be handled in a consistent yet polite fashion. The following describes basic pickup and delivery procedures for the transportation service.

1. PICKUP PROCEDURES

- a. Pickup on a residential street will usually be made in front of passenger's residence. If you feel the passenger's convenience requires, pickup can be made from the person's driveway. This should generally be avoided, however, because it will typically mean you will have to back out of the driveway, which is not a desirable maneuver.
- b. Park the vehicle so that the passengers can easily board the vehicle. Use the curb as a step if possible. Be sure of first, that the parked vehicle does not block traffic and second, that it is not hard for oncoming motorists to see. Follow all parking procedures described earlier in the manual.
- c. In business areas, make the pickup in the marked stopping zone nearest the pickup address.
- d. At hospitals, medical facilities, and schools, it may be necessary for you to leave the vehicle to locate the passenger. At the time the pickup request is made, the driver should ask the person for the specific location where they will be waiting (e.g., north lobby). Use these directions to locate the person. If after a reasonable search you can't find the passenger, contact your immediate supervisor for further instructions.
- e. Always aid elderly or handicapped persons board the vehicle. Use the step stool as an aid for the boarding passenger. Provide whatever assistance is reasonably required to help the person

- board the vehicle. Direct the person to a seat that will allow them to remain seated until their destination has been reached.
- f. Wheelchair bound individuals will require special assistance in boarding the vehicle. Make certain that the person and wheelchair are secure when raising and lowering the lift. Once inside the vehicle, the wheelchair must be securely anchored and the passenger protected by a seat belt.
 - g. Always greet passengers as they board the vehicle. A smile and a cheerful greeting are genuinely appreciated by the users of the service.
 - h. While it is most unlikely that such a situation would arise, you may refuse transportation to a person who is obviously intoxicated or under the influence of drugs. Call your immediate supervisor of the action to be taken.

2. DELIVERY PROCEDURES

- a. Delivery on a residential street will usually be made in front of the passenger's residence. As with pickups, the driveway may be used if appropriate. Provide assistance as required. This may include helping the person to and through the door of his house. You may also occasionally be called upon to carry packages for the person, provided his request for assistance is not unreasonable.
- b. In business areas, make the passenger delivery in the marked stopping zone nearest the delivery address.
- c. At hospitals and schools, make the delivery as near to the entrance as possible. Again, provide assistance as required.
- d. Do not leave the vehicle unattended for any longer than is absolutely necessary.

F. CONTINGENCY/EMERGENCY PROCEDURES

Passenger safety and service are of primary consideration to the transportation system. An emergency is defined as any situation affecting service to or the safety of passengers. Generally, this occurs when any vehicle cannot proceed on its normal tour, whatever the reason.

The following describes the procedures for various emergency situations.

1. Vehicle Breakdown

Driver-notifies supervisor of breakdown, stating vehicle location and probable cause of breakdown.

a. IMPORTANT PHONE NUMBERS TO REMEMBER:

Tribal phone numbers: 552-6654/55 Albuquerque line: 243-7616

Community Services Division: 552-6651/52 Alb. line: 243-3716

Laguna Law & Order Division: 552-6685 Alb. line: 247-8015

2. Driver Illness (during tour) phone or radio supervisor giving location and urgency of needed aid. Use phone numbers listed above.

3. Passenger Illness-Proceeds to the nearest hospital or medical facility as soon as advised of passenger illness. Phones or radios supervisor concerning illness and hospital destination Use phone numbers listed above.

4. Enter all course of actions taken in the daily report.

G. VEHICLE COLLISION/ACCIDENTS

All vehicle collisions and accidents shall be reported to the police. Do not leave the scene of an accident until an accident report has been completed by the police. Report the accident and related information to the immediate supervisor. The supervisor shall in turn will advise the Division Manager of the vehicle collision or accident and document related facts.

H. VEHICLE ON FIRE

Pull the vehicle over at the first location that allows safe passenger deboarding. Deboard passengers as quickly and safely as possible, directing them to emergency exits as necessary. Provide assistance to the elderly and handicapped. Use your own judgment and initiative in deciding to extinguish a minor fire. Your primary responsibility is the safety of the passengers. Do not risk personal injury in an attempt to extinguish the fire. If all possible call the Fire Department and notify your immediate supervisor of the situation.

I. VEHICLE UNABLE TO PROCEED (other than malfunction)

There will be times when the vehicle will be unable to proceed on its tour. A road may be blocked by an accident, heavy rain, or heavy snow. You may determine that it is unsafe to proceed. In other words, although in running condition, the vehicle is immobilized for an unknown amount of time. If this should ever happen phone immediate supervisor and describe situation, and keep supervisor advised of action taken.

J. SITUATION NOT COVERED BY RULES

Whenever situation occur that are not covered by the rules, use your best judgment and the judgment of your supervisor. Your immediate supervisor shall advise the Division Manager of all incidents. Remember traffic laws apply to everyone who uses New Mexico streets, highways and this includes Laguna Reservation Roads.

K. DEFENSIVE DRIVING COURSE

A Defensive Driving Course is available thru the Laguna Tribal Safety Department. This is an eight(8) hour course designed in which you as a motor vehicle operator can raise questions concerning safe driving techniques and to drive more defensively. The Tribal Safety Department believes that safe driving is a continuous learning process, and we hope that you will find this course to be an educational experience-one that will cause you to re-examine your driving behavior and your preconceptions about how to handle driving emergencies you may have never actually experienced.

L. CERTIFICATION PROGRAM

A "Certification Program" has been established by the Laguna Tribal Safety Department to allow certain qualifying Tribal employees to take the "Behind-the-Wheel" road test and qualify to the certifier that the employees tested have satisfactorily demonstrated their ability to operate the Tribally owned vehicles within the class the Tribe is wishing to certify them into. To participate in the "Behind-the Wheel" road test, Tribal employees must first meet these requirements:

1. Tests must include the following:
 - a. Pre-trip inspection.
 - b. Use of vehicle or combination in traffic;
 - c. Placing the vehicle or combination in traffic;
 - d. Operating the vehicle or combination in traffic;
 - e. Turning the vehicle or combination;
 - f. Backing the vehicle and parking or combination;
2. If the Tribe qualifies the participant in the certification program the following must be done:
 - a. Complete Form TMV-10414.
 - b. Remove the company's copy.
 - c. Give the remaining copy to employees instructing the employee to take the copy to a Motor Vehicle Field Office and make application for the class of license the Tribe wished to certify them into.

The Laguna Tribal Safety Department will administer the Road Test for the "Certification Program". The Safety Officer will then certify the applicant upon passing the Road Test and will submit Form TMV-10414 to the Laguna Tribal Governor for his approval.

Application
TMV-10414
Div. Sec. Bur.
Initiated Dec. 78



TRANSPORTATION DEPARTMENT
MOTOR VEHICLE DIVISION

75762

APPLICATION FOR DRIVER CERTIFICATION

APPLICANT INFORMATION

NAME: (Last, First, M.I.)	SOCIAL SECURITY NO.	D.O.B.: (Mo., Day, Yr.)
ADDRESS:	DRIVER LICENSE NO.	STATE:
CITY, STATE, ZIP:	CLASS OF LICENSE REQUESTED:	

EMPLOYER INFORMATION

NAME OF COMPANY, EDUCATIONAL INSTITUTION, SCHOOL DISTRICT OR INDEPENDENT OWNER:
ADDRESS:
CITY, STATE, ZIP:

NAME OF CERTIFIER: (Please type or print.)

Applicant copy - White
Certifier copy - Yellow

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE STATEMENTS
CONTAINED ON THIS APPLICATION ARE TRUE AND CORRECT AND THAT ALL
REQUIREMENTS OUTLINED IN REGULATION 79-1 HAVE BEEN COMPLIED WITH.

DIVISION USE ONLY

SIGNATURE OF CERTIFIER DATE

TD FIELD OFFICE NO.
DATE LICENSE ISSUED:



State of New Mexico Classified License System
Quick Check Chart
Intended as a Guide Only



Class of










May Drive in Class

Also

Towing Exceptions

Year

Minimum Requirements

9.	Any School Purpose Bus 	5	Not Applicable	\$225	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
8.	Any combination vehicle. Towing vehicle must be equal weight or heavier than towed unit 	5, 6, 7	If towing vehicle has a gross weight of 10,000 pounds or less, towed unit must be a light trailer or a light trailer with a gross weight of 10,000 pounds or less. If towed vehicle has a gross weight of more than 10,000 pounds, towed unit must be a heavy trailer or a heavy trailer with a gross weight of more than 10,000 pounds.	\$325	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
7.	Any single vehicle greater than 10,000 pounds, towing a unit no more than 10,000 pounds if towing unit is equal weight or heavier than towed unit. 	5, 6	If towing vehicle has a gross weight of 10,000 pounds or less, towed unit must be a light trailer or a light trailer with a gross weight of 10,000 pounds or less. If towed vehicle has a gross weight of more than 10,000 pounds, towed unit must be a heavy trailer or a heavy trailer with a gross weight of more than 10,000 pounds.	\$325	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
6.	Official Bus 	5	Not Applicable	\$225	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
5.	Any motor vehicle not over 20,000 pounds and towing a unit no more than 10,000 pounds if the towing vehicle is heavier than the towed unit. 	3 only	If towing vehicle has a gross weight of 10,000 pounds or less, towed unit must be a light trailer or a light trailer with a gross weight of 10,000 pounds or less. If towed vehicle has a gross weight of more than 10,000 pounds, towed unit must be a heavy trailer or a heavy trailer with a gross weight of more than 10,000 pounds.	\$200	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
4.	Any two or three-wheel vehicle 	3, 2	No Restrictions	\$200	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
3.	Two or three-wheel vehicle with an engine smaller than 100cc. 	2	No Restrictions	\$200	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
2.	Any three-wheel vehicle with pedals, automatic transmission, an engine smaller than 100cc and a top speed no greater than 35 mph. 	2 only	No Restrictions	\$200	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
1.	As specified on the permit. Can drive only within designated areas and only if an approved instructor is riding with permit holder. 		As Specified for Class	\$200	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
Initial Test	As specified on the permit. Must be accompanied by a driver licensed in an equal class or higher unless permit holder is operating a motorcycle.		As Specified for Class	\$200	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license
Final Test			As Specified for Class	\$200	18 years of age or older 18 years of age or older must have a valid driver's license must have a valid driver's license must have a valid driver's license

GENERAL GUIDE LINES FOR ROAD TEST

1. The most important factor on determining an applicant's qualifications for a license is the road test. Through it an applicant demonstrates his ability to drive a vehicle properly and safely, his knowledge of traffic rules, and his recognition of signs and signals. He also demonstrates he has sufficient physical ability and experience to control a vehicle properly.
2. Never urge a driver to perform a task he does not wish to do, and never rush him. To do so is dangerous and makes the examiner partially responsible for accidents. A driver who cannot perform the required tasks will probably fail and, if so, simply encourage him to get more practice and return for another test.
3. If a maneuver on the test route is resulting in an abnormally high percentage of failure, consider changing the route. If this is not practical, explain the maneuver in more detail.
4. Most of the dangers of the driving test can be avoided and it can be much less nerve-racking to the driver and easier for the examiner if instructions are given while the applicant is driving.
 - a. Just before starting, briefly explain the driving test to the driver so that he will know what to expect.
 - b. Give instructions well in advance of the place where the driver must execute the maneuvers.
 - c. Give instructions clearly. If you say turn right, also point or gesture toward the right to prevent the driver from confusing right with left as some do.
 - d. Never instruct or coach while scoring as it is likely to distract the driver or make him nervous. If information on performance is to be given, do it after the scoring is completed on the basis of notes made. Take a shorter route back when the driver fails before finishing the road test.
5. Watch everything the driver does. Record only what you see.
6. Score as you go along and do not depend on memory to do so afterward.

7. The test conducted for classes 6, 7, and 8 should be aimed solely at the applicants ability to safely operate the vehicle in actual traffic and off-street situations which requires actual demonstration of the applicants ability.
8. An examiner must realize that he is not an expert in all vehicle operations and should not give this impression. It is entirely possible that an examiner might be "challenged" regarding his qualifications to conduct an examination for a classified license. Although the examiner is not a professional driver the examiner should be qualified and trained to evaluate any applicant's skill and driving ability in any type of vehicle.

PRE-TRIP INSPECTION

Prior to starting your work each day, it is your responsibility to inspect the vehicle for possible mechanical or other defects. Begin each day by giving the vehicle assigned to you a brief visual inspection. Many Class 6, 7, and 8 vehicle accidents are caused by mechanical failures.

DATE _____ TIME _____ AM/PM
VEHICLE LIC. # _____ APPLICANT _____
MILEAGE BEG: _____ SUPERVISOR _____
MILEAGE END: _____ CERTIFIER _____
TOTAL MILES _____ N.N. DRIVER'S LIC. # _____

Check any defective item with an "X" and give details.

_____ Brakes	_____ Damage (body, window, door, etc.)
_____ Steering	_____ Fire Extinguisher
_____ Lights	_____ First Aid Kit
_____ Head	_____ Window Wipers
_____ Tail	_____ Other _____
_____ Signal	_____
_____ Dash	_____
_____ Mirrors	_____
_____ Tires _____ Spare	_____
_____ Defroster/Heater	_____
_____ Fuel	_____

Details: _____

Type of vehicle tested in: _____ Applicants Signature _____

Certifiers Signature _____
Class _____ Passed _____ Failed _____ Title _____

FACILITIES DEPARTMENT
DAILY VEHICLE INSPECTION REPORT
FOR LIGHT DUTY TRUCKS AND SERVICE TRUCKS

Prior to starting your vehicle each day, it is your responsibility to inspect the vehicle for possible mechanical or other defects. Begin each day by giving the vehicle assigned to you a brief visual inspection.

DATE _____	TIME _____ AM/PM
MILEAGE BEG. _____	APPLICANT _____
MILEAGE END. _____	SUPERVISOR _____
TOTAL MILES _____	CERTIFIER _____
VEHICLE LIC.# _____	N.M. DRIVER'S LIC.# _____

Check any defective item with an "X" and give details.

____ Brakes	____ Damage (body, window, door, etc.)
____ Steering	____ Fire Extinguisher
____ Lights	____ First Aid Kit
____ Head	____ Window wipers
____ Tail	____ Engine (oil, water, fan belts, etc.)
____ Signal	____ Other _____
____ Dash	_____
____ Mirrors	_____
____ Tires ____ Spare	_____
____ Defroster/Heater	_____
____ Fuel	_____

Details: _____

Breakdowns: _____

Type of vehicle tested in: Applicants Signature _____

_____ Certifiers Signature _____

Class ____ Passed ____ Failed ____ Title _____

REFUSE DEPARTMENT INSPECTION REPORT

Prior to starting your run each day, it is your responsibility to inspect the vehicle for possible mechanical or other defects. Begin each day by giving the vehicle assigned to you a brief visual inspection.

DATE _____ TIME _____ AM/PM
MILEAGE BEG. _____ APPLICANT _____
MILEAGE END. _____ SUPERVISOR _____
TOTAL MILES _____ CERTIFIER _____
VEHICLE LIC.# _____ N.M. DRIVER'S LIC. # _____

Check any defective items with an "X" and give details.

____ Brakes	____ Damage (body, windows, doors, etc.)
____ Steering	____ Engine (oil, water, fan belts, etc.)
____ Lights	____ PTO-Power take off
____ Head	____ Window wipers
____ Tail	____ Lever Controls _____
____ Signal	
____ Dash	
____ Mirrors	
____ Defroster/Heater	____ Back-up alarm
____ Tires ____ Spare	____ Accelerator switch
____ Fuel	____ OTHER _____
____ Fire Extinguisher	
____ First Aid Kit	

Details: _____

Breakdowns: _____

Type of vehicle tested in: _____ Applicants Signature _____

Certifiers Signature _____
Class ____ Passed ____ Failed ____ Title _____

BEHIND-THE-WHEEL ROAD TEST

Date _____ Applicant _____
 Time _____ Department _____
 Vehicle Lic.# _____ Certifier _____

	GOOD	FAIR	POOR
1. Pre-trip Inspection	0	1	2
2. Starting Engine	0	1	2
3. Use of vehicle controls and emergency equipment			
a. Use of horn	0	1	2
b. Mirror adjustment	0	1	2
c. Turn signals	0	1	2
d. Tilt Steering wheel if equipped	0	1	2
e. Emergency brake	0	1	2
f. Emergency Warning Flashers	0	1	2
g. Lights Dim and Bright	0	1	2
h. Windshield wiper controls	0	1	2
4. Placing the vehicle on roadway			
a. Intersection approach	0	1	2
b. Changing lanes	0	2	4
c. Passing or being passed	0	1	2
5. Obedience to signs (regulator signs)			
a. Stop Sign	0	2	4
b. Yield Right of Way	0	2	4
c. Information Signs (curve, school X-ing warning signs; etc.)	0	2	4
6. Choice of proper lane	0	2	4
7. Position in lane	0	2	4
8. Unnecessary lane changing	0	2	4
9. Illegal Passing Maneuver (double yellow line)	FAILING		
10. Speed Limit Zones			
a. 15 M.P.H.	0	2	4
b. 30 M.P.H.	0	2	4
c. 50 M.P.H.	0	2	4
d. 55 M.P.H.	0	2	4
e. If the operator exceeds 15 M.P.H. over the speed limit that is "FAILURE".			

	<u>GOOD</u>	<u>FAIR</u>	<u>POOR</u>
11. Turning the vehicle or combination			
a. On approaching corners	0	1	2
b. On turns	0	1	2
c. Right turns	0	1	2
d. Left turns	0	1	2
12. Right of Way			
a. To Pedestrians	0	1	2
b. To Emergency Vehicles	0	2	4
c. Acceptance of Right of Way	0	1	2
13. Arm signal knowledge	0	1	2
14. Steering			
a. Position of hands	0	1	2
b. Smoothness	0	1	2
c. Two hand grip	0	1	2
d. Over steering	0	1	2
15. Engine Control			
a. Use of gears	0	3	6
b. Choice of gears	0	2	4
c. Clutch use	0	2	4
d. Accelerator use	0	1	2
16. Use of Brakes			
a. Smoothness in applying	0	2	4
b. Reaction of hazards	0	3	6
c. On turns	0	2	4
d. On grades	0	2	4
e. Trailer brake use (low-boy)	0	2	4
17. Grade control			
a. Amount of roll back	0	4	8
18. Backing the vehicle			
a. Number of corrections	0	4	8
b. Weaving	0	4	8
c. Control of vehicle	0	4	8
d. Control of trailer	0	4	8
e. Method of looking back (mirror, head)	0	4	8
f. Speed	0	4	8

DEDUCTIONS

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | |
| 10. _____ | |

_____ Sub-total

ENTER TOTAL DEDUCTIONS (30 maximum missed)

SCORE _____

PASSED: _____ FAILED _____

I certify that the applicant _____

Department of _____

Has satisfactorily completed the "Behind-the-Wheel Road Test" and
demonstrated his/her ability to operate the Tribally owned vehicle
within the following class: _____

Certifier

Pueblo of Laguna Safety Office

Date

REQUIREMENTS NEEDED TO BE A CERTIFIER

1. Must have a valid New Mexico Driver's License.
2. Must have completed a Defensive Driving Course.
3. Must be a Defensive Driving Course Instructor thru the National Safety Council.
4. Must have some experience in Traffic Safety, Driver Education or Fleet Driver Training.
5. Must be familiar with the New Mexico Driver's Manual.

APPENDIX I

Appellate Court Procedures

RULES OF PROCEDURE
FOR
PUEBLO OF LAGUNA COURT OF APPEALS

The Pueblo of Laguna Staff, acting as the Pueblo of Laguna Court of Appeals, pursuant to Chapter 1, Section 8(b), of the Pueblo of Laguna Law and Order Code adopted on May 1, 1968, hereby adopts the following rules of procedure:

RULE 1 - TIME LIMITS FOR APPEAL.

All appeals shall be filed with the Clerk of the Laguna Pueblo Court not later than ten (10) days from the date of the judgment of the Laguna Pueblo Court. If the tenth day falls on a Saturday, Sunday or legal holiday, the following Monday or the day following the legal holiday shall be considered the tenth day for purposes of the Rule.

RULE 2 - FILING FEE.

Appeals from judgments in civil cases shall be accompanied by a filing fee of \$10.00. No filing fee is required in appeals from judgments in criminal cases. No appeal from a judgment in a civil case will be accepted by the Clerk of the Laguna Pueblo Court unless the filing fee is paid at the same time as the appeal is filed, or unless a waiver of the filing fee is granted by the Chief Judge (Governor) of the Court of Appeals or his designate upon submission of an Affidavit of Indigency by the appealing party. Both Waiver and Affidavit shall be filed and made part of the record for later review by the entire panel.

RULE 3 - APPEALS TO BE IN WRITING.

All appeals shall be in writing. The appeal shall contain the following information:

- A. ~~Name~~ of the party making the appeal.
- B. Name of the opposing party (respondent).
- C. Style and number of the case as filed in the Laguna Pueblo Court.

D. A statement of the reason(s) the appeal is being taken, specifically indicating the reason(s) why the party making the appeal feels the judgment of the Laguna Pueblo Court was wrong. The Clerk of the Laguna Pueblo Court shall assist parties wishing to make appeals in the preparation of their appeal papers, but in no instance shall influence, coerce, or advise the parties.

RULE 4 - JUDGE TO FILE STATEMENT WITH CLERK.

Within five (5) working days from the date the appeal is filed, the Judge of the Laguna Pueblo Court shall file a statement with the Clerk setting forth a summary of the testimony and other evidence presented at trial, and the reason for the decision made by the Judge including conclusions of law which support that decision.

RULE 5 - CLERK TO FORWARD FILE TO PUEBLO SECRETARY.

Within ten (10) working days from the date the appeal is filed, the Clerk shall forward the appeal file to the Pueblo of Laguna Secretary. The appeal file shall consist of the following:

- A. All papers and documents filed in Laguna Pueblo Court in the case, including the Complaint, and all other pleadings.
 - B. All written documents, reports, photographs, any other exhibits or writings offered as evidence at trial, whether or not the same were admitted into evidence.
 - C. The written appeal form.
- The statement of the Judge required by Rule 4.

RULE 6 - NOTICE TO APPELLEE.

At the same time the Clerk forwards the appeal file to the Secretary, the Clerk shall notify the party in whose favor the decision of the Laguna Court was rendered that an appeal has been filed and that such party may file a written

statement of his or her position with the Secretary of the Pueblo of Laguna within ten (10) working days.

RULE 7 - PETITION FOR EXTENSION OF TIME.

Respondent in an appeal may for good cause shown, apply and receive an extension of not more than fifteen (15) days in order to prepare his response. Said petition shall be in writing and signed by the Respondent.

RULE 8 - SECRETARY TO PRESENT FILE TO STAFF.

The Secretary of the Pueblo of Laguna shall present the appeal file and any written statement filed under Rule 6 to the Staff at its first regular meeting after the file has been received.

RULE 9 - STAFF OFFICERS TO CONSIDER APPEAL.

The Staff Officers, acting as the Court of Appeals, shall review the appeal file and shall have the complete and unreviewable discretion to take any of the following actions:

- A. Decide that the appeal has no merit and dismiss the appeal without hearing.
- B. Decide that the appeal has sufficient merit to allow oral argument before the Staff.
- C. Decide that only a legal question is involved and make a decision to affirm, reverse or remand with further instructions, the judgment of the Laguna Pueblo Court on the basis of legal precedent or authority. In such matters, the Staff Officers shall have the power to require that the parties to the appeal to submit legal memoranda in support of their positions in the case.
- D. Remand the case to the Laguna Pueblo Court for such further action as the Staff shall deem to be appropriate.

RULE 10 - ORAL ARGUMENT.

Oral argument may be deemed appropriate and necessary by the Court, however, oral argument is not absolutely required

in each and every case. The Court may require additional legal memoranda from the parties upon review of the evidence presented in the trial court prior to entering a final decision.

RULE 11 - REQUESTS FOR CONTINUANCE.

Any party to an appeal may request a continuance, in writing, which shall state the reasons for the request. The Governor may grant a continuance for good and sufficient cause shown.

RULE 12 - DECISION TO BE IN WRITING.

All decisions of the Court of Appeals shall be in writing, and shall set forth the reasons/bases for their ruling. Said decisions shall then be considered as cases precedent and guide the future decisions of both the lower court and the Court of Appeals.

RULE 13 - DECISION OF THE STAFF IS FINAL.

The decision of the Staff shall be final and not subject to further review.

RULE 14 - EFFECTIVE DATE.

These Rules shall be effective as to all appeals filed in the Pueblo of Laguna Court after the date these Rules are adopted.

DULY ADOPTED BY THE PUEBLO OF LAGUNA STAFF this _____ day of _____, 1981.

GOVERNOR

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST:

APPENDIX J

Court Administration Position Description

POSITION DESCRIPTION

POSITION TITLE Court Administrator/Rehabilitation Services Coordinator

POSITION CODE NO. 405

DIVISION Law and Order

PROGRAM Tribal Court

SECTION/UNIT _____

ISSUE DATE _____

GENERAL RESPONSIBILITIES:

Responsible for administrative and supervisory duties of the operations of the Tribal Court and Rehabilitation Services Program.

JOB DESCRIPTION
COURT ADMINISTRATOR
PUERLO OF LAGUNA

DEFINITION OF WORK

This is highly responsible administrative and supervisory work in directing the non-judicial activities of the Tribal Court.

Work involves responsibilities for organizing, directing, coordinating and supervising either directly or through the use of intermediate supervisors the activities of subordinates engaged in processing Tribal Court cases. An employee chiefly responsible for administration of the judicial services of the Tribal Court.

Under the supervision and direction of the Judge of the Tribal Court the Tribal Court Administrator shall supervise and coordinate the administrative functions and operation of the Tribal Court, supervise and direct activities of non-judicial personnel of such Court, and perform such other duties as are assigned by the Tribal Court Judge or required by the Tribal Council or the Governor of the Pueblo. Work is performed under the general direction of the Tribal Court Judge and the Director of the Division of Law and Order and is reviewed through conferences and reports on the basis of results obtained.

EXAMPLES OF WORK

Plans and organizes administrative services; determines organizational requirements and plans office layout; space utilization and work flow are the administrative activities.

Assigns personnel to administrative and clerical functions; develops and establishes procedures for operating and maintaining required administrative systems; procures equipment and supplies to perform administrative services of the Court; disseminates information to Court personnel.

Directs and evaluates the effectiveness of personnel and administrative programs to determine requirements for program modification and personnel training, promotion, or reassignment; establishes training program for Court clerical personnel.

Coordinates administrative functions within the Court and with outside agencies.

COURT ADMINISTRATOR - CONTINUED

Supervises, coordinates and participates in the work activities of the technical court clerical staff.

Directs the development of programs required to achieve the objectives of the Court. Serves as primary liaison officer with the inter-governmental agencies such as police, legal aid, social services, community services, educational services and other entities within the Tribal Government.

Confers with judges, attorneys and Tribal agencies to insure adequate administrative services and provide for changing or unusual demands. Directly supervises the day-to-day work of the probation services of the Tribal Court.

Performs other related duties as required.

REQUIREMENTS

Education: Graduation from a four year college or university and at least one year experience in supervisory, technical or professional management or administration and/or training in law; or any equivalent combination of education and experience which provides the following knowledge, abilities and skills.

1. Knowledge of principles and procedures of organization and management analysis.
2. Knowledge of budgeting practices and procedures.
3. Ability to conduct conferences and meetings and to express himself/herself clearly in writing and orally before the judges of the Courts and representatives of the Tribal government agencies, and the public.
4. Ability to plan and conduct studies designed to improve the management of the Courts, to prepare recommendations and to implement such recommendations when approved.
5. Ability to organize, direct and coordinate the activities of subordinates.
6. The ability to express ideas clearly and concisely, orally and in writing.
7. The ability to organize, direct and coordinate the administrative activities of the Tribal Court in a manner conducive to full performance and high morale.

APPENDIX K

Court Records Clerk Position Description

POSITION DESCRIPTION

POSITION TITLE Court Records Clerk

POSITION CODE NO. 405

DIVISION Law and Order

PROGRAM Tribal Court

SECTION/UNIT _____

ISSUE DATE _____

GENERAL RESPONSIBILITIES:

Responsible for the daily upkeep and maintenance of all court records.

SPECIFIC DUTIES AND RESPONSIBILITIES:

1. Types and files all court orders and jail commitment forms.
2. Types and records all dispositions on each individualized rap card after court hearings.
3. Maintains all court files which include criminal, civil, domestic, children, and traffic citations.
4. Assists the Court Clerk from time to time with criminal/civil complaint forms, recipt of court fines, child support, etc., and reimbursement of bond money.
5. Performs all court docketing with appropriate information regarding arraignments, trials, and hearings.
6. Numbering and indexing all court files.
7. Performs periodic statistical analysis, i.e., number of cases filed, kinds of cases filed, number of cases closed, open, and pending.
8. Performs periodic inventories of all court files to check for incomplete files and missing files.
9. Regulates and maintains a daily log for court files checked out of court records room.
10. Maintains files for all summons, subpoenas, and warrants.
11. Provides the Rehabilitation Services Coordinator with dispositional orders after each court day.
12. Attends arraignments and court hearings in the absence of the Court Clerk.

RELATIONSHIPS:

Reporting Relationships:

1. Reports directly to the Court Clerk for specific work duties and assignment.
2. Any and all information collected and filed shall be held in strict confidence.

Supervisory Relationships:

1. Incumbent is under the general supervision of the Court Administrator and direct supervision of the Court Clerk.

REQUIREMENTS:

Education:

High school diploma or equivalent. Some training or schooling in secretarial and general clerical work.

Experience:

Must have some experience and knowledge of legal systems, filing, docketing and handling of legal documents, i.e., court orders, petitions, complaints, etc.

Skills:

Must type minimum of 50 wpm, knowledge in interpreting legal documents, court orders, petitions, etc.

APPENDIX L

Court Advocate Position Description

POSITION DESCRIPTION

POSITION TITLE Court Advocate
POSITION CODE NO. 405
DIVISION Law and Order
PROGRAM Tribal Court
SECTION/UNIT _____
ISSUE DATE _____

GENERAL RESPONSIBILITIES:

Responsible for training and advising Tribal Police in case presentation and prosecution, and advising litigants of procedures and remedies before the Tribal Court.

SPECIFIC DUTIES AND RESPONSIBILITIES:

- To train Tribal Police in case presentation procedures and methods of prosecution.
- To represent defense party or parties in such trial cases where the opposing party has hired an attorney.
- To assist litigants in Tribal Court in preparation of pleadings.
- To advise various litigants of remedies available to them before the Tribal Court.
- Legal Advisor to Tribal Police, Probation Officers, Laguna Pueblo Social Services, and general population.

RELATIONSHIPS:

Reporting Relationship:

- Reports any and all facets of involved activities to the Tribal Judge.

Supervisory Relationships:

- Is under the direct supervision of the Tribal Judge and general supervision of the Court Administrator.

CONTACTS:

Must maintain open channels with all local agencies who participate in cooperation with the efforts of the Tribal Court, i.e., Social Services, Service Center, ACL Hospital, Indian Pueblo Legal Services, and the Village, Staff and Tribal Council of the Pueblo of Laguna.

REQUIREMENTS:

Education:

- Graduate from Law School, and, member of the New Mexico State Bar Association.

EXPERIENCE:

Two (2) years trial experience in both prosecution and defense of criminal cases, one (1) year experience in civil litigation, one (1) year experience in law enforcement which may be substituted for one (1) year trial experience.

APPENDIX M

Audio/Video Technology and the Courts
(Guide for Court Managers, prepared by the
National Center for State Courts)

AUDIO/VIDEO TECHNOLOGY AND THE COURTS

GUIDE FOR COURT MANAGERS

Courts' Equipment Analysis Project

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Selecting Audio Equipment

Any recording system must provide an accurate record of the court proceedings. Although there are many choices in equipment design and features, not all audio systems are acceptable. The variety of options may confuse the court manager who is selecting audio equipment for courtroom use. Problems may arise because there are no precise national standards for audio fidelity recording for courtroom dialogue. Only a few audio recording systems have been developed primarily for courtroom recording, and several audio manufacturers have provided inferior or inappropriate audio recording systems to the courts during the 1960s and early 1970s—unfortunately, a few vendors still attempt to sell such equipment to some courts.

In the late 1960s, several state courts and research organizations began prescribing recording standards and equipment features needed to ensure a high quality, accurate audio recording system. As a result, several companies have developed audio systems specifically incorporating features and capabilities desired for recording judicial proceedings.

Nationwide audio standards for courts are difficult to establish because courts differ in courtroom acoustics, type of proceedings, uses of equipment (recording, playback, transcription, or a combination of such tasks), portability requirements, and specialized court practices.

Nevertheless, many general features and capabilities discussed in this report should be mandatory to ensure a high quality audio recording in a courtroom, and if necessary, to efficiently prepare a verbatim transcript.

Any evaluation and selection process for audio recording systems should include a rigorous field test of the equipment in court. The court should require that any audio recording system be evaluated and operated continuously under actual court conditions for several days or weeks.

This chapter further elaborates on selected technical specifications and components and the rationale for such choices. Appendix A contains a detailed listing of the recommended system components and configurations for utilizing audio recording.

AUDIO TAPES

Reels

Although polyester tapes are more expensive than acetate, they are recommended because of their greater tensile strength and resistance to moisture and brittleness. Acetate tapes should be avoided.

The tape size depends upon the time required for continuous recording in the courtroom, recording speed, and tape quality. The principal choices are 7-inch or 10-inch tape

reels because the 7-inch reels require smaller, less powerful motors and brakes within the tape recorder, allowing use of a less expensive and more portable machine. The 7-inch reels also require less time to locate a selected portion of the tape, provide the necessary continuous recording capability (few court proceedings last longer than three hours without a recess), and provide a more universal size that can be operated on another manufacturer's machines.

Cassettes

Standard tape cassettes are available with varying tape lengths and thicknesses. Mini-cassettes are not recommended for recording court proceedings. Cassette tapes should have a ferric oxide coating and a tensilized polyester backing for greater strength. Chromium dioxide coating is not recommended for cassettes because chromium dioxide is highly abrasive and will rapidly deteriorate the recording heads.

The major limitation of cassettes is the limited amount of continuous recording time. Three actions can increase the recording time: reducing the tape speed, decreasing the tape thickness, or installing a dual cassette recorder system.

The established industry standard for cassette tape speed is 1 7/8 ips. Established for music recording, this speed unnecessarily limits continuous recording time because it is unnecessary for voice recording in the courtroom. A 15/16 ips speed provides excellent recording quality for courtroom testimony and substantially increases the recording time for each cassette. While C-60 cassettes (60 minutes of continuous one-way recording at 15/16 ips without operator intervention to change tapes) are an excellent standard, most courts which have used high quality C-90 cassettes (composed of a smaller tape thickness than C-60 cassettes) have been satisfied with both audio quality and cassette reliability. Some manufacturers offer even longer recording time by lowering the tape speed below 15/16 ips. The courts should assess the tape savings possibility as long as acceptable audio fidelity can be maintained.

MICROPHONES

Some microphone features are mandatory (balanced, low impedance). Other features (such as directivity of the microphone) will depend upon the type of court proceeding, the acoustics of the particular courtroom, the location of the particular microphone, and the number and locality of participants.

Microphone Type

The dynamic microphone is most suitable for recording

courtroom proceedings. The dynamic type is preferred over the electret condensor because it requires minimal maintenance and offers sufficient fidelity for voice recording, simplicity and sturdiness, and adaptability to public address systems.

A lapel (lavalier) microphone can be attached to a participant. It is not recommended for most judicial proceedings because a lavalier microphone is more expensive, is less reliable, and records extraneous noises—such as movements by the participant. In addition, it is often improperly attached to the participant, and causes inconvenience and delays when participants need to change lavaliers.

Some manufacturers offer a pause control (inhibitor) switch to be used by the judge or clerk to stop the recording during bench conferences and the like. Such an inhibitor switch is not recommended. Instead, a particular microphone should be temporarily disengaged to permit parties to have private conversations. A spring-loaded push-button switch allows a participant to momentarily disengage a microphone when the button is depressed. This push-button control ensures continuous recording without accidental stoppage, but allows participants to hold off-the-record conversations.

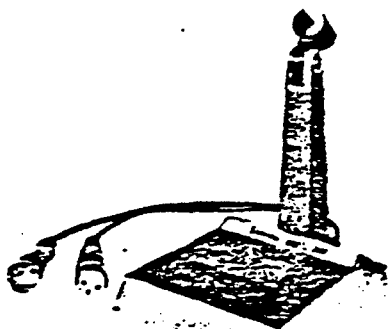


Figure 5.1: Spring-loaded microphone.

Output Impedance

The microphone should have a low impedance (150-600 ohms) to help reduce or eliminate extraneous noise.

Balanced Microphones

Balanced microphones contain three wires (two signal wires and a shield) connecting the microphone to the recorder. In many courts, microphones will require lengthy extension cords (20-75 feet) to be connected to the recorder. The microphone may pick up electrical interference from radio, television, or citizens band which must be screened out. If unbalanced microphones (containing only two signal wires) are installed, such signals will be recorded on the tape and may interfere with clarity of the courtroom testimony. Use of balanced microphone wires and connectors will reduce, and possibly eliminate, these extraneous signals and sounds. The recording device must also be equipped with balanced to ground input connectors. This type of connector

removes the extraneous noise from the audio track before it can be recorded on the tape.

Microphone Frequency Range

The microphone must be capable of picking up a sufficient range of sound. For ordinary courtroom conversation the frequency response of the microphones should be 100 to 10,000 hertz (Hz).

Microphone Connections

Microphones must be attached to the recorder. To ensure a permanent connection, professional quality three-prong locking connectors such as Cannon or Switchcraft (XLR) should be installed. This type of connector will prevent accidental disconnections of microphones from the recorder.

Directivity

A microphone is designed to record sound from specific directions in relation to its placement. The recording pattern of microphones can be classified into two categories—uni-directional (cardioid) microphones and omni-directional microphones. The uni-directional microphone is more practical when speakers remain stationary or in close proximity to the microphone, when extraneous sounds from outside or inside the courtroom need to be reduced, and when participants are soft-spoken.

The omni-directional microphone may provide greater latitude in recording sound when a participant, such as a lawyer, does not remain stationary. However, this type of microphone will pick up more extraneous courtroom sounds.

There is no definitive standard concerning the directivity of microphones used at a particular location in the courtroom. The type of proceedings and general courtroom acoustics are important to determine whether a particular microphone should be uni- or omni-directional. The microphone standards listed in Appendix A suggest the type of directivity for a particular microphone location.

While the audio recording system must allow participants some flexibility in movement, some participants, particularly lawyers, might have to change walking patterns in order to ensure that the microphone picks up appropriate speech. Any speaker should face in the general direction of a microphone.

Microphone Stands

Whenever possible, microphones should be inserted into sound-isolated (acoustically isolated) stands or holders to reduce extraneous noise or vibration. Sound-isolated stands are very important for microphones placed on tables or desks—such as counsel tables and at the judge's bench—to reduce noises such as writing, hitting, or shuffling papers. Microphones should be placed on floor stands which should contain sound-isolated holders. The use of portable microphone stands is suggested to allow some flexibility in positioning the microphones for different types of court proceedings.

Microphone Mixer

Some courts may prefer or need to install more microphones in the courtroom than can be attached to the recorder. While a microphone mixer can be installed, it is not suggested because it requires a machine operator to monitor and to frequently change microphone signal levels.

Three alternatives to a separate microphone mixer are possible. In some courts, an additional microphone may be necessary for a short time such as during the voir dire examination. One of the regular microphones could be temporarily moved; a microphone normally located at the witness stand or counsel table could be moved close to the jury box. In other courts an additional microphone may be permanently needed.

Additional microphone inputs could be installed by using a Y-connector to connect two microphones into one recording track. In this way, eight microphones can be cascaded into a four-track recorder. While feasible, these Y-connectors weaken the signal strength and may affect sound fidelity.

Instead, the recording unit should contain a microphone mixer within the recorder. This approach allows additional microphones to be connected directly to the recorder without loss of signal strength or fidelity.

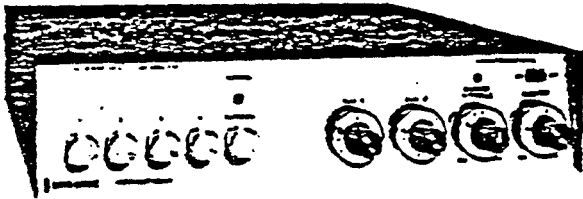


Figure 5.2. Microphone mixer.

AUDIO RECORDERS

Recorders are the most critical and complex component in an audio recording system. Recorders must accurately record proceedings under varying conditions, different speakers, and diverse types of proceedings. There are various recorder designs and features available. Some are necessary to ensure comprehensive and comprehensible recording; other features are optional.

Dimensions

Courts tend to prefer smaller, portable recording machines. With the development of integrated electronic circuits, small recorders can now provide high quality audio fidelity with minimal audio distortion, excellent performance, higher reliability, and better portability. Both reel and cassette recording systems are becoming both smaller and easier to operate. As a result, the weight of any audio recording system should never exceed 50 to 55 pounds, but preferably would weigh 20 to 25 pounds. Heavier recorder units may contain outdated electronic components or may not be designed specifically for mobility or courtroom applications, such as police recording systems modified for courts. Some jurisdictions will prefer portable, lightweight equipment for relocating systems among courtrooms or

localities. A cassette recording system weighing under 25 pounds is recommended for such uses. Any audio recorders selected should be small enough to be placed on a standard desk or cabinet already available in the courtroom. Recorders should not exceed 24 inches in any dimension or exceed four cubic feet in volume.

Operating Conditions

A recorder should be operable in any courtroom facility regardless of atmospheric conditions; air conditioning is not required. The machine should be able to operate under conditions ranging from 32 to 105 degrees Fahrenheit temperature and 0 to 99 percent relative humidity, with a standard power supply (120 volts, 60 Hz), and withstand voltage variations ("brownouts") of up to 15 percent.

Multi-Track (Channels)

Multi-track recorders provide separate and distinct channels along which audio signals coming from different microphones are separately recorded on the tape and permit voices recorded from various microphones to be played back separately or in any combination desired. Multi-track recording equipment allows a listener or transcriber to more easily identify the speaker and clearly distinguish and isolate statements made simultaneously. The multi-track capability also permits the court to remove or reduce certain deleterious or undesirable background noises by listening to just the microphone nearest the individual and to modify the sound volume on a particular track to improve the muffled, whispered, or loud statement being made by a participant. These extraneous courtroom noises can be controlled both during the proceeding and also during playback of the tape.

The four-track recording system should be used for audio recording and transcription of court proceedings. Only under specialized circumstances should a six- or eight-track recording machine be considered. Four-track recorders should conform to NAB reel standards or Phillips cassette standards for four-track width and track spacing medium being used. This will permit compatibility of recorders and transcribers among jurisdictions which may use different manufacturers or models of equipment.

Motors

The number and type of motors can substantially affect the overall reliability of the recorder and tape speed control. Cassette recorders require only one motor. The best and most durable reel tape recorders utilize three separate motors: one drives the capstan, a rotating shaft which pulls the tape at a constant speed; another controls and powers the take-up reel; and a third controls the supply reel. The capstan should be controlled by solenoid-operated switches and servo-capstan drives are recommended.

The three-motor reel recorder is preferred because it stabilizes the tape speed better, reducing the wow (slow repeated fluctuations) and flutter (short rapid fluctuations), and reduces audio distortions; it is also a simpler mechanical

device and more reliable than a single motor system.

The single motor reel recorder system is less reliable and durable since it requires additional mechanical linkages, belts and pulleys to operate the capstan and reels.

Volume Control

Because of the number and varied location of participants during a court proceeding, the recorder must allow the operator to control and adjust the volume input from the various microphones. The operator should be able to adjust the gain control separately for each microphone or channel connected to the audio system. Two types of automatic volume control devices are available—gain control or audio limiters—to modify weak or loud signals to a volume level comprehensible by most listeners. The automatic gain control device automatically amplifies weak signals and reduces loud signals so that the audio volume is within prescribed limits, regardless of the volume of the original sound. The audio limiter merely reduces loud signals to the prescribed volume range. Since sound levels are constantly changing in the courtroom and court personnel may not have time to make quick adjustments, automatic gain control or audio limiter control with a manual override is suggested.

Control Switches

The recorder control, each clearly identified in English, should be located on the front panel and should include six modes: forward, pause, fast-forward, fast-reverse, stop and record. Solenoid switches are preferable to manual switches. The manual switches are cheaper but less reliable. The solenoid switch consists of a push-button relay coupled to a microswitch which activates an electromagnet. This switching mechanism is simpler to operate and provides better reliability.

Index Counter

An index counter must be easily visible to the operator so that appropriate log notations may be made during the proceeding. Some jurisdictions may want to add to the recorder a display (such as a light emitting diode—LED) which permits any participant in the courtroom to see and record the precise index number. With an LED, participants are assured that the machine is operating, and counsel or court personnel can note for later reference, readback, or transcription the point on the tape that records a specific statement.

To reduce prolonged searching for a particular tape segment, the index counter must be so reliable that the desired information can be located within a few seconds after the counter number is reached. In addition, the counter should have a button to reset the counter to zero.

An automatic electronic search option, available from some manufacturers, permits the user to specify a counter number for which the recorder will automatically search. This mechanism permits very fast and accurate indexing, but will increase the cost for each machine.

Monitoring Equipment

Court personnel should monitor the recorder during court proceedings to ensure that a complete record is being made and to readjust the audio recording system when necessary. The operator must be able to accomplish the following:

- quickly monitor each recording track by means of an earphone jack;
- quickly adjust the volume, if necessary;
- listen to the quality of the recorded signal on any track;
- easily view indicators that show strength of audio signals being recorded on the tape; and
- know when a serious malfunction has occurred.

The recorder, therefore, must have the following features:

- a separate VU-meter or light indicator for each audio track;
- volume (gain) control for each track;
- output signal connected by an earphone jack to a headset;
- a tape monitoring output from a playback head located after the record head;
- a signal-sensing circuit to automatically sense that a previously recorded audio signal is on the tape; and
- an audible signal to notify the operator and the participants that the recorder or the tape (end of tape or broken tape) has malfunctioned.

Recording Quality

High quality audio recording of judicial proceedings is difficult to quantify precisely. Basically, audio fidelity is the degree to which original sound is faithfully and accurately reproduced. For judicial purposes, adequate audio quality is necessary to clearly record court proceedings with negligible distortion, whether caused by the machine or by extraneous noises. The audio quality necessary for recording verbatim statements in court does not require the same high fidelity as recording music for home entertainment or hi-fi equipment.

Many audio components affect audio quality. Improvements in one particular capability are sometimes achieved at the expense of another. For example, increasing the frequency range may cause a deterioration in the signal-to-noise (S/N) ratio.

Unfortunately, manufacturers do not measure or report audio fidelity measurements such as frequency response range and signal-to-noise ratio in the same manner. Since manufacturers do not use comparable measurement techniques, a manufacturer's rating can be misleading or meaningless when compared to another manufacturer's. Courts should not use these measurements or ratings as the sole selection criteria. Judicial user experiences, vendor reputation, and, most critically, actual courtroom testing should be critical determinants.

Audio distortion. Distortion is the presence of extraneous sounds or harmonies which are not part of the original sound or statement. Technically, distortion is the difference in the sound wave form between the original signal wave form and the reproduced audio signal. Distortions are more critical with musical recording than courtroom (voice) recording.

The best recording equipment will always produce some distortion due to electronic or mechanical limitations in any audio recording system. Acceptable courtroom recorders will control and limit these distortions. Maximum distortion should be no more than 3 percent.

Frequency response range. Frequency response range of a recorder represents the range from the lowest (bass voice) to the highest (treble tones) pitched sound that can be recorded. The frequency response range is expressed in cycles per second (Hz). Courtroom recording equipment need only accurately record sound in the human voice range (100-6,000 Hz)—minimum acceptable range is 200 to 4000 Hz—and not of the musical fidelity range (50-20,000 Hz). Vendors should meet the specified frequency response range for both record and playback modes at the normal operating tape speed. The frequency range reported should be calibrated at ± 3.0 decibel (db) variation. To ensure that voice levels will be properly recorded, a court should test any proposed audio recording system with individual voices from the entire range.

Signal to noise ratio. By limiting the frequency response range, the manufacturer can provide improvements in the signal-to-noise ratio. This is a measure of the ratio of the desired audio signal compared to the extraneous noises caused by the recorder or its auxiliary components. If this ratio is too low, background noises due to hum (low frequency noises) or hiss (high frequency noises) can interfere with audibility of the voices being recorded. An acceptable rating is a minimum of 35 db, but a higher rating is desirable. Since manufacturers do not always calibrate or use the same standard for determining a signal-to-noise rating, courts must carefully compare vendor measurements and claims.

Cross talk. Multi-track recorders can create undesirable cross-talk. Cross-talk occurs when there is sound leakage between two channels, that is, when a statement recorded on one channel can be heard during playback on another channel. Cross-talk calibration must be above 32 db.

Transcribers

A transcribing machine must be compatible with the recording machine so that the recorded tape can be played back properly and transcribed efficiently. Any machine used as a transcriber must have a foot control with forward, reverse, and stop modes and variable speed control. Controls which are optional include automatic back-up and speech compression.

The transcriber machine can either be the recording machine containing a few transcriber components or a transcriber containing features compatible with the recording machine, including the same tape medium, the same track specifications (equivalent track width and track spacing), the same tape speed, the same type of index counter and calibration, appropriate listening devices (both an internal loud speaker and an output signal connected to a headset), tone and volume control, speed control and separate audio

monitoring for each track or any combination of recording tracks.

Transcriber machines are useful when courtroom recorders are utilized daily and when transcript preparation is primarily done by court personnel during normal court work hours. An advantage of having a recording machine as a transcriber is that it can replace a malfunctioning recording machine. The best strategy depends upon the funds available for equipment expenditures, the personnel assigned to transcribe the tape, the location of transcription personnel in relation to the recording system, the transcript volume, and the availability of the recording machines for transcription.

If a recording machine is used to transcribe tapes, the machine must contain an indicator switch or mechanism to prevent accidental erasure or recording over while transcribing. If a transcriber machine is used, it should not contain a record or erase head.

ACCESSORY EQUIPMENT

Bulk Erasers

Erase heads should be excluded or removed from all court recorders and transcribers. A bulk eraser, a special electromagnetic device generating a strong magnetic field, can be purchased inexpensively (approximately \$25 to \$40) that can quickly erase any recorded tape within 5 to 15 seconds. The bulk eraser provides a reliable method of completely erasing a recorded tape and preventing accidental erasure on a recorder or transcriber machine.

Duplicators

In some jurisdictions, lawyers or other government agencies may request a copy of the audio recording of the court proceeding. There are two alternatives: (a) If the request is made before the court proceeding begins, another recording device can be attached to the main recorder for simultaneous recording. The requesting party could be permitted, upon proper notification of the court, to attach his

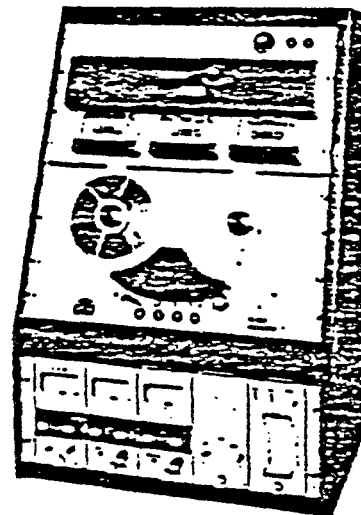


Figure 5.3 Duplicator.

own recording device and provide his own tapes to obtain duplicate recorded copies of the proceeding; and (b) if requests are received after the testimony has been recorded, a duplicator machine can be used.¹

A duplicator is a high-speed audio reproduction system

¹ Another alternative, although cumbersome and time-consuming, is to connect two standard recorders together to reproduce a second tape. If requests for duplicate tapes are infrequent (a few times a year) this alternative is feasible.

which permits the original tape recording to be duplicated onto one or several tapes in minutes. Duplicators are available to copy one tape recording onto another tape such as cassette to another cassette, or from a reel to a cassette.

There is little need for duplicators in most jurisdictions; however, some jurisdictions may provide audio duplicating service instead of a typed manuscript to requesting parties or to appellate courts. Other courts may contract with an independent transcription service to produce additional copies.

APPENDIX N

New Jersey Municipal Court Sound Recording Manual

CHAPTER 1V

REGULATIONS APPLICABLE TO SOUND RECORDING IN THE MUNICIPAL COURTS

1. REQUIREMENTS FOR SOUND RECORDING TO BE USED

IN MUNICIPAL COURTS

a. Sound Recording Equipment Requirements:

1. Four-channel (track) recording heads in order that participants' voices from each of four separate microphones can be recorded on separate tracks and played back separately from the audio tape recording.
2. Separate playback head following the recording head in order that the output recording can be monitored by listening to the audio tape record a few moments after recording rather than just to the input signal from the microphones.
3. No erase device in recorder so as to avoid accidental tape erasure.
4. A signal presence warning device, either an audio or preferably audio and visual indicator to prevent accidental over-recording on previously recorded testimony.
5. A mechanical or electronic index counter (at least a four-digit counter), to facilitate locating any point on tape.
6. A minimum of 3 hours continuous recording without having to stop proceedings to change tape. This may be accomplished with a dual transport which automatically changes from one (1) tape (cassette) to the next.
7. Recording speed of 1-7/8 i.p.s. for reel to reel recorders and 15/16 i.p.s. for cassette recorders.

8. Visual indicators (VU-meters or blinking lights) for each audio channel.
 9. Recording unit weight not to exceed 55 pounds.
 10. Low impedance balanced-to-ground, or unbalanced audio inputs with manual audio control for each of the four channels. (Either A.G.C. or limiting control may be included.)
 11. Foot pedal control on recording unit in order to utilize recording machine as a transcribing unit. Transcribing units must contain forward, stop and reverse modes.
 12. Electronic specifications:
 - Signal to Noise: greater than 40 db
 - Distortion: less than 3%
 - Frequency Response: 100 to 6000 Hz \pm 3db
 - Wow & Flutter (unweighted): less than 1%
 - Crosstalk: greater than 35db
 13. Tape Standard: Reel: 7" reel, 1800 feet, 1 mil.
 - Cassette: C-60 Phillips type cassette, .5 mil.Dual cassette machines that activate changeover by time or end of tape shall use no-leader cassettes. Machines activated by clear leader, may use leader cassettes. 4 track cassette units sold after August 17, 1978 may use C90 cassettes.
 14. Playback over integral speaker.
 15. Earphones for monitoring.
 16. Record and monitor heads of standard 4 track configuration.
- Equipment presently in use that does not meet these requirements may be continued in use so long as accurate transcripts are being produced.

The Administrative Office of the Courts is available for consultation with respect to the purchase or installation of recording equipment, and will conduct training sessions in proper recording and transcribing techniques.

A list of vendors and equipment which meets these requirements will be supplied by the Administrative Office of the Courts when requested. If any court proposes purchase of equipment other than that listed, it should direct the vendor to contact the Administrative Office of the Courts to schedule a demonstration of the equipment. Equipment meeting the above requirements will be approved for use in the municipal courts.

b. Installation

Four microphones should be provided and located as follows:

1. Judge
2. Witness Stand
3. Prosecutor's counsel table
4. Defendant's counsel table

Microphones for counsel and witness may be directional or cardioid, and the Judge's microphone should be omni-directional. Counsel tables (2) must be provided and used with all parties remaining in their respective places. So called "stand-up trials" directly against the bench are not permitted.

All wires laid across floor should be encased in conduits affixed to the floor so as to prevent tripping over the wires and to prevent damage to the wires.

The recording unit should be located in the courtroom at a place where the operator can see the judge and all parties to the proceedings. It is recommended that no public address system be connected to the recorder. However, if the vendor who sells the recorder does install a public address system, the 4 track capability must be maintained, and all

controls for microphone input and loud speaker output should be collocated with the recorder.

There should be no remote STOP or cut-off switches connected to the recorder, and no on-off switch on the microphones (unless the microphone switch is permanently locked ON).

All installations of sound recorders should be inspected and approved by the Administrative Office of the Courts. R.7:4-5(a) & (c).

2. OPERATION

The sound recorder should be operated by the clerk of the court, or other court employee as designated by the judge. Hearings on Notice in Lieu of Complaint heard by the judge, must be recorded. Notice in Lieu of Complaint hearings by a person other than the judge, pursuant to R.7:3-2 as amended, effective September 6, 1977, need not be recorded. All other proceedings in the municipal court are to be recorded.

a. Logging

Logging is essential for preparation of a complete and accurate transcript. Entries are made in chronological sequence for each phase of the proceedings, keyed to the digital counter. (Appendix B & C) p. 43 & 45.

b. Monitoring

The recorder must be monitored with the headset to ensure that the voices are being picked up. The VU meter only indicates the strength of an audio signal; the headset is the only way to determine if the signal is a voice or extraneous noise.

3. COURTROOM PROCEDURES

Judicial Control: The quality of the audio recording is primarily dependent upon effective judicial control of the proceedings. The trial judge

has the responsibility of maintaining strict discipline and decorum to ensure that a good record is made. Responsibility for courtroom discipline is lodged not with the clerk, but with the judge.

4. COURTROOM FACILITIES

The minimum requirements are a raised bench (dais), witness stand, clerk's desk, two (2) counsel tables and adequate seating for the public. It is strongly recommended that all courtrooms be carpeted to improve the acoustics, thereby reducing background noise. Where street noise is a problem, the windows should have drapes.

Air conditioners should be located as far as possible away from the microphones and should be serviced regularly to keep them running as quietly as possible.

A paper "flip-chart" is recommended in place of the standard black-board for diagrams, etc. This can then be moved nearer a microphone while testifying, and the chart can be preserved and forwarded with the transcript in the event of an appeal. This will make the record much more complete. (Appendix K.) p.63.

Requests for assistance should be directed to the Supervisor, Sound Recording Services, Administrative Office of the Courts.

5. EQUIPMENT MALFUNCTION

In the event the sound recording equipment malfunctions and it can not be corrected by a routine check of the equipment, the Judge may, in his discretion continue the court session rather than delay or adjourn the proceedings. The malfunction should be reported immediately to the service agency and the Administrative Office of the Courts, Sound Recording Services. (Municipal Court Manual, p.37, 1977.)

6. APPEAL PROCEDURE

PROCEDURE TO BE FOLLOWED IN CONNECTION WITH APPEALS FROM CONVICTIONS IN THE MUNICIPAL COURT. R. 3:23.

a. Responsibilities of the Appellant or his Attorney

1. The original of the Notice of Appeal must be filed with the clerk of the municipal court within 10 days after entry of judgment.
2. Within 5 days after filing the Notice of Appeal, one copy thereof is to be served upon the prosecuting attorney and one copy upon the county clerk, together with the filing fee therefor and an affidavit of timely filing of said Notice of Appeal with the clerk below and the prosecuting attorney.

ON FAILURE TO COMPLY WITH EACH OF THE FOREGOING REQUIREMENTS, THE APPEAL SHALL BE DISMISSED BY THE APPELLATE COURT WITHOUT FURTHER NOTICE OR HEARING. R. 3:23-2.

b. Contents of the Notice of Appeal (Appendix L.) p.65. R.3:23-3.

1. The title of the action.
2. The name and address of the appellant and of his attorney, if any.
3. A general statement of the nature of the offense.
4. The date of judgment.
5. The sentence imposed.
 - (a) Sentence stayed, served or suspended.
 - (b) Fine paid, stayed or suspended.
 - (c) Current status of defendant.

6. The name of the court from which the appeal is taken.
7. A statement as to whether or not a stenographic record or a sound recording was made.
8. If a verbatim record or sound recording was made, the Notice of Appeal must contain the certification that the appellant or his attorney, has complied with R.2:5-3(a), REQUEST FOR TRANSCRIPT, (order original and 2 copies; original to county clerk, 1 copy to prosecutor and 1 copy for appellant.), and R.2:5-3(d), DEPOSIT FOR TRANSCRIPT, (either the sum of \$200 for each day or fraction thereof of trial or hearing or the estimated cost of the transcript at \$60 per hour or fraction thereof of trial.)

Duties of the Clerk of the Municipal Court

1. Upon filing of the Notice of Appeal, the clerk of the court is to deliver forthwith to the county clerk, (Appendix L4.)p.73.
 - (a) The complaint
 - (b) The judgment of conviction
 - (c) The exhibits retained by him
 - (d) A transcript of the entire docket in the action. (Appendix L5.) p. 75.

The county clerk is required to deliver copies thereof to the prosecuting attorney on his request. R.3:23-4(a).

2. The judge or clerk of the court must transmit any recognizance or cash bail to the county clerk. R.3:23-6.
3. The clerk of the court must forward to the Administrative Office of the Courts, Sound Recording Services, a Transcript For Appeal From Sound Recording report, form RS-16, Rev.

1/3/78 (Appendix L6.) p.77.

d. Duties of the County Clerk

The county clerk must notify the Administrative Office of the Courts of the filing of the transcript. (Appendix L6.) p.79.

e. Transcript of the Sound Recording Made of the Hearing

If a verbatim record or sound recording was made pursuant to R.7:4-5 in the court from which the appeal is taken, the original transcript thereof, duly certified as correct, is to be filed by the clerk of the court below with the county clerk, and a certified copy served on the prosecuting attorney by the clerk of the court below within 20 days after the filing of the Notice of Appeal or within such extension of time as the court permits. Transcripts on appeal from municipal courts should be complete cases. In such cases the trial of the appeal is heard de novo on the record unless it appears that the rights of either party may be prejudiced by a substantially unintelligible record or that the rights of defendant were prejudiced below in which event there should be a plenary trial de novo without a jury. R.3:23-8(a).

As with any other problems with the sound recording system, problems with the production of acceptable transcripts should be reported to the Sound Recording Services, Administrative Office of the Courts. (R.7:4-5(c))

f. Delays in Filing Transcripts

If the transcript will not be filed within 20 days of the filing of the Notice of Appeal, the clerk of the municipal court should notify the county clerk in writing and send a copy to the Administrative Office of the Courts. (Municipal Court Manual, p.60, January 1977.)

g. Indigents

If the appellant, upon application to the appellate court, is found to be indigent, the appellate court is to order the transcript of the

proceedings below furnished at the county's expense if the appeal involves violation of a statute, and at the municipality's expense if the appeal involves violation of an ordinance. (Appendix L2 & L3.) p.67 - 71, R.3:23-8(a).

h. Deposit and Fees

Requests must include a deposit in a sum sufficient to pay such fees as may be required for such transcript. All deposits for transcripts should be received and deposited promptly by the clerk of the court. The court will then refund the balance or bill the difference upon completion of the transcript. The court is responsible for obtaining an adequate deposit and payment to the transcriber. Payment is due upon receipt of the transcript.

i. Permitting Parties to Listen to Tapes

During the appeal period, the clerk should permit a tape of the proceedings to be heard by a party or counsel upon request, provided that, so as to minimize inconvenience to all concerned, prior arrangements are made through the clerk's office, which should designate the earliest possible time and an operator to "play back" such material. Other requests to hear tapes should be honored, subject to guidelines established by the Assignment Judge, New Jersey Court Rules 1:38 and 5:10-7, and any other pertinent rules of confidentiality.

j. Docket Type Record

The clerk of the court should maintain a "docket type" record of the dates;

- (a) Notice of Appeal filed
- (b) Transcript deposit received
- (c) Tape and log mailed to transcriber
- (d) Transcript received from transcriber

SUGGESTED JUDGE'S OPENING REMARKS

The following is a suggested form for use by the judge in his opening remarks. All clerks are especially requested to see that acting judges are supplied with this. The first sentence may be omitted if the clerk has made this statement.

"This is the Municipal Court of _____
Judge _____ presiding. All proceedings in this Court are being recorded by an electronic recording device pursuant to New Jersey Supreme Court orders. All appeals from this Court will be heard from a typewritten transcript made from the recording. An accurate recording will aid in the protection of the rights of the litigants. All persons speaking are required to speak directly in front of a microphone, and speak one at a time. The Clerk of the Court will remind anyone who is not being recorded properly to speak more clearly or closer to the microphone. The attorneys are requested to identify themselves and the parties they represent at the start of each case, and to conduct their examinations in front of a microphone. There must be quiet in the room, and everyone is asked to be as quiet as possible when entering or leaving the courtroom."

RECORDING LOG -- Continuation Sheet

Page No. 2Recorded By Operator

COUNT Colts Neck (Hammock County)

Cape No. 14 Log Page No. 1 Court Convened at 9:30 A.M.

Date Oct. 8, 1977 Room No. Main #1

PRESENT: Judge Robert Reed, Recorded by Operator

LOCATION OF MICROPHONES: 1.Judge 2.Witness 3.Proc.(Pltf) 4.Defendant

LEGEND: J - Judge
D - Defendant
P - Plaintiff
C - Clerk
DA - Def's Atty
PA - Pl's Atty
WI - Witness #1, #2, etc.
DEX - Direct Exam
XEX - Cross Exam

TYPE OF RECONDER CQS-4 SPEED 17/8

Time	Index #	Speaker, Phase of Case or Other Identification
	000	Machine test May be logged at discretion of the Operator
1:30	010	Judge opening remarks
	040	State vs Charles F. Jones - 29:4-50
	045	DA John Thibe speaks Have Atty Identify self and
	050	PA Frank Truth client. Have Prosecutor Identify
	051	W for State Thomas K. Frank sworn self.
	100	DEX by PA Q and A need not be logged until interruption on
	150	YEX by DA Note Interruption and by whom
	154	Jiruba
	159	YEX cont.
	165	W for State George T. Smith Sworn Get full names on the
		DEX by PA record and spellings
	180	XEX by DA
	190	W for Defendant John D. Hostile sworn
		DEX by DA Note who DEX and XEX are by and whose
	210	XEX by PA witness.
	260	Motion by DA
	275	Jiruba
	280	D. Charles F. Jones sworn
		DEX by DA

[illegible]

COURT Colts Neck (Hammonton County)

Tape No. 14 Log Page No. 1 Court Convened at 9:30 A.M.

Date Nov. 8 1977 Room No. Maio #1

PRESENT: Judge Robert Ready Recorded by Operator

LOCATION OF MICROPHONES: 1. Judge
2. Witness 3. Pros. (Pltf) 4. Defendant

LEGEND: J - Judge
P - Plaintiff
C - Clerk
D - Defendant
DA - Def's Atty
PA - Pl's Atty
W1 - Witness #1, #2, etc.
DEX - Direct Exam
XEX - Cross Exam

TYPE OF RECORDER CRS-4 SPEED 17/8

Time	Index #	Spencer, Phase of Case or Other Identification
	000	Machine test
9:30	010	Judge opening remarks
	040	Judge calls calendar
	050	Guilty pleas
		Johnson - G - 10+10 Enter pleas, findings and penalties
		Kwig - G - 20+10
		French - G - 5+5
		Gold - G - 5+10
	110	John Daniels - req. for adj. - eff. 11/15/77 adjourn
	130	State vs. Charles F. Jones - 39:4-50 note new date
		Atty Robert Upmug - Guilty plea
	125	Officer Tom Geron sworn
	130	Judge requests clarification
	140	Judge - Guilty - 150+10 - 90 days D.L. suspend.
	145	State vs. Frank James - 2A:170-26 Enter complete
		Guilty plea title of case and charge
	152	Officer Sam Pica sworn
	180	Judge - Guilty - 50+10 - 30 days suspended sentence
		6 months probation
	190	Not Guilty pleas
		State vs. Joseph Williams - 39:4-97

[illegible]

APPENDIX O

State Court Enforcement of Indian Court
Judgments in New Mexico

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION

Suite 401, 1000 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 246-0685

MODEL COURT DEVELOPMENT PROJECT

State Court Enforcement of
Indian Court Judgments

June 19, 1981
Albuquerque, New Mexico



National Center for State Courts
Suite 2601
American National Bank Building
5th & Minnesota Streets
St. Paul, Minnesota 55101

TABLE OF CONTENTS

PAGE

I. CURRENT STATUS OF STATE AND TRIBAL COURT JURISDICTION AND ENFORCEMENT OF JUDGMENTS

A.	P.L. 280 (Section 6 State)	1
B.	Full Faith and Credit	2
C.	Jurisdiction	3
D.	State and Tribal Court Relationships	4
E.	Court of Records	4

II. STATEWIDE MEETING

A.	Introduction	5
B.	Attendees	5
C.	Positive Relationships between Indian and State Court Systems	7
D.	Problem Areas	8
E.	Proposed Future Cooperation	10

III. NEEDED TECHNICAL ASSISTANCE 12

APPENDICES

Appendix A:	Profiles (Zuni Pueblo, and Santa Clara Pueblo)
Appendix B:	Directory of Tribal Court Officials
Appendix C:	BIA/Department of the Interior
Appendix D:	New Mexico State Court System
Appendix E:	<u>Jim vs. CIT Financial Services Corporation,</u> 87 N.M. 362, 533 P2d. 751 (1975)
Appendix F:	<u>Joe vs. Marcum, Nos. 78-1912 and 78-1932</u> (10th Cir.,) 7 ILR 2070 (1980)
Appendix G:	<u>UNC Resources, Inc., et al., v. Benally, et al.,</u> No. 80-750 HB (D.N.M.), 8 ILR 3050 (1981)

I.

CURRENT STATUS OF STATE AND TRIBAL COURTS
JURISDICTION AND ENFORCEMENT OF JUDGMENTS

A. P.L. 280 (Section 6 State)

The State of New Mexico is one of the eight states with a constitutional disclaimer provision regarding jurisdiction over Indian Country.¹ To change the constitution the legislature must submit the proposal to the people.² In 1969 an amendment to the disclaimer was proposed by a constitutional convention, but it was rejected in a popular election the same year. Since this election there has been no attempt to assert jurisdiction pursuant to Public Law 280.

Nevertheless, the state claims criminal jurisdiction over the Indians for the offenses of murder, manslaughter, assault with intent to kill, arson, burglary, and larceny.³ This legislation may be invalid since there is no congressional authorization for it. So far there have been no court tests of the validity of this provision.

-
1. See, New Mexico Constitution, Article 21, Section 2.
 2. See, New Mexico Constitution, Article 19, Section 14.
 3. New Mexico Statutes Annotated 41-21-7.

B. Full Faith and Credit

In Jim vs. CIT Financial Services Corporation, 87 N.M. 362, 533 P.2d 751 (1975), the New Mexico Supreme Court held that full faith and credit should be given to tribal court judgments. Furthermore, the court did not limit its holding to any certain category of cases, but interpreted the Federal statutory language to include the Navajo Nation as a territory. One might assume that enforcement of tribal court judgments would be virtually automatic given Jim vs. CIT. This is not necessarily the case as a number of subissues become more important. The New Mexico Supreme Court has also held that the only escape from giving full faith and credit to a sister state's judgment lies in holding that the judgment is wanting in due process (void) and entitle to no standing even in the state where it was rendered. Therefore to be granted full faith and credit an Indian court must have proper jurisdiction and give due process to its litigants.¹

1. Baiker v. Baiker, 94 N.M. 162, 608 P. 2d 138 (1980).

C. Jurisdiction

Jurisdictional issues remain complex and unsettled. The U.S. District Court for the State of New Mexico extended the Oliphant decision by ruling in UNC Resources, Inc. v. Benally (No. 80-750 HB, May 8, 1981) (See, Appendix G) that Indian tribes cannot exercise civil jurisdiction over non-Indians without explicit congressional authorization and absent a close consensual relationship between a non-Indian defendant and the tribe, an Indian tribe's power over non-Indians stops at the reservation boundary.

State courts also have civil jurisdictional limitations over Indians on reservations. The United States Court of Appeals for the Tenth Circuit in Joe v. Marcum, 621 F. 2d 358 (1980) (See, Appendix F.) determined that since New Mexico has not sought to assume jurisdiction of civil causes of action to which Indians are parties and since on the reservation the Navajo Tribe possesses self-government, with tribal code permitting enforcement of judgment obtained in tribal court by execution but not by garnishment of wages, it would impinge on tribal sovereignty and run contrary to the letter and spirit of the Navajo Treaty of 1868 and the New Mexico Enabling Act, to permit a state court of New Mexico to run a garnishment against a Navajo Indian's employer on the reservation and attach wages earned by the Indian for on-reservation labor, notwithstanding that garnishment proceedings arose from off-reservation

transaction with a non-Indian lending agency.

D. State and Tribal Court Relationships

In spite of the above cited case law, relations between tribal and state courts in New Mexico are largely dependant upon local relationships. The State Court Administrator's Office and the Supreme Court which are highly active in administering the state courts have not participated in any dialogue between state and tribal courts regarding full faith and credit.

New Mexico is, however, fortunate to have a major Indian resource center at the University of New Mexico in Albuquerque. The UNM staff is current on both national and local issues affecting tribal courts and government.

E. Court of Records

Eventhough the New Mexico Supreme Court has ruled that state courts must give full faith and credit to Indian court judgments, there continues to be a concern by state courts about the quality of records in Indian courts.

However, there is no section of the New Mexico Constitution or Revised Statutes that specifically describes which courts are courts of record within the state. By inference only, Section 34-6-20 of the Revised Statutes indicates that all District Courts are courts of record; this section requires all District Court judges to make a record of their proceedings.

II. STATEWIDE MEETING

A. Introduction

The Model Court Development Project Meeting in Albuquerque, New Mexico was planned in conjunction with the NAICJA Indian Child Welfare Act training session conducted the week of June 15-19, 1981. Tribal representatives from New Mexico and Arizona had assembled for the ICWA session at the Ramada Inn East in Albuquerque for four days of training. It was decided to convene the Model Court meeting on Friday, June 19, immediately following the conclusion of the ICWA session.

The meeting started at 1:00 p.m. with an introduction by Maryette Tsosie, NAICJA consultant, of the National American Indian Court Judges Association and participants. She then continued with an overview of the Model Court Development Project. Fred Miller, Staff Attorney with the National Center for State Courts discussed the resource materials prepared by the Center for the statewide meeting. Participants were then given an opportunity to describe existing relationships between the two court systems.

B. Attendees

The meeting was attended by 15 tribal representatives from the New Mexico Zuni Pueblo and Navajo, as well as, seven attendees from Arizona representing the Gila River, Hopi, Papago and Salt River Tribal Courts.

New Mexico state attendees included representatives from the District Court (Sante Fe and Albuquerque), Public Defender's Office (Albuquerque), and the Administrative Office of the Courts. See, Chart 1 below for a detailed list of all attendees.

<u>Name</u>	<u>Title</u>	<u>Court/Affiliation</u>	<u>City</u>
<u>Tribal Court</u>			
Spencer Thomas	Associate Judge	Gila River Tribal Court	Sacaton, AZ
Elbridge Coochise	Associate Judge	Hopi Tribal Court	Keams Canyon, AZ
Homer Bluehouse	Chief Judge	Navajo Court	Chinle, NM
Harry Brown	Chief Judge	Navajo Tribal Court	Window Rock, AZ
Merwin Lynch		Navajo Tribal Court	Window Rock, AZ
Henry Manuel	Chief Judge	Papago Tribal Court	Sells, AZ
Delbert Ray, Sr.		Salt River Tribal Court	Scottsdale, AZ
Jacqueline Torres	Associate Judge	Salt River Tribal Court	Scottsdale, AZ
Robert Lewis	Governor	Zuni Pueblo	Zuni, NM
Michael Zunie	Chief Judge	Zuni Pueblo	Zuni, NM
Joe Medina	Associate Judge	Zuni Tribal Court	San Ysidro, NM
Theodore Edaakie	Lt. Governor	Zuni Pueblo	Zuni, NM
Milo Owalion	Councilman	Zuni Pueblo	Zuni, NM
Jerry M. Thurber	Chief of Police		Zuni, NM
Cynthia Kaskalla	Tribal Secretary	Zuni Pueblo	Zuni, NM
Alex Boone		Zuni Pueblo	Zuni, NM
Ivan Bonekatch	Lieutenant	Zuni Pueblo	Zuni, NM
Bill Tsikew		Zuni Pueblo Tribal Administration	Zuni, NM
Fred Bowannie, Sr.		Zuni Pueblo	Zuni, NM
Cel Papuyo			Albuquerque, NM
Destry Romanieto		Zuni Fish & Wildlife	Zuni, NM
Barton Martzo		Zuni Fish & Wildlife	Zuni, NM
<u>State Court</u>			
Bruce E. Kaufman	Chief Judge	First District Court of NM	Santa Fe, NM
Philip R. Ashby	Chief Judge	Second Judicial Division #2	Albuquerque, NM
Richard J. Magnum	Chief Judge	Superior Court	Flagstaff, AZ
Kira L. Hamilton		Administrative Office of the Courts	Santa Fe, NM
Lynn Billings	Asst. Public Defender	Metropolitan Court	Albuquerque, NM
<u>Project Staff</u>			
Maryetta Tsosie	Consultant	NAICJA	Reno, NV
Leslie Hendrick	Associate Project	NAICJA	Reno, NV
Frederick G. Miller	Staff Attorney	National Center for State Courts	San Francisco, CA

C. Positive Relationships Between
Indian and State Court Systems

Judge Kaufman from the First District Court of Santa Fe began the open discussion. When Judge Kaufman was appointed to the bench in the First District, there were more judges than courtrooms. There is a considerable center of Anglo population north of Santa Fe in District One; it therefore seemed appropriate to Judge Kaufman to investigate the possibility of being able to hear state district court matters in a tribal courtroom on the Santa Clara Pueblo north of Espanola. He asked the sheriff, the pueblo judge, and the tribal council for their approval, and it was granted. Judge Kaufman believes that successful relations between the tribal court and state court judges are based upon repeated contacts and the degree of success is often dependent upon the personalities involved. Differences in the individual tribes must be considered when one is negotiating agreements or conducting relations between state courts and tribal courts. The two areas where he has had most contact with the tribal courts are in juvenile cases where he and a tribal judge actually sat together on the bench to hear a case, and in mental health competency cases. In mental health cases, there are jurisdictional problems and the state was initially hesitant to accept appointments of Indians to state mental health facilities.

Judge Kaufman indicated that the state gave full faith and credit to tribal court judgments on most occasions. He has an example of a particularly good motion prepared by the Pueblo Legal Service for the Taos tribe where full faith and credit was requested.

Judge Kaufman again reiterated that it is necessary to identify the differences in approach to court operations from one tribe to another. The willingness to do so is dependent upon the personalities involved.

D. Problem Areas

• Court Records

Judge Ashby, from the Second Judicial District in Albuquerque, indicated that he had had no problems in the juvenile area, as had Judge Kaufman, but that he felt the biggest problem in the state granting full faith and credit to tribal court judgments was that there was a need for an official court record. Judge Ashby agreed with Judge Kaufman that positive relations were dependent upon good personal communications between tribal and state court judges.

Judge Ashby discussed what he felt was a problem of the lack of written documents produced by the tribal courts. Nevertheless, he indicated that because of Jim v. CIT, full faith and credit was an established policy in the state of New Mexico. He felt that the major problem was that in the traditional, Pueblo courts there

were, for the most part, no written codes. Especially in civil litigation, Judge Ashby felt that written orders were sketchy at best. It was difficult to identify whether there was proper jurisdiction, service and notice, and other due process requirements. Judge Ashby felt that the minimum requirements for a court of record were some form of summons, service of process, some case record-keeping, and if there was a contested hearing, that there be some elemental findings. Also, the entire court record should be certified by a court clerk.

Judge Zunie, of the Zuni Pueblo, took issue with Judge Ashby's comments that the tribal courts did not have proper court orders. Judge Ashby stated that even though court-of-record problems exist with the state court recognizing tribal court judgments, he knew of many instances where the state courts have acted on the oral authority of the tribe without formal written court record.

A Navajo tribal court judge brought the session into a slightly different perspective by stating that he had, on a number of occasions, received state court records which were far less than complete. Any standard that would be developed for minimum court records would have to work both ways.

- Sentencing and Jurisdiction

Two areas that were on the minds of most of the attendees but were not discussed at length were first, the problems of the district court judges sentencing Indians in the district court and wanting to know what the alternatives for sentencing might be, and secondly, the continuing complexities of tribal court/state court jurisdiction.

E. Proposed Future Cooperation

The need to communicate better and understand the difference between Indian law and what was called "white man's law," and to develop a respect for tribal law as a non-Anglo system, are all precursors to an operational grant of full faith and credit to tribal and state court judgments. Without an attempt to improve communications between tribal and state courts, the interaction between the two will only be on specific issues representing current problems or crises. The tribal court representatives indicated that they realistically need to look to the future and develop better relations with the state courts, but at the same time they must protect their own culture.

- Local Meetings

Judge Kaufman suggested that it would be difficult to do anything statewide in New Mexico with all the district court judges, and he suggested that improved

communications be attempted with a localized approach. He indicated that there are eight northern pueblos bordering the First District, and he felt that it would be particularly beneficial if the pueblos asserted themselves through NAICJA or the Indian Law Center and asked to be included in the regional meeting of judges. There was a group consensus that magistrate court judges should be included in this meeting, that the judges would be particularly receptive to hearing about the developing codification of the law in the pueblos.

- State Training Conferences

Kira Hamilton, Assistant to the State Court Administrator, indicated that within the next six months there would probably be a magistrate judges' training conference and that she would investigate the possibility of inviting tribal court judges to this training conference for the purpose of extending and improving communications.

There are significant differences in the size and character of the state courts as well as the tribal courts in New Mexico. The state courts range from the high volume metropolitan Albuquerque court to one judge circuit districts; the tribal courts include the Navajo nation and small pueblos. With such diverse local judiciaries, it is indeed difficult to undertake state-wide efforts. As noted previously, the State Court Administrator's office is active in training and open to

suggestions for the improvement of justice.

- Tribal Court Profiles

If the New Mexico tribal courts updated their court profiles, as has been done in Arizona and Washington, it seems certain the State Court Administrator would cooperate in their distribution. There were some misconceptions which were evident at the Albuquerque meeting. These could be eliminated through a broader exchange of current information about the two court systems. Someone to coordinate these follow-up activities is badly needed.

III. NEEDED TECHNICAL ASSISTANCE

Although state courts are required to give full faith and credit to Indian court judgments, there still are a number of areas that could be improved. Issues such as jurisdiction, sentencing of Indians, and Indian court records need to be addressed and resolved before the concerns of state and tribal courts can be resolved.

The cooperative spirit evidenced in the state meeting should be followed up on and nurtured. The availability of the Indian Law Center in Albuquerque also provides a valuable resource to both state and tribal courts. NAICJA should take an active role in providing assistance to:

- Update tribal court profiles;
- Distribute copies of the material prepared by the Pueblo Legal Services for the Taos tribe requesting full faith and credit to all New Mexico Indian Courts;

- Provide the State Court Administrator's office with suggestions for joint training sessions for Indian and state court judges.

New Mexico has already taken a leadership in providing full faith and credit to Indian court judgment. If the concerns identified in this meeting are addressed and resolved, New Mexico will be a model for other states.