

conducted by a judge in chambers, without the attendance of the clerk or other court officials and at any place either within or without the district; but not hearing, other than one ex parte, shall be conducted outside the district without the consent of all parties affected thereby.

(c) All motions and application in the clerk's office for issuing mesne process, for issuing final process to enforce and execute judgments, for entering defaults or judgments by default, and for other proceedings which do not require allowance or order of the Court are grantable of course by the clerk; but the clerk's action be suspended or altered or rescinded by the Court upon cause shown.

(d) Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by mail in the manner provided for in this code upon each party who is not in default for failure to appear, and shall make a note in the docket of the mailing. Any party may in addition serve a notice of such entry in the manner provided in this code for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve a party for failure to appeal within the time allowed except as authorized by the Court.

JURISDICTION

§ 1-1-9 Scope and Extent

The judicial power of the Nez Perce Tribe shall be vested in the tribal judiciary of the Nez Perce Tribe, and shall extend to all cases and controversies in law and equity, arising under the Constitution, By-Laws, laws and regulations of the Nez Perce Tribe, or to which an Indian or Indian owned property is a party.

§ 1-1-10 Territorial Jurisdiction

(a) The territorial jurisdiction of the Nez Perce Tribe shall include all land within the exterior boundaries of the Nez Perce Reservation as defined under Article III of the Nez Perce Tribe's Constitution and By-Laws, and to the greatest extent permissible by law, such other lands as have been or may be added to the reservation, held in trust by the United States for the Nez Perce Tribe or its members or which consist of usual and accustomed fishing locations, in-lieu fishing sites, and treaty fishing access sites (tfas) of the Nez Perce Tribe or open and unclaimed lands. (amended by NPTEC 5/25/10)

(b) The jurisdiction of the courts of the Nez Perce Tribe shall extend beyond the Nez Perce Tribe's territorial jurisdiction as set forth above to the extent permissible by law.

§ 1-1-11 Original Jurisdiction

The Nez Perce Tribal Court shall have original jurisdiction over all:

(a) crimes committed by any Indian within the Nez Perce Reservation;

(b) violations of the Nez Perce Tribe Fish and Game laws committed by a member of the Nez Perce Tribe outside the Nez Perce Reservation at any usual and accustomed fishing place or upon open and unclaimed lands; and

(c) any and all violations of the Nez Perce Tribal Code committed by a member of the Nez Perce Tribe outside the Nez Perce Reservation at any in-lieu site or any treaty fishing access site (tfas); and (added by NPTEC 5/25/10)

(d) civil actions at law or in equity, involving any person or entity and arising under the Constitution, By-laws, laws and regulations of the Nez Perce Tribe, or to which an Indian or Indian owned property is a party.

§ 1-1-12 Personal Jurisdiction

(a) The Nez Perce Tribe shall have civil jurisdiction over:

- (1) any person residing or present within the reservation or land protected by treaty with the United States government;
- (2) any person who transacts, conducts, or performs any business or activity within the reservation by being present on the reservation or by mail, phone, broadcast, cable either in person or by an agent or representative;
- (3) any person who owns, uses or possesses any real or personal property situated within the reservation, for any civil cause of action arising from such ownership, use or possession;
- (4) any person who commits a tortious act or engages in tortious conduct within the reservation;
- (5) persons under the age of eighteen (18) years who are eligible for membership in the tribe;
- (6) children and their parent(s), guardian, legal custodians or other persons with responsibility for or control of the child who leave the exterior boundaries of the reservation and over whom the Court had jurisdiction at the time they left;
- (7) any real or personal property located on the reservation, the determination of ownership thereof or rights therein or to determine the application of such property to the satisfaction of a claim for which the owner of the property may be liable; and
- (8) all causes of action, which involve either the tribe, its officers, agents, employees, property or enterprises, a member of the tribe, a member of a

federally recognized tribe, or any other matter which effects the interest or rights of the tribe.

(b) The Nez Perce Tribe shall have criminal jurisdiction over:

(1) all crimes committed by any Indian within the boundaries of the Nez

Perce Reservation; and

(2) all violations of the Nez Perce Fish and Game Code committed by a member of the Nez Perce Tribe outside the Nez Perce Reservation at any usual and accustomed fishing place or upon open and unclaimed lands.

ESTABLISHMENT OF COURTS; JUDGES AND OTHER COURT PERSONNEL

§ 1-1-13 Establishment of Court

There is hereby established the Nez Perce Tribal Court. The Court shall exercise the jurisdiction of the Nez Perce Tribe including any civil, criminal or juvenile action.

§ 1-1-14 Appointment and Number of Judges of the Nez Perce Tribal Judiciary

The Nez Perce Tribal Court shall consist of one chief judge and as many associate judges as the Nez Perce Tribal Executive Committee shall appoint.

§ 1-1-15 Judges - Probationary Period; Selection and Training

(a) The Nez Perce Tribal Executive Committee shall appoint for a probationary term of ninety (90) days, a chief judge and one or more associate judges who shall be empowered to act in the absence of the chief judge. During such probationary term, the chief judge or any associate judge may be removed by the Nez Perce Tribal Executive Committee without cause.

(b) Following satisfactory completion of their probationary term, judges may be appointed by NPTEC to a regular term of four years; provided that during such term, a chief judge or associate judge may be removed by NPTEC for cause.

(c) Any judge may be reappointed for any number of terms by the Nez Perce Tribal Executive Committee. Any judge who is not subject to removal for cause **may** be reappointed for a subsequent term of 4 years.

(d) All appointed judges of the Tribal Court shall be required to complete 45 hours of legal and/or judicial training a year as a minimum for continuing judicial education.