

TITLE 3. TRIBAL COURT

Chapter 3.3

JUDGES

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3.3.1. Qualifications. Each judge of the Suquamish Tribal Court must be thirty-five (35) years of age or over, of good moral character, and may not have ever been convicted of a felony or convicted of a misdemeanor within the year immediately preceding appointment. Each judge must be a graduate of an accredited law school and licensed to practice law in any jurisdiction, and have sufficient training or experience to be capable of performing the duties of the office. Training or experience is sufficient if it has resulted in a working knowledge of the law, including the attributes of tribal sovereignty; tribal, state, and federal jurisdiction; due process; civil and criminal procedure; evidence; and legal research and writing. (Prior code Ch. I, Art. IV, §1; amended by Res. 89-007 (part), passed Jan. 17, 1989; amended Oct. 9, 1989; amended by Res. 2017-202, passed Oct. 9, 2017)

3.3.2. Appointment and Term of Office. The Suquamish Tribal Council appoints all judges, including judges pro tem. Each judge, not including pro tem judges, will hold office for a term of three (3) years. The Tribal Council has the power, at the time of appointment only, to restrict or limit any judge's powers. These restrictions must be in the resolution of appointment. (Prior code Ch. I, Art. IV, §2; amended by Res. 89-007 (part), passed Jan. 17, 1989)

3.3.3. Removal. Judges may be removed from office only after due notice and a hearing, at which a judge may be represented by counsel, by two-thirds (2/3) vote of the Suquamish Tribal Council. A judge may be removed only if there is reasonable cause to believe the judge to be guilty of malfeasance or misfeasance in office, neglect of duty, mental or physical incapacity to perform the duties of the office, or if the judge has been convicted of a criminal offense in a state, federal, or tribal court since entering office. (Prior code Ch. I, Art. IV, §3; amended by Res. 89-007 (part), passed Jan. 17, 1989; amended by Res. 2017-202, passed Oct. 9, 2017)

3.3.4. Salaries. The salaries of the chief judge, associate judges, and appellate judges will be set at the time of appointment. A judge's salary may be increased but not decreased during his or her term. (Prior code Ch. I, Art. IV, §4; amended by Res. 89-007 (part), passed Jan. 17, 1989)

3.3.5. Other Duties. The chief judge, in addition to his or her judicial duties, has the authority to supervise the work of associate judges, the court clerk, and other personnel the Tribal Council assigns to the Court. (Prior code Ch. I, Art. IV, §5; amended by Res. 89-007 (part), passed Jan. 17, 1989)

3.3.6. Powers. The judges will hear and determine all matters which are properly and regularly filed in the tribal courts of the Port Madison Indian Reservation. Judges have power to issue subpoenas to compel attendance of witnesses on their own motion or on a party's motion and may punish witnesses who do not comply with such subpoenas. (Prior code Ch. I, Art. IV, §6)

3.3.7. Rules of Court. The chief judge may adopt rules of pleading, practice, and procedure, as well as uniform rules for the admission of evidence. These rules are applicable to any or all proceedings in the Tribal Court and in the Court of Appeals. The judge may also require the use of standard forms for pleadings, motions, and other documents that parties file in court, as well as for judgments, writs, warrants, and other court orders. (Prior code Ch. I, Art. IV, §7; amended by Res. 89-007 (part), passed Jan. 17, 1989)

3.3.8. Disqualification. (a) No judge is qualified to act in any case where he or she has an interest, is or has been a material witness, or is related to any party or that party's counsel by marriage or blood in the first or second degree. A judge may be disqualified upon his or her own motion or by application by any party in the proceeding upon filing a verified motion in writing.

(b) In case of the death, illness, or incapacity of the judge during the course of a trial, the chief judge will order a new trial and designate another judge, who will have the same power, authority, and jurisdiction as the original judge. (Prior code Ch. I, Art. IV, §9; amended by Res. 2017-202, passed Oct. 9, 2017)

3.3.9. Assignment. The chief judge will assign all cases, criminal and civil, arising under this code. (Prior code Ch. I, Art. IV, §10; amended by Res. 89-007 (part), passed Jan. 17, 1989)

3.3.10. Youth Court Judges. In addition to other duties and powers specifically set forth in this chapter, trial court judges have the same duties and powers as youth court judges of the Port Madison Indian Reservation when so assigned. (Res. 88-048 (part), passed July 11, 1988)

3.3.11. Judges Pro Tem. (a) The Suquamish Tribal Council may appoint judges pro tem and these judges may serve in the following circumstances:

(1) When any judge is unable to fulfill judicial duties due to any temporary cause while that cause is ongoing;

(2) When any judge is disqualified in the matter to which the disqualification relates;

(3) When any judge has died, resigned, or been removed from office until a permanent replacement is appointed; or

(4) When no judge of the Suquamish Tribal Court is available to act in place of such appointment.

(b) Judges pro tem may be appointed only upon the chief judge's certification that circumstances described in §3.3.11(a) exist or when the circumstances described in §3.3.11(a) exist with regard to the chief judge.

(c) Except as provided in this section, this title's provisions apply to judges pro tem in the same way that they apply to other judges. (Res. 88-048, passed July 11, 1988; amended by Res. 89-007 (part), passed Jan. 17, 1989)

Note: Resolution 2017-202, passed Oct. 9, 2017, made changes to the language, but not the content, of sections 3.3.2, 3.3.4, 3.3.5, 3.3.6, 3.3.7, 3.3.9, 3.3.10, and 3.3.11.