

BISHOP PAIUTE TRIBE

BISHOP PAIUTE TRIBAL COURT ORDINANCE NO. 2003-03
Adopted August 28, 2003

Amended: July 21, 2020 (See Resolution T2020-66)

BE IT ENACTED BY THE BISHOP PAIUTE TRIBAL COUNCIL THAT THIS ORDINANCE ESTABLISHING THE TRIBAL COURTS AND THE JUDICIAL DEPARTMENT OF THE BISHOP PAIUTE TRIBE IS HEREBY DULY ADOPTED, AS FOLLOWS:

Section 1.0 Title

This Ordinance shall be known as the Bishop Paiute Tribal Court Ordinance.

Section 2.0 The Judicial Department

The judicial power of the Bishop Paiute Tribe ("Tribe") shall be vested in the judiciary which shall consist of a Tribal Court and a Court of Appeals, which are hereby created, and such other lower courts as shall be deemed necessary by the Bishop Paiute Tribal Council ("Council").

Section 3.0 Jurisdiction of the Court

All judicial power of the Bishop Paiute Tribe arising under this document, the laws and customs of the Tribe by virtue of the Tribe's inherent sovereignty, or which are vested in the Tribal Courts by the laws of the United States, shall be vested in the Bishop Paiute Tribal Courts ("Courts"), which shall exercise jurisdiction over all cases and controversies within the jurisdiction of the Tribe, in law and in equity, which are from time to time delegated to the Courts by the Tribal Council or the General Council, through a general election voting process, or by duly enacted ordinance, which jurisdiction shall include initially the subject matter included in the Tribe's Environmental, Housing, Animal Control, Records Ordinances. In addition, the courts of the Bishop Paiute Tribe shall have jurisdiction over any legal agreement executed by the Tribal Council or other tribal entity, provided the legal agreement recognizes that jurisdiction to enforce or address said agreement lies with the Bishop Paiute Tribal Courts.

Section 4.0 Exercise of Jurisdiction

The Bishop Paiute Tribe does hereby assume and exercise and shall assert all civil and criminal jurisdiction and all regulatory and adjudicatory powers which are not inconsistent with the laws of the United States. The Courts shall exercise subject matter and personal jurisdiction to the greatest extent permitted by the laws of the United States, including but not limited to, jurisdiction as set forth herein, including civil jurisdiction over all persons found within the Bishop Paiute Reservation ("Reservation") and over all persons or entities who commit a tortious act or transact business within the territorial jurisdiction of the Court, subject to such limitations as may be determined by the Bishop Paiute Tribal Council.

Section 5.0 Independence of the Courts

All judicial power shall be exercised by the Courts created herein, which shall be a separate branch of the government of the Bishop Paiute Tribe, and shall be independent of and separate from all other branches of Tribal government. No other branch of Bishop Paiute Tribal government shall modify a decision of the Court or pass any law or ordinance, the purpose of which is to provide a solution to or change the result in a case which is in process in the Bishop Paiute Tribal Courts.

Section 6.0 Power of the Courts

The Bishop Paiute Tribal Courts shall have, in addition to the powers which are inherent in courts established under the laws of sovereign Indian nations, the power to interpret, construe, and apply the laws of or the laws applicable to the Tribe, to issue judgments, injunctions, attachments, execution, writs of mandamus, quo warranto, review, certiorari, prohibition, and to establish by rule Court procedures for the operation of the Bishop Paiute Tribal Courts.

Section 7.0 Composition of the Bishop Paiute Tribal Court

The Court shall be composed of one chief judge and such associate judges as may be deemed necessary by the Bishop Paiute Tribal Council.

Section 8.0 The Bishop Paiute Tribal Appellate Court

The Bishop Paiute Tribal Appellate Court shall hear appeals from the Bishop Paiute Tribal Court pursuant to rules to be adopted by the said Appellate Court and shall consist of three justices and one alternate justice. All decisions of the Appellate Court

shall be set forth in a written opinion, and the decision of the Appellate Court shall be final. The Tribe may, by duly enacted ordinance, name the judges or justices, who are members of an existing Tribal Appeals Court, as the justices of the Bishop Paiute Tribal Appellate Court.

Section 9.0 Appointment of Judges and Justices

The judges and appellate justices shall be appointed by the Bishop Paiute Tribal Council and shall serve for term as set forth in the judges' contract, unless recalled as hereinafter set forth. All judges and justices shall be graduates of accredited law schools, currently admitted to practice in the courts of not less than one state and shall have not less than five (5) years experience as lawyers in legal matters involving tribes and tribal members. A judge or justice may be recalled from office pursuant to a procedure established by the Tribal Council.

Section 10.0 Applicable Law

The Courts of the Bishop Paiute Tribe shall apply the ordinances adopted by the Bishop Paiute Tribe, and, where applicable, the customs and traditions of the Bishop Paiute Tribe, together with the law and applicable regulations as required by the laws of the United States.

CERTIFICATION

The foregoing Amendment to the BISHOP PAIUTE TRIBAL COURT ORDINANCE NO. 2003-03 (adopted August 28, 2003) was passed at a duly called meeting of the Bishop Paiute Tribal Council held on the 21ST day of July, 2020, with a quorum present and voting 4 AYES, 0 NAYS, 0 ABSTAINING, and 0 ABSENT.

BISHOP PAIUTE TRIBAL COUNCIL:


Tribal Chairman

DATE: 7/21/2020

ATTEST:


Secretary

DATE: 7/21/2020



BISHOP TRIBAL COUNCIL

RESOLUTION T2020-66

SUBJECT: Amendment to Bishop Paiute Tribal Court Ordinance No. 2003-03

WHEREAS: The Bishop Paiute Tribe is a federally recognized Indian Tribe and the Bishop Paiute Tribal Council (Council) is the duly elected federally recognized governing body of the Bishop Paiute Tribe, Bishop Paiute Reservation, Bishop California hereinafter referred to as "Tribe"; and

WHEREAS: Tribal Ordinances have periodically been amended to reflect the changing environment and needs of the Bishop Paiute Tribe; and

WHEREAS: It has been determined that the presently proposed Amendment to the Bishop Paiute Tribal Court Ordinance No. 2003-03 (Ordinance) is required and necessary to be updated for purposes of providing the Bishop Paiute Tribal Court (Court) with jurisdiction over any legal Agreement executed by the Council or other Tribal entity, provided the legal Agreement recognizes that jurisdiction to enforce or address the Agreements lies with the Bishop Paiute Tribal Courts.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: That the Bishop Tribal Council hereby authorizes the amendment of Section 3 of Ordinance No. 2003-03 known as the **BISHOP PAIUTE TRIBAL COURT ORDINANCE** as follows:

Section 3.0 Jurisdiction of the Court

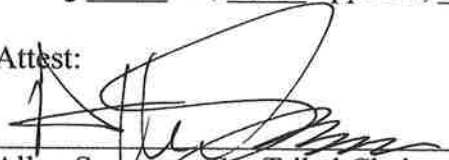
All judicial power of the Bishop Paiute Tribe arising under this document, the laws and customs of the Tribe by virtue of the Tribe's inherent sovereignty, or which are vested in the Tribal Courts by the laws of the United States, shall be vested in the Bishop Paiute Tribal Courts ("Courts"), which shall exercise jurisdiction over all cases and controversies within the jurisdiction of the Tribe, in law and in equity, which are from time to time delegated to the Courts by the Council or the General Council, through a general election voting process, or by duly enacted ordinance, which jurisdiction shall include initially the subject matter included in the Tribe's Environmental, Housing, Animal Control, Records Ordinances. In addition, the courts of the Bishop Paiute Tribe shall have jurisdiction over any legal agreement executed by the Council or other tribal entity, provided the legal agreement recognizes that jurisdiction to enforce or address said agreement lies with the Bishop Paiute Tribal Courts.

BE IT FURTHER RESOLVED: the Council authorizes its Tribal Chairman and Secretary to execute the Certification portion of the Amended Ordinance No. 2003-03.

CERTIFICATION

We the undersigned, as the Chairman and Secretary of the Bishop Paiute Tribal Council, hereby certify that at a duly called Tribal Council meeting, which convened on the 21st day of July, 2020, approved the foregoing resolution at which a quorum of 5 members were present and voting 4 for, 0 opposed, 0 abstaining, motion carried.

Attest:



Allen Summers, Sr., Tribal Chairman

7/21/2020

Date



Jeff Romero, Secretary/Treasurer

7/21/2020

Date