

BISHOP PAIUTE TRIBAL COURT

TRIBAL COURT RULES

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BISHOP PAIUTE TRIBAL COURT

TRIBAL COURT RULES

Rule 1 Title.

This document codifies the Bishop Paiute Tribal Court Rules of Court and may be referred to as “Rules of Court,” “Tribal Court Rules,” and/or “Rules.” These Rules govern all proceedings in the Bishop Paiute Tribal Court. Unless otherwise noted in these Rules and/or the Bishop Paiute Tribal Code, the Rules herein apply only to the Tribal Court, not to the Bishop Paiute Appeals Court.

Rule 2 Authority.

Rule 2.1 General.

The Bishop Paiute Tribal Council, as the duly elected and authorized governing body of the Bishop Paiute Tribe, a federally recognized Indian Tribe, has established the Bishop Paiute Tribal Court and vested the judicial power of the Bishop Paiute Tribe therein.

Rule 2.2 Promulgation of Court Rules.

The Bishop Paiute Tribal Council has vested in the Bishop Paiute Tribal Court the power to establish Tribal Court Rules.

Rule 3 Jurisdiction.

The Bishop Paiute Tribal Court exercises jurisdiction over all cases and controversies not inconsistent with the Bishop Paiute Tribal Court Code and all other Bishop Paiute Tribal Codes and Ordinances.

Rule 4 Purpose.

Rule 4.1 General.

The purpose of the Bishop Paiute Tribal Court Rules of Court is to ensure and further justice. The Rules shall be applied and interpreted to ensure justice to all parties in all civil matters before the Tribal Court.

Rule 4.2 Governing Principles.

The Bishop Paiute Tribal Court Rules of Court shall govern all actions in the Tribal Court. Where these Tribal Court Rules do not expressly address a question, the Tribal Court may issue any order to accomplish substantial justice at its discretion. They are intended to provide for a just determination in every proceeding and shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expenses or delay. As appropriate, the Court will adhere to the Tribe’s cultural principles and notions of fairness whenever such adherence is reflective of the best practices for resolution of the issues before the Tribal Court not inconsistent with the Bishop Paiute Tribal Court Code.

The Bishop Paiute Tribal Council and the Tribal Court are aware that parties may come before the Tribal Court without formal representation or advocates who may not be law-trained. These Rules are not meant to create an environment that favors law-trained represented persons and will not be enforced in such a manner as to create such an outcome. Rather, the Rules are meant to guide the parties to a fair and just resolution by providing a framework for resolution.

The Bishop Paiute Tribal Council and the Tribal Court are committed to the establishment of a Tribal Court judicial system that is specific to the Bishop Paiute and provides a culturally appropriate forum for resolution of conflicts arising within or affecting the Tribe. Both the form and substance of the laws of the Bishop Paiute Tribe are meant to create justice in a culturally responsive manner. To that end, form will not be favored over substance, and the Tribal Court will seek results that promote the good stewardship necessary to promote and maintain balance within the Tribe's community and its members.

Rule 5 Definitions.

The following words and phrases have the meanings given below when used in these Rules:

“Administrator/Clerk” means the Clerk of the Bishop Paiute Tribal Court.

“Affidavit” means a written, notarized sworn statement confirmed by oath or affirmation, for use as evidence in court, under penalty of perjury. See also “Declaration.”

“Answer” means “Response” as defined hereunder.

“Appellate Court” or “Court of Appeals” means the Bishop Paiute Appellate Court.

“Appellate Rule(s)” or “Court of Appeals Rule(s)” means the Appellate Court Rules.

“Bailiff” includes Tribal Police and Security Officers and means an official in the Tribal Court who keeps order.

“Business Day(s)” means Monday through Friday, 8:00am to 5:00pm, and excludes weekends, Tribal holidays, and any calendar day that the Tribe directs the Tribal Court is closed. Half-day closures of the Tribal Court are treated as full-day closures for the purpose of Business Day(s). For filing purposes, business days are used. See also “Court Day(s).”

“Calendar Day(s)” means each full, 24-hour day on the calendar, including Monday through Friday, Saturdays, Sundays, and Tribal holidays, but excludes any calendar day that the Tribe directs the Tribal Court closed. Half-day closures of the Tribal Court are treated as full-day closures for the purpose of Calendar Day(s). For service purposes, calendar days are used, except in the case of Sundays or Tribal holidays, i.e. if the calendar day on which service is required to have been made is a Sunday or a Tribal holiday, then the next business day is the service deadline.

“Chief Judge” or “Chief Tribal Court judge” means the Chief Judge of the Tribal Court.

“Code(s)” or “Ordinance(s)” means the statutory laws of the Bishop Paiute Tribe.

“Complaint” means a civil complaint or legal document that formally initiates a civil lawsuit as authorized by the Codes and Ordinances of the Bishop Paiute Tribe. It outlines the plaintiff's or petitioner's claims against the defendants or respondents, specifying the basis for the lawsuit, the specific tribal law that authorizes plaintiff to file a complaint (i.e. “Nuisance,” “Trespass,” “Small Claims,” etc.) and the relief the plaintiff is seeking. See also “Petition.”

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“Contested Hearing” means a hearing where at least one-party objects to one or more matters before the Tribal Court; parties present opposing views, evidence, and arguments, and the Judge then decides based on the evidence and arguments presented.

“Court Day(s)” means “Business Day(s)” as defined above.

“Citation” means a formal civil notice issued to a party for a violation of Tribal law, directing them to appear in Tribal Court or otherwise respond to the charge.

“Council” or “Tribal Council” means the Bishop Paiute Tribal Council.

“Court” or “Tribal Court” means the Bishop Paiute Tribal Court.

“Declaration” means a written statement that is not notarized, but signed under penalty of perjury, used to present facts and evidence to the Court. See also “Affidavit.”

“*Ex Parte*” means documents filed with, or proceedings before, the Tribal Court generally without notice to or argument from the adverse party.

“*Ex Parte communication*” means a communication between counsel and the court when opposing counsel is not present.

“Fine(s)” means a monetary penalty of United States dollars that the Tribal Court may order a party to pay.

“Hearing” means a formal proceeding before the Tribal Court where evidence and arguments are presented to resolve a specific issue, whether a question of fact or law, and can address motions, preliminary matters, or even resolve a case. See also “Trial.”

“Judgment(s)” means “Order(s)” as defined hereunder.

“Juvenile” means “Youth” as defined hereunder.

“Order(s)” or “Order(s) of Court” means a formal, signed document or oral ruling during open court issued by the Tribal Court Judge or Court that communicates the Tribal Court’s decisions and judgments; an order may direct a person or entity to perform or refrain from performing a specific action, establish rights, outline obligations, or guide future proceedings. See “Judgment(s)” above.

“Order After Hearing” means an order that formally records and memorializes the Tribal Court Judge’s decision(s) or order(s) made during or subsequent to a hearing.

“Party” means a person or entity taking part in a legal action transaction, i.e. the plaintiff or petitioner bringing the case, the defendant or respondent defending against one, and/or the attorney or advocate representing the plaintiff/petitioner or defendant/respondent.

“Perjury” means the act or an instance of a person deliberately making materially false or misleading statements under oath.

“Petition” means “Complaint” as defined above.

“Request for a Protection Order” means a formal legal application filed with the Tribal Court asking for the Judge to issue a restraining order or protective order to protect an individual from potential harm, abuse, or harassment from another person.

“Reservation” means the Bishop Paiute Reservation.

“Response” means a written response to the opposing party. See also “Answer.”

“Rule(s)” or “Rules of Court” means the “Tribal Court Rule(s)” as defined hereunder.

“Ruling(s)” means “Judgment(s)” as defined above. See also “Order(s)” as defined above.

“Service of Process” means the legal process of formally notifying a party that they are involved in a civil case or proceeding.

“Trial” means “Hearing” as defined above.

“Tribal Court Rule(s)” means the Rules of the Bishop Paiute Tribal Court, promulgated herein.

“Tribe” or “Tribal” means the Bishop Paiute Tribe, including its Tribal government, people, departments, agencies, offices, and enterprises.

“Unlawful Detainer” means a legal action filed to evict a tenant and regain possession of a rental property where the tenant is no longer legally entitled to occupy it.

“Working Day(s)” means “Business Day(s)” as defined above.

“Youth” means an individual under the age of eighteen (18) who is also a Tribal member, a person eligible for Tribal membership, or a member or descendant of a federally recognized Indian tribe living within the Bishop Paiute Tribal Service Area.

Rule 6 Additional Rules.

Rule 6.1 General.

Unless otherwise required by a Tribal Code, the Tribal Court in its sole discretion may shorten time, extend time, waive, or excuse or forgive non-compliance with any of the Tribal Rules of Court.

Rule 6.2 Discretion.

The Tribal Court has the sole discretion to limit, broaden, or modify the application of any Rule in a specific case. Where the Tribal Court Rules do not expressly address a question, the Tribal Court

may issue an order to accomplish substantial justice at its discretion. The Court may, at its discretion, look to the California or Federal Rules of Court, or any other relevant laws, rules or court decisions for guidance in the application or modification of the Rules herein.

Rule 6.3 Sanctions.

The Tribal Court, in its discretion, may impose one or more sanctions for any violation of these Rules. Such sanctions may include, but are not limited to:

1. A verbal or written warning;
2. Evidentiary sanctions;
3. Monetary sanctions;
4. Exclusion or removal from the courtroom and/or Bishop Paiute Tribal Court facilities; and
5. Any other sanction(s) deemed appropriate to the circumstances at the discretion of the Tribal Court, including those sanctions authorized herein under "Sanctions, Remedies, and Contempt of Court."

Rule 7 Modification of Court Rules.

These Tribal Court Rules may be modified from time to time and are subject to modification without notice. All modifications to the Rules promulgated by the Tribal Court are subject to approval by the Tribal Council.

Rule 8 Representation.

Any party may be represented by an "attorney" or "advocate" admitted to practice before the Bishop Paiute Tribal Court., at the sole expense of the party retaining or hiring the attorney or advocate. An advocate is often a lay person who speaks for and represents the party. If provided by the applicable Tribal Code, a party may seek an award of attorney or advocate fees and/or costs.

Rule 9 Attorney, Advocate Admission to the Tribal Court and Self-Help Centers.

Rule 9.1 General.

A person who seeks admission to practice before the Tribal Court as an attorney or advocate shall file with the Administrator/Clerk an application for admission setting forth their qualifications.

Rule 9.2 Requirements Specific to Attorneys.

Any person who is applying as an attorney must be an active, or, if a judge, an inactive member, in good standing of the bar of any state or federal court. The Tribal Court in its discretion may admit an applicant who is a graduate of an accredited law school but not admitted to the bar of a state or federal court, to serve as an advocate. A party may alternatively elect to be represented by a Tribal Court Advocate who shall speak for and represent the party.

Rule 9.3 Requirements Specific to Advocates.

An individual who seeks admission to the Court as an Advocate must be the age of eighteen (18) years or over and has obtained a high school diploma or the equivalent.

Rule 9.4 Requirements for Attorneys and Advocates.

Absent leave of the Tribal Court, an individual seeking to be admitted to the Court as an attorney or advocate must:

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1. Sign a certification that they have read and are familiar with the Tribal Court Code, the Tribal Court Rules and other Tribal Codes or Ordinances applicable to the proceedings, and certify they will uphold and apply them in practice before the Court;
2. Agree to comply with all Rules herein and directions of the Court;
3. Agree to comply with the substance and spirit of the California Rules of Professional Conduct as well as the customs and traditions of the Tribe;
4. Successfully complete and/or commit to successfully completing relevant training(s) and/or continuing education training(s) at the direction of the Court. Alternatively, an attorney can certify they are in compliance with the Minimum Continuing Legal Education (MCLE) requirements of the jurisdiction in which they are licensed.

At the discretion of the Tribal Court, an individual seeking to be admitted as an advocate to practice before the Court and/or maintain admission to the Court may be required to pass the Bishop Paiute Tribal Court Advocate Exam with a minimum score of 75%.

In order to obtain and/or maintain admission to the Court, the above requirements, where applicable, must be met annually, absent leave of Court.

Rule 9.5 Admission Fees.

Each application and/or renewal must be accompanied by an admission fee as described in the Tribal Court's Schedule of Fees, to be paid annually on January 1 of each year. This fee is required to retain good standing to practice before the Court. Fees for attorneys representing the Tribe or tribal entities are waived.

Rule 9.6 Costs.

All costs of representation by an attorney or advocate shall be paid by the party who chooses to be represented by the attorney or advocate.

Rule 9.7 List of Admitted Attorneys, Advocates.

The Administrator/Clerk shall maintain a list(s) of individuals admitted to the Tribal Court as an attorney or advocate., which list(s) shall be available to the public. The list shall include the name, address, telephone and/or email address, and any particular area of practice, as provided by the attorney or advocate.

Rule 9.8 Notice.

Any attorney or advocate who is representing a party in any matter before the Tribal Court must immediately serve and file a Notice of Appearance and Representation.

Rule 9.9 Denial, Disbarment.

The Court, may deny admission to or remove any attorney or advocate admitted to practice in the Tribal Court if evidence is brought to the attention of the court that they have engaged in conduct unbecoming an officer of the court, or other good cause.

Rule 9.10 Pro Per Representation.

Any adult who has not been adjudged as incompetent who wishes to commence an action in the Tribal Court, or who has been named as a party to a proceeding, may represent themselves before

the Court.

Rule 9.11 Self-Help Centers.

The Court Clerk shall maintain a public list of Tribal and other local self-help centers, who may not represent any party, or provide legal advice, but who may assist either or both parties in understanding court processes and procedures, as well as assisting them in the preparation, service, and filing of pleadings and documents.

Rule 10 Filing.

Rule 10.1 General.

Documents submitted to the Tribal Court for filing shall be submitted to the Administrator/Clerk of the Court, or a person designated as a Filing or Deputy Clerk (or with a judicial officer of the Court, including the Chief Judge) for the purpose of filing or receiving documents. All documents submitted for filing or lodging with the Court shall include in the title the case name, the case number, and the next Court date, if assigned and known. Including the next court date serves as a reminder to the parties and helps Tribal Court staff to prioritize filing.

Rule 10.2 File Stamping.

Before a document may become an official part of the Tribal Court record, it must first be file stamped by the Administrator/Clerk of the Court. The file-stamp shall be dated and initialed. The Clerk shall keep original documents in the Court's file. Documents such as cover letters and memos pertaining solely to procedural matters shall not be file stamped, but shall be stamped "Received," dated and placed on the left side of the file. Similarly, all documents being lodged with the Court, such as proposed orders/judgments, shall be stamped "Received," dated, and placed on the left side of the file. All documents in the case file shall be maintained in chronological order, with the latest documents appearing on top.

Rule 10.3 Required Signatures and Electronic Signatures.

On any filing submitted to the Tribal Court, an electronic signature shall have the same legal effect as an original signature. When a document requires the signature under penalty of perjury, the document shall be deemed to have been signed if the document has been signed using a computer or other technology. Every document filed with the court must be signed by the party filing it or by their attorney, advocate, or other representative, or as otherwise required by an applicable Tribal Code.

Rule 10.4 Effective Filings, Dates.

For filings to be effective, the filed document(s) must be:

1. Presented and received in person by Tribal Court personnel in the Office of the Tribal Court Administrator/Clerk;
2. Received in the Office of the Court Administrator/Clerk via United States mail identified as a document or documents to be filed;
3. Received via electronic mail/email to the Tribal Court Administrator/Clerk identified as a document or documents to be filed; or
4. Depositing the document(s) in the designated Tribal Court Drop Box ("Drop Box").

The filing is then effective when the document(s) are accepted for filing by the Tribal Court, as Tribal Court Rules – Approved by Tribal Council 8.19.2026

indicated by affixing the Tribal Court's official stamp reflecting the date of filing. Filing in any location or by any method other than as provided herein is ineffective.

Rule 10.4.a Filing "in Person."

The official filing date for "in person" filing is the date the filing is accepted for filing as indicated by the Court Administrator/Clerk and/or other Tribal Court personnel affixing the Tribal Court's official stamp reflecting the date of filing.

Rule 10.4.b Filing via United States Mail.

Filing via United States mail requires payment of postage by the filing party to United States mail, addressed to the Bishop Paiute Tribal Court, and provided to the United States Postal Service (USPS), Fedex, UPS, or any other mail delivery service. The filing party shall confirm the current mailing address of the Bishop Paiute Tribal Court with the Court Administrator/Clerk and/or other Tribal Court personnel via telephone or email. The official filing date for filing via United States mail is the date the filing is accepted for filing as indicated by the Court Administrator/Clerk and/or other Tribal Court personnel affixing the Tribal Court's official stamp reflecting the date of filing.

Rule 10.4.c Filing via "Electronic Mail/Email."

Filing via "electronic mail/email" requires emailing the Court Administrator/Clerk the document(s) to be filed as Portable Document Format (PDF) attachment(s), with the relevant case number (if one has been issued) included in the subject line of the email, to [electronic filing email]. Failure to include the correct case number in the subject line of the email may result in delayed filing(s), missed deadlines, and any other consequences not inconsistent with these Rules, at the discretion of the Tribal Court. The filing party shall confirm the current email address of the Bishop Paiute Tribal Court with the Court Administrator/Clerk and/or other Tribal Court personnel via telephone. The official filing date for electronic mail filing is the date the filing is transmitted to, received by, and accepted by the Court Administrator/Clerk for filing as indicated by the Court Administrator/Clerk and/or other Tribal Court personnel affixing the Tribal Court's official stamp reflecting the date of filing.

Rule 10.4.c.1 Technical Requirements.

The following technical requirements are necessary for effective electronic mail/email filings in the Tribal Court:

1. Documents must be electronically submitted in legible, PDF, text searchable format.
2. Accompanying documents must be emailed as a separate digital document in legible, PDF, text searchable format.
3. If a party moves for documents to be filed under seal, those documents shall be accepted under seal until the Court reviews the documents and determines they meet the criteria for filing under seal. The burden of accurately designating the documents as sealed at the time of submission is the responsibility of the submitting party.
4. It is the responsibility of the submitting party to redact confidential information (such as, including but not limited to, using initials for names of minors, using the last four digits of a social security number, and using the year for date of birth, etc.) so that the information shall not be publicly displayed.
5. Proposed orders shall be lodged with the Court in both PDF and Word versions. The Word version must be submitted as a separate document in the same email.

Rule 10.4.c.2 Electronic Signatures.

An electronic signature on an electronic filing shall have the same legal effect as an original signature.

Rule 10.4.d Filing via Tribal Court Drop Box.

Filing via the Tribal Court Drop Box requires depositing the document(s) to be filed in the Drop Box, located at the Tribal Court, and notifying the Court Administrator/Clerk of the deposit in the Drop Box via telephone or email contact within one hour of the deposit or, if exigent circumstances exist, at the earliest time possible. Failure to notify the Court Administrator/Clerk of filing via the Drop Box may result in delayed filing(s), missed deadlines, and any other consequences not inconsistent with these Rules, at the discretion of the Tribal Court. The official filing date for Drop Box filing is the date the filing is retrieved from the Drop Box) and accepted for filing as indicated by the Court Administrator/Clerk and/or other Tribal Court personnel affixing the Tribal Court's official stamp reflecting the date of filing.

Rule 10.5 Documents Not Accepted for Filing.

Documents not accepted for filing may, in the Tribal Court's discretion, be received and lodged with the Court, as indicated by Tribal Court personnel affixing the Tribal Court's official stamp reflecting the date the document(s) was/were received and lodged with the Court, though not officially accepted for filing. The filing party shall be notified by court personnel of the reason why the documents have not been accepted for filing and, if appropriate, given the opportunity to amend or correct the filing.

Rule 10.6 Timing.

Rule 10.6.a General.

The time permitted for any action or response shall be counted from the day after the act, event, or completed service which sets the time period in motion. If the final day for filing a response, answer, or taking other appropriate action falls on a non-court day, the time period will extend to the next court day.

Rule 10.6.b Extensions.

A party may make a motion for an extension of time for good cause. The Tribal Court may grant such extensions at its discretion and on an *ex parte* basis. Unless otherwise provided by the Code or the Appellate Rules of Court, these Rules pertaining to timing of filings do not apply to the filing of notices of appeal or other documents related to appeals.

Rule 10.7 Late Filings.

A motion and proposed order may be served and filed requesting Court approval for late filing of any pleading or document. An affidavit or declaration demonstrating good cause must accompany any motion for late filing. The Court may rule on the motion, in its discretion, on an *ex parte* basis. This Rule does not apply to appeals unless otherwise provided by Tribal law and/or Tribal Appeals Court Rules.

Rule 10.8 Initial Filing.

The Administrator/Clerk of the Tribal Court shall assign each newly filed case a case number and shall issue a Summons, Notice of Hearing, or other appropriate notice to the parties to the case. A copy of the Summons or Court Notice must accompany the complaint when it is served on the opposing party. Although the Administrator/Clerk of the Tribal Court may assist the filing party

by coordinating with the Bishop Paiute Tribal Police, Inyo County Sheriff, or out-of-county law enforcement agencies for service of process, it is ultimately the responsibility of the filing party to ensure the opposing party is properly served with the initial court filing, and all future court filings.

Rule 10.9 Amendments to Filings.

A party may amend a pleading prior to the filing of an answer or other response by the opposing party. If a response has already been filed, the party seeking to amend a pleading may do so only by order of the court after notice and an opportunity to be heard by the party opposing the amendment.

Rule 10.10 Answers or Other Responsive Pleadings

Any matter authorized by a Tribal Code that involves the filing of a petition or complaint that also provides the respondent with the opportunity to file an Answer or other responsive pleading shall be authorized to do so within twenty (20) Court days after receipt of service of the summons and initial filing, unless a different response date is otherwise provided by Tribal law.

Rule 11 Court Fees.

Rule 11.1 General.

Any party who chooses to invoke the powers of the Tribal Court or to defend any cause shall pay a filing fee unless the Court is authorized to and does waive or discount the filing fee for good cause shown. The Court shall maintain a separate Filing Fee Schedule that shall be posted in the Court and that shall remain in effect until amended by the Tribal Council. The Tribal Council and other Tribal departments or entities are exempt from having to pay fees.

Rule 11.2 Fee Schedule.

The Administrator/Clerk of the Tribal Court shall set forth and maintain a schedule of filing fees and other fees required for services from the Court. The fees shall be set by the Tribal Council in consultation with the Chief Judge. The Schedule of Fees shall be posted in the Court and available for viewing by the public.

Rule 11.3 Fee Waivers.

Unless prohibited by a Tribal Code, a person may apply in writing for a waiver or discount of the filing fee. The person must demonstrate indigency or other good cause for waiving or discounting filing fees. The person must complete the required court application and a financial declaration. The Court may require additional information, documentation, and/or testimony before ruling on the application. The Court will rule on the applications on an *ex parte* basis, and the application, financial declaration, other required information related to the application, and the Court's written decision, shall be confidential and not available to the public, absent order of the Court. The Clerk shall maintain such documents under a confidential seal in the Court file.

Rule 12 Service of Process and Filing Proof of Service.

Rule 12.1 General.

Service of process refers to the act of delivering a request, petition, summons, motion, notice of hearing, and/or other relevant documents to an opposing party. Except for motions which may be filed *ex parte*, every document filed with the court shall be served on all parties to the case. No

Petition, Complaint, Answer, Response, Reply or any other responsive pleading or declaration shall be filed without an attached and properly executed Proof of Service.

Rule 12.2 Personal Service.

Personal service of any court document is accomplished by delivery of a copy of the document to the named party at any place where they may be found by any person eighteen (18) years of age or older who is not a party to the proceeding. For convenience, credibility, and/or safety reasons, personal service may be performed by the Bishop Paiute Tribal Police, Inyo County Sheriff's Department, or a licensed process server.

Rule 12.3 Substituted Service, Service by Publication, Public Notice.

When personal service is required, and the party is unable to effectuate personal service, the party may apply to the court for authorization to effectuate service by "substituted service," and/or "service by publication or by public notice." Application for substituted service may be made on an *ex parte* basis.

Rule 12.3.a Application.

The party seeking authorization for substituted service or service by publication/public notice, must file a written application with the court which includes an affidavit or declaration under penalty of perjury of due diligence, providing a detailed account of efforts to accomplish personal service; and as may be applicable, other reasons why personal service cannot be accomplished. Substituted service/service by publication/public notice is only allowed when a judge has issued an order authorizing substituted service/ service by publication/public notice. The Tribal Court will only authorize substituted service/service by publication/public notice upon a sufficient showing of due diligence and good cause. The order may include requirements for substituted service/service by publication/public notice that are different or in addition to the requirements set forth herein. If such requirements are included in the order, they supersede the applicable Rules herein.

Rule 12.3.b Accomplishing Substituted Service.

When authorized by Tribal Court order, and unless otherwise directed by said court order, substituted service may be accomplished by leaving copies of the documents at the dwelling house, usual place of abode, or usual place of business of the person served, in the immediate presence of a competent member of the household or a person apparently in charge of the office or place of business, at least eighteen (18) years of age, who was informed of the general nature of the papers, and thereafter mailing by first class main, postage prepaid, copies to the person served at the place where the copies were left.

Rule 12.3.c Accomplishing Service by Publication.

When authorized by Tribal Court order, the party may be served with process by publishing the complaint, petition, request, application or notice in a newspaper or newsletter of general circulation in the vicinity of the last known address of the party, as approved or directed by the Court order. The Court may issue other mandatory requirements in said order, including, but not limited to, additional posting/public notice requirements. The legal notice shall be published for a reasonable length of time, as provided by the Court order. Service shall be deemed completed on the date of the last publication.

Rule 12.3.d Accomplishing Service by Public Notice.

When authorized by court order, the party may be served by public notice by posting the legal notice naming the party and notifying them that a legal action is pending against them in the Bishop Paiute Tribal Court, the name and contact information of the party posting the notice, and the date and time they must appear in Tribal Court, that further information is available by contacting the Administrator/Clerk of the Court, and any other information as directed in the relevant Tribal Court order.

Public notices shall be posted in a conspicuous location at any residence, place of business, and/or at least three other public places that are open to the members of the Bishop Paiute Tribe as directed by the Court order. This service shall be deemed constructive notice to the party that they are required to appear at the date and time stated in the notice.

Rule 12.4 Service by Mail.

As to the parties that have formally appeared before the court by either filing a complaint, petition, request, application, answer or other responsive pleading as provided under any Tribal Code or these Rules, with the exception of Small Claims Answers which include a Counterclaim, those parties may be served by the other parties to the action by mail, provided that a Proof of Service by Mail is attached to each document, where the Declarant states the document was mailed by first class mail, the date on which the document was mailed, that adequate postage was affixed to the envelope, specifically describes the document(s) mailed, and states the name of the party and the address to which the document(s) was mailed.

When service is authorized by mail, a party may choose to serve court documents by certified or registered mail, in which case the return receipt card shall be deemed proof of service and service shall be deemed completed on the date indicated on the return receipt. If service is made by regular mail, service will be deemed completed on the fourth (4th) day after mailing, excluding the date of mailing, Sundays, and tribal holidays.

Rule 12.4.a Service by Interoffice Delivery.

When service by mail is authorized, service may be made on persons who hold a position within the Bishop Paiute Tribal government by interoffice delivery in accordance with the Tribe's normal delivery procedures as long as a Proof of Service is attached that declares the manner, date and time of inter-office service, identifies the document(s) served, and states the name and office to whom the document(s) were directed. Service by interoffice delivery shall be deemed completed on the second court day after the Proof of Service is signed.

Rule 12.5 Service by Fax, Email.

The parties to an action may stipulate in open court on the record, by written agreement filed with the Tribal Court, or upon properly noticed motion and court order, to serve documents via fax, email, or other approved electronic method. However, the court will not accept faxed filings without prior order of the Court.

Rule 12.6 Return of Service, Proof of Service.

When any document filed with the Court is served on the opposing party, a proof of service shall also be filed with the court and shall specify the manner of service, the date of service, the address and name of the person served, the title of all documents served, and signed by the person

completing the service. The person serving the document may request the signature of the person being served as acknowledgement that they have received the document, but such signature is not required for the service to be completed.

Rule 12.7 Service Requirements in Specific Cases and Court Discretion.

Specific case types may implicate particular service requirements as indicated in these Rules or Tribal Codes. The Court, in its discretion, may shorten, extend, waive, or excuse non-compliance with such requirements.

Rule 12.8 Timing.

Rule 12.8.a General.

The time permitted for any action or response shall be counted from the day after the act, event, or completed service which sets the time period in motion. If the final day for filing a response, answer, or taking other appropriate action falls on a non-court day, the time period will extend to the next court day.

Rule 12.8.b Extensions.

A party may make a motion for an extension of time to file a responsive pleading if good cause is shown. The Tribal Court may grant such extensions at its discretion and on an *ex parte* basis. Unless otherwise provided by the Code of the Appellate Rules of Court, the Rules pertaining to timing of filings do not apply to the filing of notices of appeal or other documents related to appeals.

Rule 13 Calendaring, Remote Appearances, and Appearance by Excluded Persons.

Rule 13.1 General.

The parties, attorneys, and advocates are responsible for tracking and complying with hearings and other Tribal Court dates, as well as any changes thereto. All parties, attorneys, advocates, and witnesses must appear in person unless a remote appearance was approved by the Court prior to the hearing.

If reasonably possible, any safety concerns and/or requests should be communicated to the Tribal Police and Court Administrator/Clerk (not the judge) prior to the hearing. If such concerns arise at the hearing, such concerns should be immediately communicated to the Tribal Police Officer, Security Officer, or Bailiff present at the hearing, and the Tribal Administrator/Clerk (but not the judge).

Rule 13.2 Remote Appearances.

The Tribal Court may allow, with prior approval, telephonic, Zoom, virtual, digital, electronic, or audio remote appearances in special circumstances to accommodate parties, witnesses, attorneys/advocates to the action, as well as the public. Requests must be filed with the Court Administrator/Clerk a minimum of two (2) court days prior to the scheduled hearing, unless exigent circumstances exist. The request must include the individual's name, identification of the case or cases for which the remote appearance is requested, date of the hearing, the individual's relationship or interest in the proceeding, their email address (if any), and telephone number. Subject to approval by the Chief Judge, the Court Administrator/Clerk may develop procedures

and forms pertaining to applications for remote appearances. The requests may be granted or denied on an *ex parte* basis. Persons subject to a Tribal Resolution of Exclusion or subject to a Tribal Court Protective Order of Exclusion must appear by remote appearance as provided herein.

Rule 13.3 Appearances in Exclusion Cases.

Rule 13.3.a General.

Exclusion refers to prohibiting or conditioning entry of certain persons on the Bishop Paiute Reservation. The Tribe has a vital interest in maintaining a safe and healthy environment within the exterior boundaries of the Reservation, not only for its tribal members, but the entire community, including visitors and guests. It is within the Tribe's inherent authority to exclude individuals from the Reservation.

Rule 13.3.b Appearances of Excluded Parties.

When a party or witness is excluded from the Bishop Paiute Reservation, either by Tribal Court Temporary Protection Order, Protection Order After Hearing, and/or Tribal Council Resolution, the person must appear remotely.

Rule 13.3.c Exceptions.

Any exception to the requirement of remote appearances by all persons excluded from the Bishop Reservation, must be by authorization of the Tribal Council or Tribal Administrator and the Tribal Court, obtained in advance of the hearing. Any violation may result in arrest and/or criminal prosecution in the Superior Court of California, County of Inyo for willful violation of a court protection/restraining order and/or Tribal Resolution.

Rule 14 Conduct.

Rule 14.1 General.

All Tribal Court proceedings will be conducted in a dignified and respectful manner. Failure to comply with this Rule may result in contempt of court and/or the imposition of sanctions, removal and/or exclusion from the Court and/or Court premises.

Rule 14.2 Inappropriate Conduct.

No person shall knowingly conduct themselves in an unseemly or disorderly or culturally disrespectful manner while in the Tribal Court, whether during or outside of a court hearing. No person shall; interfere with or disturb the conduct of the Court's business in any manner; assault, harass, threaten, or demean any Court staff performing the duties of their position, including but not limited to, Court Clerks, Bishop Paiute Tribal Police Officers, Tribal Security Officers, and Court Bailiffs; block any entrance to, or exit from, the Tribal Court; and/or purposely interfere with any person's entry into or exit from the Court. Failure to comply with this Rule may result in arrest, state criminal proceedings, contempt of court, sanctions and/or removal from the Court and Court premises.

Rule 14.3 Entering, Leaving Tribal Court.

All persons who enter and leave the Tribal Court, if subject to the direction of the presiding judge and Court personnel, having been advised of the status of said personnel, are required to comply with said direction. Persons entering the Tribal Court premises shall be subject to search of their person and property, and seizure of prohibited items. Failure to comply with this Rule may result in the imposition of sanctions, and/or removal and exclusion from the Court and Court premises.

Rule 14.4 Spectators.

Spectators seeking to enter any Tribal Court courtroom will be subject to the direction of the presiding judge and/or Court personnel, including Tribal Police and Tribal Security Officers. Spectators shall sit in that portion of the courtroom or court facility as designated by Court personnel, bailiffs, or the Judge. Spectators must follow the directives of the presiding judge, Court personnel, including the Bailiff, Tribal Police Officer(s), and/or Security Officer(s) as to their entering/leaving/presence in the Court. Failure to comply with this Rule may result in the imposition of sanctions, removal and/or exclusion from the Court and/or Court premises.

Rule 14.5 Use of Electronic Equipment.

Unless authorized by the Tribal Court, no audio or video recording equipment, or any other type of electrical or electronic device used for the purpose of audio or video recording is allowed in the Court. Cell phones may not be used in any fashion without the permission of the Court, except they may receive and retain messages, so long as the device is silenced during Court proceedings. Failure to comply with this Rule may result in the imposition of sanctions, seizure of such items or equipment, and/or removal and/or exclusion from the Court and/or Court premises. Unless otherwise approved by the Chief Judge, the Court's recording device operated by a Court Administrator/Clerk or judge, or the transcript of a Court-approved stenographic court reporter, shall constitute the only official record of all Tribal Court proceedings.

Rule 14.6 Weapons.

No person shall be admitted to or allowed to remain in the Tribal Court with any object that might be used as a weapon unless they have been authorized in writing by a judge or unless they are a Tribal Law Enforcement Officer, a Deputy Sheriff, Police Officer, California Highway Patrol Officer, California Fish & Wildlife Warden, U.S. Marshal, a publicly employed law enforcement officer, or a person designated by the Court. However, law enforcement officers who are litigants in personal matters or appearing in any capacity other than as Tribal Court security or to testify for the Tribe may be required to surrender their weapons to security personnel before entering the Court. No person, except those listed above, shall have any such object in their possession while in any courtroom, clerk's office, judge's chambers, or other court spaces or facilities. Failure to comply with the Rules herein may result in seizure of the weapon(s), criminal prosecution, imposition of sanctions, and/or removal and/or exclusion from the Court and Court premises.

Rule 14.7 Enforcement.

In addition to such other penalties as may be prescribed by law, violators may be held in contempt of Court and subject to the imposition of sanctions as provided in these Rules, or the imposition of any other penalty prescribed by the laws of the Tribe. Failure to comply with the Rules herein may result in removal and/or exclusion from the Court and/or Court premises.

Rule 15 Sanctions, Remedies, and Contempt of Court.

Rule 15.1 Contempt of Court.

Anyone engaging in conduct that defies the authority or dignity of the Tribal Court or interferes with the administration of justice or violates the Court rules may be found to be in contempt of court. Contemptuous conduct includes but is not limited to: perjury, disorderly or abusive behavior towards the judge, Court employees or parties during the proceedings, disobedience of a Court order or summons, disobedience of the Court rules, including rules governing courtroom conduct

and dress.

Rule 15.2 General.

The Tribal Court, in its discretion, may impose one or more sanctions for any act of contempt, violation of any Code within the jurisdiction of the Tribal Court, these Rules, and/or willful violation of any court order or judgment. Except as may be provided by the Tribal Code applicable to the specific case, the Tribal Court can impose sanctions that may include any or all of the following:

1. A verbal or written warning;
2. Exclusion or removal from the courtroom and/or Bishop Paiute Tribal Court facilities;
3. Evidentiary sanctions;
4. Fines up to \$1,000.00;
5. Issuance of a wage garnishment/withholding order;
6. Completion of volunteer community work service;
7. Suspension of selective or all Tribal Services identified and limited to DMV exemptions, enrollment card verification, and sales tax certification;
8. Suspension of eligibility for participation in Tribal programs;
9. Suspension of eligibility to receive Tribal per capita payments or restrictions on the use of per capita payments as directed by the Court to satisfy any and all outstanding orders or judgments of the Court; and/or
10. Any other sanction(s) deemed appropriate to the circumstances at the discretion of the Tribal Court.

In circumstances where sanction(s) were imposed to compel compliance with a Court order or judgment, once a sanctioned individual has complied with the Court's order or judgment, the Court will, in its discretion, order that any or all remedies or sanctions imposed shall no longer be in effect and the sanctioned will be reinstated if then eligible for Tribal services, Tribal Programs, or Tribal per capita payments.

Rule 15.3 Contempt of Court; Before the Court.

If the action the Court determines to be contemptible occurs during Tribal Court proceedings, the Court may either give a warning or immediately impose sanctions at its discretion.

Rule 15.4 Contempt of Court; Outside the Presence of the Court.

If the contemptible action did not occur in the presence of the Tribal Court, the Court may issue an order to show cause, or any party seeking the contempt finding will file a motion for civil contempt with the Court and notify the other party of the contempt action. Such notice shall proceed pursuant to the Rules of Court as to motions. The Court, if not on the Court's own motion, will review the motion and if deemed appropriate, set a hearing date and order the presence of the person alleged to have committed the contempt. If the person is not present, then the Court may issue an order to show cause or a subpoena requiring the presence of that person, specifying the time, date and place of the hearing, and advising that witnesses and evidence may be presented at that hearing. The Court will issue subpoenas and/or *subpoenas duces tecum*, and the person may, at their sole expense, be represented by an attorney or advocate. Should the person fail to comply with the order to show cause or the subpoena, the Court shall proceed in their absence and may impose sanctions, including sanctions for failure to comply with the order to show cause or the

subpoena.

Rule 15.5 Contempt of Court; Registration.

The Court may register its contempt of Court actions with any appropriate tribal department, Court agency or program, law enforcement agency or other court to enforce its sanctions.

Rule 16 Pretrial Orders and Tentative Decisions.

Rule 16.1 General.

The Tribal Court may issue pretrial orders and tentative decisions at its discretion. Tentative decisions are not binding on the court or any party. A tentative decision is an indication of the Court's analysis and possible findings, rulings and/or orders. The intent is to give advance notice of the court intended ruling and facilitate the presentation of evidence and arguments by the parties in support of or opposition to the Court's tentative ruling.

Rule 16.2 Scheduling Orders.

To maintain an orderly flow of matters to come before the Tribal Court, the judge presiding in a case where a responsive pleading has been filed may issue a scheduling order to govern the proceedings. The scheduling order may include, but not be limited to, an order governing the extent of discovery that will be permitted. The Court may set case management hearings, settlement conferences, trial setting conferences, pretrial hearings, trial confirmation hearings, and other hearings as the Court deems appropriate. The Court may also order the parties to participate in mediation, peacemaking, and other forms of restorative justice and/or alternative dispute resolution.

Rule 16.3 Dismissals

If a petitioner, plaintiff, or requesting party fails to act on a civil action within a period of six (6) months from the date of filing, the Tribal Court may dismiss the case. Before a case may be dismissed for inactivity, the Court shall issue an Order to Show Cause as to why the case should not be dismissed. If no response is received, the case may be dismissed at the discretion of the Court.

Rule 16.4 Settlement.

Rule 16.4.a General.

All agreements reached as a result of a settlement conference, mediation, or other forms of alternative dispute resolution must be approved by the Tribal Court. Agreements shall be put in writing, signed by all parties and submitted to the Court along with a proposed judgment and dismissal order as appropriate. Upon approval of the Court, the stipulated settlement shall become the judgment and order of the Court, or the case shall be dismissed as appropriate.

Rule 16.4.b Mediation, Peacemaking and Alternative Dispute Resolution.

The Court may in its discretion order the parties to participate in good faith in mediation, peacemaking, or other recognized forms of restorative justice and/or alternative forms of dispute resolution.

Rule 16.4.c Confidentiality.

No offer of settlement or other statement which is made by a party during a settlement conference, mediation, or other alternative dispute resolution process may be used as evidence against that party if settlement is not then achieved, or subsequently not approved by the Court.

Rule 16.5 Motions.

Rule 16.5.a General

Any questions that arise during a lawsuit and that cannot be settled by agreement of the parties may be presented to the Tribal Court in a written request for an order, which is called a “motion.” The Court, in its discretion, may allow oral motions made in open court.

Written motions must contain the reason(s) for the request(s) contained in the motion, and be supported by affidavit or declaration, documents and other evidence to support the motion. Before filing the motion, the moving party must deliver a copy of the motion and any attachments to the other parties and file the proof of service with the written motion. Oral motions made in open court may be discussed between the Court and the parties, allowed or disallowed in favor of a written motion, granted, denied, or taken under submission.

Motions may include, but are not limited to, all motions referred to herein, motions to quash summons or subpoenas, motions to strike evidence, motions for protective orders, etc.

Rule 16.5.b Motions for Continuances.

Any party may request a continuance or a postponement of any proceeding or any required action by filing a motion for continuance with the Tribal Court. The motion must be timely made and shall state the reason why continuance is needed and supported by a declaration demonstrating good cause for the continuance. If based on the unavailability of material witnesses, the same shall be identified, and if known, when they will be available. Granting a continuance shall be within the discretion of the Court and shall assure that it shall not result in unfairness to the opposing party.

Rule 16.5.c Timing of Motions.

Except as stated within these Rules, to the extent reasonably possible, all motions shall be made prior to the hearing to which the motion applies. The Tribal Court may, at its discretion, deny a motion which could and/or should have been made earlier in the case if it appears that the moving party knew or should have known earlier about the basis for the motion and has raised it late due to negligence or with intent to harass the other party.

Rule 16.5.d Motions to Dismiss.

Motions to Dismiss because the party asserts the Tribal Court lacks subject matter jurisdiction or because the opposing party has failed to present sufficient facts which, if taken as true, would support their claim for relief may be made at any time.

Rule 16.5.e Disqualification of the Judge.

A judge may be disqualified only for good cause shown by the filing of a motion for disqualification, supported by an affidavit or declaration. The judge's decision on a motion for disqualification shall be final, i.e. no appeals may be made. A judge may disqualify himself for good cause i.e. if for any reason, (i) the judge believes his or her recusal would further the interests of justice; (ii) the judge believes there is a substantial doubt as to their capacity to be impartial; and/or (iii) a person aware of the facts might reasonably entertain a doubt that the judge would be

able to be impartial.

Rule 16.5.f Ex Parte Motions

Because *ex parte* motions are generally not served on the non-moving party, they are not encouraged. If a party chooses to file an *ex parte* motion, they shall state with specificity the nature of the relief requested and apprise the court if they have attempted to determine whether the opposing party would object to the relief requested. The judge has the discretion to rule on an *ex parte* motion without a hearing, provided no opposition has been raised by the non-moving party.

Rule 17 Contested Hearings and Trial.

Rule 17.1 General.

Unless applicable law states otherwise, all proceedings, hearings, and trials shall be conducted by the Tribal Court as a court/judge/bench trial, not as a jury trial.

Rule 17.2 Time.

All trials and hearings will begin at a designated time as determined by the Tribal Court, or as soon thereafter as the matter may be heard.

Rule 17.3 Trial Processes and Procedures.

Procedure at any contested hearing or trial shall be as follows, unless otherwise directed by the Tribal Court:

1. The plaintiff/petitioner (Party 1) may make an opening statement summarizing what they intend to prove, after which the defendant/respondent (Party 2) may make an opening statement summarizing his or her defense. An opening statement is not evidence.
2. Party 1 shall call witnesses and/or present other evidence in support of their case to the Court. The witnesses shall testify under oath and be subject to cross-examination by the defendant/respondent. Following cross-examination of witnesses, Party 1 shall have a second opportunity to question the witness about matters raised in cross-examination. When Party 1 has presented their witnesses and evidence they shall inform the Court that Party 1's case is completed.
3. After Party 1's case has been presented, upon motion of an opposing party, or upon the Court's own motion, and after considering the evidence in the light most favorable to the party bringing the action, if the Court finds that there is insufficient evidence to support the case, the Court shall dismiss the action.
4. If the action is not dismissed, Party 2 may call witnesses and/or present evidence. A witness shall testify under oath and be subject to cross-examination by Party 1, after which Party 2 shall have a second opportunity to question the witness about matters brought up during cross-examination.
5. The Court, in its discretion, may allow Party 1 to present additional witnesses or evidence to rebut any new matters presented by Party 2, but no evidence or testimony which is merely cumulative or repetitive of evidence Party 1 has already presented shall be allowed.
6. The parties shall have the opportunity to present final remarks (argument) to the Court. Because the party bringing the action has the burden of proving his or her civil case, they will have an additional opportunity to rebut the opposing party's remarks. Further argument may be allowed at the Court's discretion. Arguments are not evidence.

7. The Court shall consider all the evidence and announce a judgment or take the matter under submission and issue a written decision at a later date.

Rule 17.4 Marking of Exhibits, Service, and Offering into Evidence.

Rule 17.4.a General.

Before referring to, using, or offering into evidence any exhibit (whether book, paper, document, model, diagram, photographs, screenshots or copies of text messages and emails, or any other type of physical exhibit), any party shall ensure that it is marked for identification as directed by the Court.

Rule 17.4.b Copies.

Any exhibits reasonably capable of being duplicated shall be copied and given to the opposing party if at all possible, prior to the hearing or trial. The offering party will need to prepare an original and two copies, or 3 copies (if the original is not being offered). One copy is to be provided to the other party, the original or another copy is to be submitted to the court to be marked for identification, and the offering party should retain a copy for their own use, reference, and records.

Rule 17.4.c Using and Offering Exhibits.

Once the court has marked an exhibit for identification and generally described the exhibit for the record, parties shall thereafter refer to the exhibit by the number or letter the court assigned to the exhibit. After the court has marked the exhibit for identification as set forth above, a party may at any time during the proceedings offer the exhibit into evidence and to be part of the record.

Rule 17.4.d Objections.

Objection to the admittance of any proffered evidence must be made by the opposing party in a timely manner. The Tribal Court shall rule on the admissibility of any opposed evidence prior to its admittance into evidence.

Rule 17.5 Witnesses.

Parties and witnesses shall testify under oath administered by the judge or court clerk, and shall be subject to criminal prosecution for perjury under the laws of the State of California, and/or subject to the imposition of civil sanctions by the Tribal Court.

Rule 17.6 Rulings, Orders, and Judgments.

The Court must decide the disposition of the case. The Court may take a short recess at the end of the trial to review the evidence and reach its determination. The Court may, in its discretion, decide to postpone judgment until such time as the presiding judge sees fit, but no longer than 90 days; said decision may be announced in court. If not announced at the end of the hearing, such announcement must be noticed to the parties at least five days in advance or by a written decision or order.

Rule 17.7 Extensions for Decisions.

Extensions of time for decisions can occur if the Tribal Court files or makes an order showing good cause but may not exceed an additional thirty (30) days.

Rule 18 Evidence, Burdens of Proof, Subpoenas, and Discovery.

Rule 18.1 General.

Except as otherwise provided by a Tribal Code or Tribal Court order, these Rules apply in every

action or proceeding before the Court to ensure due process and fairness for all parties, judicial economy, and the integrity of the Bishop Paiute Tribal Court. To resolve any evidentiary issues not addressed by a Tribal Code or these Rules, the Court may look to California or federal law, including, but not limited to, the California Evidence Code or the Federal Rules of Evidence.

Rule 18.2 Burden of Proof, Generally.

Unless otherwise provided by a Tribal Code, or as otherwise provided in these Rules, the burden of proving a claim shall be on the party making the claim to prove their case by a preponderance of the evidence, which means the claim is more likely than not true.

Rule 18.3 Judicial Notice.

The Courts may take judicial notice of public records and files at its discretion, including but not limited to the public records and files of the Bishop Paiute Tribal Courts and the Superior Court of California, County of Inyo, Bishop Paiute Tribal Codes/Ordinances, and Tribal records such as Tribal enrollment, land assignment, and housing records. Judicial notice may also be taken of court decisions from California state, federal and tribal courts.

Rule 18.4 Reliable Hearsay.

The Court may in its discretion admit into evidence what the Court deems to be “reliable hearsay.” Should the Court admit reliable hearsay over the objection of any party, the Court shall ensure due process, and in its discretion grant reasonable continuances, allow cross-examination of the declarant, and/or allow the introduction of further evidence, testimony, and/or argument.

While the Court may take judicial notice or otherwise receive into evidence any or all declarations and affidavits filed in the action, including declarations or affidavits that contain in whole or in part what the Court deems to be “reliable hearsay,” the party who wishes the declaration or affidavit to be part of the evidentiary record, absent prior Court order or stipulation (agreement) of all parties, must have the declarant present at the hearing or trial for direct and/or cross-examination. The intent of this Rule is to avoid unnecessary delays or continuances. As provided in these Rules, the Court will, upon proper request, issue subpoenas when necessary to compel the attendance of witnesses.

Rule 18.5 Ex Parte Communications.

With approval by all parties, the Court may initiate or engage in what would otherwise be considered “*ex parte*” communications to obtain information necessary for the just and fair resolution of any case before it. The Court shall inform all parties of all information obtained through such *ex parte* communications. If such notice and/or disclosure occurs during or after hearing, the Court shall ensure due process, providing in its discretion a reasonable opportunity for the parties to object or move to strike such evidence, provide a reasonable continuance, be allowed to produce further evidence and testimony, and provide further arguments. This is not to be confused with “*in camera*” review of information or evidence submitted to the court. Nothing in this section shall be construed as allowing parties, attorneys, advocates, or any other persons from initiating or engaging in *ex parte* communications with the Court.

Rule 18.6 Orders to Show Cause, Subpoenas, and *Subpoenas Duces Tecum*.

Rule 18.6.a General.

Any party shall have the right to produce evidence and compel witnesses to appear in court to testify on his/her behalf. A subpoena compelling the appearance and testimony of a witness and/or a *subpoena duces tecum* for production of books, records, documents or any other physical evidence, relevant to the determination of the case and otherwise proper, may be issued by the Tribal Court upon request by an advocate or attorney representing a client in a pending matter, or by a person who is self-represented. Any such witness or affected party may file a motion to quash a subpoena and/or a *subpoena duces tecum*.

Rule 18.6.b Delivery.

In the event the Court issues an order to show cause/*subpoena/subpoena duces tecum* compelling a witness to testify, or ordering the production of books, records, documents, or any other physical evidence relevant to the determination of the case and otherwise proper, the order to show cause/*subpoena/subpoena duces tecum* shall be personally served in accordance with the Rules herein.

Rule 18.6.c Proof of Service.

Upon service of an order to show cause/*subpoena/subpoena duces tecum*, a proof of service shall be filed with the Court specifying the date, place and manner of service. See also “*Subpoenas Duces Tecum*.”

Rule 18.6.d Subpoenas Duces Tecum.

Rule 18.6.d.1 General.

When a *subpoena duces tecum* is served upon the custodian of records or a qualified witness from a business, hospital or other health care facility in an action in which the business, hospital or facility is not a party, and the *subpoena duces tecum* requires the production of all or any part of the records of the business, hospital or facility, sufficient compliance will be accorded by the Court if the custodian or other officer of the business, hospital or facility delivers by registered mail, secured and confidential email, or by hand a true and correct copy of all records described in the *subpoena duces tecum* to the Clerk/Administrator of Court.

Rule 18.6.d.2 Declaration or Affidavit Requirements.

The records must be accompanied by a declaration or an affidavit of the custodian or other qualified witness, stating in substance that the declarant or affiant is the duly authorized custodian of the records and has authority to certify the records; the copy is a true copy of all records described in the *subpoena duces tecum*; the records were prepared by the personnel of the business, hospital or facility, staff physicians, or persons acting under the control of either in the ordinary course of the business, hospital or facility at or near the time of the act, condition, or event; and if the business, hospital or facility has none of the records described, or only part thereof, the custodian shall so state in the declaration or affidavit.

Rule 18.6.e Communications with Support Persons.

Communications with sexual assault/domestic violence support persons are confidential. The content of conversations with a support person, even if a party is seeking services from a support person, is privileged and not subject to an order to show cause/*subpoena/subpoena duces tecum*. The party who consults with a sexual assault/domestic violence support person holds the privilege and may choose to waive the privilege by asking the support person to testify.

Rule 18.7 Discovery.

The parties to an action may conduct discovery only in accordance with an order issued by the Court. A party wishing to conduct discovery shall submit to the Court a proposed schedule of discovery via a noticed motion.

Rule 19 Attorney/Advocate Fees and Costs.

Rule 19.1 General.

If authorized by a Tribal Code and upon the Tribal Court finding that a party is entitled to an award of attorney/advocate fees and/or costs, a party may seek a reasonable amount of attorney/advocate fees and/or costs pursuant to the Rules herein.

Rule 19.2 Memorandum of Fees and Costs.

Within thirty (30) calendar days after receiving notice of entry of judgment, unless otherwise ordered by the Court, the party in whose favor judgment is rendered and who claims and is allowed costs shall serve on party/advocate for the adverse party and file with the Administrator/Clerk a notice of application to have the costs paid, together with a memorandum signed by the party/advocate of record, and stating that the items are correct and that the costs were incurred as a necessary expense.

Rule 19.3 Hearings.

The party applying for payment of costs shall notice the matter for hearing before the Tribal Court, unless previously determined by the Court.

Rule 20 Specific Case Types.

Specific cases arising out of the Tribe's various Code and Ordinances outline particular requirements to be met by the parties and the Court, which include the elements that must be proven, and may include, but are not limited to particular burdens and/or standards of proof, and procedural requirements. Where requirements set forth in these Rules conflict with requirements set forth in the relevant Code, the requirements of the relevant Code will control.

Rule 21 Post-Judgment and Appeals.

Rule 21.1 Execution, Enforcement of Judgments.

If a party fails to satisfy any judgment of the Tribal Court within thirty (30) calendar days, unless another timeline is stated by Court order or the applicable Tribal Code, after the entry of the judgment, the Court may issue an order to satisfy any monetary judgment and/or compel compliance with any non-monetary judgment by any means available to the Court. The Tribal Court may, at its discretion, impose sanctions as set forth herein for failure to satisfy a Court judgment.

Rule 21.2 Appeals.

A written notice of appeal must be filed with the Clerk of the Tribal Court within thirty (30) business days after the judgment is entered. This Rule only applies in cases for which the Tribal Code provides for the right to appeal.

Rule 21.3 Foreign Judgments.

In the event a judgment is received by the Court from another jurisdiction seeking enforcement, the judgment shall first be forwarded to the Tribal Council, who shall vote to determine whether

the judgment shall be recognized. Upon approval of the Tribal Council to grant the Court jurisdiction to enforce a foreign judgment, the judgment shall be registered with the Court by filing a certified copy of the judgment with the Court Administrator/Clerk, paying all necessary filing fees as established by the Court, and serving a copy of the judgment on the adverse party in compliance with the Rules herein. Any objection by the adverse party to the registration of the foreign judgment must be served and filed within ten (10) Court days of service. Whether or not an objection has been filed, the Court may rule on an *ex parte* basis or set the matter for hearing.

Rule 22. Sovereign Immunity

Nothing in these Rules is or shall be construed as a waiver of the sovereign immunity of the Tribe, the Tribal Council, the Tribal Court, Tribal Court Judge or Justice, or any Tribal officer, official, representative, agent or employee of the same, regardless of the nature of the case presented, including cases for monetary damages, injunctive or declaratory relief or any other type of relief. No individual or party named in this Rule shall be liable for any act or failure to act under these Rules. The sovereign immunity of the Bishop Paiute Tribe is hereby expressly affirmed.

Bishop Paiute Tribal Court
50 Tu Su Lane
Bishop, CA 93514
Tel: 760.784.9581



BISHOP PAIUTE TRIBAL COURT

ORDER OF THE COURT REVISING TRIBAL COURT RULES

To all parties in pro per, and to parties and their attorney's, and advocates of record, please take notice that the Tribal Council effective August 19, 2026, approved the revision of the Bishop Paiute Tribal Court Rules.

Please take further notice, that parties and their attorney's or advocates may obtain upon request from the Clerk of the Court, a copy of the newly approved Tribal Court Rules.

It is so ordered that the Bishop Paiute Tribal Court Rules, as approved by the Bishop Paiute Tribal Council, August 19, 2026, shall be in effect until further notice. A copy of said Rules will hereby be provided to all advocates and attorneys currently admitted to the bar of the Bishop Paiute Tribal Court.

So Ordered.

Dated: September 22, 2026



Patricia R. Lenzi,
Chief Judge of the Bishop Paiute Tribal Court