

POKAGON BAND OF POTAWATOMI INDIANS TRIBAL COURT OF APPEALS	ADMINISTRATIVE ORDER	06-002-CA
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Administrative Order 06-002-CA

Procedures for Review of Tribal Judiciary Records

The following procedures for review of records in the custody or control of the Tribal Judiciary are hereby adopted by the Pokagon Band Court of Appeals pursuant to the *Tribal Constitution*, Article VII, Section 1(d).

Section 1. Review of Tribal Court Records.

- A. All records in the custody or control of the Pokagon Band Tribal courts are open to the public for review and copying, except as limited by law as stated in Section 1(B) below.
- B. The Tribal courts shall deny or limit access to any records in the custody or control of the Pokagon Band Tribal courts to the public:
 1. when the Constitution or laws of Pokagon Band of Potawatomi Indians, or applicable federal law provides for confidentiality or limits access to such records;
 2. to prevent unwarranted invasion of personal privacy, such as with personnel, membership and medical records (See Tribal Constitution, Article VII, Section 1(e)(i));
 3. to prevent damage to the investigative, competitive or bargaining position of the Band, including with respect to pending or anticipated arbitration or litigation (See Id. at Section 1(e)(ii));
 4. to protect minors involved in juvenile or child welfare proceedings (See Id. at Section 1(e)(iii));
 5. in other circumstances in which non-disclosure protects a significant public interest of the Pokagon Band of Potawatomi Indians (See Id. at Section 1(e)(iv));
 6. in non-public sections of files of the Tribal courts that may include, but are not limited to, Judiciary and Court notes, communications, reports, research, and the work product on matters before the Tribal courts; or
 7. when the record has been sealed by the Tribal Court or the Court of Appeals.

Section 2. Request for Review and/or Copy of Records.

- A. All persons and entities must complete a *Record Request Form* before review and/or copy of any records of the Tribal courts will be granted.
- B. All persons and entities must provide sufficient proof of identification before review and/or copy of any records of the Tribal courts which are limited by law as stated in Section 1(B).
- C. Requests for review and/or copies of any records of the Tribal courts that are subject to Section 1(B) may be delayed by Court personnel pending authorization by the Chief Judge.
- D. Original records of the Tribal courts shall not be removed from the Tribal Court.
- E. Review of records of the Tribal courts shall only occur at the Tribal Court during regular office hours.

Section 3. Appeal of Denial for Request for Records. An appeal may be filed in Tribal Court for the denial of a request for records of the Tribal courts.

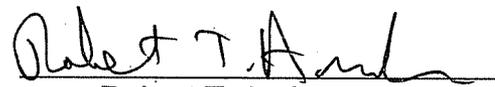
Section 4. Copies and Fees.

- A. Copies shall be produced at the Tribal Court.
- B. Fees for copies shall be charged by the Tribal Court according to the *Schedule of Court Fees*.

Section 5. Mailing.

- A. Mailing of copies of records of the Tribal courts shall be by United States Post Office first-class mail, unless requested otherwise.
- B. All persons or entities requesting copies of records of the Tribal courts shall be responsible for the expenses of mailing or other method of delivery.

10/2/06
Date


Robert T. Anderson
Chief Justice