

ADMINISTRATIVE ORDER 08-004-CA

**Tribal Judiciary Procedures for Open and Closed Meetings
and Proceedings**

The following procedures for Tribal Judiciary open and closed meetings and proceedings are hereby adopted by the Pokagon Band Court of Appeals pursuant to the *Tribal Constitution*, Article VII, Section 2(e).

Section 1. Definitions.

- A. "*Band*" and "*Tribe*" are synonymous and mean the Pokagon Band of Potawatomi Indians.
- B. "*Meeting*" means the convening of the Tribal Judiciary, either in person or by telephone, for the purposes of instituting, conducting, deliberating toward or rendering a decision about the administration of the Tribal courts.
- C. "*Proceeding*" means the adjudication and/or disposition of a legal case pending before the Tribal courts such as hearings or trials.
- D. "*Deliberation*" means the discussion and consideration by Tribal Judiciary members of an issue in order to render a decision in a case.
- E. "*Tribal courts*" means the trial court level and appellate court level of the Band.
- F. "*Tribal Judiciary Members*" means the Judges and Justices of the Tribal courts.

Section 2. Meetings.

A. Open Meetings.

1. All meetings of the Tribal Judiciary shall be open, consistent with the principles of Article VII, Section 1(e) of the *Tribal Constitution*, to all Pokagon Band members, except as otherwise provided under Section 2(B).
2. At all open meetings of the Tribal Judiciary, any member of the Pokagon Band shall have the opportunity to be heard.

B. Closed Meetings; Permissible Purposes.

1. The Tribal Judiciary **may** hold closed meetings:
 - a. consistent with the principles of Article VII, Section 1(e) of the *Tribal Constitution*; or
 - b. when required by the laws of the Band or by applicable federal law.
2. When meeting in a duly authorized closed meeting, the Tribal Judiciary may, in its discretion, determine not to keep a record of all or part of its discussion in closed meeting; provided that the general reason for such determination shall be recorded and a record shall be kept of any action taken in closed meeting. Such record may be withheld from inspection by Pokagon Band members pending final disposition of the matter concerned.

Section 3. Proceedings.

A. Open Proceedings.

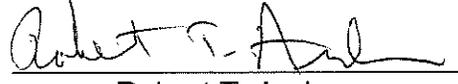
1. All proceedings of the Tribal courts shall be open consistent with the principles of Article VII, Section 1(e) of the *Tribal Constitution*, to all Pokagon Band members and interested parties, except as otherwise provided under Section 3(B).
2. All open proceedings shall be recorded to preserve the record for review of issues of law and fact and appellate review.

B. Closed Proceedings; Permissible Purposes.

1. The Tribal courts shall hold closed proceedings:
 - a. consistent with the principles of Article VII, Section 1(e) of the *Tribal Constitution*; or
 - b. when required by the laws of the Band or by applicable federal law.
2. All closed proceedings shall be recorded in order to preserve the record for review of issues of law and fact and appellate review.

Section 4. Deliberations. All deliberations are confidential and shall be closed to the public. Deliberations by Tribal Judiciary members shall not be recorded.

2-8-08
Date


Robert T. Anderson
Chief Justice