




## **PROCEDURAL INSTRUCTIONS FOR RECOGNITION OF A FOREIGN\* COURT SUBPOENA**

**\*(Federal subpoenas are excluded from this process)**

Tribal governments are separate sovereigns with their own courts. They are members of the family of governments that exist within the United States. As a sovereign government, the Pokagon Band Tribal Council provides substantive law and the Tribal Judiciary provides court rules for procedure and practice before the Pokagon Band Tribal courts. Generally for most purposes, State law stops at the boundaries of the reservation. Tribal law requires that judgments, orders and subpoenas from foreign courts come through the Tribal Court for recognition and enforcement. The [laws](#) and [Court Rules](#) can be found on the Pokagon Band public website. [Court forms](#) are also posted on the website.

**Foreign Court Subpoena Recognition Process.** A subpoena **MUST be issued by a court and signed by a judge.** Foreign subpoenas may be submitted by either of the two following ways:

- I. **Submission by an Attorney.** An attorney may submit a foreign subpoena for recognition and compliance **after admission to practice** before the Pokagon Band Tribal courts.
  - A. **Admission to Practice Before the Tribal Courts.** If you are an attorney and wish to submit a subpoena issued by a foreign court for recognition and compliance rather than having it sent directly from the foreign court, then **you must be admitted to practice before the Pokagon Band Tribal Courts.** An [Application for Admission to Practice](#) and [Oath of Admission](#) must be completed and returned to the Tribal Court. An application fee of \$50.00 is required and to be made payable to the Pokagon Band of Potawatomi Indians Tribal Court.
  - B. **Forms.** Forms necessary to initiate the recognition process can be downloaded at the Pokagon Band of Potawatomi website at the address listed below. The forms must be completed and returned in order for the Tribal Court to open a file and begin the recognition process. These forms include:
    1. *Petition for Order Compelling Compliance with Foreign Subpoena*; and
    2. [Certification of Records of Foreign Court](#);
      - a. Which the foreign court completes by attesting that the foreign court subpoena is a true copy of the original on file; and
      - b. Be sure to attach a certified copy of the foreign subpoena to the *Certification of Records of Foreign Court*.
  - C. **Filing Fee.** A \$25.00 filing fee payable to the Pokagon Band of Potawatomi Indians Tribal Court is required. Please see the [Schedule of Court Fees](#) for details.
  - D. **Processing by the Court and Deadlines for Objections.** After filing and payment of the filing fee, the above-stated documents and a *Notice of Registration* of the foreign subpoena, produced by the Tribal Court, will be sent to the Pokagon Band of Potawatomi Office of the



General Counsel and, if applicable, the legal office of the affected Tribal entity. The Office of the General Counsel and Tribal entity then have: (a) seven (7) days to object to the Tribal enforcement of the foreign court subpoena concerning an order to appear; or (b) fourteen (14) days to object to the Tribal enforcement of the foreign court subpoena seeking the production of documents. The Court will set a hearing if an objection is filed in the matter. If no objection is filed, the Tribal Court will enter an order compelling compliance after the objection period has expired.

**II. Submission by a Foreign Court.** A foreign court may submit the subpoena DIRECTLY to the Tribal Court. **(Advantage: No need to be admitted to practice, unless an objection hearing is scheduled, and no filing fee.)**

- A. **Forms.** A foreign court may directly submit a subpoena to the Tribal Court with an attached [Certification of Records of Foreign Court](#) by which the foreign court attests that an attached copy of the foreign court subpoena is a true copy of the original on file.
- B. **No Filing Fee Required.** Because the subpoena is submitted directly by a foreign court to the Tribal Court, no filing fee is required.
- C. **Processing by the Court and Deadlines for Objections.** After filing, the above-stated documents and a *Notice of Registration* of the foreign subpoena, produced by the Tribal Court, will be sent to the Pokagon Band of Potawatomi Office of the General Counsel and, if applicable, the legal office of the affected Tribal entity. The Office of the General Counsel and Tribal entity then have: (a) seven (7) days to object to the Tribal enforcement of the foreign court subpoena concerning an order to appear; or (b) fourteen (14) days to object to the Tribal enforcement of the foreign court subpoena seeking the production of documents. The Court will set a hearing if an objection is filed. If no objection is filed, the Tribal Court will enter an order compelling compliance after the objection period has expired.

#### Document URLs

General Information:

Pokagon Band Codes and Ordinances:


<http://www.pokagonband-nsn.gov/government/codes-and-ordinances>

Pokagon Band Adopted Court Rules:

<http://www.pokagonband-nsn.gov/government/tribal-court/court-rules>

Pokagon Band Tribal Court Forms:

<http://www.pokagonband-nsn.gov/government/tribal-court/court-forms>



Admission to Practice Information:

*Application for Admission to Practice:*

<http://www.pokagonband-nsn.gov/government/tribal-court>

*Oath of Admission:*

<http://www.pokagonband-nsn.gov/government/tribal-court>

Foreign Subpoena Documents:

*Petition for Order Compelling Compliance with Foreign Subpoena:*

<http://www.pokagonband-nsn.gov/government/tribal-court/court-forms>

*Certification of Records of Foreign Court:*

<http://www.pokagonband-nsn.gov/government/tribal-court/court-forms>

*Schedule of Court Fees:*

<http://www.pokagonband-nsn.gov/government/tribal-court/court-forms>