

TITLE 3

ESTABLISHMENT OF THE CROW TRIBAL COURTS AND
TRIBAL JURISDICTION²

CHAPTER I. GENERAL PROVISIONS

3-1-101. Crow Tribal Court.

- (1) There is hereby established the “Crow Tribal Court.”
- (2) The Crow Tribal Court shall be a court of general civil and criminal jurisdiction and shall hear appeals from final decisions of the Tribal Administrative bodies.

3-1-102. Crow Juvenile Court.

- (1) There is hereby established the “Crow Juvenile Court.”
- (2) The Crow Juvenile Court shall have original and exclusive jurisdiction over all cases arising under the Tribal Juvenile Code as set forth in Title 9 of the Crow Tribal Law and Order Code.

3-1-103. Crow Court of Appeals.

- (1) There is hereby established the “Crow Court of Appeals.”
- (2) The Crow Court of Appeals shall have original and excusive jurisdiction to hear all appeals from final judgments and/or orders of the Crow Tribal Court and the Crow Juvenile Court.

3-1-104. Applicable law.

- (1) The laws, ordinances, resolutions, treaties, customs, and traditions of the Crow Tribe shall be the law applied in all courts established under this Title.
- (2) The laws and treaties of the United States shall be the applicable law in the Courts of the Crow Tribe where they specifically apply to the Crow Indian Reservation or the Crow Tribe as a matter of federal law or where incorporated by reference in tribal law.
- (3) Wherever the issue in controversy shall not be resolved by federal law or by the laws of the Crow Tribe, the judge may seek authority in the custom, usage, and jurisprudence of the Crow Tribe, traditional or modern, and in common law jurisprudence both in law and equity.
- (4) State laws and federal laws not applicable to the Crow Tribe or the Crow Indian Reservation shall not be deemed applicable law in any proceeding, except as provided herein, unless agreed to be applicable by the parties by stipulation with consent of the court, but in no event shall they be construed to have any greater authority than the laws, ordinances, resolutions, treaties, or the traditions and customs of the Crow Tribe.

CHAPTER II. JURISDICTION OF THE TRIBAL COURTS

3-2-201. Jurisdiction. The Crow Tribal Court shall be a court of general jurisdiction. It is the intention of the Crow Tribe of Indians to exercise that jurisdictional authority which has not otherwise been abrogated by the United States Supreme Court or by legislation by the United States Congress. The failure of the United States Congress to legislate in a particular area shall not be deemed a waiver of the jurisdictional authority of the Crow

Tribe. The jurisdiction of the Crow Tribal Court shall be used to insure due process and equal protection of the law for all persons, as defined herein.

3-2-202. Jurisdiction–Territorial. The jurisdiction of the Crow Tribal Courts shall extend to any and all lands within the exterior boundaries of the Crow Indian Reservation as the same may exist from time to time including all easements, rights-of-way and fee patented lands within such boundaries.

3-2-203. Jurisdiction–Personal. (1) The Crow Tribal Court shall have jurisdiction over all persons who reside, enter, and/or transact business within the exterior boundaries of the Crow Indian reservation, provided that the Court shall not exercise criminal jurisdiction over non-Indians, unless such jurisdiction is granted by laws of the United States Congress.

(2) For purposes of jurisdiction, “persons” shall include individuals, businesses, partnerships, associations, cooperatives, and corporations.

3-2-204. Jurisdiction–Property. (1) The Crow Tribal Court shall have jurisdiction over all property, real and personal, which is located within the exterior boundaries of the Crow Indian Reservation. Such jurisdiction shall extend to the determination of ownership rights in property, interests in property, and the application of property to the satisfaction of a judgment for which the owner of the property is deemed to be liable.

(2) The jurisdiction of the Crow Tribal Courts shall be limited only by federal law; provided, however, that the Crow Tribal Court shall have jurisdiction to render money judgments against persons, businesses, partnerships, corporations, and cooperative associations who are not subject personally to the jurisdiction of the court only if the action is commenced by an attachment of the defendant’s property which is located within the exterior boundaries of the Crow Indian Reservation. Unless the defendant subjects himself to the jurisdiction of the court, any judgment in an action commenced by the attachment of property belonging to a party not personally subject to the jurisdiction of the court may be executed only against the property actually attached.

3-2-205. Jurisdiction–Subject Matter. The Crow Tribal Court shall have jurisdiction over all causes of action arising within the exterior boundaries of the Crow Indian Reservation and over all criminal offenses which are enumerated in Title 8 of the Crow Tribal Code and which are committed within the exterior boundaries of the Crow Indian Reservation.

3-2-206. Sovereign Immunity. Nothing contained in the preceding provisions on jurisdiction, or any other provision of the Crow Tribal Code shall be construed as a waiver of the sovereign immunity of the Crow Tribe, its officers, or businesses, unless specifically waived by such entity.

CHAPTER III. COMPOSITION OF THE COURTS³

3-3-301. Judges. The Tribal Court shall be composed of three judges: one Chief Judge and two Associate Judges.

3-3-302. Chief Judge. The Chief Judge of the Tribal Court shall be elected by eligible voters of the Apsaalooke (Crow) Tribe to serve a four year term, and there shall be no limitation as to the number of terms an individual may serve as the Chief Judge. The most recent election for Chief Judge having occurred in October, 2001, the next election for Chief Judge shall be November 2005, and an election shall be held every four years thereafter.

3-3-303. Chief Judge’s Qualifications.

(1) The Chief Judge must be at least thirty (30) years of age when elected; must have graduated from an accredited college with a post graduate degree; must be an enrolled member of the Apsaalooke (Crow) Tribe; must not have ever been convicted of a felony and must not have been convicted of a misdemeanor offense within five (5) years of

the election, not to include minor traffic offenses. Driving under the influence of drugs or alcohol is not a minor traffic offense. To be eligible for election or appointment, a background investigation including tribal, state and federal criminal and child protection history must be completed prior to certification of candidacy or confirmation. In order to be eligible to run for election as Chief Judge in all elections after the October 2001 election, and prior to certification as a candidate for election, each candidate shall have passed the Crow Tribal bar examination. Elections for Chief Judge shall be conducted in accordance with Chapter VIII of this Title.

(2) The Chief Judge shall be the head of the Judicial Branch of the Apsaalooke (Crow) Tribal Government and the Chief Judge's duties and overall responsibilities shall include but not be limited to:

- a. Preside over civil and criminal cases and decide these case in a timely manner solely on the basis of the law and facts presented, without fear or favor, and without political influence or concern.
- b. Provide for the availability of a translator fluent in both the Apsaalooke (Crow) and English languages in all proceedings or matters for which any party or representative requests such service;
- c. Assign cases and other legal proceedings or matters to other Tribal Judges, Associate or Special Judges;
- d. Supervise the Tribal Court dockets;
- e. Supervise and maintain court records;
- f. Compile court statistics;
- g. Draft and promulgate court rules and court procedures;
- h. Supervise and monitor the performance of Tribal Probation and Parole Officers;
- i. Have the ultimate responsibility for the establishment of a law library;
- j. Draft personnel policies and procedures and use to
- k. Hire and supervise all Tribal Court staff. The Tribal Court staff shall include the Court Administrator and one Crow Licensed Attorney/Judicial Advisor/Clerk;
- l. Develop and present an annual proposed budget to the Chairman of the Executive Branch for submission to the Legislature
- m. With the exception of grants and contracts specifically wherein the Tribal Chairman (Grantee) is signatory on behalf of the Crow Tribe and conditioned on allowing reasonable time to change any and all grants and contracts to allow the signature of the Chief Judge on behalf of all grants and contracts to and for the Crow Tribal Court, prepare, administer and monitor separate and distinct from the other two Government Branches the Tribal Court Budget wherein the Chief Judge shall with a CPA have exclusive signatory expenditure authority.

3-3-304. Associate Judges' Qualifications. The Associate Judges must be at least thirty (30) years of age when elected; must have a high school education; must be an enrolled member of the Apsaalooke (Crow) Tribe; must not have ever been convicted of a felony and must not have been convicted of a misdemeanor offense within five (5) years of the election, not to include minor traffic offenses. Driving under the influence of drugs or alcohol is not a minor traffic offense. To be eligible for election or appointment, a background investigation including tribal, state and federal criminal and child protection history must be completed prior to certification of candidacy or confirmation. In order to be eligible to run for election as Associate Judge in all elections after the October 2001 election, and prior to certification as a candidate for election, each candidate shall have passed the Crow Tribal bar examination. Elections for Associate Judges shall be conducted in accordance with Chapter VIII of this Title.

3-3-305. Special Judges. The Chief Judge, in his or her discretion, may contract with a professional attorney licensed to practice before the highest court of any state, to sit as a Special Judge of the Tribal Court for a particular matter or proceeding or, in an appropriate case, may appoint a Crow tribal member to serve as a mediator or cultural specialist to assist the Court. Special Judges shall be subject to the rules of judicial ethics otherwise applicable to Crow Tribal Court Judges and to removal by the Judicial Ethics Board, and these requirements shall be stated in all Special Judge contracts. Special Judge or other contracts entered into by the Chief Judge to handle a particular matter pending before the Court shall not be subject to approval by any officer of any other Branch of the Tribal Government, subject to the approved Judicial Branch budget.

3-3-306. Removal of a Judge.

(1) Any Crow Tribal Judge may be removed for cause, and cause for removal of a Judge shall be limited to abuse of office in violation of the American Bar Association's Model Code of Judicial Conduct (1990), habitual intemperance, or conviction of any other offense enumerated in this Code or the laws of the United States or the States of the United States, not to include minor traffic offenses.

(2) Petitions for removal of a Tribal Judge shall be reviewed by the Judicial Ethics Board which shall consist of the Chief Executive Officer of the Crow Tribe, the Speaker of the Crow Tribal Legislature, and either the Chief Judge or Appellate Judge of the Crow Tribe, whichever is not subject to the removal petition. If an Associate Judge is the subject of the removal petition, the Chief Judge shall sit on the Judicial Ethics Board, provided no conflict of interest exists. The findings of fact, conclusions of law, and recommendations adopted by a majority of the Judicial Ethics Board shall be reported to the Legislature for further action. A two-thirds (2/3) majority of the full membership of the Crow Tribal Legislature is required to remove a Judge under this part.

3-3-307. Disqualification of a Judge.

(1) It shall be the duty of any Crow Tribal Judge to disqualify themselves from sitting on any criminal or civil case where any of the following circumstances exist: (a) the Judge is interested in the outcome of the case by reason of business, financial or professional association; (b) the Judge is related by blood or marriage within the second degree to any party or to counsel of any party; or (c) where the Judge has rendered legal assistance to any party which is the subject of the proceeding.

(2) Any party or his counsel shall have the right to move for disqualification of the presiding Judge at arraignment in a criminal trial or within ten (10) days of trial in a civil proceeding; provided that a motion to disqualify a Judge may be entertained within five (5) days of assignment of a second Judge to replace the judge originally assigned to the case; provided further that if all Crow Tribal and Appellate Judges are disqualified under this part, a Special Judge may be appointed in accordance with § 3-3-305 of this Title.

3-3-308. Court of Appeals.

(1) There is hereby reestablished the Court of Appeals for and on behalf of the Apsaalooke (Crow) Tribe or Nation. The Court of Appeals shall be the highest court of the Apsaalooke (Crow) Tribe or Nation.

(2) The Court of Appeals shall be composed of a three judge panel consisting of an Appellate Judge, who shall be a professional attorney licensed to practice law in the highest court of any of the fifty States, and two Associate Appellate Judges who can either be Crow Tribal trial level judges, who did not hear the case at the lower or trial level or professional attorneys, licensed to practice law in any of the highest courts of any of the fifty States. The Appellate Judge shall appoint the panel to serve on each appellate matter and shall appoint trial level judges to complete the panel unless justice requires the appointment of professional attorneys.

(3) Appellate Judge. The Appellate Judge shall be appointed by the Chief Tribal Judge and confirmed by majority vote of the Legislature. The appointment shall be made after consideration of recommendations of qualified candidates from the Chairman of the Executive Branch, the Speaker of the Legislature, and the Tribal Attorney General, each of whom shall be given at least ten days notice and opportunity to submit their recommendations to the Chief Judge. If the Chief Judge fails or neglects to appoint a candidate within a reasonable time after a vacancy occurs, the Chairman may propose a candidate to the Legislature for confirmation. A reasonable time shall not be more than sixty days after the vacancy occurs.

(4) Duties of Appellate Judge. The Appellate Judge shall preside over the Court of Appeals. He or she shall have the authority to promulgate rules applicable and pertaining to practice and procedure before the Court of Appeals and Rules of Professional Conduct of attorneys and advocates who practice before the Court of Appeals. It shall be the duty and responsibility of the Appellate Judge to ensure that all appellate matters are decided solely on the basis of the law and facts presented, without fear or favor, and without political influence or concern.

(5) Funding of the Court of Appeals. The Chief Judge of the Crow Tribal Court shall include in its budget proposal an appropriate level of funding for the operation of the Court of Appeals after consultation with the Appellate Judge.

(6) Removal of the Appellate Judge. The Appellate Judge may be removed only as provided in Section 3-3-306.

(7) Term of the Appellate Judge. The Appellate Judge shall serve for four (4) years from the date of appointment and may be a candidate for reappointment without limitation.

(8) Status of Current Appellate Judge. The current Appellate Judge, having been previously confirmed by the Legislature, shall be entitled to remain in office for four (4) years from the effective date.

3-3-309. Juvenile Court. The Crow Juvenile Court shall be composed of all Judges of the Crow Tribal Court to whom juvenile cases, brought under Title 9 of this code, shall be assigned by the Chief Judge.

3-3-310. Filling Vacancies in Tribal Judge Positions.

- (1) If a vacancy shall occur in any of the positions of the elected Tribal Court Judges by reason of death, resignation, or removal for cause, a replacement shall be appointed by the Chairman of the Executive Branch, who shall meet the qualifications for the vacated position and whose appointment shall be confirmed by majority vote of the Legislature. The term of any Judge so appointed and confirmed to fill the vacancy shall be until the next regular general election for any Tribal Court Judge position, at which time the vacated position shall be filled by election for the remaining term of the vacated position.
- (2) The Chairman shall submit any appointment to fill a vacancy to the Legislature for confirmation within thirty (30) days following the Chairman's appointment to fill the vacancy. If the Legislature is not in a regular Session when the Chairman submits the appointment, a Special Session shall be held on the first Monday following the 30th day after the appointment. The Chairman's appointment shall not exceed sixty (60) days before confirmation by the Legislature.

CHAPTER IV. TRIBAL ATTORNEY GENERAL

3-4-401. Establishing and Hiring. There is hereby established the position of "Tribal Attorney General". Said Tribal Attorney General or his or her assistant shall represent the Apsaalooke (Crow) Tribe of Indians in all criminal prosecutions in the Tribal Courts. The Tribal Attorney General shall be the highest ranking law enforcement official within the Executive Branch. The Tribal Attorney General shall be hired and serve at the pleasure of the Chairman of the Executive Branch.

3-4-402. Qualifications. The Tribal Attorney General shall have the following minimum qualifications:

Possess a juris doctorate degree from an ABA accredited law school, or shall have completed a course of study on Indian justice systems or lay advocate program, or shall have at least five (5) years relevant experience in a federal, state or tribal court or relevant experience in any of the aforementioned courts that total five (5) years. The Tribal Attorney General must be admitted to practice in the Tribal Court and take and pass the Tribal Bar examination.

3-4-403. Assistant Attorney General. An assistant or deputy Tribal Attorney General may be hired if the criminal caseload in the Tribal Court so warrants. The assistant or deputy Attorney General shall meet all the requirements of the Tribal Attorney General, and must work under the direct supervision of the Tribal Attorney General.

3-4-404. Contracting for Services of a Special Prosecutor. The Tribal Attorney

General may contract with a licensed attorney to prosecute cases where the Tribal Attorney General and the assistant or deputy Tribal Attorney General may have a conflict or for other circumstances where both may be unable to prosecute a case.

3-4-405. Conflict of Interest. (1) It shall be the duty of the Attorney General or any assistant or deputy Attorney General to disqualify themselves from adjudicating any criminal or civil case where any of the following circumstances exist: (a) the prosecutor is interested in the outcome of the case by reason of business, financial or professional association; (b) the prosecutor is related by blood or marriage within the second degree to any party or to counsel of any party; or (c) where the prosecutor has rendered legal assistance to any party.

CHAPTER V. TRIBAL DEFENDER

3-5-501. Establishing and Hiring. There may be established the position of “Tribal Defender.” Said Tribal Defender or his/her assistant may represent certain indigent persons brought before the Crow Tribal Court in criminal actions if the criminal offense charged is punishable by possible incarceration. The Tribal Defender, if the position is established, will be hired and supervised by the Crow Tribal Executive Branch in accordance with the Crow Tribal Personnel Practices and Policy Manual with final approval by the Crow Tribal Chairperson.

3-5-502. Qualifications. The Tribal Defender shall have the following minimum qualifications:

Possess a juris doctorate degree from an ABA accredited law school, or shall have completed a course of study on Indian justice systems or lay advocate program, or shall have at least five (5) years relevant experience in a federal, state or tribal court. In addition, the Tribal Defender must be admitted to practice in the Crow Tribal Court pursuant to §§ 3-6-601 and 3-6-602 of this Title.

3-5-503. Assistant Tribal Defender. An assistant tribal defender may be hired if the criminal caseload of the Court so warrants as determined by the chief Judge. The Assistant Tribal defender shall meet all the requirements of the Tribal Defender, but must work under the direct supervision of the Tribal Defender. It shall be the responsibility of the Tribal Defender to train the Assistant Defender.

3-5-504. Contracting for Defender Services. The Tribal Defender may contract with a licensed professional attorney to represent indigent clients in cases where the Tribal Defender or Assistant Defender may have a conflict or may for other circumstances be unable to defend a tribal member.

3-5-505. Conflict of Interest. (1) It shall be the duty of the Tribal Defender to disqualify themselves from adjudicating any criminal or civil case where any of the following circumstances exist: (a) the defender is interested in the outcome of the case by reason of business, financial or professional association; (b) the defender is related by blood or marriage within the second degree to any party or to counsel of any party; or (c) where the defender has rendered legal assistance to any party, not including the defendant.

CHAPTER VI. TRIBAL CLERK

3-6-601. Appointment and Qualifications of Clerk of Court.

(1) There is established the office of Clerk of Court, which shall be filled by a qualified applicant hired in accordance with the Crow Tribal Personnel Practices and Policy Manual. The Crow Tribal Clerk of Court shall be supervised by the Chief Judge.

(2) The Clerk of Court must possess at a minimum the following qualifications: (1) high school diploma or G.E.D.; (b) no felony convictions; (c) no misdemeanor convictions within five (5) years of appointment, not to include minor traffic offenses; (d) demonstrate good moral standing; (e) demonstrate the ability and experience required to administer Court or office personnel and proceedings through similar work held in the past.

3-6-602. Duties.

(1) As the budget for administering the office allows, the Court may permit, with approval of the Chief Judge, the Clerk to hire such deputies and court reporters as may be required to assist in fulfilling the duties of the Clerk in accordance with the Crow Tribal Personnel and Policy Manual.

(2) The Clerk shall collect fees and fines paid to the Court and deposit the same within a week of collection to the Crow Tribal Finance Director. The Clerk shall make a certified accounting of the same annually to the Tribal Finance Director. The Clerk shall be bonded in an amount sufficient to cover the average annual revenues derived from fees and fines paid to the Court.

(3) As required by statute or otherwise where appropriate, the Clerk shall prepare and make available to unrepresented parties forms, approved by the Chief Judge, for pleadings and service of process.

(4) The Clerk shall prepare all documents and ledgers incidental to the functions of the Tribal Court and, upon request and payment of a reasonable fee, shall certify copies of the public record of proceedings as true and accurate representations of the official Court record.

(5) The Clerk, or the Clerk's designee, shall attend all proceedings of the Court and keep a written record of the same.

(6) The Clerk shall keep a current docket numbering system and shall preserve and protect the original, official records of all Court proceedings.

(7) The Clerk shall keep, compile, and submit records of Court proceedings to the Bureau of Indian Affairs at such times and in such detail as may be required by federal law.

(8) The Clerk shall make available for inspection and, for a reasonable fee, provide copies of all records of Court proceedings not designated confidential by law.

CHAPTER VII. - ADMISSION TO PRACTICE BEFORE THE COURT.4

3-7-701. General Requirements.

(1) The Apsaalooke (Crow) Tribe has a legitimate interest in protecting prospective clients and insuring the quality of justice within the Tribe's governmental system particularly the Apsaalooke (Crow) Judicial System. Therefore, anyone wishing to represent a party to an action in the Tribal Court must meet the following minimum requirements:

1. Must be at least (18) years of age;
2. Must demonstrate his or her competency to represent clients as described in this chapter;
3. Must demonstrate his or her good character and fitness to represent clients as described in this chapter.

(2) The burden of proof is on the applicant seeking admission to the Tribal Court that he or she meets the requirements as described in this chapter, provided however that professional attorneys who have been admitted to practice in the Tribal Court or in the highest court of any of the fifty states shall be deemed to have fulfilled all of the above minimum requirements and are not required to submit affidavits of character and fitness or consent to a background or fingerprint check.

(3) Special admission for a case. Attorneys admitted to practice law in the highest court of any of the fifty states may be admitted to practice *pro hac vice* (for a particular case) upon satisfaction of other applicable requirements of this Chapter.

4 AMENDED BY CLB05-10, APRIL 2005 SESSION, CROW LEGISLATURE ON APRIL 13, 2005; SIGNED BY THE CHAIRMAN ON MAY 5, 2005.

3-7-702. Competence Requirements. An applicant shall demonstrate their competency by successfully passing the Tribal Bar examination which shall be administered twice each year during the second week in January and the second week in July by the Appellate Court of the Apsaalooke (Crow) Tribe.

Persons admitted to practice before the Crow Tribal Court who are not licensed professional attorneys are called “advocates” and are governed by the rules of the Court including any rules of professional conduct adopted by the Court. All attorneys or Advocates admitted to practice before the Crow Tribal Court are officers of the Court who are obligated to endorse justice and the judicial system's effective operation. Attorneys and advocates have the ethical duty as officers of the court to inform judges of the truth and must be honest and candid at all times in their representations to and dealings with the Court in all matters, including information presented orally or in writing concerning their clients’ cases. Intentional or negligent failure to meet this duty shall result in disbarment.

3-7-703. Character Requirements. An applicant who is not an attorney admitted to practice in the highest court of any of the fifty states shall demonstrate his or her good character and fitness to represent clients by:

1. Submitting supporting affidavits from two persons licensed to practice in the Tribal Court or in the highest court of any of the fifty states, not relatives or affiliated with the applicant in any business or professional relationship, familiar with their integrity, honesty, moral, character, judgment, courtesy and self reliance;
2. Consenting to a background information check and granting permission to contact other references requested by the Tribal Court; and,
3. Submitting to a fingerprint check if requested by the Tribal Court.

3-7-704. Application Process.

(1) All applicants for regular or *pro hac vice* admission shall request and fill out an application for admission. The applicant shall submit his or her application for admission, together with affidavits and releases of information if required, the applicable fees and any other documentation required in one filing. Attorneys licensed to practice in the highest court of any of the fifty states, in addition to passing the Crow bar examination, shall complete an application for admission, provide proof of current licensure and submit any necessary processing, admission or license fee required by the rules of the Court.

(2) The applicant shall respond to any additional requests from the Court within twenty (20) days, or within the amount of time granted by the Court.

(3) The Chief Judge shall grant or deny the application, or request additional information concerning the admission within thirty (30) days of receiving the request.

3-7-705. Denial of Admission. If an applicant is denied admission to the Court, he or she shall receive written notice of such denial including the reason for denial of admission. A request for review and any additional information the applicant wishes to have considered must be submitted within twenty (20) days of the date of the notice of reason for denial of admission. Any further action on the request for admission is solely at the discretion of the Court. The Chief Judge’s denial of any person’s admission to practice in the Tribal Court may be appealed to the Crow Court of Appeals.

3-7-706. Confidentiality. All information received by the Court in connection with an application for admission is confidential and will be released only upon written authorization of the applicant or by order of the Court.

3-7-707. Fees. The processing and admission or license fees for new applicants shall be set by the Court. Persons admitted to practice other than for a particular case (*pro hac vice*) shall pay an annual fee set by the Court. Applicants for *pro hac vice* admission shall be required to pay the current annual fee. Failure to pay the annual fee upon notice from the Court shall result in removal from the register of persons admitted to practice. A person removed from the register of persons admitted for failure to pay the required annual fee shall reapply for admission

or may request reinstatement by motion upon tender of any unpaid fees and completion of any other requirements of the Court. Persons removed from the register for any other reason shall be required to reapply for admission.

3-7-708. Rules of Professional Conduct. Lawyers and lay advocates admitted to practice in the Tribal Court shall be subject to and shall abide by rules of professional conduct promulgated by the Chief Justice of the Apsaalooke (Crow) Court of Appeals. The Chief Justice shall establish a three (3) member commission on practice consisting of two attorneys and one lay person to handle alleged violations by lawyers and lay advocates of the rules of professional conduct.

CHAPTER VIII. ELECTION OF TRIBAL COURT JUDGES.

3-8-101. Terms and Election Times. The Chief Judge and the Associate Judges shall be elected to 4-year terms beginning with the November 2005 election and every four years thereafter.

3-8-102. General Election Procedures.

(1) Elections for Tribal Court Judges shall be conducted at the times and in accordance with the procedures for Legislative Elections as provided in the comprehensive Election Ordinance adopted pursuant to Article VI, Section 5 of the Tribal Constitution, codified in Title 21 of the Crow Law and Order Code, except as otherwise provided in this Chapter VIII. In the event of a conflict between the procedures specified in this Chapter and those in Title 21, the procedures specified in this Chapter shall govern.

(2) A candidate for judicial election shall file a properly executed Declaration of Candidacy with the Secretary of the Crow Tribe, along with a \$250 filing fee in the same manner as provided in Title 21, certifying that the candidate satisfies the qualifications set forth in this Title 3.

(3) The Secretary shall certify the qualifications of candidates for judicial election in the same manner as provided in Title 21 for the election of Executive Officers. Before certifying the candidates for judicial election, the Secretary will perform the additional child background and qualifications checks required by Sections 3-3-303 and 3-3-304.

(4) When judicial elections occur in a year in which only legislative elections are held, after the ballots are returned to Crow Agency as provided in Title 21, Article 8, Section 9, the Election Commission shall count the votes for judicial candidates in the same manner as provided for Executive elections.

(5) Among the candidates for Chief Judge, the two (2) candidates receiving the highest number of votes qualify as candidates for the General Election. No primary shall be held when there are only two (2) or fewer certified candidates for the office. The candidate receiving the highest number of votes in the General Election shall be certified as the elected Chief Judge.

(6) When two Associate Judges are being elected, the three (3) candidates receiving the highest number of votes in the Primary Election qualify as the candidates for Associate Judges in the General Election. No primary shall be held when there are only three (3) or fewer certified candidates for the two offices. The two (2) candidates receiving the highest number of votes in the General Election shall be certified as the elected Associate Judges.

3-8-103. Employment and Salaries of Tribal Court Judges.

(1) The Chief Judge shall be paid an annual salary of \$50,000 per annum.

(2) An Associate Judge shall be paid an annual salary of \$40,000 per annum.

(3) The salary of any elected Tribal Court Judge shall not be diminished or reduced during the Judge's term of office. Subject to restrictions in grants and other outside funding sources, payment of compensation to the Tribal Court Judges shall have first priority on funds available to the Tribal Court.

(4) An Elected Tribal Court Judge (Chief or Associate) will not accept employment part or full from any other government or private firm during his or her tenure. Failure to adhere to this requirement will cause immediate suspension with pay until the Judicial Ethics Board determines the status of said alleged violation.

3-8-104. Insufficient Qualified Candidates for Election. If there is no qualified candidate for election to a Tribal Judge position, that position shall be deemed to be vacant and subject to appointment and confirmation as provided in Section 3-3-310.

3-8-105. Judicial Election Campaigns. In addition to the restrictions in Article XI of the comprehensive election ordinance in Title 21, candidates for judicial election shall adhere to the applicable provisions of the ABA Model Code of Judicial Ethics relating to election of judges.