

Little River Band Of Ottawa Indians
TRIBAL COURT
3031 Domres Road
Manistee Michigan 49660

ADMINISTRATIVE ORDER 13.001AO

COURT RULE: SAFETY AND SECURITY

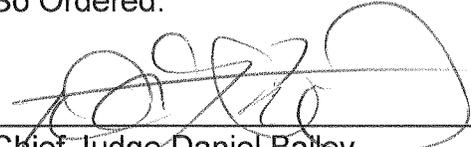
ADOPTED: APRIL 1, 2013

Safety and security is of utmost importance to the Court, not only for its judges and employees, but for the general public as well.

The Tribal Court has instituted certain policies for the security of the building and its occupants. One of those policies disallows weapons in the building. To ensure that particular policy is followed, all litigants, their attorneys and interested parties are screened. They will be asked to empty their pockets, agree to have their bags or purses checked for any contraband and will be required to walk through a magnetometer (metal detector.)

If someone refuses to be screened, they will not be allowed to enter the courtroom.

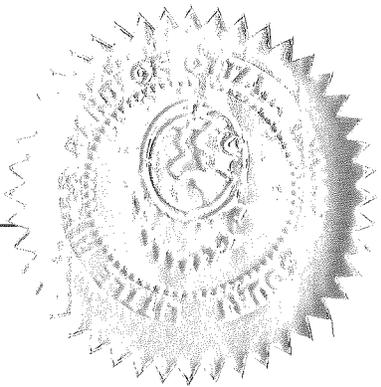
So Ordered:



Chief Judge Daniel Bailey

4/1/13

Date



I, Deborah A. Miller as Court Administrator do certify that the forgoing is a true and accurate copy of the Order entered by this Court on April 1, 2013.



Deborah A. Miller, Court Administrator

Little River Band Of Ottawa Indians
TRIBAL COURT
3031 Domres Road
Manistee Michigan 49660

ADMINISTRATIVE ORDER 10.004AO

COURT RULE: FEES AND COSTS

REVISED AND AMENDED: DECEMBER 14, 2010

The Court adopts the following Rule:

Fees for the purposes of this rule means the filing fees for commencing an action, motions and certification of copies as required by law or court rule.

SCHEDULE OF FEES:

FILING TO COMMENCE A CIVIL ACTION	\$ 60.00
FILING A MOTION	\$ 15.00
PREPARING A TRANSCRIPT	\$ 3.00 (per page)
FILING AN APPEAL	\$150.00
REGISTERING A FOREIGN JUDGMENT	\$ 25.00
FILING A SUBSEQUENT GARNISHMENT	\$ 10.00
ADMISSION TO PRACTICE	\$100.00
JURY FEE	\$ 75.00
MARRIAGE LICENSE APPLICATION	\$ 50.00
COPIES	\$.15 (per page)
CERTIFIED COPIES	\$ 5.00

Exemption or waiver of Fees and Costs:

- (a.) Only a natural person is eligible for the waiver or suspension of fees under this rule.
- (b.) Persons receiving Public Assistance are entitled to a waiver of fees required under these rules and any subsequent laws, provided that the assistance provides the primary source of their support. Proof of eligibility must be shown by ex parte affidavit filed with the court.
- (c.) Other indigent persons. If a person can show by ex parte affidavit that s/he is unable to pay fees required by law or court rule, the Tribal Court may order those fees waived.
- (d.) Affidavits. Either the person(s) seeking the waiver may sign an affidavit required under these rules, or any person(s) having personal knowledge of the facts required to be shown if the person(s) for whom the affidavit is made is unable to sign due to being a minor or having a disability.
- (e.) Reinstatement of Requirement to Pay Fees. If payment has been waived or suspended under this rule the Court may on it's own initiative order the person receiving the waiver to pay, when the reason for the waiver no longer exists providing the case is still pending or open.

Costs. Any other expense associated with a court action is considered costs. The Court may at it's discretion waive costs if the conditions of (a) –(d) are shown to exist. Should the conditions that allow for waiver change, then costs may be reinstated as in (e).

REVISED AND AMENDED: DECEMBER 14, 2010

So Ordered:



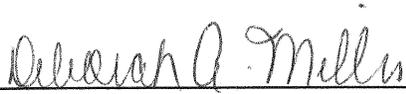
Chief Judge Daniel Bailey

12/15/10

Date



I, Deborah A. Miller as Court Administrator do certify that the forgoing is a true and accurate copy of the Order entered by this Court on December 15, 2010



Deborah A. Miller, Court Administrator

Little River Band of Ottawa Indians
Tribal Court

Administrative Order: 10-001AO

PROBATION OFFICERS ACCESS TO L.E.I.N

In the *RULES OF LEIN 2010* (LEIN Administrative Rules, § 28.523, Rule 203 (2b) "Operator and Requester must be under the management control of a criminal justice agency."

Access and dissemination; (definition of access: Any agency with the ability to view and/or use LEIN information.)

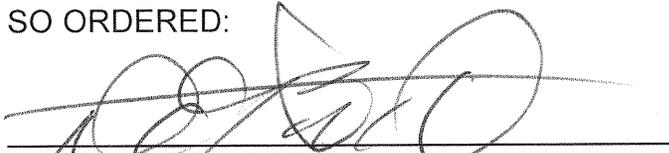
FULL ACCESS

- Courts (Criminal Division)
- Department of Corrections
- Law Enforcement Agencies
- Probation – Parole Agencies
- Prosecutors

The Little River Band of Ottawa Indians Tribal Court directs its probation officer(s) to prepare pre-sentence reports to aid the court in determining the sentence for a defendant after plea or trial.

The probation department is under the auspices of the Tribal Court and shall have the ability to present the Pre-sentence Order to the Tach Officer (LEIN Operator) in the Department of Public Safety to acquire a criminal background check to aid the probation officer in preparing his/her report.

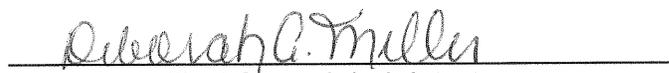
SO ORDERED:



Chief Judge Daniel Bailey

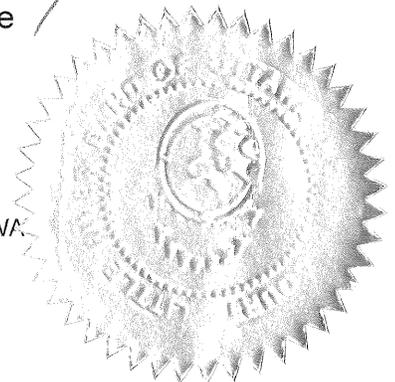
7/12/10

Date



Deborah Miller/ Court Administrator

SERVING KENT, LAKE, MANISTEE, MASON, MUSKEGON, NEWA...
OCEANA, OTTAWA, AND WEXFORD COUNTIES
FAX 231-398-3404



Little River Band of Ottawa Indians
Tribal Court

Administrative Order: 10-002AO

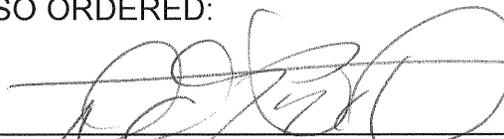
**TRANSFER OF PROSECUTORIAL FUNCTIONS BACK TO THE EXECUTIVE
BRANCH OF THE LITTLE RIVER BAND OF OTTAWA INDIANS**

Executive Order No. 07-0808-01 transferred the Prosecutor's Office to the Tribal Court for Administrative purposes on August 8, 2007.

Administrative Order No. 07-001AO, accepted the transfer on August 13, 2007.

After a meeting with the Tribal Council and the Tribal Ogema, the court has agreed to again transfer the Prosecutor's Office back to the Executive Branch effective August 1, 2010.

SO ORDERED:



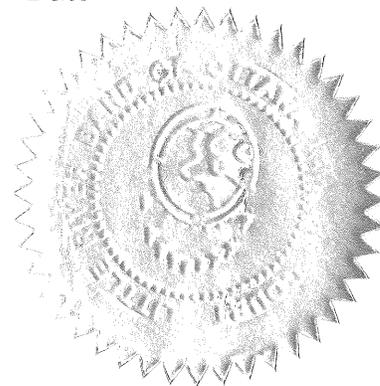
Chief Judge Daniel Bailey

7/21/10

Date



Deborah Miller/ Court Administrator



Little River Band of Ottawa Indians
Tribal Court

Administrative Order: 10-003AO

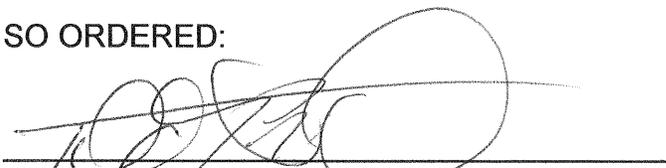
PROCEDURES FOR DETERMINING INDIGENCY

The following procedures for determining indigency are hereby adopted by the Little River Band of Ottawa Indians Tribal Court.

If a party requests a waiver of a filing fee, the Tribal Court must determine whether the party is indigent. The determination of indigency must be guided by the following factors:

1. If the party demonstrates by notarized affidavit that he/she is primarily supported by public assistance and furnishes proof of such fact, the filing fee must be waived; and
2. If the party demonstrates to the satisfaction of the Court that by paying the filing fee he/she would suffer undue financial hardship, the filing fee must be waived.

SO ORDERED:



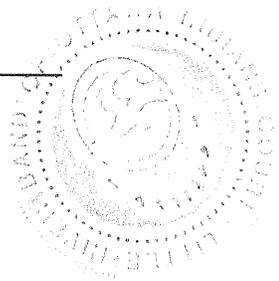
Chief Judge Daniel Bailey

11/19/10

Date



Deborah Miller/ Court Administrator



Little River Band of Ottawa Indians
Tribal Court

Administrative Order: 09-001AO

**PAYMENT FOR ATTORNEY GUARDIAN AD LITEMS
PAYMENT FOR COURT APPOINTED ATTORNEYS**

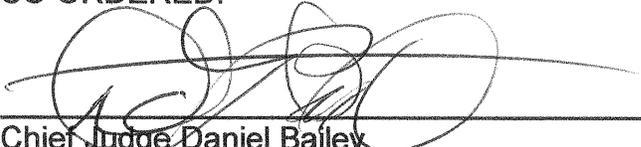
ARTICLE III – CONSTITUTIONAL RIGHTS, Section 1 Civil Rights. The Little River Band in exercising the powers of self government shall not: §(h): Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;...

Tribal Court will appoint an Attorney Guardian Ad Litem for all minor children involved in any neglect/abuse case initiated or transferred to this court.

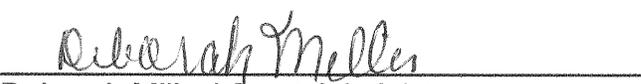
Tribal Court will appoint an Attorney to represent individuals who are mentally incapacitated and unable to understand the proceedings filed against them in civil and/or criminal cases.

The payment for such services by the Attorney shall be \$100.00 per hour and one-half that (\$50.00 per hour) for any required travel to home or institution in preparation of the court hearing.

SO ORDERED:

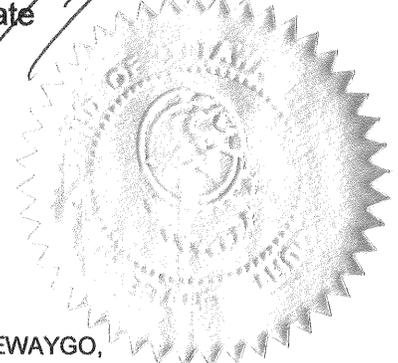


Chief Judge Daniel Bailey



Deborah Miller/ Court Administrator

2/19/09
Date



Little River Band of Ottawa Indians

Tribal Court

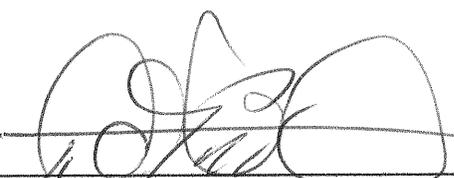
Administrative Order: 09004AO

RE: Court Rules – Chapter 2, Section 2.407

A Judicial meeting was held on July 16, 2009, in which Chief Judge Daniel Bailey, Associate Judge Angela Sherigan, Chief Appellate Justice Melissa Pope, and Justice Martha Kase, were present.

All Judges/Justices are in favor of eliminating Rule 2.407 of the Tribal Court Rules. This change will be effective immediately.

Dated: 7/16/09



Hon. Daniel Bailey, Chief Judge



Deborah Miller, Court Administrator



Little River Band of Ottawa Indians
Tribal Court

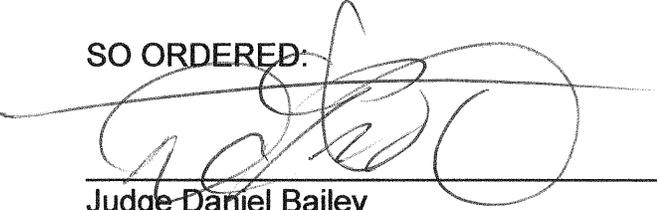
Administrative Order: 08-001AO

VOLUNTEER PEACEMAKER STIPENDS

A stipend has been paid to Volunteer Peacemakers since the inception of the program in 2000. It was understood that it would be a flat rate fee of \$40.00. This was not a written policy in the Peacemaking Office or in the Court Rules.

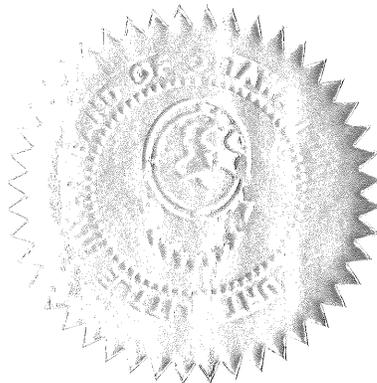
It is now 2008 and inflation dictates that to cover expenses, gas, travel, and time, the stipend for volunteer peacemakers will be \$60.00 per peacemaking session. There will be no reimbursement for mileage. Peacemakers have been selected from most of the service areas of the Tribe and ideally there should be no extended travel for either the participants or the peacemaker.

SO ORDERED:



Judge Daniel Bailey

2/5/08
Date



SERVING KENT, LAKE, MANISTEE, MASON, MUSKEGON, NEWAYGO,
OCEANA, OTTAWA, AND WEXFORD COUNTIES
FAX 231-398-3404

Little River Band of Ottawa Indians
Tribal Court

Administrative Order: 08-002AO

TRIBAL WITNESS AND JUROR FEES

The Little River Band of Ottawa Indians Tribal Government utilizes the Federal per diem and mileage rates for employee travel.

The Little River Band of Ottawa Indians Tribal Court has historically paid a \$25.00 per day fee and federal mileage rate to witnesses and jurors. The court will now utilize the federal rate for witnesses and jurors.

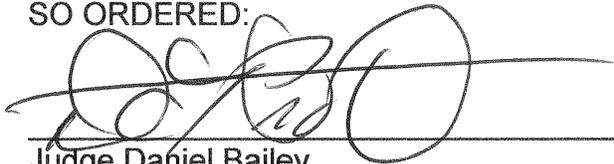
28 USC Sec. 1821

Title 28, part V, Chapter 119:

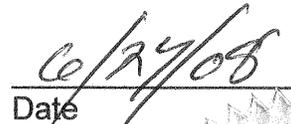
"1(b) – A witness shall be paid an attendance fee of \$40 per day for each day of attendance." (This fee will also apply to jurors.)

The rate is subject to change as witness fees may be modified by the Federal Government in the future.

SO ORDERED:

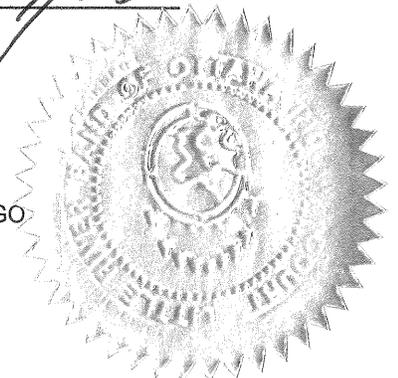


Judge Daniel Bailey



Date

SERVING KENT, LAKE, MANISTEE, MASON, MUSKEGON, NEWAYGO
OCEANA, OTTAWA, AND WEXFORD COUNTIES
FAX 231-398-3404



Little River Band of Ottawa Indians
Tribal Court
3031 Domres Road
Manistee MI 49660
231-398-3406

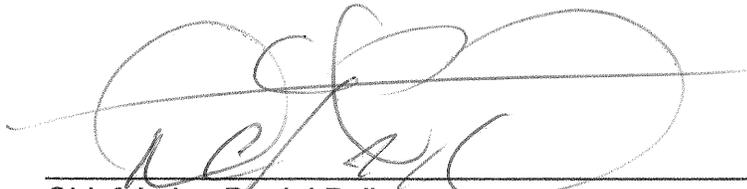
Administrative Order: 07-002AO

TRANSFER OF PROSECUTORIAL FUNCTIONS TO THE TRIBAL COURT

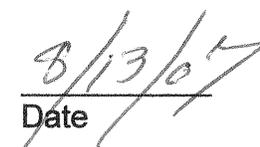
The Court having reviewed Executive Order No.07-0808-01 regarding the transfer of the functions of the Tribal Prosecutors office from the Executive Branch to the Judicial Branch including the administration of the portion of the Tribal Budget pertaining thereto together with all current departmental personnel orders as follows:

IT IS ORDERED:

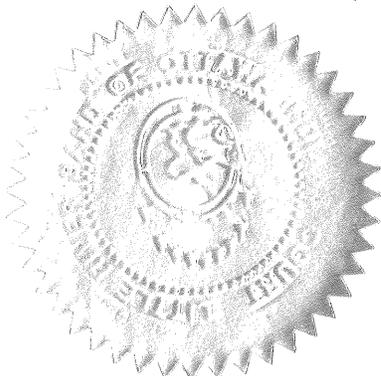
1. That the Tribal Court accepts the transfer of supervision of the Tribal Prosecutor's office from the Executive branch as set forth in the Executive Order cited above.
2. This order is effective immediately.

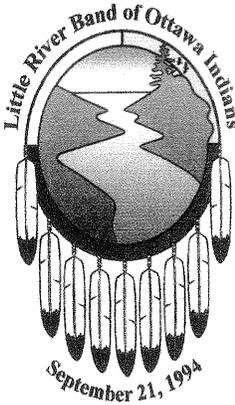


Chief Judge Daniel Bailey



Date





Little River Band of Ottawa Indians
Office of Tribal Ogema
375 River Street
Manistee, MI 49660
231-723-8288 (Fax) 231-723-3270

EXECUTIVE ORDER NO. 07-0808-01

**TRANSFERRING PROSECUTORIAL FUNCTIONS TO THE
SUPERVISION OF THE TRIBAL COURT**

Under the Little River Band of Ottawa Indians Tribal Constitution, the sovereign powers of the Tribe are divided among the legislative, executive and judicial branches of government. Pursuant to Article V. Section 1 of the Tribal Constitution, the Executive Powers of the Tribe are invested in the Tribal Ogema. Among the powers and responsibilities invested in this office include the power to oversee the administration and management of the tribal government, in accordance with the laws, ordinances and motions adopted by the Tribal Council, and the power to enforce tribal law. Article V. Section 5 (1).

Pursuant to Article VI of the Constitution, the Tribal Court is established as a separate branch of government exercising judicial powers and enjoying judicial independence.

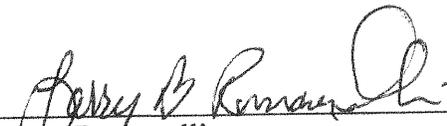
The Ogema believes that supervision of the functions of the Tribal Prosecutors Office is better suited to the independence of the judicial branch of government as provided for in Article VI. Section 9 of the Tribal Constitution, than to the political branches of government

Therefore, by this order, the supervision of the Tribal Prosecutor's Office, including the administration of the part of the Tribal Budget relating thereto, is transferred to the Tribal Court.

This Order is effective upon acceptance of the transfer by administrative order of the Chief Judge of the Tribal Court.

IT IS SO ORDERED.

DATED 8-8-07



Larry Romanelli,
Tribal Ogema



**Little River Band of Ottawa Indians
Tribal Court**
3031 Domres Road
Manistee Michigan 49660
231-398-3406
Fax: 231-398-3404

ADMINISTRATIVE ORDER 06-001OA

SECURITY POLICY FOR COURT FACILITIES

The purpose of this administrative order is to address the presence of weapons in our court facilities.

IT IS ORDERED:

1. No weapons are allowed in the Justice Center. This prohibition does not apply to court security personnel in the performance of their official duties or to law enforcement officers. The Chief Judge may authorize additional exceptions in extraordinary circumstances.

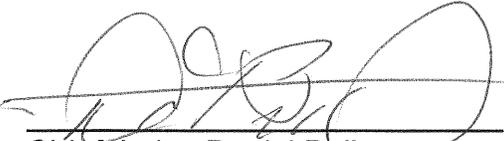
2. All person and their belongings (unless specifically excepted) and all parcels are subject to screening by Court or Law Enforcement Officers for the purpose of keeping weapons out of the building.

If at any time there is a reasonable suspicion that a weapon may be found, a person or object is subject to search. The search shall be no more intrusive than necessary to protect against the dangers presented.

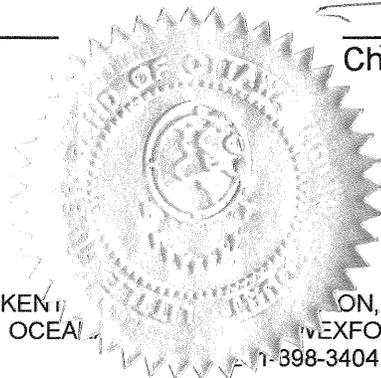
3. Notice shall be posted that "No weapons are permitted in this Courthouse. All persons and parcels are subject to a search for weapons and restricted items as a condition of entry. Persons in violation of this order may be held in contempt of court."

3/16/06

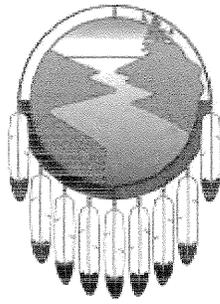
Date



Chief Judge Daniel Bailey



SERVING KENON, MUSKEGON, NEWAYGO,
OCEANA, AND WEXFORD COUNTIES
231-398-3404



Little River Band of Ottawa Indians
Tribal Court
3031 Domres Road
Manistee Michigan 49660
231-398-3406
Fax: 231-398-3404

ADMINISTRATIVE ORDER 06-0020A

CASEFLOW MANAGEMENT PLAN

IT IS ORDERED:

A. Goals of the Court

The court adopts the following Caseflow Management Plan to:

1. expedite the disposition of all cases in a manner consistent with fairness to all parties;
2. minimize the uncertainties associated with processing cases;
3. assure equal access to adjudicative process for all litigants;
4. ensure that the resolution of matters is guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society; and
5. enhance the quality of litigation.

B. Case processing Time Standards

The Court follows the time guidelines as set forth in the Tribal Court Rules of Civil and Criminal procedures.

C. Scheduling Policy

The Court adopts a scheduling policy whereby all cases or contested matters will be set in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of set times. This includes early and continuous control of all cases from case initiation through post-disposition proceedings by the use of:

(Scheduling Policy, continued)

1. appropriate case screening;
2. scheduling orders and conferences for the purpose of achieving date certainty;
3. management of discovery and motion practice;
4. realistic setting of trial dates and time limits; and
5. court control of adjournments for the purpose of achieving date certainty.

Case and contested matters will be reviewed continually to ensure that no case exists for which a future action or review date has not been set by the court. No case or contested matter will be permitted to remain on this court's docket in excess of the guidelines set forth in the Tribal Court Rules without an immediate review or without the court setting forth the reasons for an extension and setting new limits.

D. Adjournment Policy

The court follows the adjournment policy outlined in the Tribal Court Rules (Section 4.2):

1. Unless the court allows otherwise, a request for an adjournment must be by verified and written motion based on good cause shown. All requests for adjournment will be decided by the judge or the court administrator.
2. A motion for adjournment must state: a.) which party is requesting the adjournment; b) the reason for it; and c) whether other adjournments have been granted in the proceeding and, if so, the number granted.
3. At the time a proceeding is adjourned, the proceeding must be rescheduled for a specific date and time.

E. Peacemaking

The court promotes the use of alternative means to resolve disputes. Litigants will be provided with all available information regarding the Peacemaking process, or another dispute resolution counseling center in the area.

F. Pretrial Scheduling Orders

The court has forms available for the utilization of the parties for civil pretrials and divorce pretrials. The pretrial conference is to facilitate evidentiary issues or schedule the action for the court.

G. Trial Scheduling and Management

Trial dates shall be set at the pretrial conference. The parties or their attorneys must be able to confirm their trial date availability.

H. Monitoring System

The case management systems of the court will, at a minimum provide the capability to:

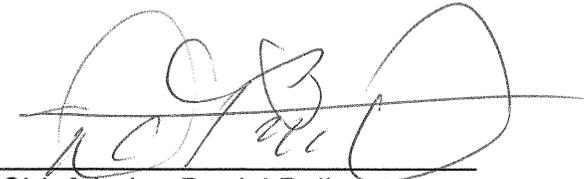
1. monitor case progress;
2. generate reports showing compliance with time guidelines.
3. reports will be prepared monthly by printing a report from the courts data system.

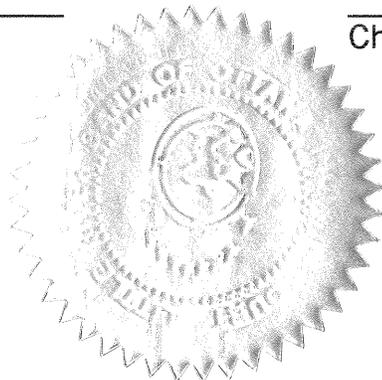
I. Implementation

To successfully implement and achieve the goals of this plan, the court will

1. develop policy level commitment from the bench to the concept and plan;
and
2. consult with internal and external stakeholders as needed for guidance and assistance during the implementation process.

3.16.06
Date


Chief Judge Daniel Bailey





**Little River Band of Ottawa Indians
Tribal Court**
3031 Domres Road
Manistee Michigan 49660
231-398-3406
Fax: 231-398-3404

ADMINISTRATIVE ORDER 06-0030A

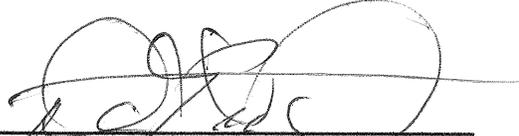
POLICY REGARDING FRIEND OF THE COURT LUMP SUM PAYMENT ORDERS

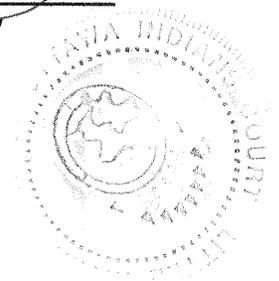
The purpose of this administrative order is to address the issue of foreign support orders for lump sum payments to be paid out of benefit monies received by Tribal Members.

IT IS ORDERED:

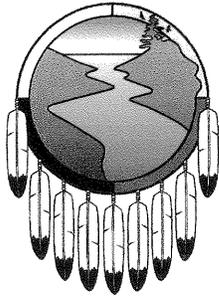
1. Foreign Judgments of Support for Lump Sum Payments properly registered in this Court from any Friend of the Court in the State of Michigan or similar Courts in any other State shall receive an order recognizing their validity in our jurisdiction.
2. The rules and procedures outlined in Chapter One: Little River Band of Ottawa Indians Court shall also apply to lump sum orders.
3. Any lump sum order shall be valid from the date of our Foreign Support Judgment until December 31st of that year.
4. If there remains a balance on arrearages at the end of the year, another support order for lump sum payments must be registered with the Tribal Court.

4/4/06
Date


Chief Judge Daniel Bailey



SERVING KENT, LAKE, MANISTEE, MASON, MUSKEGON, NEWAYGO,
OCEANA, OTTAWA, AND WEXFORD COUNTIES
FAX 231-398-3404



**Little River Band of Ottawa Indians
Tribal Court**

3031 Domres Road
Manistee Michigan 49660
(231) 398-3406
Fax: (231) 398-3404

Daniel Bailey
Chief Judge

ADMINISTRATIVE ORDER

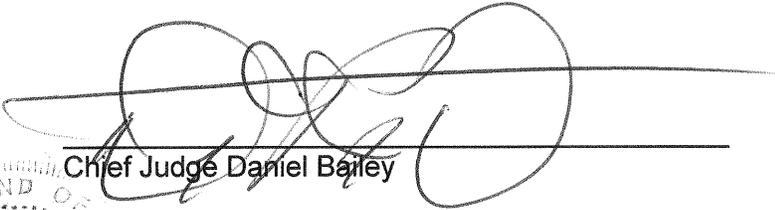
Interim Bond Schedule:

At a Judicial Meeting on September 29, 2003, the Judges decided that a standard bond amount of \$200 would be adopted.

If there were any unusual circumstances or if the person was a definite risk for flight, then it would be up to the discretion of the Judge, after speaking to the arresting officer to either increase or decrease the amount.

IT IS ORDERED:

The bond amount for arrests on misdemeanor offenses will be \$200. (Unless otherwise instructed.)



Chief Judge Daniel Bailey

10/27/03
Date

1 Little River Band of Ottawa Indians

2 P.O. Box 314

3 Manistee, MI 49660-0314

4 ADMINISTRATIVE ORDER: 99 - 0126

COURT RULE:

5 Entered: January 27, 1999

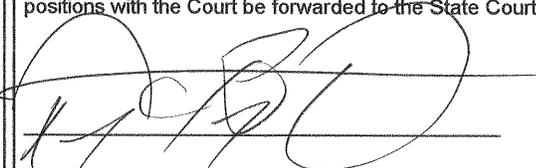
6 Recognition and Enforcement of Foreign
7 Judgements

8
9 **The Court adopts the attached Rule:**

10 The attached rule for the registration, recognition and enforcement of Orders, records and other Judicial documents has been
11 reviewed by the Judiciary of the Little River Band of Ottawa Indians and is adopted by order of the Chief Judge of the Court.

12 **It is hereby Ordered**, that the rule for Recognition and Enforcement of foreign Judgements be adopted as Chapter 1 of the Court
13 Rules and Procedures and become effective immediately.

14 **Further it is Ordered** that a copy of this Order, the Rules, the Tribe's Constitution, Tribal Court Ordinance and current members and
15 positions with the Court be forwarded to the State Court Administrator's Offices for registration as required under M.C.R. 2.615.

16
17 
18 Chief Judge Daniel Bailey

19
20 1/26/99
21 Date

22 I, Jonnie J. Sam II, Associate Judge and Court Administrator, certify that the foregoing is a true and complete copy of the Order
23 entered at the direction of the Chief Judge.

24
25 1/27/99
26 Date

27 
28 Associate Judge / Court Administrator
29