

TITLE 3 - COURT AND RULES OF COURT
PART I - COURTS
CHAPTER 1-2 - ORGANIZATION OF THE TRIBAL COURT

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Section 10 Purpose (3 PYTC § 1-2-10)

Pursuant to the authority vested in the Pascua Yaqui Tribal Council by Article VIII of the Constitution of the Pascua Yaqui Tribe, and in furtherance of the Tribal Court's authority to provide for efficient administrative processes, the Tribal Council enacts this Judicial Ordinance, which shall establish the administrative responsibilities and duties of the Tribal Courts.

Legislative History: Res. No. C09-168-04 (Sept.30, 2004)

Section 20 Judicial Independence (3 PYTC § 1-2-20)

The Tribal Courts are independent from the legislative and executive functions of the tribal government and no person or group of persons charged with the exercise of powers properly belonging to the legislative or executive branches shall exercise any powers properly belonging to the judicial branch, except as the Constitution of the Pascua Yaqui Tribe may otherwise expressly direct or permit.

Legislative History: Res. No. C09-168-04 (Sept. 30, 2004)

Section 30 Composition of the Pascua Yaqui Tribal Court (3 PYTC § 1-2-30)

The Tribal Court is a court of general jurisdiction. The divisions of the Tribal Court shall include:

- (A) the Trial Court, which shall consist of a chief judge and at least two associate judges; and
- (B) the Court of Appeals, which shall consist of three judges. One of the three judges shall serve as the chief judge of the Court of Appeals.

Legislative History: Law and Order Code (originally enacted May 26, 1992, as amended July 29, 1993, Jan. 6, 1994); Res. No. C09-168-04 (Sept. 30, 2004)

Section 40 Duties of the Tribal Courts (3 PYTC § 1-2-40)

It is the duty of the tribal courts to hear and determine all cases before it, in a fair and impartial manner and to exercise the powers vested in it to the end that justice may be administered and law and order maintained.

Legislative History: Law and Order Code (originally enacted May 26, 1992, as amended July 29, 1993, Jan. 6, 1994)

Section 50 Powers of the Tribal Courts (3 PYTC § 1-2-50)

The Appellate and Trial Courts shall have the following powers:

- (A) To preserve and enforce order in its immediate presence
- (B) To enforce order in the proceedings before it, or before a person empowered to conduct a judicial investigation under its authority.
- (C) To provide for the orderly conduct of proceedings before it or its officers.

- (D) To compel obedience to its judgments, orders, and process, and to the orders of a judge out of the Court, in an action or proceeding pending therein.
- (E) To control in furtherance of justice the conduct of its ministerial officers and of all other persons in any manner connected with a judicial proceeding before it in every matter pertaining thereto.
- (F) To compel the attendance of persons to testify in any action or proceeding pending therein, in the cases and manner provided by law.
- (G) To administer oaths in an action or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers and duties.
- (H) To amend and control its process and orders so as to make them conformable to law and justice.
- (I) To devise and make new process and forms of proceedings, consistent with the law, necessary to carry into effect the powers and jurisdiction possessed by it.

Legislative History: Law and Order Code (originally enacted May 26, 1992, as amended July 29, 1993, Jan. 6, 1994)

Section 60 Judicial Administration (3 PYTC § 1-2-60)

- (A) The judicial administrative duties and responsibilities of the Tribal Court shall include, but are not limited to, promulgating written court rules and procedures, which shall not conflict with tribal law or the Constitution.
- (B) The chief judge of the Trial Court shall prepare and present to the Tribal Council a proposed annual budget for an appropriation of funds to permit the Tribal Courts to operate and carry out its judicial functions.
- (C) Judicial Conference. At least once a year and at such other times as the chief judge of the Tribal Court finds necessary, the judges of the Tribal Courts, including the Court of Appeals, shall convene to consider proposals to adopt or amend the Rules of Court, improve the administration of justice, including the operations of the court, and to review court finances, including preparation of budget proposals and financial reporting.

Legislative History: Res. No. C09-168-04 (Sept.30, 2004)

Section 70 Rules of Court (3 PYTC § 1-2-70)

- (A) All court rules and procedures not prescribed in the Pascua Yaqui Code shall be adopted in writing by the respective chief judge of the Trial and Appellate Courts in Rules of Court, subject to the additional requirements of this Ordinance.
- (B) Such rules and procedures shall not conflict with existing tribal law or the Constitution of the Pascua Yaqui Tribe and shall be submitted to the Tribal Council for adoption. If the Tribal Council does not amend or reject proposed rules or procedures by resolution within thirty days, the rules or procedures shall be deemed approved by the Tribal Council.
- (C) All rules and procedures approved in accordance with Section 70(B) of this Chapter shall be published at least 30 days before becoming effective. The chief judge of the Trial Court shall make all court rules and procedures available to the public in a single, comprehensive volume of the Pascua Yaqui Rules of Court, which shall also contain applicable court rules and procedures enacted by Council resolution or ordinance, provided that the chief judge may charge a reasonable fee for publishing copies of such Rules and, in addition, shall make the Rules of Court available to the public in an electronic format.

Legislative History: Res. No. C09-168-04 (Sept.30, 2004)

Section 80 Conflict of Laws (3 PYTC § 1-2-80)

If any provision of this Chapter directly conflicts with any other provision of the laws of the Tribe other than the Constitution, this Chapter shall control.

Legislative History: Res. No. C09-168-04 (Sept.30, 2004)

Section 90 Severability Clause (3 PYTC § 1-2-90)

Each provision of this Chapter shall stand separate and independent of every other provision. If a court of competent jurisdiction finds any provision of this Chapter to be invalid or unenforceable, the remaining provisions shall remain in full force and effect to the maximum extent possible.

Legislative History: Res. No. C09-168-04 (Sept.30, 2004)

DISPOSITION TABLE

Former Section	New Section
Title 1, Ch. 1, Sec. 1.4	Section 10
NEW	Section 20
Title 1, Ch. 1, Sec. 1.1	Section 30
Title 1, Ch. 1, Sec. 1.2	Section 40
Title 1, Ch. 1, Sec. 1.3	Section 50
NEW	Section 60
NEW	Section 70
NEW	Section 80