

1-1-2021

Acoma Pueblo Tribal Court Handbook (2021)

Tribal Law Journal Staff

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Recommended Citation

Journal Staff, Tribal Law. "Acoma Pueblo Tribal Court Handbook (2021)." *Tribal Law Journal* 6, 1 (2006). <https://digitalrepository.unm.edu/tlj/vol6/iss1/2>

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Tribal Law Journal

University of New Mexico School of Law

Tribal Court Handbook

ACOMA TRIBAL COURT

NAME OF TRIBE: PUEBLO OF ACOMA

Introduction and Note to Practitioners:

Tribal Court Handbook information contained herein was provided by a representative of the tribal court in response to a questionnaire provided by the Tribal Law Journal. Often information contained within a Tribal Court Handbook will change between Tribal Law Journal updates. Readers are encouraged to utilize the following information as a starting place for information about a tribal court and to verify that information is accurate.

Part One: TRIBAL GOVERNMENT AND GENERAL INFORMATION

The purpose of this Section is to provide certain basic information about your Tribal Court and judicial system. Anyone practicing in Tribal Court will need to know where the Court is located, how it is organized, and who to contact for more information.

1. Contact Persons and Location of Tribal Court:

Name of Tribal Court	Acoma Tribal Court		
Contact Person Name	Christy Chino		
Title	Court Administrator		
Address	P.O. Box 347 Acoma New Mexico 87034		
Phone	(505) 552-5120 ext 5564	Fax	(505) 552-7493

E-mail	<u>cchino@poamail.org</u>
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2.

2. Name and address of the Chief Judge[s] of the Tribal Court:

Name	Randolph Marshall Collins		
Title	Chief Judge		
Address	P.O. Box 347 Acoma New Mexico 87034		
Phone	(505) 552-5120	Fax	(505) 552-7493
E-mail	rmcollinslaw@aol.com		

3.

3. Driving directions to Tribal Court:

From Albuquerque, drive west on Interstate 40 to exit 102, following the ACOMITA signs (you will go through 3 roundabouts.) At the bottom of the hill is Pueblo Rd, turn right at stop sign (cross over cattle guard.) Travel approximately 5 miles south then turn left on Pinsbaari Dr. Continue driving a 1/2 mile and the Tribal Court is located in the Acoma Public Safety Facility on the left hand side.

4. On what is your tribal government based? (Please check one and briefly describe in box)

- An IRA or OIWA constitution
- A non-IRA constitution
- A non-constitutional organizational document (*e.g. tribal legislation*)
- A traditional system (*please describe*)
- Other (*please describe*)

The Pueblo of Acoma is a federally recognized Indian tribe. Traditional leaders appoint officers once a year. Officers represent the Pueblo in outside affairs. There is a tribal council that is also appointed annually.

Our tribal government does have our Tribal Leadership give input in tribal cases. If the requested parties was to have a traditional hearing. The Tribal Administration does provide input in tribal cases. If our Tribal Administrations does not come to a solution and/or agreement, then it does go forward to our Tribal Council where they make the final decision.

5.

5. Please indicate which organic documents are possessed by the Tribe, and from whom copies are available:

Tribal Document	Available?	Obtain Copy From:
1. Tribal Constitution	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	

2. Bill of Rights	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
3. Organizational Statute	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Pueblo of Acoma Office of the Governor
	<input type="checkbox"/> yes <input type="checkbox"/> no	
	<input type="checkbox"/> yes <input type="checkbox"/> no	

6.

6. Please indicate where your tribal jurisdiction is exercised:

- Within undisputed, clearly established reservation boundaries
- Generally within reservation boundaries, with a few outlying parcels of Indian country
(Please describe the nature of these parcels: e.g. gaming location; purchased land not used for gaming; land remaining from formerly larger reservation, etc.)
- Within Indian country (or dependent Indian community); there are no reservation boundaries
- Please describe disputes regarding the tribe's territorial jurisdiction, including boundaries; non-Indian owned fee land; dependent Indian community status; state or county roads; or any other:

7. Regular Court Staff:

Name	Title	Phone Number	e-mail address
Christy Chino	Court Administrator	(505) 552-5120	cchino@poamail.org
Leila Chavez	Criminal Court Clerk	(505) 552-5120	lchaves@poaemail.org
Felisha Patricio	Civil Court Clerk	(505) 552-5120	fpatricio@poamail.org
Tiffany Lorenzo	Traffic Court Clerk	(505) 552-5120	tlorenzo@poamail.org
Darnella Vallo	Wellness Court Coordinator	(505) 552-5120	dvallo@poamail.org
Thomas Vallo	Bailiff	(505) 552-5120	tvallo@poamail.org
Gwen Aragon	Lead Probation Officer	(505) 552-5120	garagon@poamail.org
Walter Johnson Jr.	Probation Officer	(505) 552-5120	wjohnson@poamail.org
Ada Seymour	Legal Assistant	(505) 552-5120	aseymour@poamail.org

Vacant Position	Court Clerk	(505) 552-5120	
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8.

8. Tribal Court Organization:

Other branches of the Court (if any):

Other Courts in Tribal Court system are checked below:

- Appellate Court (Tribal Council)
- Supreme Court
- Lower courts with different subject-matter jurisdiction
- Other: _____
- Other: _____
- Other: _____

9. Number of judges on the Tribal Court: (Please provide list of names, titles, and contact information for each judge)

Judge Positions	# of Full-time Positions	# of Part-time Positions	# of Pro-tem Positions
Tribal Court Judge	1		
Specialized Court Judges			
Appellate Court Judges			
Other: Conflict Judges		1	

10.

10. Tribal Prosecutor for the Court :

Name	Joseph Artie & Kristina Fought-Hollar		
Title	Prosecutor		
Address	P.O. Box 347 Acoma, New Mexico 87034		
Phone	(505) 552-5120		(505) 552-7493
E-mail			

11.

11. Tribal Justice System Staff: (Please provide list of names, titles, and contact information for each position)

Tribal Justice System Position	# of Full-time Positions	# of Part-time Positions	# of Pro-tem Positions
Court Administrators/Clerks	5		
Probation Officers	2		
Prosecutors			
Public Defenders	2		
Bailiffs	1		
Juvenile Officers			
Other:			

12.

12. Alternative Dispute Resolution and Diversion Programs:

- Does your tribe use Alternative Dispute Resolution (ADR) in the judicial system? Yes No
If yes, please indicate below which ADR methods you use:

- Traditional Methods Mediation Settlement Facilitation
 Arbitration Diversion Programs Other: _____

Please describe:

- Is there additional written material available which describes your tribe's ADR program(s)?
 Yes No *If yes, who should be contacted to obtain a copy:*

Name	Christy Chino		
Title	Court Administrator		
Address	Same information listed above		
Phone		F ax	
E-mail			

Part Two: TRIBAL BAR PRACTICE

(Please attach additional information for each question if available)

Issue		Comments

1. Are there special requirements to be permitted to practice in tribal court?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Application for admission to practice, certificate of good standing and annual fee of \$100.00. Pueblo of Acoma Governor and Tribal Judge Approve permission to practice.
2. Are there requirements regarding knowledge of tribal culture or language:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
3. Are advocates who do not have law degrees or are not members of a state bar permitted to practice in tribal court? Please describe requirements.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Enrolled member of the Acoma Pueblo, 21 or older, no convictions, thorough knowledge of written and spoken law as well as Acoma culture.
4. Do the same requirements apply for state-licensed attorneys?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
5. Does your tribe have a tribal bar examination? If yes, please provide details concerning requirements, how often the exam is administered and how to get more information about being admitted to the tribal bar.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
6. Can an otherwise licensed attorney who is not a member of the tribal bar be admitted for a single case? If yes, how?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	In specialized situations, contact the Court.
7. Can/must an otherwise licensed attorney who is not a member of the tribal bar associate with a member of the tribal bar on a single case? If yes, how?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
8. Does the tribal bar have a Continuing Legal Education requirement? If yes, please provide details.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
9. What is the total number of members of the tribal bar?		N/A

13. Other requirements for a lawyer to practice in Tribal Court:

As listed on the permission to practice application.

14. Others that are allowed in practice in Tribal Court:

The Tribal Code allows for tribal members of the Pueblo of Acoma to practice before the Court if they meet certain qualifications. Recently, the Tribal Court began a lay counsel program to enhance representation before the tribal court particularly in civil matters.

Part Three: TRIBAL COURT RULES AND PROCEDURE

The purpose of this Section is to provide specific information regarding the rules and procedures necessary to practice in Tribal Court.

15. Tribal Court's working hours:

8:00 AM – 4:30 PM M-F

16. Language(s) used in Tribal Court:

English and Keres

17. Interpreters are available: yes no

Name	Christy Chino		
Title	Court Administrator		
Address	P.O. Box 347 Acoma NM 87034		
Phone	(505) 552-5120		(505) 552-7493
E-mail	cchino@poamail.org		

18. Tribal court filing fees:

FILING FEES:

Non-tribal member: \$80.00

Tribal member: \$25.00

CIVIL COMPLAINT(S)

Court Processing for Private Individuals: \$50.00

Civil Complaints (Tribal Member): \$25.00

Complaints for Non-Tribal Members: \$80.00

Motion Fee: \$5.00

PROBATION FEES:

Probation Fee: \$100.00

Drug & Alcohol Testing (per test): \$10.00

Contested Drug/Alcohol Testing: \$35.00

BACKGROUND CHECKS: \$40.00 per request

PERMISSION TO PRACTICE:

Attorney Fee: \$100.00

Advocate Fee: \$50.00

COPY FEE: \$1.00 per page

The filing fees are subject to change so please inquire.

19. Tribal Court scheduling or docket practices where specific days or weeks are reserved:

MONDAY & THURSDAY – Criminal Hearings

TUESDAY & FRIDAY – Civil Hearings/Social Services

WEDNESDAY – Every 3rd Wednesday

THURSDAY – Wellness Court Hearings (mornings)

20. Rules of conduct, or etiquette, or rules of ethics, either written or implied, which are required to practice in Tribal Court:

By administrative order, local rules of the Second Judicial District of the State of New Mexico apply.

21. The following written rules are available for Tribal Court (*Check all that apply*):

<input checked="" type="checkbox"/> Civil Procedure	<input type="checkbox"/> Evidence	<input type="checkbox"/> Others:
<input checked="" type="checkbox"/> Criminal Procedure	<input checked="" type="checkbox"/> Appellate Procedure	
<input checked="" type="checkbox"/> Domestic Relations	<input checked="" type="checkbox"/> Alternative Dispute Resolution	

22. These rules can be obtained by contacting:

Name	Christy Chino		
Title	Court Administrator		
Address	P.O. Box 347 Acoma, NM 87034		
Phone	(505) 552-5120		
E-mail	cchino@poamail.org		

23. To obtain more information on unwritten Tribal Court rules procedures, contact:

Name	Randolph M. Collins
Title	Chief Judge

Address	P.O. Box 347 Acoma NM 87034		
Phone	(505) 552-5120		
E-mail	rmcollinslaw@aol.com		

24. Tribal Court forms can be obtained from:

Is a list of tribal court and related forms available? yes no If yes, please provide a copy.

Name	Christy Chino		
Title	Court Administrator		
Address	P.O. Box 347 Acoma NM 87034		
Phone	(505) 552-5120		
E-mail	cchino@poamail.org		

25. Jury trials are available for the following types of cases:

Criminal Torts – Injury Traffic Other: Civil Matters
 Other: _____ Other: _____

26. Appeals are available for the following types of cases:

Criminal Torts – Injury Traffic
 Other: Review limited to legal error or conflicts within tribal custom and tradition only

27. Tribal Court decisions and opinions are written oral.

If written, copies of decisions and opinions are available from:

Name	Randolph M. Collins		
Title	Chief Judge		
Address	P.O. Box 347 Acoma NM 87034		
Phone	(505) 552-5120		

E-mail	rmcollinslaw@aol.com
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28. Trial proceedings or hearings are recorded transcribed not recorded.

If recorded or transcribed, proceedings or hearings are available from:

Name	Christy Chino		
Title	Court Administrator		
Address	P.O. Box 347 Acoma NM 87034		
Phone	(505) 552-5120		
E-mail	cchino@poamail.org		

Part Four: THE JURISDICTION OF TRIBAL COURT

The purpose of this Section is to provide information regarding the law that applies to cases heard in Tribal Court.

29. Does the tribe exercise jurisdiction over members off-reservation?

yes no If yes, please specify subject matter and circumstances (check all that apply):

- Indian Child Welfare Act
- Hunting, Fishing or Subsistence
- Other: Family law, Domestic Violence
- Other: Traditional Matters

30. Does a significant number of non-member Indians live within the tribe's jurisdiction?

yes no Comments:

31. Do a significant number of non-Indians visit tribal lands on a regular basis?

yes no If yes, please indicate the types of visits (check all that apply):

- Gaming
- Resort
- Smokeshop
- Tourism
- Hunting/Fishing
- Other: _____
- Transients on Interstate Highway
- Transients on Other Highways

32. Are there problems presented by these visitors, such as increased traffic violations, hunting or wood cutting violations?

yes no If yes, please describe these problems and indicate whether disputes are presently settled in tribal court or other forum (please specify forum, such as state court):

There is an increase in some offenses such as traffic violations and theft. Non-member theft at casino is handled by Thirteenth Judicial District Attorney pursuant to a Memorandum of Understanding authorized by the Indian Gaming Regulatory Act and the 1997 Tribal-State Gaming Compact.

33. Are there federal laws or treaty provisions that *specifically* limit *your* tribe's jurisdiction over non-members or non-Indians (as opposed to limitations on all tribes)?

yes no If yes, please indicate the specific law or provision and the limitation:

Federal Statute: _____ over

Non-Indians Non-member Indians

Treaty Provision: _____ over

Non-Indians Non-member Indians

34. Over which groups of persons does your tribal constitution or traditional system permit jurisdiction?

Tribal Constitution

- Tribal Members Only
- All persons, civil
- All persons, criminal
- All Indians, civil
- All Indians, criminal

Traditional System

- Tribal Members Only
- All persons, civil
- All persons, criminal
- All Indians, civil
- All Indians, criminal

35. Has the tribe, by tribal legislation, limited its jurisdiction to members?

yes no If yes, is the jurisdiction General over all actions, or as to specific matters (please specify the subject matters):