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Jemez Pueblo Tribal Court Handbook (2022)

Tribal Law Journal Staff

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Tribal Law Journal

University of New Mexico School of Law

Tribal Court Handbook

JEMEZ PUEBLO TRIBAL COURT

NAME OF TRIBE: JEMEZ PUEBLO

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	Pueblo of Jemez Tribal Court		
Contact Person Name	Aaron Choneska		
Title	Court Administrator		
Address	5117 Highway 4 Jemez Pueblo, NM		
Mailing Address	P.O. Box 100 Jemez Pueblo, NM 87024		
Phone	575-834-7369 or 575-834-1881	Fax	505-834-9317
E-mail	Court.clerk@jemezpuablo.org aaron.choneska@jemezpuablo.org		

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

Name	Peggy L. Bird		
Title	Tribal Judge		
Address	P. O. Box 100, Jemez Pueblo, NM 87024		
Phone	575-834-7359	Fax	505-834-9317
E-mail			

- 3. Driving directions to Tribal Court:** Travel north on I-25 (from Albuquerque), take exit 240 and proceed west on U.S. 550 past Bernalillo. Travel 28 miles to San Ysidro. From there turn north on State Road 4 and travel 5 miles to Jemez. The Tribal Court is located within an enclosed fenced area at the Civil Center. The Tribal Court Office is on the westside of the Civic Center building in a trailer.

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: Governors' Court
☒ Contemporary Court

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. Tribal Codes	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Tribal Court

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 Contemporary Court Staff:

Name	Title	Phone Number	e-mail address
Aaron Choneska	Court Administrator	575-834-7369	Aaron.choneska@jemezpuablo.org
Kiana Gachupin	Court Clerk	575-834-7369	Kiana.gachupin@jemezpuablo.org
Andrea Gopher	Court Clerk	575-834-7369	cedric.fragua@jemezpuablo.org
Cedric Fragua	Probation Officer	575-834-7369	Andrea.gopher@jemezpuablo.org
Peggy L. Bird	Tribal Judge	575-834-7369	Provided upon request only

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: Tribal Council Court
- ☐ 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		3	
Appellate Court Judges			
Other: Conflict Judges			

10. Tribal Prosecutor for the Court: None

Name			
Title			
Address			
Phone			
E-mail			

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	3		
Probation Officers	2		
Prosecutors			
Public Defenders			
Bailiffs			
Juvenile Officers			
Other:		1	

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			
Title			
Address			
Phone		Fax	
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	Must be licensed to practice law in State of NM or if licensed to practice in another state, must be associated with a NM attorney.

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	May be a family member, relative, a tribal member of Jemez Pueblo or an advocate employed by the Pueblo of Jemez.
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 type="checkbox"/> yes <input type="checkbox"/> no	N/A
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 type="checkbox"/> yes <input type="checkbox"/> no	N/A
8. Does the tribal bar have a Continuing Legal Education requirement? If yes, please provide details.	<input type="checkbox"/> yes <input type="checkbox"/> no	N/A
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:

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

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:

Monday through Friday
8:00 a.m. to 12:00 p.m.
1:00 p.m. to 5:00 p.m.

16. Language(s) used in Tribal Court:

Towa and English

17. Interpreters are available: ☐ yes **X** no

Name			
Title			
Address			
Phone			
E-mail			

18. Tribal court filing fees:

Civil Filing fees vary

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

20. Rules of conduct, or etiquette, or rules of ethics, either written or implied, which are required to practice in Tribal Court: This information is explained in the Tribal Code.

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 type="checkbox"/> Appellate Procedure	
<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Alternative Dispute Resolution	

22. These rules can be obtained by contacting: Tribal Court Office

Name	Pueblo of Jemez Tribal Court		
Title	Court Administrator: Aaron Choneska		
Address	P. O. Box 100, Jemez Pueblo, NM 87024		
Phone	575-834-7369 or 575-834-1881	Fax	505-834-9317
E-mail	aaron.choneska@jemezpueblo.org		

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

Name	Pueblo of Jemez Tribal Court		
Title	Court Administrator: Aaron Choneska		
Address	P. O. Box 100, Jemez Pueblo, NM 87024		

Phone	575-834-7369	Fax	505-834-9317
E-mail	Court.clerk@jemezueblo.org aaron.choneska@jemezueblo.org		

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	Kiana Gachpin or Andrea Gopher		
Title	Court Clerk		
Address	P. O. Box 100, Jemez Pueblo, NM 87024		
Phone	575-834-7369	Fax	505-834-9317
E-mail	Court.clerk@jemezueblo.org Kiana.gachupin@jemezueblo.org Andrea.gopher@jemezueblo.org		

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

☒ Criminal ☐ Torts – Injury ☐ Traffic ☐ Other: Civil Matters - taxation case
☐ 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	Pueblo of Jemez Tribal Court		
Title	Court Administrator: Aaron Choneska		
Address	P. O. Box 100, Jemez Pueblo, NM 87024		
Phone	575-834-7369	Fax	505-834-9317
E-mail	Court.clerk@jemezueblo.org aaron.choneska@jemezueblo.org		

28. Trial proceedings or hearings are ☒ recorded ☐ transcribed ☐ not recorded.

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

Name	Pueblo of Jemez Tribal Court		
Title	Court Administrator: Aaron Choneska		
Address	P. O. Box 100, Jemez Pueblo, NM 87024		
Phone	575-834-7369	Fax	505-834-9317

E-mail	Court.clerk@jemezpuablo.org aaron.choneska@jemezpuablo.org
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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 ☒ Tourism ☐ Transients on Interstate Highway
 - ☐ Resort ☐ Hunting/Fishing ☐ Transients on Other Highways
 - ☐ Smokeshop ☒ Other: State Highway through Pueblo & convenience store

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):

Traffic handled by County and BIA Law Enforcement. The convenience store brings matters related to members before the Tribal Court.

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?

<u>Tribal Constitution</u>		<u>Traditional System</u>
<input type="checkbox"/> Tribal Members Only <input type="checkbox"/> All persons, civil <input type="checkbox"/> All persons, criminal <input type="checkbox"/> All Indians, civil <input type="checkbox"/> All Indians, criminal		<input type="checkbox"/> Tribal Members Only <input checked="" type="checkbox"/> All persons, civil <input type="checkbox"/> All persons, criminal <input type="checkbox"/> All Indians, civil <input checked="" type="checkbox"/> 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):