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Taos Pueblo Tribal Court Handbook (2021)

Tribal Law Journal Staff

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Tribal Law Journal

University of New Mexico School of Law

Tribal Court Handbook

TAOS PUEBLO TRIBAL COURT

NAME OF TRIBE: TAOS 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	Taos Pueblo Tribal Court		
Contact Person Name	Volaura Mondragon		
Title	Tribal Court Administrator		
Address	P.O Box 1846 Taos, New Mexico		
Phone	575-751-0488 ext. 205	Fax	575-751-3552
E-mail	vmondragon@taospueblo.com		

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

Name	Timothy David Eisenberg		
Title	Taos Pueblo Tribal Court Judge		
Address	P.O Box 1846 Taos, New Mexico 87571		
Phone	575-751-0488		
E-mail	teisenberg@taospueblo.com		

3. Driving directions to Tribal Court:

Taos Pueblo Tribal Court is at 195 Rio Lucero Road which is ¼ of a mile north from main entrance of Taos Pueblo.

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*)

Taos Pueblo’s traditional system of government consists of a Tribal Council for legislative functions, Governor’s Office for general affairs of the Pueblo and the traditional tribal court which deal with traditional issues of law and the War Chief Office which deals with land issues and its traditional tribal court which hears land disputes.

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 type="checkbox"/> no	N/A
2. Bill of Rights	<input type="checkbox"/> yes <input type="checkbox"/> no	N/A
3. Organizational Statute	<input type="checkbox"/> yes <input type="checkbox"/> no	N/A
4.	<input type="checkbox"/> yes <input type="checkbox"/> no	
5.	<input type="checkbox"/> yes <input type="checkbox"/> no	

6. Please indicate where your tribal jurisdiction is exercised:

- X Within undisputed, clearly established reservation boundaries. Taos Pueblo is not a reservation since it was not created by treaty. Taos Pueblo jurisdiction is based on tribal land boundaries established by the original Spanish land grants and land purchased by the Pueblo.
- X 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
T. David Eisenberg	Judge	575-751-0488	teisenberg@taospueblo.com
Volaura Mondragon	Court Administrator	575-751-0488 ext. 205	vmondragon@taospueblo.com
Carla McGinnis	Court Clerk	575-751-0488 ext. 201	cmcginnis@taospueblo.com
Patrick Romero	Probation officer	575-751-0488 ext. 202	promero@taospueblo.com

8. Tribal Court Organization:

Other branches of the Court (if any): The “modern” tribal court, the Governor’s Office traditional court and the War Chief’s Office traditional court provide collective jurisdiction over the Pueblo’s affairs.

Other Courts in Tribal Court system are checked below:

- Appellate Court (Tribal Council)
- Supreme Court
- Lower courts with different subject-matter jurisdiction
- Other: The Pueblo uses the Southwest Inter Tribal Court of Appeals as its appellate 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	0		
Appellate Court Judges			
Other: Conflict Judges			

10. Tribal Prosecutor for the Court :

Name	Donald Gallegos		
Title	Domestic Violence Prosecutor		
Address			
Phone	1-505-753-4790		
E-mail	dgallegos@enipc.org		

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

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: Healing to Wellness

Court _____
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	Taos Pueblo Behavioral Health Services		
Title	Sacred Path Healing to Wellness Pamphlet		
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 type="checkbox"/> yes <input type="checkbox"/> no	
2. Are there requirements regarding knowledge of tribal culture or language:	<input type="checkbox"/> yes <input checked="" 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 type="checkbox"/> yes <input checked="" type="checkbox"/> no	
4. Do the same requirements apply for state-licensed attorneys?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	All licensed attorney who wish to appear in tribal court must apply for admission and pay an annual \$100.00 admission fee.
5. Does your tribe have a tribal bar examination? If yes, please provide	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	

details concerning requirements, how often the exam is administered and how to get more information about being admitted to the tribal bar.		
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	Any licensed attorney in good standing who has applied for admission and paid the \$100 fee can appear in tribal 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 type="checkbox"/> yes <input type="checkbox"/> no	See above.
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?		No tribal bar.

13. Other requirements for a lawyer to practice in Tribal Court: Lawyer must fill out and attorney application Lawyer must sign an oath of conduct, Lawyer must be an active of the New Mexico Bar Association. Yes, the application includes an oath and be a licensed New Mexico attorney in good standing.

14. Others that are allowed in practice in Tribal Court: Have not had the issue of an out of state attorney applying to appear 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: 8:00 a.m. to 5:00 p.m. M-F closed the noon hour

16. Language(s) used in Tribal Court: English and Tiwa

17. Interpreters are available: yes no

Name			
Title			
Address			
Phone			
E-mail			

18. Tribal court filing fees:

Non-tribal member:

Tribal member: \$20.00 filing fee for civil cases and \$20.00 filing fee for Temporary restraining orders

**19. Tribal Court scheduling or docket practices where specific days or weeks are reserved:
Monday, Tuesday morning and Wednesday.**

20. Rules of conduct, or etiquette, or rules of ethics, either written or implied, which are required to practice in Tribal Court: No one allowed if under the influence of Alcohol or Drugs, No loud talking or profanity, No small children, No food or drinks allowed in the courtroom, No cell phones, pocketknives or weapons of any kind allowed in the courtroom and all hats must be removed.

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 type="checkbox"/> Alternative Dispute Resolution	

22. These rules can be obtained by contacting:

Name	Volaura Mondragon		
Title	Court Administrator		
Address	P.O. Box 1846, Taos, New Mexico 87571		
Phone	(575) 751-0488, ext. 205		
E-mail			

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

Name	Volaura Mondragon/Tribal Court Judge		
Title	Court Administrator		
Address	P.O. Box 1846 Taos, New Mexico 87571		
Phone	575-751-0488 ext. 205		
E-mail	vmondragon@taospueblo.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	Volaura Mondragon		
Title	Court Administrator		
Address	See above		
Phone			

E-mail	
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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	Volaura Mondragon		
Title	Tribal Court Administrator		
Address	See above		
Phone			
E-mail			

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

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

Name	Carla McGinnis		
Title	Taos Pueblo Tribal Court Clerk		
Address	P.O.Box 1846, Taos, New Mexico 87571		
Phone	(575) 751-0488		
E-mail	Cmcginnis@taospueblo.com		

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 member’s 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):

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Gaming | <input checked="" type="checkbox"/> Tourism | <input type="checkbox"/> Transients on Interstate Highway |
| <input type="checkbox"/> Resort | <input type="checkbox"/> Hunting/Fishing | <input type="checkbox"/> Transients on Other Highways |
| <input checked="" type="checkbox"/> Smokeshop | <input type="checkbox"/> Other: _____ | |

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):

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):