

## **TITLE VII - TRIAL AND APPELLATE PROCEDURE**

### **CHAPTER 40 -CIVIL PROCEDURE**

#### **Subchapter 1 - PROCEDURE**

- Sec. 40.1 Process for Civil Action
- Sec. 40.2 Complaint and Answer
- Sec. 40.3 Service
- Sec. 40.4 Filing Fee
- Sec. 40.5 Long Arm Service
- Sec. 40.6 Right to Jury
- Sec. 40.7 Trial
- Sec. 40.8 Witnesses and Evidence
- Sec. 40.9 Judgment of Court of Jury
- Sec. 40.10 Costs in Civil Action
- Sec. 40.11 Default Judgment
- Sec. 40.12 Appeal (Repealed)
- Sec. 40.13 Enforcement of Judgment

#### **Subchapter 2 - PRE -TRIAL CONFERENCE**

- Sec. 40.14 Pre-Trial Conference
- Sec. 40.15 Applicability
- Sec. 40.16 Civil Case
- Sec. 40.17 Criminal Cases (Jury Cases Only)
- Sec. 40.18 Time
- Sec. 40.19 Attendance - Civil Cases
- Sec. 40.20 Attendance - Criminal Cases
- Sec. 40.21 Conduct of Pre-Trial Conference
- Sec. 40.22 Public and Attorneys
- Sec. 40.23 Judge's Function
- Sec. 40.24 Disposition of Cases
- Sec. 40.25 Voluntary Agreements
- Sec. 40.26 Criminal Defendants
- Sec. 40.27 Unsettled Cases

### **CHAPTER 41 - CRIMINAL PROCEDURE**

#### **Subchapter 1 - PRE-TRIAL PROCEDURE**

- Sec. 41.1 Rules to Govern
- Sec. 41.2 Complaint
- Sec. 41.3 Warrant to Apprehend
- Sec. 41.4 Execution of Warrant of Summons
- Sec. 41.5 Law Enforcement Officer
- Sec. 41.6 Arrests
- Sec. 41.7 Warnings
- Sec. 41.8 Bail

Sec. 41.9	<u>Forfeiture</u>
Sec. 41.10	<u>Return of Surety</u>
Sec. 41.11	<u>Detention</u>
Sec. 41.12	<u>Arraignment Procedure</u>
Sec. 41.13	<u>Failure to Plead</u>
Sec. 41.14	<u>Sentencing</u>
Sec. 41.15	<u>Trial Date</u>
Sec. 41.16	<u>Release</u>
Sec. 41.17	<u>Order for Detention</u>
Sec. 41.18	<u>Commitments</u>
Sec. 41.19	<u>Search and Seizure; Warrant</u>
Sec. 41.20	<u>Search and Seizure; No Warrant</u>

#### Subchapter 2 - TRIAL PROCEDURE

Sec. 41.21	<u>Right to Jury</u>
Sec. 41.22	<u>Trial</u>
Sec. 41.23	<u>Rights of Defendant</u>

#### Subchapter 3 - POST TRIAL PROCEDURE

Sec. 41.24	<u>Directed Verdict</u>
Sec. 41.25	<u>Acquittal</u>
Sec. 41.26	<u>Conviction and Sentencing</u>
Sec. 41.27	<u>Motion for New Trial</u>
Sec. 41.28	<u>Right of Appeal</u>
Sec. 41.29	<u>Probation</u>
Sec. 41.30	<u>Violation of Probation and Parole</u>

#### Subchapter 4 - SENTENCING

Sec. 41.31	<u>Discretion of Court</u>
Sec. 41.32	<u>Credit</u>
Sec. 41.33	<u>Confinement In Lieu of Fine</u>
Sec. 41.34	<u>Payment of Fine</u>
Sec. 41.35	<u>Work Credit</u>

### CHAPTER 42 - RULES OF APPELLATE PROCEDURE

Sec. 42.1	<u>Scope of Rules; Tribal Rules Primary; No Diminishment of Tribal Sovereignty</u>
Sec. 42.2	<u>Jurisdiction; Composition of the Court; Chief Judge; Panels; Judges' Duties</u>
Sec. 42.3	<u>Authority of Appellate Court; Matters Which May be Reviewed; Advisory Opinions</u>
Sec. 42.4	<u>Determining Tribal Law; Determining Questions of Law Other Than Tribal Law</u>
Sec. 42.5	<u>Scope of or Limitations on Review</u>
Sec. 42.6	<u>Attorneys, Counselors and Advocates; Admission to Practice in the</u>

	<u>Court of Appeals; Ethics Code; Conflict of Interest; Suspension or Disbarment; Withdrawing From Representing a Client</u>
Sec. 42.7	<u>Suspension or Extension of Required Time Schedules</u>
Sec. 42.8	<u>Computation of time</u>
Sec. 42.9	<u>Pleadings; Informality; Handwritten; Place of Filing; Copies; Service of Process; Notice of Service; Filing; Appellate Court</u>
Sec. 42.10	<u>Fees; Required Payment</u>
Sec. 42.11	<u>Notice of Appeal; Where to File; Timeliness; Consolidated Appeals; Contents; Parties; Service; Notice to Court of Appeals; Death of Party; Counsel Appointment; Jurisdictional Challenges; Parties Joining</u>
Sec. 42.12	<u>Acceptance or Denial of Appeal Because of Jurisdiction</u>
Sec. 42.13	<u>Interlocutory Appeal; Request for Permission to File; Timeliness</u>
Sec. 42.14	<u>Acceptance of Interlocutory Appeal; Procedure; Timeliness</u>
Sec. 42.15	<u>Certification of the Record; Duty of Lower Court; Duty of Appellate Chief Judge; Parties to Receive Copy of Certification</u>
Sec. 42.16	<u>Record for Appeal; Contents; Transcription of Audio Recordings</u>
Sec. 42.17	<u>Appeal with no record; Duty of Parties and Lower Court to Develop Record</u>
Sec. 42.18	<u>Inadequate Record</u>
Sec. 42.19	<u>Bond; When Required, Limits</u>
Sec. 42.20	<u>Stay of judgment or Injunction Pending Appeal; Motion; Bond; Appellate Court Motion</u>
Sec. 42.21	<u>Release Pending Appeal of a Conviction; Procedure; Appeal Court Motion</u>
Sec. 42.22	<u>Reconsideration of Decision to Dismiss Appeal; Procedure; Finality</u>
Sec. 42.23	<u>Writs of <i>Mandamus</i> and Prohibition; Contents of Petition.; Procedure; Time Limits; Denial Without Action</u>
Sec. 42.24	<u>Writ of <i>Habeas Corpus</i>; Contents of Petition; Procedure; Time Limits; Denial Without Action</u>
Sec. 42.25	<u>Motions; Where Filed; Contents; Proof of Service; Responses; Emergencies</u>
Sec. 42.26	<u>Filing and Serving Briefs; Schedule; Failure to File</u>
Sec. 42.27	<u>Form and Content of Briefs; <i>Pro Se</i> Parties</u>
Sec. 42.28	<u>Pre-Hearing Conference and Order</u>
Sec. 42.29	<u>Request for Oral Argument; When Allowed; Withdrawal of Request; Order</u>
Sec. 42.30	<u>Oral Argument Hearing; Notice; Request for Postponement or Additional Time; Telephone Conference; Procedure; Failure to Appear</u>
Sec. 42.31	<u>Decision; Content and Form of Judgment</u>
Sec. 42.32	<u>Entry of Judgment</u>
Sec. 42.33	<u>Interest on Money Judgments</u>
Sec. 42.34	<u>Costs of Appeal; Request for Costs</u>
Sec. 42.35	<u>Petition for Rehearing; Contents of Petition; Procedure</u>

Sec. 42.36	<u>Voluntary Dismissal; Stipulation; Motion</u>
Sec. 42.37	<u>Substitution of Personal Representative for a Party</u>
Sec. 42.38	<u>Severability</u>
Sec. 42.39	<u>Rules by Court of Appeals</u>
Sec. 42.40	<u>Facsimile; Transmission of Documents; Responsibility of Transmitting Party; Hard Copy Required</u>
Sec. 42.41	<u>Definitions</u>