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By



IN THE SUPREME COURT OF THE OSAGE NATION  
PAWHUSKA, OKLAHOMA

CHAPTER 1: GENERAL PROVISIONS

OSAGE NATION RULE OF COURT<sup>1</sup>

(Cite as ON Ct. R.)

**Rule 1: Title**

These rules shall be known and cited as the Osage Nation Rules of Court. These Rules shall take effect on the date of adoption by the Osage Supreme Court. They govern all proceedings in actions brought and all further proceedings in pending actions, except to the extent the Court determines their application to a particular pending action when the rules or amendments thereto take effect would not be feasible or would work injustice.

**Rule 2: Applicability; Default**

These rules are applicable to all proceedings in the Osage Nation Courts relating to the Constitution and laws of the Osage Nation, procedures and actions taken by Osage Nation entities, and the common law and the traditional law of the Osage Nation. In the event an issue or action is not addressed by these rules or Osage Nation law, the corresponding provision of the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Federal Rules of Appellate Procedure or the Federal Rules of Evidence shall apply.

**Rule 3: Governing Principles**

These Rules of Court are intended to provide for the just determination of every proceeding and shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense or delay. They shall be interpreted so as to be consistent with other provisions of Osage law.

**Rule 4: Scope of Rules**

These Rules govern the administration and procedures of the Osage Nation Judicial Branch. The Rules are subject to change by the Supreme Court, but such changes shall not be interpreted so as to prejudice the rights of parties in pending cases. Copies of these Rules shall be kept in the office of the Clerk of the Court and published on the Judicial Branch's website. Any party intending to file an action in court may request a copy of the Rules of Court during normal business hours in accordance with the fee schedule approved established by the Chief Justice pursuant to the Osage Nation Open Records Act. Copies of the Federal Rules shall be available for inspection in the Court's administrative offices and on the Judicial Branch's website. If a

<sup>1</sup> The Chief Justice is responsible for promulgating Rules of Court under 5 ONC § 1-118.

party wishes to copy or print some or part of the Federal Rules using Judicial Branch equipment and resources, the fee schedule shall apply.

#### **Rule 5: Definitions; Severability**

5.1 Definitions. Words in these Rules shall have the meaning given them unless the context clearly indicates another meaning. If the meaning of a word is not clear, then its meaning shall be construed in harmony with the purposes of these Rules. Masculine words shall include the feminine and neutral genders and vice-versa and the singular shall include the plural and vice-versa unless the context clearly requires otherwise.

5.2 Severability. If any provision of these Rules is declared invalid, then the remaining provisions shall be unaffected.

#### **Rule 6: Location and Business Hours**

6.1 Location. The Judicial Branch is located at: 1333 Grandview Avenue, Pawhuska, Oklahoma 74056. Court shall be conducted at the Judicial Branch's location or at other places as may be determined by the court when the interests of justice require an alternate location.

6.2 Holidays and Closures. Judicial Branch holidays will be those holidays observed by the Osage Nation. The court may also be closed from time to time for staff training, administrative matters or emergencies (hereinafter "administrative closures"). Office closures shall be distributed to the Osage Nation Executive and Legislative Branches and posted on the Judicial Branch's website and at conspicuous places at the court building.

6.3 Business Hours. Regular business hours for the Osage Courts shall be Monday through Friday of each week from 8:30 a.m. to 4:30 p.m.

#### **Rule 7: Computation of Time**

7.1 In computing any period of time, the applicable provisions of the Osage Nation Time Calculation Act shall apply except where Osage law states otherwise.

7.2 When Osage law and the Osage Nation Time Calculation Act are silent, time shall be computed as follows:

- (a) Unless specifically stated, "days" shall mean calendar days. In computing any period of time, the first day the period commences shall not be counted and the last day of the period shall be counted.

*EXAMPLE:* A pleading is due 3 days from the date of filing, and the date of filing is April 1. The party would count April 2, 3 and 4, with April 4 being the due date.

- (b) In the event a deadline falls on a day that court is not open (i.e., weekends, holidays administrative closures, etc.), the deadline shall be extended to the next business day that the court is open.

*EXAMPLE:* July 2 is the deadline to file a document, but July 2 falls on a Saturday, and Monday (July 4) is a holiday with the court resuming normal business hours on July 5. The filing deadline is automatically extended to Tuesday, July 5.



## **Rule 8: Clerk's Manual**

8.1 The Court Administrator, in conjunction with the Chief Justice, shall prepare and adopt a Court Clerk's Manual, which shall contain the procedures performed by the court clerks at the Trial and Supreme Court levels. Such procedures shall include, but are not limited to, filing pleadings, organization of case files, preparation of dockets, interacting with parties, counsel and judges on pending matters and the transfer of matters from the Trial Court to the Supreme Court.

## **Rule 9: Closing Cases**

**[RESERVED]**

## **Rule 10: Access to Court Records**

10.1 The provisions of 15 ONC § 8-103(A)(8), the Open Records Act, regarding Judicial records shall apply, except in matters sealed by the presiding judge, protected by Osage law or court rule.

10.2 If the Executive Branch has promulgated a records request form, that form shall be available at the Judicial Branch offices and distributed to individuals requesting court records. Requests to inspect records, without copying, shall be provided at no charge during regular business hours.

10.3 Upon receipt, the court clerk shall provide a copy of the request to the Court Administrator, who shall review the request and provide the court record or respond to the request within ten (10) days. If the Court Administrator is unsure whether the record is an open record, the request shall be referred to the Chief Justice for review. In no instances should the Judicial Branch fail to respond within the 35-day period set forth in the Open Records Act.

10.4 Fees for copies of court records shall be assessed in accordance with the Open Records Act and with the schedule of fees adopted by the Judicial Branch.

10.5 Any denial of a record request shall comply with 15 ONC § 8-108.

10.6 In the event a record request is denied, the requestor may appeal the denial to the Trial Court by following the process set forth in these court rules.

## **Rule 11: Administrative Orders**

11.1 The Chief Justice (or his designee) may issue administrative orders, which are orders of general application relating to the administration and management of the Nation's judicial system or orders of limited effect and of particular application to a court or to the administration of a specific portion of the judicial system.

11.2 Administrative orders shall be numbered using the prefix "AO" followed by the calendar year and the sequential numerical order. Once issued, administrative orders shall be file stamped by the Supreme Court Clerk and posted on the Judicial Branch's website, posted in conspicuous places at the Judicial Branch offices and distributed throughout the Osage Nation government. All administrative orders shall be styled as "In re:" and titled appropriately.

## **Rule 12: Case Management System**

12.1 The Judicial Branch uses a manual and electronic case management system to track matters in both the Trial and Supreme Courts. The electronic case management system is a

computerized system for case initiation, docketing case progress, calendaring, document generation, and report generation. The electronic case management system is the electronic equivalent of the physical case management system, which contains the hard copies of all pleadings and case-related information.

12.2 For each pleading filed in a case, the Court Clerk accepting the filing shall record the filing into the electronic case management system and enter a scanned copy of the filing. The filing shall then be placed in the physical file and recorded in the docket sheet.

12.3 A judge's copy of the case file shall be maintained by the Trial Court Clerk and updated as each filing is recorded. After each case is disposed, the judge's copy shall be returned to the case files.

12.4 All court personnel shall be trained to enter data into the electronic case management system and maintain the physical files. Guides and manuals shall be available in easily accessible areas.

12.5 At the disposition of each case, the entire case file shall be scanned and saved in the Judicial Branch's network drive and transferred onto physically separate storage.

12.6 The Court Administrator shall generate monthly, quarterly and annual reports of pending and disposed cases.

12.7 Access to the electronic case management system is restricted to authorized parties.

### **Rule 13: Filed Papers and Documents, Generally**

Except as provided by statute or unless forms are provided by the court, all papers or documents filed in any proceeding in this court system shall be as follows:

13.1 "Papers and documents" mean documents filed with the Court but do not include exhibits, attachments, or Court-generated documents. All papers and documents must be prepared on letter size (8.5" x 11") paper with one-inch top margin, except the first page must have a two-inch top margin to avoid overlap with the Court Clerk's filing stamp. Pleadings must be typed except that blanks in forms may be completed by handwritten print and notations by the court clerk or judge may be in handwritten print. All papers and documents shall be double spaced, prepared on one side only, except that quoted and indented material and footnotes may be single spaced. Numbered lines are not required. Typed pleadings shall be in 12 point Arial or Times New Roman font in the body and 10 point Arial or Times New Roman in footnotes.

13.2 Citations within pleadings shall substantially conform with the latest edition of *The Bluebook* system of citation. The filing party shall attach as an appendix all supporting documents to pleadings and memoranda, which shall contain copies of all resources cited therein, including, but not limited to, cases, statutes, law review articles, etc. The filing party shall include a table of contents and shall bind the appendix in any reasonable manner.

13.3 To conserve paper, the filing party may provide the required appendix of cited resources on a USB flash drive, CD-rom or DVD-rom at their own expense and effort. When a bench copy of a pleading and cited resources is required, the filing party may provide a bench copy on a

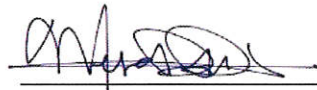
USB flash drive, CD-rom or DVD-rom in lieu of an additional paper copy at the filing party's own expense and effort.

13.4 Electronic Filing. The rules pertaining to electronic filing are set forth in AO-2013-06 and are incorporated herein by reference except for those portions inconsistent with this Rule.

#### **EFFECTIVE DATE**

This Rule of Court shall take effect 30 days from the date set forth below.

**ORDERED** this 1st day of July, 2016.

  
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Meredith D. Drent  
Chief Justice