

**TITLE 3 – COURTS AND RULES OF COURT
PART I – COURTS
CHAPTER 1-4 – COURT STAFF**

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 Amended October 4, 1990 by Resolution No. C10-2-90.
 Amended January 10, 1990 by Resolution C1-67-90.
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 Amended July 29, 1993 and January 6, 2004.
 Amended June 26, 2008 by Resolution No. C06-142-08 and Ordinance
 No. 24-08.*

Section 10 Officers of the Court (3 PYTC § 1-4-10)

Officers of the Tribal Court include:

- (A) Clerk of the Court and any deputies, Probation Officer, or Referees;
- (B) Enforcement Officers, including all regularly employed police officers of the Pascua Yaqui Tribe, Special Officers, Policemen, Conservation Officers, and Rangers.
- (C) State licensed attorneys and lay counselors who are certified by the Pascua Yaqui Tribe.
- (D) Bailiff.
- (E) Prosecutor, Juvenile Presenting Officer.

Section 20 Certification of Attorneys and Lay Counselors (3 PYTC § 1-4-20)

- (A) Certification of attorneys and lay counselors shall require that each attorney and lay counselor attend a four-hour class on the Pascua Yaqui Code and Pascua Yaqui Tribal Court procedures. The class shall be organized by the Chief Judge.
- (B) Each attorney or lay counselor shall apply to the Pascua Yaqui Tribal Court to take the certification class. A certification class shall be offered quarterly. Each participant shall pay a fee to take the class in an amount to be determined by the Chief Judge of the Tribal Court.
- (C) Upon completion of the class, participants shall receive a certificate allowing them to practice in the Pascua Yaqui Tribal Courts for two years.
- (D) The Chief Judge may establish rules for periodic recertification of attorneys and lay counselors, subject to the approval of the Council.

Section 30 Authority of Prosecutor, Appointment (3 PYTC § 1-4-30)

- (A) In any and all criminal proceedings, in any and all Pascua Yaqui Tribal Courts, the Pascua Yaqui Tribe shall appoint a person to act as the prosecutor. The Chief Prosecutor shall be a state licensed attorney.
- (B) The Prosecutor shall have power and authority to sign, file and present any and all complaints, subpoenas, affidavits, motions, processes, and papers of any kind and appear before all courts, in

any criminal proceedings of the Pascua Yaqui Tribe. The tribal prosecutor may appear in other court proceedings on behalf of the Pascua Yaqui Tribe.

Section 40 Appearance of Attorneys (3 PYTC § 1-4-40)

- (A) Attorneys before the Pascua Yaqui Tribal Courts. Attorneys shall enter their appearance in writing.
- (B) Attorneys must meet the requirements in Section 20.
- (C) Dignity & Ethics. Any attorney practicing in the Pascua Yaqui Courts shall conform to the usual standards of conduct of the American Bar Association in the performance of their duties as an attorney.
- (D) Contempt. In the event that an attorney is found guilty of contempt before any court or contempt outside the presence of any Court, the Tribal Judge may levy a penalty for said contempt not to exceed the sum of \$200, and if said attorney fails to pay said fine as provided in a Judgment, they shall be disqualified to practice.

Section 50 Lay Counsel (3 PYTC § 1-4-50)

Lay counsel shall be permitted to practice before the Pascua Yaqui Courts in criminal matters, only when the defendant has waived his right to counsel. Lay counsel shall be certified as provided in Section 20.

Section 60 Clerk of the Court's Duties (3 PYTC 1-4-60)

The Clerk of the Court must keep a calendar of all criminal actions pending in the Court, enumerating them according to the date of the filing of the complaint, specifying the offense charged and whether the defendant is in custody or on bail.

Section 70 Juvenile Court Personnel (3 PYTC § 1-4-70)

- (A) JUVENILE PRESENTING OFFICER:
 - (1) The juvenile presenting officer shall represent the Tribe in Juvenile Court matters involving juvenile offenses, status offenses and child welfare matters pursuant to the Pascua Yaqui Juvenile Code and Pascua Yaqui Rules of Juvenile Court Procedure.
 - (2) The juvenile presenting officer shall be a member of the Office of the Prosecutor certified to practice in Tribal Court.
- (B) JUVENILE PROBATION OFFICER:

The juvenile probation officer shall be a member of the Probation Office certified to practice in Tribal Court.
- (C) OTHER PERSONNEL:

The Tribal Court may set qualifications and appoint additional Juvenile Court personal whenever, after consultation with the Juvenile Court, the Tribal Court believes it is appropriate to do so.

(D) STATEMENT OF LEGISLATIVE INTENT:

It is the intent of the Tribal Council in enacting this ordinance that the provisions of this ordinance shall apply to all matters, past, present or future, in which the Juvenile Presenting Officer is or was a member of the Office of the Prosecutor certified to practice in Tribal Court.”

DISPOSITION TABLE

Former Section	New Section
Title 1, Ch. 1, Sec. 1.24	Section 10
Title 1, Ch. 1, Sec. 1.24.1	Section 20
Title 1, Ch. 1, Sec. 1.25	Section 30
Title 1, Ch. 1, Sec. 1.26	Section 40
Title 1, Ch. 1, Sec. 1.27	Section 50
Title 1, Ch. 1, Sec. 1.54	Section 60
Title 2, Ch. 1, Sec. 1.3	Section 70
Section 70	NEW