**MUSCOGEE (CREEK) NATION**

**Rules of the Muscogee District Court**

**RULE 1. OFFICIAL COURT RULES**

District Court Rules are adopted for the Muscogee (Creek) Nation District Court and are to be published and certified by the Chief District Judge. The Rules will be mailed first class to each member of the Muscogee (Creek) Nation Bar Association and other interested parties. Additional copies are available at the office of the District Court Clerk. New members of the Muscogee (Creek) Nation Bar Association will be presented a copy of the Rules upon payment of admission fees.

The Rules of the District Court may be amended by the Chief District Judge of the Muscogee (Creek) Nation District Court at any time. Any amendment will be mailed first class to each member of the Muscogee (Creek) Nation Bar Association and other interested parties.

Orders Supplementing- The Chief District Judge may enter orders consistent with these rules for the general conduct of business.

**RULE 2. WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

A Writ of Habeas Corpus Ad Testificandum may be served by a law enforcement officer or the Creek Nation Lighthorse Department. The Application for a Writ of Habeas Corpus Ad Testificandum shall be signed and verified, detailing the detention location and reason for the subject of the Writ to be brought before the Court. It is the responsibility of counsel to prepare the Writ of Habeas Corpus Ad Testificandum. The District Court Clerk will affix the Law Enforcement Officer’s Return when the Writ is approved and set a hearing date and time if the matter has not previously been scheduled.

The Application and Writ shall be in the style of the case at issue. Counsel must serve a copy of the application by mail on the custodian of the prisoner.

**RULE 3. JURY TERMS**

The District Judge shall be in charge of the jury panel and shall excuse and discharge those jurors not engaged when their services are no longer required.

**RULE 4. USE OF THE COURTROOM**

The courtroom shall be used for regular Court business. Permission for other use may be obtained from the District Court Clerk.

**RULE 5. COURTROOM DECCORUM**

Counsel shall assist the Court in maintaining order and decorum by advising their clients and witnesses in advance of proper courtroom behavior and attire. Counsel’s conduct in the Courtroom as a member of this Bar demonstrates counsel’s respect for the administration of Justice.

The following is requested of counsel for proper Courtroom conduct:

1. Punctuality and brevity are virtues appreciated by Judges and Jurors;
2. Arguments shall be addressed to the Court and not opposing counsel, avoid disparaging personal comments or acrimony toward opposing counsel;
3. The Lectern is to be used when examining witnesses, making argument or examining prospective jurors, unless the hearing being held has been declared an informal hearing;
4. Do not sit on the counsel tables nor prop feet on tables or chairs;
5. Smoking, eating, drinking beverages and reading newspapers are not permitted in the Courtroom;
6. Do not take files, pleadings, papers, or exhibits from the Minute Clerk’s desk and from the Court Reporter unless you obtain permission to do so;
7. Do not use the Clerks’ desk, phone, or office materials without permission;
8. Advise your clients of the ethical impropriety of discussing pending matters with a Judge;
9. Request permission to withdraw when you have completed business with the Court;
10. Do not hold conferences in the courtroom with clients when Court is in session;
11. Refrain from employing dilatory tactics;
12. Counsel for the Plaintiff or Prosecution Attorney shall occupy the table nearest the jury box and counsel for the Defendant or Respondent shall occupy the table furthermost from the jury box;
13. Any Attorney who appears in Court intoxicated or under the influence of intoxicants, drugs, or narcotics may be removed from the Tribal property and summarily be held in contempt; and
14. Refrain from addressing one another in Court by their first names.

**RULE 6. COURTROOM ATTIRE**

Attorneys, as officers of the Court, should appear in attire appropriate for practitioners of this honored profession and should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves. Men shall wear coats and ties and women should wear professional attire for all scheduled court appearances.

**RULE 7. POSSESSION AND USE OF ELECTRONIC DEVICES IN THE COURTHOUSE**

No Electronic device, including but not limited to cellular phones, pagers, laptop computers and/or personal digital assistants may be brought into or used in any Muscogee (Creek) Nation Courthouse by visitors to the Courthouse without the prior approval of a judge of this court, except as set forth in the following paragraphs:

1. Use of Electronic Devices
2. Courtrooms. All electronic devices including but not limited to cellular phones, pagers, laptop computers and personal digital assistants, must be turned off at all times inside the courtroom unless permission is obtained from the presiding Judge. The broadcast and/or recording of the sights or sounds in the courtroom by use of electronic device or otherwise is prohibited.
3. Outside of the Courtrooms. Electronic devices including cellular phones, pagers, laptop computers and personal digital assistants, may be used in portions of the courthouse outside of the courtroom so long as they do not serve to disrupt any official Muscogee (Creek) Nation business being conducted within the Mound Building.
4. Unauthorized Possession of Use of an Electronic Device.

Unauthorized possession or use of an electronic device in the courthouse or courtroom may subject the offender to suspension or limitation of these privileges, surrender and forfeiture of the electronic device, and/or punishment for Contempt of Court (including potential fine and/or jail time).

1. Suspension or Modification of This Rule During Heightened Security

The privileges conferred by these rules shall be subject to suspension or modification without notice in the event that the Court declares a need for a heightened level of security at the courthouse.

**RULE 8. PHOTOGRAPHING, RECORDING, BROADCASTING, AND TELEVISING JUDICIAL PROCEEDINGS.**

In conformity with the practice that has prevailed in the District Court, the following rules governing the taking of photographs, the recording, broadcasting and televising of judicial proceedings in the Courthouse of the Muscogee (Creek) Nation District Court, are hereby promulgated:

1. Absent express written permission by the presiding Judge, the use of cameras, television, and other recording or broadcasting equipment is prohibited within all Muscogee (Creek) Nation courtrooms. In the event such permission is granted, the grantee shall still be prohibited from capturing any still images, video, or audio recordings of an empaneled jury, parties to a case, and/or any minor child called to testify.
2. The use of cameras, television, recording and broadcasting equipment is not prohibited in other areas of the courthouse, provided that the user exercises diligence to ensure that such equipment and its use does not interfere with any official Muscogee (Creek) Nation business being conducted within the Mound Building or other areas of the Capitol Complex. The user shall be prohibited from capturing still images, video, or audio recordings of any jury member, parties to a case, minor child or witness while on Muscogee (Creek) Nation property.

Notwithstanding these rules, the District Judge may promulgate specific rules governing the use of cameras, television, recording and broadcasting equipment to remain in force and effect for any specific proceeding or event.

The purpose of this directive is to ensure that courtroom proceedings are conducted at all times with dignity and in a manner calculated to avoid the disruption of order and decorum which the judicial process demands.

It should be emphasized that the representatives of the news media are expected to conduct themselves at all times in a professional manner consistent with the spirit and intent of this directive. In order to ensure such conduct, if conduct of the news media which is in violation of the foregoing rules is brought to the attention of the District Judge, the offending person shall be notified immediately to cease and desist such activity. If the offending part refuses to comply with the order, then the District Judge may immediately request the Bailiff or Lighthorse Police to take affirmative action to end such activity and offender may be removed from Tribal property or held in Contempt of Court.

The directive does not prohibit the District Judge from giving photographic or broadcasting interviews with any television station or radio station or to be photographed in any manner in chambers, and the District Judge may permit broadcasting, televising, recording or photographing of investigative, ceremonial, or naturalization proceedings or any moot trial use for educational or scientific purposes.

**RULE 9. COURTHOUSE CLOSING**

In the event the Principal Chief of the Muscogee (Creek) Nation orders the Capitol Complex closed or the District Court Judge closes the Courthouse due to inclement weather or some emergency, all cases set for hearing may either be held virtually or passed to a future date set by the District Court Clerk. For more information regarding closures, please visit the courts website.

**RULE 10. REMOVAL AND EXAMINATION OF COURT FILES**

District Court files are not to be removed from the Courthouse or District Court Clerk’s office. Adoption, Guardianship and Juvenile files require approval by the District Judge before they may be examined, and then only in the presence of the District Court Clerk or Deputy Court Clerk.

**RULE 11. REMOVAL OF EXHIBITS**

No exhibit offered or admitted in evidence shall be removed from the courtroom or from the custody of the Court or Court Reporter, as the case may be, without permission of the District Judge, and a written dated receipt shall be given by the person receiving it.

**RULE 12. LAW LIBRARY RULES**

Law Library books needed for research may be checked out through the District Court Clerk’s office by members of the Muscogee (Creek) Nation Bar Association or any official elected or appointed by the Muscogee (Creek) Nation. Library books should be returned within 24 hours. If a Library book is needed for an extended time the District Court Clerk must be notified and appropriate notation made on the Library Book Checkout Registry. Citizens of the Muscogee (Creek) Nation may use the Law Library at any time during normal Business hours. These check-out procedures only apply to the District Court Law Library, and do not apply to the Supreme Court.

**RULE 13. DISTRICT COURT WEB PAGE AND EMAIL**

For information regarding the Muscogee (Creek) Nation District Court refer to http.//creekdistrictcourt.com. District Court personnel can be reached by email at the email addresses listed on the Court’s website under the “Contact Us” tab.