

CHAPTER FIVE

DEPOSITIONS AND DISCOVERY

Section 501. Issue and Service of Subpoena for Witnesses

The clerk of the Court shall, on application of any party having a cause or any matter pending in the Court, issue a subpoena for a witness, under the seal of the Court. The clerk may issue separate subpoenas for each person, issue on subpoena carrying the names of all persons subpoenaed, or may at the request of any party, issue subpoenas in blank. A subpoena may be served by the Tribal or Bureau of Indian Affairs Police, proof of service shall be shown by affidavit; but no costs of service of the same shall be allowed, except when served by the Tribal Police, a licensed process server, Bureau of Indian Affairs Police, or a person serving by special appointment.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 501]

Section 502. Subpoenas - Contents

The subpoena shall be directed to the person therein named, requiring him to attend at a particular time and place to testify as a witness; and it may contain a clause directing the witness to bring with him any book, writing or other thing, under his control, which he is bound by law to produce as evidence.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 502]

Section 503. Subpoena for Deposition

When the attendance of the witness before any officer authorized to take depositions, is required, the subpoena may be issued by such officer.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 503]

Section 504. Subpoena for Agency Hearings

When the attendance of the witness is required before any Tribal Agency authorized to issue a subpoena, the subpoena may be issued by any officer of the agency or by such person as may be authorized to issue subpoena by Agency rule.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 504]

Section 505. Witness may Demand Fees - Exception

A witness may demand his traveling fees and fee for one day's attendance as shall be set by Court rule, when the subpoena is served upon him, and if the same be not paid, the witness shall not be obliged to obey the subpoena. The fact of such demand and non-payment shall be stated in the return, provided, however, that witnesses subpoenaed by any Tribal department, board, commission or legislative committee authorized to issue subpoenas shall be paid their attendance and necessary travel, as provided by law for witnesses in other cases, at the time their testimony is concluded out of funds appropriated to such department, board, commission or legislative committee. In the case of subpoena issued by such Tribal agencies, the witness may not refuse to attend because fees and travel expenses were not paid in advance.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 505]

Section 506. Disobedience of Subpoena

Disobedience of a subpoena, or refusal to be sworn or to answer as a witness, when lawfully ordered, may be punished as a contempt of the Court or officer by whom his attendance or testimony is required.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 506]

Section 507. Attachment of Witness

When a witness fails to attend in obedience to a subpoena (except in case of a demand and failure to pay his fees), the

Court or officer before whom his attendance is required may issue an attachment to the Chief of Tribal Police or the Bureau of Indian Affairs Police or their deputy, commanding him to arrest and bring the person therein named before the Court or officer, at a time and place to be fixed in the attachment, to give his testimony and answer for the contempt. If the attachment be not for immediately bringing the witness before the Court or officer, a sum may be fixed not to exceed one hundred dollars (\$100.00) in which the witness may give an undertaking, with surety, for his appearance, such sum shall be endorsed. If the witness is not personally served, the Court may, by a rule, order him to show cause why an attachment should not issue against him.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 507]

Section 508. Punishment for Contempt

(a) The punishment for the contempt provided in Section 507 of this Title shall be as follows:

(1) When the witness fails to attend, in obedience to the subpoena, except in case of a demand and failure to pay his fees, the Court or officer may fine the witness in a sum not exceeding fifty dollars (\$50.00);

(2) When the witness attends but refuses to be sworn or to testify, the Court or officer may fine the witness in a sum not exceeding fifty dollars (\$50.00), or may imprison him in the Tribal jail, there to remain until he shall submit to be sworn, testify, or give his deposition.

The fine imposed by the Court or Tribal Agency shall be paid into the Tribal treasury, and that imposed by the officer at a deposition shall be for the use of the party from whom the witness was subpoenaed. The witness shall, also, be liable to the party injured for any damages occasioned by failure to attend, or his refusal to be sworn, testify, or give his deposition.

(b) The punishment provided in this Section shall not apply where the witness refuses to subscribe a deposition. The punishment provided in this Section is civil in nature, and shall not be interpreted in any way as a criminal punishment,

nor shall the punished person be deemed convicted of any criminal offense.

(c) When the witness purges his contempt, the Court, officer, or agency may suspend any punishment imposed.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 508]

Section 509. Discharge When Imprisonment Illegal

A witness so imprisoned by an officer before whom his deposition is being taken, or by a Tribal Agency Officer, may apply to a Judge of the Tribal Court who shall have power to discharge him, if it appears that his imprisonment is illegal.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 509]

Section 510. Requisites of Attachment - Order of Commitment

Every attachment for the arrest, or order of commitment to jail of a witness by the Court or an officer, pursuant to this Chapter, must be under the seal of the Court or officer, if he has an official seal, and must specify, particularly, the cause of arrest or commitment and if the commitment be for refusing to answer a question, such question must be stated in the order. Such order of commitment may be directed to the Tribal or Bureau of Indian Affairs Police, and shall be executed by committing him to the Tribal jail, and delivering a copy of the order to the jailer.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 510]

Section 511. Examination of Prisoner

A person confined in the Tribal jail may by order of the Tribal Court, be required to be produced for oral examination at a hearing, but in all other cases his examination must be by deposition.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 511]

Section 512. Prisoner's Custody During Examination

While a prisoner's deposition is being taken, he shall remain in the custody of the officer having him in charge who shall afford reasonable facilities for the taking of the deposition.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 512]

Section 513. Witness Privileged

A witness shall not be liable to be sued in the Tribal Court if he does not reside within the Tribal jurisdiction by being served with a summons while going, returning, or attending in obedience to a subpoena.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 513]

Section 514. Witness May Demand Fees Each Day - Exception

At the commencement of each day after the first day, a witness may demand his fees for that day's attendance in obedience to a subpoena, and if the same be not paid, he shall not be required to remain, except witnesses subpoenaed by any Tribal department, board, commission, or legislative committee or body authorized by law to issue subpoenas shall be paid for their attendance and necessary travel from that agency's approved budget as provided by law in other cases at the time their testimony is completed.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 514]

Section 515. Special Provisions for Tribal Agencies

(a) No Tribal agent or employee may be required to attend and testify in their official capacity for any private party absent the consent of their Department head or higher ranking superior.

(b) No Tribal agent or employee may be paid a witness fee in addition to their regular salary or other compensation, if they are on duty at the time they are required to attend and testify, and shall be deemed to have elected to receive their regular salary or other compensation unless they request leave without pay prior to the time they appear in response to the subpoena, provided, that when such agents or employees appear and testify while being paid their regular salary or other compensation, the normal witness fee shall be charged as cost in the case for the benefit of the Tribe and paid into the Tribal Treasury for the benefit of the Tribe, and the agent or employee's supervisors may require prepayment of said fees as a condition precedent of his approval for their appearance. Such witnesses shall be entitled to receive their travel costs, if any, from the party in advance as in other cases.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 515]

SUBCHAPTER A

TESTIMONY UNDER PRIVILEGE AGAINST PROSECUTION

Section 550. Privilege for Committee Testimony

No testimony given by a witness before the Tribal Legislative Body, or any agency established by Tribal law having power to issue a subpoena, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony if such person is granted immunity as provided in Section 551. An official paper or record produced by him is not within privilege.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 550]

Section 551. Procedure for Claiming Privilege

In the case of proceedings before a committee or agency, when two-thirds (2/3) of the members of the full committee or agency shall by affirmative vote have authorized such witness to be granted immunity under this Title with respect to the transactions, matters, or things, concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence by direction of the presiding officer, and, when an Order of the Tribal District Court has been entered into the record requiring said person to testify or produce evidence, such person shall be privileged as stated in Section 550 of this Title. Such an Order may be issued by a Tribal District Court Judge upon application by a duly authorized representative of the committee or agency concerned, accompanied by the written approval of the Tribal Legislative Body. The Court shall not grant immunity to any witness without first having notified the Attorney General of such action. The Attorney General shall be notified of the time of each proposed application to the Tribal District Court and shall be given an opportunity to be heard with respect thereto prior to the entrance into the record of the Order of the Tribal District Court. No witnesses shall be exempt from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this Section.

[History: L. 1993, January 6; R-30-92]

PUBLIC LAW # T 6 § 551]

Section 552. Oaths

The members of the Tribal Legislative Body, a Chairman or equivalent officer of any committee or agency authorized to issue subpoenas, and any officer or employee of the agency or commission authorized by agency or commission rule, is empowered to administer oaths to witnesses in any case under their examination.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 552]

Section 553. Penalties

(a) Every person who having been summoned as a witness, by authority of the Tribal Legislative Body or other Tribal agency authorized to take testimony and compel attendance or witnesses by subpoena, to give testimony or produce papers under a grant of immunity as provided by Section 551 upon any matter under inquiry before that body, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be punishable by a civil fine of not more than five hundred dollars (\$500.00) to be imposed by that body, and to an attachment and commitment to be imposed by that body to the Tribal jail until such testimony be given.

(b) In addition to, or in the alternative to civil punishment, the agency may proceed in the Tribal District Court for an order requiring such witness to testify, and if such order is issued and disobeyed by the witness, the witness shall be guilty of an offense, and may be fined not more than five hundred dollars (\$500.00), or imprisoned in the Tribal jail for a term not exceeding six (6) months, or both.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 553]

Section 554. Disgrace as Ground for Refusal to Testify

No witness is privileged to refuse to testify to any fact, or produce any paper, respecting which he shall be examined by the Tribal Legislative Body or by any subordinate committee or

agency thereof authorized to issue subpoenas, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace or otherwise render him infamous, provided that such fact or paper is reasonably related to the purpose of the hearing and the purpose of the hearing is reasonably related to the exercise by the body, agency, or committee of authority delegated to it by law.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 554]

Section 555. Prosecution

Whenever a body before whom a witness granted immunity pursuant to this Subchapter believes that a criminal prosecution pursuant to Section 553(b) should be instituted, it shall certify such fact to the Attorney General, whose duty it shall be to bring the matter in the Court by information or complaint for prosecution if the person has not purged his contempt within forty-eight (48) hours.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 555]

Section 556. Fees and Mileage

(a) Witnesses before legislative and administrative bodies compelled to attend by subpoena shall be paid the same fees and mileage as are paid in civil cases in the Tribal District Court from the approved budget of said body.

(b) Witness fees and allowances for mileage shall be set by rule of the Court. Witness fees shall not exceed the amount set for witness fees by Part 11 of Title 25 of the Code of Federal Regulations. Mileage fees shall not exceed the Federal mileage rate.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 556]

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CHAPTER SIX

JURORS

Section 601. Meeting for Selection of Jurors

(a) On the first Monday in November, or as soon thereafter as may be, and, at any time upon the order of the Chief Justice of the Supreme Court, the Jury Selection Board, composed of the Tribal Secretary or one of his deputies, the Tribal Tax Director or one of his deputies, the Chief of the Board of Commissioners of the Tribal Housing Authority or his designate, the Court Clerk or one of his deputies, and one of the Judges of the Court, shall meet at the office of the Court Clerk and select from a list to be compiled of all qualified jurors, as prescribed in this Chapter all qualified jurors for service in the Tribal District Court for the ensuing calendar year in the manner hereinafter provided.

(b) For the purpose of ascertaining the names of all persons qualified for jury service, it shall be the duty of the following officers to provide the following lists of qualified prospective jurors to the Court Clerk:

(1) The Tribal Secretary shall supply a list of all enrolled Tribal members of their households over eighteen (18) years of age who are residents of the tribal jurisdiction.

(2) The Tribal Tax Director shall supply a list of all individual taxpayers irrespective of Tribal membership over eighteen (18) years of age who are residents of the tribal jurisdiction.

(3) The Chairman of the Board of Commissioners of the Tribal Housing Authority shall supply a list of all known tenants of the Housing Authority and members of their household irrespective of tribal membership over eighteen (18) years of age who are residents of the tribal jurisdiction.

(4) The Court Clerk shall supply a list of all persons over eighteen (18) years of age irrespective of tribal membership who have registered upon the Court Clerk's Jury Selection Roll for jury service.

(c) Each such list shall contain, insofar as is known, the date of birth or age, name, and actual place of residence of each person within the category on the list.

(d) Whenever possible, these lists shall be prepared at least thirty days prior to the meeting to allow time for the typing of the names contained therein on cards as hereafter provided, or shall be presented typed upon the cards as hereafter provided.

(e) Whenever such is, or may become reasonably available and efficient, the lists may be printed from computer memory on cards in the manner hereafter provided.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 601]

Section 602. Court Clerk's Jury Selection Roll

It shall be the duty of the Court Clerk to maintain at all times a jury selection roll upon which any person who is or may be eligible for jury service may enter their name, date of birth, and place of residence. Such roll shall be provided to the jury selection board in order that all qualified persons who may not be identified in paragraphs (1), (2), or (3) of subsection (b) of Section 601 of this Title shall have the opportunity for jury service.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 602]

Section 603. Preparation of Jury Wheel

Said officers shall write or cause to be written or typed the names of all persons who are known to be, or may be qualified jurors under the law on separate cards of uniform size and color, writing also on said cards, whenever possible, the post office address of each juror so selected, along with their age or date of birth and place of residence under the direction of the Court Clerk. Whenever such can be avoided, no person's name shall be placed upon more than one card. The expenses of preparation of said cards to be paid from the Court fund.

The cards containing said names shall be deposited in a circular hollow wheel, to be provided for such purpose by the

Court Clerk after the Jury Selection Board has examined the contents thereof and removed therefrom and destroyed any cards found therein. Said wheel shall be in the form of a drum made of iron, steel, or other substantial material, and shall be so constructed as to freely revolve on its axle and big enough to freely mix all the cards placed therein, the size thereof in each case to be determined by the number of names placed therein, and shall be locked at all times, except when in use as hereinafter provided, by the use of two separate locks, so arranged that the key to one will not open the other lock; and said wheel and the clasps thereto attached into which the locks shall be fitted, shall be so arranged that said wheel cannot be opened unless both of said locks are unlocked at the time the wheel is opened.

The keys to such locks shall be kept, one by the Chief of the Tribal Police, and the other by the Court Clerk. The Chief of the Tribal Police and the Court Clerk shall not open such wheel, nor permit the same to be opened by any person, except at the time and in the manner and by the persons herein specified; but said Chief of the Tribal Police and Court Clerk shall keep such wheel, when not in use, in a safe and secure place where the same cannot be tampered with.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 603]

Section 604. Drawing General Jury Panel

(a) The Judges of the Court shall, more than twenty (20) days prior to each jury docket of Court, determine approximately the number of jurors that are reasonably necessary for jury service in the Court during the jury docket, and shall thereupon order the drawing of such number of jurors from the wheel, said jury to be known as the general panel of jurors for service for the respective jury docket for which they are designated to serve. A majority of said judges, or the Chief Judge, are authorized to act in carrying out the provisions of this Section.

(b) The Court Clerk or one of his deputies and the Chief of the Tribal Police or one of his deputies in open court and under the directions of the Chief Judge of the Tribal District Court, or during his absence or disability, some other Judge of the Tribal District Court, shall draw from the wheel containing the names of jurors, after the same has been well turned so that the

cards therein are thoroughly mixed, one by one until the number of jurors for jury service as directed by the Court are procured and shall record such names as they are drawn. The officers attending such drawing shall not divulge the name of any person that may be drawn as a juror to any person.

(c) Additional and other drawing of as many names as the Court may order be had at any such time as the Court or Judge may order for the completion of a jury panel, or for the impaneling of a new jury if, in the judgment of the Court, the same shall be necessary, or if, for any cause, the Court, in its discretion, shall deem other jurors necessary. The Court may excuse or discharge any person drawn and summoned as a juror, whenever, in its discretion, such action shall be deemed expedient.

(d) No person may be required, over his objection, to render service as a juror for more than a total of twenty (20) working days in any one calendar year, unless, when this time limit is reached, he is sitting upon a panel engaged in the consideration of a case, in which event he may be excused when such case is terminated; provided, that if the Judge is of the opinion that the jury business of a jury docket fixed by the Court may be concluded within six (6) days, he may require a jury, or a juror, to remain until the termination of said jury service. Persons summoned for jury service need not be required to serve during previously fixed days or weeks or a docket fixed by the Court for jury trials, but they may be recalled from time to time as the trial needs of the Tribal District Court may require, without regard to the docket term fixed by the Court for jury trials for which they were originally summoned.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 604]

Section 605. Use of Jury Panel

The general panel of jurors shall be used to draw juries in all actions tried during the jury docket for which they were summoned. In the event of a deficiency of said general panel at any given time to meet the requirements of the Court, the presiding Judge having control of said general panel shall order such additional jurors to be drawn from the wheel as may be sufficient to meet such emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are not further needed. Resort to the wheel shall be

had in all cases to fill out the general panel, except when only a single jury is needed or when the Court determines that undue delay will be caused thereby to the prejudice of a party, in which case the Court may issue an open venire to the Chief of the Tribal Police or other suitable person for such number of jurors as may be necessary to be selected from the body of the tribal jurisdiction without resort to the jury wheel, provided, that no person shall be called to service or required to serve under an open venire more often than once a year.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 605]

Section 606. Certifying and Sealing Lists

The list of names so drawn for the general panel shall be certified under the hand of the Court Clerk or the deputy doing the drawing and the Judge in whose presence said names were drawn from the wheel to be the list drawn by the said Clerk for the said jury docket, and shall be sealed up in envelopes endorsed "jurors for the jury docket of the Tribal District Court scheduled to commence on _____" (filling in the blank with the appropriate date) and the Clerk doing the drawing shall write his name across the seals of the envelopes.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 606]

Section 607. Oath and Delivery of Envelopes

The Judge attending the drawing shall deliver such envelopes to the Court Clerk, or one of his deputies, and the Judge shall, at the same time, administer to the Court Clerk and to each of his deputies an oath in substance as follows: "You and each of you do solemnly swear that you will not open the jury lists now delivered to you, nor permit them to be opened, until the time prescribed by law, nor communicate to anyone the name or names of persons appearing on the jury lists until the time it shall be published, that you will not, directly or indirectly, converse or communicate with any one selected as juror concerning any case pending for trial in the Court at the next jury docket, So help you God."

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 607]

Section 608. Sealing and Retaining Juror Name Cards

When the names are drawn for jury service, the cards containing such names shall be sealed in separate envelopes, endorsed "cards containing the name of jurors for the petit jury for the jury docket of the Tribal District Court commencing on _____" (filling in the blank for the date properly); and said envelopes shall be retained securely by the Clerk, unopened, until after the jury has been impaneled for such docket, the envelopes containing the cards bearing the names of the jurors for that docket shall then be opened by the Court Clerk, or his deputy, and those cards bearing the names of persons who have not been impaneled and who have not served on a jury shall be immediately returned to the wheel by the Court Clerk or his deputy; and the cards bearing the names of the persons serving on a jury shall be put in a box provided for that purpose for the use of the officer who shall next select jurors for the wheel, provided, that no person shall serve as a jurymen more often than once a year, except upon order of the Court for lack of sufficient jurors or as herein provided.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 608]

Section 609. Refilling Wheel

If the wheel containing the names of jurors be lost or destroyed, with the contents thereof, or if all the cards in said wheel be drawn out, such wheel shall immediately be refurnished and cards bearing the names of jurors shall be placed therein immediately in accordance with law.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 609]

Section 610. Summoning Jurors

The summons of persons for service on the juries in the Tribal District Court shall be served by the Court Clerk by mailing a copy of such summons containing the time, place, and the name of the Court upon which said jurors are required to attend, by registered or certified mail, or as directed by the Judge, to the person selected for service not less than ten (10)

days before the day said person is to appear as a juror in the Court. The Court Clerk shall make a return of such service by filing an affidavit stating the date of mailing and type of mail used in sending the summons; provided, that this shall not prevent service of special open venire or talesman by the Chief of the Tribal Police.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 610]

Section 611. On-Call System Jurors

(a) When an on-call system is implemented by order of the Chief Judge of the Tribal District Court, each juror retained for services subject to call shall be required to contact a center for information as to the time and place of his next assignment.

(b) For purposes of this Section, "on-call system" means a method whereby the Chief Judge of the Tribal District Court estimates the number of jurors required for a jury docket of the Court, and those jurors not needed during any particular period are released to return to their home or employment subject to call when needed.

(c) Pursuant to summons for service on petit juries in the Tribal District Court, each qualified, nonexempt juror is retained for service subject to call and is assigned to a Judge or a case.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 611]

Section 612. Drawing Trial Jurors From Panel

Prospective jurors for the trial of an action shall be drawn by the Court Clerk, in open Court in the presence of a Judge, by lot either by wheel, by numbering the prospective jurors cards and then drawing numbers from a pool containing a numbered marker for each prospective juror available to be called, or by some similar form of random drawing approved by the Court. The initial six (6) jurors shall be drawn as shortly before the trial of the action as is reasonably practical in the discretion of the Court. As prospective jurors are removed or dismissed by challenge, whether preemptory or for cause, the

Clerk shall draw another name from the general pool who shall take the place of the challenged prospective juror and be subject to *voir dire* to the same extent as the prospective jurors originally chosen.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 612]

Section 613. Qualifications and Exemptions of Jurors

(a) All members of the Tribe and other citizens of the United States who are over eighteen (18) years of age and have resided within the Tribal jurisdiction for a period of thirty (30) days, who are of sound mind and discretion and of good moral character are competent to act as jurors, except as herein provided.

(b) The following persons are not qualified to serve as jurors:

(1) Justices of the Supreme Court of the Tribe, or the employees in their office.

(2) Judges or Magistrates of the Tribal District Court, or the employees in their office.

(3) The Court Clerk, or the employees in his office.

(4) The Chief of Tribal Police, his deputies, and the employees in the Police Department.

(5) Jailors having custody of prisoners, or other tribal, state, or federal law enforcement officers.

(6) Licensed Attorneys or Advocates engaged in the practice of law.

(7) Persons who have been convicted of any felony or crime involving moral turpitude, provided that when such conviction has been vacated, overturned upon appeal, or pardoned or when any such person has been fully restored to his civil rights by the jurisdiction wherein such conviction occurred, the person shall be eligible to serve as a juror.

(8) Elected Tribal Officials.

(c) Persons over seventy (70) years of age, ministers, practicing physicians, optometrists, dentists, public school teachers, federal employees, regularly organized full-time fire department employees, and women with otherwise unattended minor children not in school may be excused from jury service by the Court, in its discretion, upon request.

(d) Any tribal member, tribal taxpayer, or person employed within the Tribal jurisdiction may serve as a juror notwithstanding that they are not a resident of the Tribal jurisdiction if they volunteer to do so by signing the Jury Selection Roll maintained by the Court Clerk.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 613]

Section 614. Substantial Compliance

A substantial compliance with the provisions of this Chapter, shall be sufficient to prevent the setting aside of any verdict rendered by a jury chosen hereunder, unless the irregularity in drawing, and summoning, or impaneling the same, resulted in depriving a party litigant of some substantial right; provided, however, that such irregularity must be specifically presented to the Court at or before the time the jury is sworn to try the cause.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 614]

Section 615. Oath to Jury

After selection of the jury, and prior to the opening statements of the parties, the Court or Clerk shall place the jury under oath or affirmation to well and truly try and determine the action before them exclusively upon the evidence presented in the Court and the law as given by the Court, and to return their true verdict thereon without partiality for any unlawful cause or reason.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 615]

Sections 616-620. Reserved**Section 621. Discharge of Employee for Jury Service - Penalty**

Every person, firm, or corporation who discharges an employee or causes an employee to be discharged because of said employee's absence from his employment by reason of said employee's having been required to serve as a juror on a jury of the Tribal District Court, or any other Court, shall be guilty of an Offense, and, upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 621]

Section 622. Civil Liability - Damages

Every person, firm, or corporation who discharges or causes to be discharged an employee because of said employee's absence from his employment by reason of said employee having been required to serve as a juror on a jury, in the Tribal District Court or any other Court, shall be liable to the person so discharged in a civil action at law for both actual and punitive damages. Damages shall include all pecuniary losses suffered, including, but not limited to, lost earnings, both past and future, mental anguish, and all reasonable damages incurred in obtaining other suitable employment, including the cost of relocation and retraining, if any, and a reasonable attorney fee to be determined by the Court.

[History: L. 1993, January 6; R-30-92
PUBLIC LAW # T 6 § 622]

Section 623. Costs Allowed for Jurors

The costs allowed per day per juror shall be ten dollars (\$10.00), plus thirty cents (0.30) per mile for travel to and from the Court.

[History: L. 1997, August 7; R-27-97;
PUBLIC LAW #, T 6 § 623]