

JUDICIAL BRANCH OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES



OFFICE OF THE TRIBAL COURT
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**CHIEF JUDGE OF THE SALISH KOOTENAI TRIBAL COURT
ADMINISTRATIVE ORDER
21-01**

The Confederated Salish and Kootenai Tribes (CSKT) declared a State of Emergency in response to the growing spread of the coronavirus (COVID-19) authorizing a coordinated response to reduce the risk of exposure to the Salish and Kootenai people.

CSKT Tribal Council went on record to officially declare a State of Emergency exists within the exterior boundaries of the Flathead Indian Reservation due to the global outbreak of COVID-19, (coronavirus), pursuant to Resolution 20-086 and the Shelter in Place Order on March 27, 2020, activating an emergency response and implementing governmental services to essential services, restricting large gatherings, and urging closure of all school and educational facilities.

The CSKT Tribal Council most recently passed Resolution 21-066 on May 4, 2021 and issued accompanying COVID Safety Protocols on May 17, 2021 reflecting the CDC guidance issued on May 13, 2021.

The Tribal Court has not been insulated from the impact of this virus and has necessarily adjusted its operations to provide essential court services, while striking a balance between fulfilling the Court's responsibilities and promoting public safety.

The Administrative Order issued on March 27, 2020 ordered temporary closure of the court and all court-related services beginning March 16, 2020, suspending normal operations in preparation for continued essential services to resume at a later date. Administrative Order 20-02 issued on April 8, 2020 further clarified the Court's operations during this time period.

The Tribal Court remains committed to the health and safety of the public and its staff as it provides essential services and maintains the rule of law. Considering the new guidance from the CSKT Tribal Council, public health authorities, the availability of effective vaccines and being otherwise sufficiently advised, the foregoing update on Tribal Court operations shall be issued:

IT IS ORDERED that all prior orders directed by the Chief Judge since the declaration of this public health emergency shall remain in effect until modified or withdrawn;

IT IS FURTHER ORDERED that the Tribal Court shall resume normal operations permitting access to the public with the necessary safety precautions pursuant to the Tribal Council's May 17, 2021 COVID Safety Protocols to ensure essential services to the Salish and Kootenai people and to those who utilize our Court;

IT IS FURTHER ORDERED that the Tribal Court will no longer accept e-filings and shall only accept filings by mail or in-person subject to the exception for the Tribal Defenders' and Tribal Prosecutors' offices where they may submit by email to the presiding clerk Advise of Rights, Plea Agreements and Orders if submitted on the same day of court (on Mondays and Wednesdays);

IT IS FURTHER ORDERED that each department will be required to pick up their mail from their respective boxes in the Clerk's Office;

IT IS FURTHER ORDERED that face coverings are no longer required in courthouse, hallways and other spaces, unless directed by the Court possibly for large group gatherings such as jury voir dire, large law and motion dockets or other events as determined by the Court pursuant to the Tribal Council's May 17, 2021 COVID Safety Protocols;

IT IS FURTHER ORDERED that physical distancing in the courthouse, courtrooms, and offices shall be maintained and shall limit the number of individuals in these spaces at one time;

IT IS FURTHER ORDERED that the Tribal Court shall resume all jury trials with necessary precautions as addressed by the Court to protect the public when large groups are gathered in the courthouse and/or courtroom or other designated court space pursuant to the Tribal Council's May 17, 2021 COVID Safety Protocols;

IT IS FURTHER ORDERED that the Tribal Court shall continue to have the discretion to continue or conduct proceedings remotely by telephone or by videoconference on the Court's own motion or by request of the parties in an effort to limit the number of people in the courthouse and/or courtroom and enable attorneys/advocates or litigants who are considered high risk if exposed to COVID-19 to be allowed to appear remotely if they request to do so;

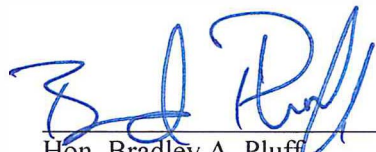
IT IS FURTHER ORDERED that the Tribal Court shall continue to hold criminal proceedings on Mondays and Wednesdays beginning at 1:00 p.m. remotely by telephone or videoconference until further directed by the Court;

IT IS FURTHER ORDERED that that the attorneys/advocates shall arrange for their clients to appear either in person or remotely by telephone or videoconference in accordance with the manner in which the hearing is being held;

IT IS FURTHER ORDERED that this Order shall remain in effect until amended or withdrawn.

IT IS SO ORDERED.

Dated this 13th day of July, 2021.



Hon. Bradley A. Pluff
Acting Chief Judge

