

1 The Honorable Bradley A. Pluff
2 Chief Judge of Tribal Court
3 Confederated Salish and Kootenai Tribes
4 Post Office Box 278
5 Pablo, Montana 59855

6 IN THE TRIBAL COURT OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
7 OF THE FLATHEAD RESERVATION, PABLO, MONTANA

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**PUBLIC NOTICE OF THE TRIBAL
COURT'S PROPOSED ADDITION TO
CSKT PRACTICE RULES AND
CHANGES TO CSKT LAWS CODIFIED**

NOTICE

15 The Tribal Court provides notice of its proposed addition to the CSKT Practice Rules and
16 changes to CSKT Laws Codified as follows and are detailed in the attachment.

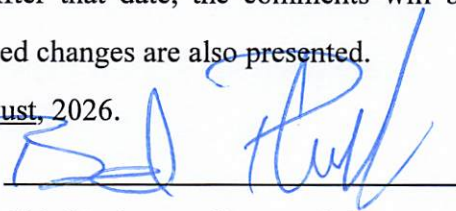
17 The Tribal Court proposes the addition of **CSKT Practice Rule 22** to the CSKT Practice
18 Rules located in Title 1, Part 7, of the CSKT Laws Codified. This proposed rule aims to promote
19 judicial efficiency and high standard for pleadings, motions and other papers and representations
20 to the Court. Possible sanctions for violations that are not otherwise covered by the CSKT Laws
21 Codified are identified. It also addresses the responsibility of counsel and parties for the content
22 generated, by a person or platform, that is submitted to the Court.

23 The Tribal Court also proposes changes to **CSKT Laws Codified, § 2-2-501** and **CSKT**
24 **Laws Codified, § 2-2-702** where the Court may require people in detention to appear by two-way
25 electronic audio-video communication for initial appearances and arraignments. These proposed
26 changes are intended to address health and safety concerns for all participants in the courtroom
27 during these hearings.

1 This Notice is available on the Tribal Court website at <https://cskt.org/tribal-court/>.

2 The public comments will be accepted through **September 18, 2026**. If you wish to
3 comment, you may use the comment box on the Public Notice link at <https://cskt.org/tribal-court/>
4 or email to Rules.TribalCourt@cskt.org. After that date, the comments will be compiled and
5 presented to Tribal Council when the proposed changes are also presented.

6 DATED this 18th day of August, 2026.

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9 Chief Judge Bradley A. Pluff

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NOTICE OF PROPOSED CHANGES TO CSKT LAWS CODIFIED

August 18, 2026

FIRST PROPOSAL

The Tribal Court provides notice of the following proposed addition to **Title 1, Chapter 2, Part 7-Rules of Practice in Actions and Proceedings Before the Tribal Court** to be presented to Tribal Council to adopt as an Amendment to Ordinance 103-A.

Within this proposed amendment published for comment, additions are indicated in “red” and deletions by lining out, except where the entire code provision is new.

Proposed New Rule

Rule 22. Signing Pleadings, Motions and Other Papers; Representations to the Court; Sanctions

- (a) **Signature.** Every pleading, written motion, and other paper must be signed by at least one counsel of record in the counsel’s name—or by a party personally if the party is unrepresented. “Counsel” includes all persons admitted to practice before the Tribal Court. The paper must state the signer’s mailing address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the counsel’s or unrepresented party’s attention.
- (b) **Representations to the Court.** By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—a counsel or party certifies that to the best of the person’s knowledge, information, and belief, formed after reasonable inquiry under the circumstances:
 - (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
 - (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, clarifying or reversing existing law or for establishing new law;
 - (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
 - (4) the denials of factual contentions are warranted based on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.
- (c) **Sanctions**
 - (1) *In General.* If, after notice and a reasonable opportunity to respond, the court determines that CSKT Practice Rule 22(b) has been violated, the court may impose an appropriate

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sanction on any counsel, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee. The use of a generative artificial intelligence or similar platform to generate content will not be a defense to sanctions because counsel and parties are responsible for the content generated, by a person or platform, that is submitted to Court pursuant to CSKT Practice Rule 22(b).

- (2) *Motion for Sanctions.* A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates CSKT Practice Rule 22(b). The motion must be served under CSKT Practice Rule 9, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 15 days after service or within another time the court sets. If warranted, the court may award to the prevailing movant reasonable expenses, including attorney fees, incurred for the motion.
 - (3) *On the Court's Initiative.* The court may order a counsel, law firm, or party to show cause why conduct specifically described in this order has not violated CSKT Practice Rule 22(b).
 - (4) *Nature of a Sanction.* A sanction imposed under this rule is limited to what remedy deters repetition of the identified conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a civil penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney fees and other expenses directly resulting from the violation.
 - (5) *Limitations on Monetary Sanctions.* The court must not impose a monetary sanction:
 - (a) against a represented party for violating CSKT Practice Rule 22(b)(2) as the responsibility is on the represented party's counsel of record; or
 - (b) on its own, unless it issued the show-cause order under CSKT Practice Rule 22(c)(3) before voluntary dismissal or settlement of the claims made by or against the party that is, or whose counsel is, to be sanctioned.
 - (6) *Requirements for an Order.* An order imposing a sanction must describe the sanctioned conduct and explain the basis for the sanction.
- (d) **Inapplicability to Discovery.** This rule does not apply to disclosures and discovery requests, responses, objections, and motions made pursuant to CSKT Practice Rule 16.

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SECOND PROPOSAL

The following are proposed amendments to the following statutes in **Title 2, Chapter 2-Criminal Procedure** under Parts 5 and 7 to allow videoconference option for initial appearances and arraignments and to address minor typographical errors. These proposed amendments shall be presented to the Tribal Council to adopt as an Amendment to Ordinance 103-A.

Within this proposed amendment published for comment, additions are indicated in “red” and deletions by lining out, except where the entire code provision is new.

Current Statute:

2-2-501. Initial appearance.

- (1) A person arrested, whether with or without a warrant, must be taken before a judge of the Tribal Court for an initial appearance within two working days following the arrest.
- (2) A person not arrested shall appear for an initial appearance at the time and place designated in the citation or summons. *(Rev. 1-27-00)*

Proposed Amendments to Statute (in red):

2-2-501. Initial appearance.

- (1) A person arrested, whether with or without a warrant, must be taken before a judge of the Tribal Court for an initial appearance within two working days following the arrest.
- (2) A person not arrested shall appear for an initial appearance at the time and place designated in the citation or summons.
- (3) The Court may require for an initial appearance that a person in detention appear by using two-way electronic audio-video communication, allowing each participant to be heard in the courtroom by all present and each party to be seen.

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Current Statute:

2–2–702. Procedure on arraignment.

- (1) A defendant shall be arraigned in open Tribal Court whenever a complaint has been filed by a Tribal prosecutor. Arraignment consists of reading the charge, unless the defendant waived the reading, and supplying a copy of it to the defendant and calling on the defendant to plead to the charge.
- (2) If a defendant waives his or her right to counsel in writing, the court may arraign the defendant at the initial appearance.
- (3) Prior to accepting any plea at the time of arraignment, the presiding judge must:
 - (a) verify that the person appearing before the Tribal Court is the defendant named in the complaint, and that the defendant's true name appears on the complaint and if different from the name used on the complaint, order the complaint amended to reflect the true name;
 - (b) determine whether the defendant has a mental disorder that would prevent the defendant from understanding the charges, the penalties, or the effects of a plea, and, if the determination is that defendant has a mental disorder, the arraignment may be continued until the defendant is able to proceed; and
 - (c) allow a reasonable time, not less than 1 day, if the defendant requires it, to answer or plead to the complaint by incorporating appropriate pretrial motions into the answer, or otherwise.

Proposed Amendments to Statute (in red):

2–2–702. Procedure on arraignment.

- (1) A defendant shall be arraigned in open Tribal Court whenever a complaint has been filed by a Tribal prosecutor. Arraignment consists of reading the charge, unless the defendant waived the reading, and supplying a copy of it to the defendant and calling on the defendant to plead to the charge. **The Court may require for an arraignment that a person in detention appear by use of two-way electronic audio-video communication, allowing each participant to be heard in the courtroom by all present and each party to be seen.**
- (2) If a defendant waives **their** right to counsel in writing on the record, the court may arraign the defendant at the initial appearance.
- (3) Prior to accepting any plea at the time of arraignment, the presiding judge must:
 - (a) verify that the person appearing before the Tribal Court is the defendant named in the complaint, and that the defendant's true name appears on the complaint and if different from the name used on the complaint, order the complaint amended to reflect the true name;
 - (b) determine whether the defendant has a mental disorder that would prevent the defendant from understanding the charges, the penalties, or the effects of a plea, and, if the determination is that defendant has a mental disorder, the arraignment may be continued until the defendant is able to proceed; and
 - (c) allow a reasonable time, not less than 1 day, if the defendant requires it, to answer or plead to the complaint by incorporating appropriate pretrial motions into the answer, or otherwise.