

Court Rules

SOUTHERN UTE INDIAN TRIBAL COURT  
Ignacio, Colorado 81137

COURT RULES ONE, TWO, THREE

**Court Rule One: Complex Litigation**

A. In the case of complex litigation, it is recognized that simplified civil procedures may fail to secure the proper administration of justice. The Court may, upon motion of a party or on its own motion and in its discretion, designate a case or group of cases as complex litigation and elect to impose rules for the purpose of managing the case in a fair and efficient manner, including:

1. In instances in which Southern Ute Mandatory Civil Form 1 may be inadequate to set forth the plaintiff's claim, the plaintiff may file a complaint in a format that would be acceptable under the Federal Rules of Civil Procedure stating the nature of the claim and the relief sought.

2. When the Court determines or has determined that a case or group of cases falls into the category of complex litigation, the Court may designate such provisions of the Federal Rules of Civil Procedure and the Federal Rules of Evidence as the Court deems appropriate and apply those rules throughout the pendency of the case or group of cases. Adoption of any such rules by the Court shall be accomplished by written order and circulated to all parties forthwith.

B. When the Court designates certain provisions of the Federal Rules of Civil Procedure and the Federal Rules of Evidence as applying to a particular case or group of cases, such rules shall be applied and interpreted by the Tribal Court consistently with its jurisdictional authority as defined by tribal and federal law. Where reference is made in the Federal Rules of Civil Procedure or the Federal Rules of Evidence to the law of the state in which the court is located, such references shall be interpreted by the Tribal Court to designate the law applicable within the Tribal Court's jurisdiction.

**Court Rule Two: Jurisdictional Determinations**

In any proceeding commenced in Tribal Court, including a proceeding initiated as a result of dismissal or abeyance of an action first commenced in a federal or state court, in which the scope of the subject matter jurisdiction of the Tribal Court is at issue, the Tribe may intervene in such proceeding for the purpose of participation in such jurisdictional determination. In such event, any immunity of the Tribe or its officials from suit that otherwise exists shall be preserved.

**Court Rule Three: Special Masters**

A. Appointment and Compensation.

In exceptional circumstances, the Chief Judge may order the appointment of a special master in a proceeding pending in Tribal Court. The compensation to be allowed a master shall be fixed by the Court, and shall be charged upon the parties or paid out of any fund or subject matter of the action, which is in the custody or control of the Court. Referral of matters to a special master shall occur only when the issues are complicated and either require special expertise or special attention.

B. Powers of a Master.

The order appointing a master shall specify the particular issues to be addressed or the particular acts to be performed by the master, including the preparation of reports; the conduct of hearings, the maintenance of evidence, and the time within which such matters are to be addressed or the acts performed. Unless otherwise ordered by the Chief Judge, the master may employ such powers of the Court to compel or to permit the parties to compel the attendance of witnesses or the production of evidence in the master's proceedings. A copy of any order appointing a master shall be provided to the Office of the Tribal Chairman, as well as to the parties.

C. Determinations of a Master.

Unless agreed to by the parties, with the approval of the Chief Judge, the findings or conclusions of the master shall be advisory to the Court, and the Court may adopt such findings or conclusions, or parts of them, as the Court deems appropriate. Prior to such adoption, the written findings of the master shall be made available by the Court to the parties, and the parties shall have an opportunity to submit statements of support or opposition to the master's findings or conclusions.