



SHINGLE SPRINGS BAND OF MIWOK INDIANS TRIBAL COURT
P.O. Box 531, Shingle Springs, CA 95682

TO ALL PATRONS OF THE TRIBAL COURT.

NO.: AO-2020-02

**ADMINISTRATIVE ORDER RE:
APPEARING IN TRIBAL COURT AND
CONTEMPT
AS OF MAY 4, 2020**

**SUBJECT: APPEARING IN TRIBAL COURT AND CONTEMPT IN RESPONSE TO THE
COVID-19 PANDEMIC.**

FINDINGS:

Due to the COVID-19 pandemic, and the resulting Shingle Springs Band of Miwok Indians Tribal Council Resolution 2020-25, the Shingle Springs Band of Miwok Indians Tribal Court ("Tribal Court") closed to the public as of March 17, 2020 in order to protect the community and tribal employees. In order to allow the Tribal Court to provide services to the community while still addressing the safety of all who patronize or use the Tribal Court services temporary modification to Tribal Court operations were made pursuant to Administrative Order, AO-2020-01. Changes to services included online and telephonic hearings in lieu of in-person hearings.

All in person contact with the Court remains banned and court filings are conducted by physical mail or electronic mail. This current Order addresses the behavior requirements for appearing in court either through video or telephone. The Court understands that court participants may find it difficult to participate completely alone due to lack of childcare needed, lack of a physical space or other hinderances. This Order is our best attempt to strike a balance between party privacy and access to the Court during these unprecedented times. This order is issued in accordance with the administrative authority vested to the Chief Judge of the Tribal Court pursuant to Shingle Springs Band of Miwok Indians Governance Code, Title 10, Article 4, Section 7(A), (B), (G) and (H) and the Tribal Court Rules of Court, Rule 1.1. This Administrative Order shall remain in effect through June 30, 2020 and may be extended by additional orders from the Tribal Court.

ORDERS:

Restrictions on Who May Appear at Hearings.

1. **Hearing Login/Call-in Strictly Restricted.** Due to COVID-19, hearings of all types are generally closed to the public until further notice. Hearings are open to any person directly related to a case including parties, advocates, attorneys, translators, witnesses or those otherwise directly involved in the case such as Tribal Agency personnel, and in Family Wellness Court cases shall also include El Dorado County personnel involved in the administration of the case. However, anyone who is not otherwise listed here is prohibited from hearing/viewing or otherwise engaging in the hearing and shall be subject to an Order of Contempt per each violation. Any person who is permitted to attend a court hearing and, by use of deception, allows another unauthorized person to listen to, watch or otherwise observe the hearing shall be subject to an Order of Contempt per each violation. This section of the Order does not apply to the presence of minor children if the Judge is made aware of their presence at the beginning of the proceeding. Each instance of a violation may be subject to an Order of Contempt violation may be subject to a fine of \$5,000.
2. **Impersonation of Party.** Impersonating a party for the purpose of participating in a telephonic or video hearing is prohibited, and the impersonator may be referred for separate Contempt proceedings or possible further legal proceedings to the extent possible by law.
3. **Participation in Public Location.** It is recommended that any attendee participate in a hearing while not at a public location. Attendees are reminded that they are attending a formal proceeding and should observe their own privacy as well as the privacy of their fellow court attendees. Any disruption of the hearing due to noise or distraction caused by an attendee's public location or any violation of another attendee's privacy by the attendee in a public location shall be cause for potential penalties for disruption of the operations of the Tribal Court.

Recording/Photographic Restrictions During Hearings.

1. **No Audio or Video Recording or Photographing Allowed.** Recording any court proceeding at any point during the entire hearing, including but not limited to the initial call in waiting period is strictly prohibited, except by authorized court staff. Recording of all types and for all purposes is prohibited including, but not limited to, taking audio or visual recordings, taking photographs or capturing screen shots at any point during any court proceeding. Anyone recording during this time may be subject to an Order of Contempt of Court and face a potential penalty of \$5,000 per offense.
2. **Audio Recording Available Through Court.** Parties with cases before the Court may request audio recordings of their hearings by contacting the Clerk of the Court after the hearing. Only the party, or their advocate/attorney, whose hearing was held may request a copy. Charges for the copy will apply. The Clerk can be contacted at (530) 698-1446 or cgallegos@ssband.org.
3. **Family Wellness Court Reporting.** For Family Wellness Court attendees appearing by video or telephone who wish to receive a recording/transcript of their hearing, the Clerk of the Court may coordinate their request with the El Dorado County Court personnel. However, attendees should begin their request with the Clerk of the Court for the Tribal Court.

Behavior Expectations During Hearings.

1. Mute and Unmute Function. Authorized participants will be muted by the court staff before the hearing and at the beginning of the hearing. When it is the authorized person's turn to participate in the hearing they will be invited to unmute. If the person does not respond by unmuting their phone, computer or other audio connection they will be disconnected from the hearing.
2. Take Turns Speaking. Parties will need to take turns speaking so that the Court can ensure a clear record of all proceedings.
3. "Chat" Function. The "Chat" or instant messaging function will be disabled during court hearings.
4. Under Oath - Perjury. All testimony and statements provided are under oath and any deception or dishonesty may be subject to an Order of Contempt of Court and face a potential penalty of \$5,000 per offense.

Additional Behavior Open to Order of Contempt

1. Electronic Filings. Per AO-2020-01, all filings for open, current cases before the Tribal Court may be submitted via email to the Court Clerk at cgallegos@ssband.org. Unauthorized use of or interception of electronic transmissions of shall be considered a violation and a possible commission of fraud or disruption to the management and operations of the Tribal Court. Violations will be pursued to the fullest extent of the law.
2. Violation of Court Orders. Any additional actions or behaviors which cause the violation of Administrative Court Order AO-2020-01, this Order AO-2020-02 or other orders of this Court shall be cause for an Order of Contempt and a possible fine of \$5,000 per instance.

IT IS SO ORDERED.

Signed May 4, 2020



CHRISTINE WILLIAMS, CHIEF JUDGE