

## **Appendix VI**

### **FORT PECK TRIBAL COURT CODE OF JUDICIAL CONDUCT**

#### **Canon 1**

##### **A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY**

Independent and honorable judges are indispensable to justice on the Fort Peck Reservation. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of all judges may be preserved. The provisions of this Code should be construed and applied to further that objective. As employed in this Code, the term "judge" also includes justices.

#### **Canon 2**

##### **A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES**

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the honesty and impartiality of the Fort Peck judges.

B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should adhere strictly to Section 307, Title II, Comprehensive Code of Justice, governing disqualification of judges. He should not use his position as judge to advance the private interests of others; nor should he give, or permit others to give, the impression that they are in a special position to influence him.

#### **Canon 3**

##### **A JUDGE SHOULD PERFORM THE DUTIES OF HIS OFFICE IMPARTIALLY AND DILIGENTLY**

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Responsibilities in deciding cases.

(1) A judge should be faithful to the law and maintain sufficient knowledge of the Code and relevant state and federal law. He should be unswayed by the private interest of particular parties, public outcry for or against a particular ruling, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to plaintiffs and defendants, jurors, witnesses, lawyers, lay advocates, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer or advocate, the full right to be heard under this Code, the Indian Civil Rights Act, and any other relevant source of law. Except as authorized by law, the judge shall not initiate nor accept any written or oral communication concerning a pending case, either from a party to the case or from any other person, without either the agreement or presence of all parties. The judge shall not meet with any party to a case, or accept any communication from a party without either the agreement or presence of all other parties. A judge, however, may obtain the advice of a disinterested expert on law applicable to a proceeding before him if he gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. These restrictions do not include communications with other judges or with court personnel whose functions it is to aid

the judge in carrying out his judicial activities.

(5) A judge should dispose promptly of the business of the court.

(6) A judge should abstain from public comment about a pending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from explaining for public information the procedures of the court.

#### B. Administrative Responsibilities

(1) A judge should diligently perform his administrative responsibilities, maintain professional competence in judicial administration, and assist as needed with the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of competence, impartiality, and diligence that apply to him. (3) A judge should take or initiate appropriate disciplinary measures against a lawyer or lay advocate for unprofessional conduct of which the judge may become aware.

### **Canon 4**

#### **A JUDGE SHOULD REGULATE HIS EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH HIS JUDICIAL DUTIES**

##### **A. ACTIVITIES OF PERSONAL OR RECREATIONAL INTEREST**

A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such activities do not interfere with the performance of his judicial duties.

##### **B. CIVIL AND CHARITABLE ACTIVITIES**

A judge may participate in civic and charitable activities that do not reflect adversely upon impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or other members of the Fort Peck Courts.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such organization. He should not be a speaker or guest of honor at an organization's fund-raising events, but he may attend such events.

(3) A judge should not give investment advice to such an organization, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

##### **C. FINANCIAL ACTIVITIES**

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or involve him in frequent transactions with lawyers, lay advocates, or other persons likely to come before the Fort Peck Courts.

(2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other money-generating activity including the operation of a business.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. He should divest himself of investments and other financial interests that might require frequent disqualification.

(4) A judge should only accept gifts, bequests, favors, or loans in circumstances where such acceptance

would not cause his impartiality to be questioned. Such circumstances include ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants. A judge must not accept a gift, bequest, favor, or loan from anyone who is a party to a case before that judge or who is likely to become such a party in the near future.

#### **D. ARBITRATION**

A judge should not act as an arbitrator or mediator outside the courtroom.

#### **E. PRACTICE OF LAW OR LAY ADVOCACY**

A judge should not practice law or function as a lay advocate.

#### **F. EXTRA-JUDICIAL APPOINTMENTS**

A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, tribe, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

### **Canon 5**

#### **COMPENSATION RECEIVED FOR EXTRA-JUDICIAL ACTIVITIES**

##### **A. COMPENSATION**

Compensation for extra-judicial activities should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

##### **B. EXPENSE REIMBURSEMENT**

Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

### **Canon 6**

#### **A JUDGE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO HIS JUDICIAL OFFICE**

A. A judge should not:

- (1) act as a leader or hold any office in a political organization;
- (2) make speeches for a political organization or candidate or publicly endorse a candidate for public office;
- (3) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions.

B. A judge should resign his office when he becomes a candidate in an election for a nonjudicial office.

C. A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

### **Canon 7**

#### **COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT BY PART-TIME JUDGES**

##### **A. PART-TIME JUDGE**

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time

judge. A part-time judge:

(1) is not required to comply with Canon 4, D, E, and F.

(2) should not practice law or function as a lay advocate in Tribal Court.

**EFFECTIVE DATE OF COMPLIANCE**

Judges to whom this Code becomes applicable should arrange their affairs as soon as possible to comply with it.

**APPROVED BY THE FORT PECK TRIBAL EXECUTIVE BOARD APPROVAL PER RESOLUTION NO. 2855-87-7, DATED 07/13/87.**