

Window Rock Judicial District and Family Courts' Local Rules

Window Rock Judicial Court
Post Office Box 5520
Window Rock, Arizona 86515
(928) 871-6962
FAX (928) 871-7360

Table of Contents

LOCAL RULE 1—Scope of Window Rock Judicial Court Local Rules.....	2
(A) Authority to Enact Local Rules.....	2
(B) Effective Date.....	2
(C) Scope of Rules.....	2
(D) Citation.....	2
(E) Availability of Local Rules.....	2
(F) Modification or Suspension of Rules.....	2
LOCAL RULE 2—Courtroom Behavior.....	2
LOCAL RULE 3—Proper Pleading Caption for the Court.....	3
LOCAL RULE 4—Navajo Interpreter.....	4
LOCAL RULE 5—Prohibition of Facsimile Filing.....	4
LOCAL RULE 6—Filing Proper and Timely Motions.....	5
LOCAL RULE 7—Signing <i>Pro Se</i> Court Pleadings.....	6
LOCAL RULE 8—Telephonic Appearances.....	6
(A) Motions for Telephonic Appearances.....	6
LOCAL RULE 9—Filing Criminal Complaints.....	6
LOCAL RULE 10—Motions in Criminal Cases.....	6
LOCAL RULE 11—Notices in Motions for Entry of Default.....	6
LOCAL RULE 12—Application for <i>Pro Hac Vice</i> Admission.....	7
LOCAL RULE 13—Submission of Discovery Materials.....	7
LOCAL RULE 14—Pretrial Requirement.....	7
LOCAL RULE 15—Order to Show Cause Hearing for Judgment Debtors.....	7
LOCAL RULE 16—Repossession Cases.....	8
(A) Proof of Service Requirements.....	8
(B) Death of Debtor.....	8
(C) Repossession of a Residence.....	8
(D) Waiver of Future Court Order.....	8
LOCAL RULE 17—Writs of Execution.....	9
LOCAL RULE 18—Attorney Gifts.....	9
LOCAL RULE 19—Sanctions for Errors as to Form.....	9

LOCAL RULE 1—Scope of Window Rock Judicial Court Local Rules.

- (A) Authority to Enact Local Rules.** The Window Rock Judicial District and Family Courts by unanimous action of its judges may issue local rules and practice standards not inconsistent with the Navajo Nation Code, or any Judicial Branch rules or policies, nor inconsistent with any directive of the Navajo Nation Supreme Court. These rules and practice standards are promulgated pursuant to the management duties and responsibilities of Navajo Nation Courts, judges, and court staff.
- (B) Effective Date.** These Rules become effective on June 19, 2014.
- (C) Scope of Rules.** These Rules govern all proceedings including civil and criminal actions before the Window Rock Judicial District and Family Court Judges. No litigant will be bound by any Local Rule or standing order which is not in accordance with the Navajo Rules of Civil Procedure, Navajo Rules of Criminal Procedure, Navajo Nation Supreme Court case law, or the Navajo Nation Code.
- (D) Citation.** These Rules will be known as the Local Rules of the Window Rock Judicial District Court. They may be cited at “LR-WR”
- (E) Availability of Local Rules.** Copies of these Local Rules, as amended, are available from the Clerk’s Office for \$.35 per page. These Local Rules and other resources appear on www.navajocourts.org under the Window Rock Judicial District Court section.
- (F) Modification or Suspension of Rules.** In individual cases the Court, upon Its own motion or the motion of any party, may amend or alter these Local Rules by suspension or modification if the interests of justice so require.

LOCAL RULE 2—Courtroom Behavior.

Attorneys must assist the Court in making sure that their clients, witnesses, and other interested persons observe proper courtroom behavior.

- 1.) No cameras, video recorders, tape recorders or any other types of recording or transmitting devices are permitted in the courtroom without prior approval for good cause from the presiding judge. (Audio copies are available upon request for a fee.)
- 2.) Food or drink is not permitted in the courtroom.
- 3.) Gum or tobacco chewing is not permitted in the courtroom.

- 4.) Spectators are not permitted to talk with one another while the Court is in session.
- 5.) Children are not allowed in the courtroom unless prior permission is granted. Children who are allowed into the courtroom must be immediately removed if they are noisy or distracting and arrangements for their care and supervision is mandatory.
- 6.) Pagers and cell phones are not allowed in the courtroom; failure to do so may result in confiscation.
- 7.) All spectators must remain seated while the court is in session. There can be no standing in the back or in the aisles.
- 8.) Gentlemen should remove their hats.
- 9.) Sunglasses should not be worn unless the wearer has a medical condition requiring their use.
- 10.) Parties entering the court premises shall submit to screening by a bailiff.
- 11.) Weapons, including all knives and firearms, are not permitted in the courtroom.
- 12.) Court patrons are required to surrender all contraband to the bailiff.
- 13.) All handbags must be left with the bailiff before entering the courtroom. Handbags may be permitted in the courtroom with prior inspection and approval. The Court is not responsible for lost or stolen property brought into the Courtroom.
- 14.) Dress may be casual but it must be appropriate for the Courtroom.
- 15.) Failure to comply with proper courtroom behavior may result in being asked to leave the premises and/or being found in contempt of court and subjected to a fine or time spent in jail.

LOCAL RULE 3—Proper Pleading Caption for the Court.

The proper designation to be used on all pleadings filed in the Window Rock Judicial District and Family Courts are as follows:

**IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA**

**IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA**

The above captions will be considered to comply with Rule 10(a) of the Navajo Rules of Civil Procedure. Any pleadings that do not conform to one of these captions in identifying the Court will likely be rejected.

LOCAL RULE 4—Navajo Interpreter.

A party who does not speak Navajo must provide a Navajo interpreter if a Navajo speaking party or witness appears in a court proceeding. Parties should not rely upon the judge or court staff for interpretation services.

LOCAL RULE 5—Prohibition of Facsimile Filing

(A) Documents which require a filing fee shall not be accepted by fax.

(B) There is a general prohibition on fax filings.

- a. Exemptions to this general prohibition on facsimile filing are complaints and motions filed by the Navajo Nation Office of the Prosecutor, those cases related to domestic violence and children's cases under the Áłchíní Bi Beehaz'áannii Act.
- b. Exceptions to this general prohibition on facsimile filing will be made for emergency situation, i.e. expedited motions. Circumstances that constitute an emergency situation shall be specified in the document filed by facsimile.

(C) The person filing a document by facsimile either through (B) Exemptions or (C)

Exceptions shall also provide a cover page containing the following information:

- 1.) The name of the Court;
- 2.) The title of the case;
- 3.) The case docket number;
- 4.) The Judge assigned to the case;
- 5.) The title of the document being filed;
- 6.) The date of transmission;
- 7.) The transmitting fax number and contact person;
- 8.) The number of pages included in the transmission, including the cover page;
- 9.) An indication that a judge or case number has not been assigned, if applicable;

(D) The Court's facsimile machine is available to receive transmissions specific to the above listed exemptions and exceptions 24 hours a day, seven days per week subject to the

conditions set up in these Rules. However, all documents sent by facsimile and accepted by the clerk shall be considered filed as of the date and time the clerk time stamps the faxed documents received, rather than as of the date and time of the fax transmission. The clerk's office shall be deemed open to receive and stamp facsimile transmission of documents on the same days and times that the Court is regularly open for business.

- (E) The sender of a faxed document is required to file the original source document in person at the Court or by carrier. Original copies shall be filed within (3) three calendar days after receipt of faxed filing. Service to all parties must comport with the Navajo Rules of Service.
- (F) The risks of transmitting a document by facsimile to the Court shall rest entirely on the sender. Anyone using facsimile filing is urged to verify complete receipt of such filing with the court clerk during regular business hours.

LOCAL RULE 6—Filing Proper and Timely Motions.

- (A) A response to a civil or criminal motion is due ten days after the motion is filed with this Court. A reply to a response is due five days after the response is filed. The Window Rock Judicial District and Family Courts will require these deadlines except where otherwise required by Navajo law, procedural rules or by order of the Court. As required by the Navajo Rules of Civil Procedure, five additional days are allowed if service of the pleading is by mail.
- (B) All motions prepared by legal practitioners shall be accompanied by a proposed order. No identifying information of the attorney, firm, or agency should appear on the proposed order.
- (C) All parties requesting a hearing on the motion shall indicate "Hearing Request" in the caption of the motion.
- (D) All motions shall indicate whether the responding party is opposed or unopposed. Counsel shall act in good faith to attempt to secure the agreement of the responding party, but may presume that the responding party will oppose the motion if that party cannot be reached or if it is otherwise reasonable to make this assumption under the circumstances.

LOCAL RULE 7—Signing *Pro Se* Court Pleadings.

If court documents signed and submitted by a *pro se* party are written and/or prepared by another individual, the document submitted must also include the signature of the preparer after the statement, "Prepared By." Rule 11 of the Navajo Rules of Civil Procedure requires the signer of a court document is verifying the truth and accuracy of the facts and law asserted in the document.

LOCAL RULE 8—Telephonic Appearances.

Attorneys will not be permitted to appear telephonically for final hearings, other than for default hearings, except under extraordinary or emergency circumstances. This includes repossession hearings.

(A) Motions for Telephonic Appearances. Before the Window Rock Judicial Court will permit a party to appear by telephone it expects the party, except in emergency situations, to explain in written motion (1) its attempts to contact the other party or parties in the case and the response(s) to telephonic appearance; and (2) if the party seeking a telephonic appearance has a conflict in another court, why the hearing in the other court should take precedence over the Window Rock Judicial Court hearing.

LOCAL RULE 9—Filing Criminal Complaints.

Criminal complaints may be processed for arraignment on the same day if they are filed by 11:00 a.m. The Window Rock Judicial District criminal section encourage filings be made prior to 10:00 a.m.

LOCAL RULE 10—Motions in Criminal Cases.

When a defendant is charged with more than one offense, all motions in regard to that Defendant must be filed separately under each complaint docket number, rather than a motion filed with various docket numbers lumped together in one document.

LOCAL RULE 11—Notices in Motions for Entry of Default.

Whether a party gives notice of a motion for entry of default to the party claimed to be in default by way of a copy of the motion or by separate notification, the Court requires the motioning

party to include in such notice the information set forth in subsections (3) and (4) of Rule 55(a) of the Navajo Rules of Civil Procedure concerning the ten day period after filing the motion and notice, and the opportunity for the other party to plead or defend within that period.

LOCAL RULE 12—Application for *Pro Hac Vice* Admission.

Legal counsel applying for *pro hac vice* admission pursuant to 1.D of the By-laws of the Navajo Nation Bar Association must be well acquainted and familiar with Navajo Nation customary laws, statutory laws, case law, and rules and procedures of the Court. If admitted *pro hac vice*, Rule 7(b) of the Navajo Pro Bono Rules, requires Non-Members of the NNBA who have been permitted to appear in the Navajo Nation Courts on a *pro hac vice* basis shall be eligible for pro bono appointment at the rate of one appointment for each *pro hac vice* admission. A proposed order should accompany an attorney's application for *pro hac vice* admission and must include reference to Rule 7(b) of the Navajo Pro Bono Rules.

LOCAL RULE 13—Submission of Discovery Materials.

When parties exchange discovery materials copies of such materials shall not be sent to the Court except in regard to discovery disputes or proposed evidence for trial. Submissions in regard to discovery disputes must be limited to what is essential to demonstrate the dispute. The Court will discard discovery material it receives and will not include it in the Court file except when presented by a motion and an explanation why the Court should not discard it.

LOCAL RULE 14—Pretrial Requirement.

Opposing parties must meet five days before trial in both civil and criminal cases to discuss settlement or plea agreement and submit written proof of said meeting to the Court as soon as possible following the meeting.

LOCAL RULE 15—Order to Show Cause Hearing for Judgment Debtors.

Before a party will be granted a hearing for an Order to Show Cause why a judgment debtor should be held in contempt of court for failing to pay a civil judgment, the party must allege facts to support the following:

- a.) The requesting party has attempted other methods to collect payments permitted under Navajo law, or any such attempt is impossible.
- b.) The debtor has the ability to pay for some or all of the outstanding judgment.

The Court will order a Debtor's examination upon a motion by the requesting party in order to discover the debtor's assets and/or the debtor's ability to pay.

LOCAL RULE 16—Repossession Cases

(A) Proof of Service Requirements. In a repossession action the affidavit or declaration of proof of personal service must include the following:

- 1.) The date and time the documents were served.
- 2.) The physical address where the documents were served.
- 3.) The name of or a reasonable description of the person who was served.
- 4.) If the person who was served is other than the person named in the complaint and summons, a statement that the person served is over sixteen years of age and is a resident of the dwelling where the person named in the complaint and summons lives.
- 5.) A complete listing of all documents served.

(B) Death of Debtor. In order to repossess secured collateral after the death of a secured party, creditors must file an action in probate for the limited purpose of repossessing the secured property.

(C) Repossession of a Residence. If a party seeks repossession of a mobile home or manufactured home that is a residence, the party must use procedures under the Navajo Rules of Civil Procedure, not the procedures under the Navajo Rules for Repossession Proceedings.

(D) Waiver of Future Court Order. If the parties in a repossession action request the Court to sign a stipulated order which includes an advance waiver of future repossession proceedings, and the debtor is not represented by legal counsel, the parties must schedule a hearing before the judge prior to judicial authorization of the stipulated order.

LOCAL RULE 17—Writs of Execution.

A party must file a written motion to request the issuance of a writ of execution. A writ of execution will not be issued prior to payment of the required court fee.

LOCAL RULE 18—Attorney Gifts.

Attorneys who practice in the Window Rock Judicial District and Family Courts are prohibited from giving gifts of any kind to the court or court staff without prior approval of the Chief Justice.

LOCAL RULE 19—Sanctions for Errors as to Form.

The Window Rock Judicial Court may sanction for violation of these Local Rules governing the form of pleadings and other papers filed with the Court. Local Rules governing the form of pleadings and other papers filed with the Window Rock Judicial Court include, but are not limited to, those Local Rules regulating the paper size, the number of copies filed with the Window Rock Judicial Court, and the requirement of a special designation in the caption. Nothing in these Local Rules shall prohibit the Window Rock Judicial Court from ordering stricken from the record a paper which does not comply with these Local Rules.



Honorable Judge Carol K. Perry



Honorable Judge Geraldine Benally