

CHAPTER 22. SAN MANUEL JUDICIAL CODE¹

SMTC 22.1 General Provisions

22.1.1 Short Title. This Chapter shall be known and cited as the San Manuel Judicial Code ("Judicial Code").

22.1.2 Purpose. This Judicial Code of the San Manuel Band of Serrano Mission Indians, a federally recognized Indian tribe ("Tribe") of the San Manuel Reservation, California, is hereby enacted to protect and promote Tribal sovereignty, strengthen Tribal self-government, provide for the Tribe's judicial needs, and to protect Tribal resources and the rights of San Manuel Tribal Citizens and all others within the Tribe's jurisdiction. This Code is subject to the authority of the San Manuel Articles of Association.

22.1.3 Authority. This Judicial Code is adopted pursuant to the authority granted to the San Manuel General Council by the Articles of Association of the San Manuel Band, including without limitation Article VI(A)(5), (6), and Article VI(B), and pursuant to the Tribe's inherent sovereign authority.

22.1.4 Establishment of Tribal Court. Pursuant to Section 22.1.3 of this Code, the San Manuel General Council hereby adopts this Judicial Code and establishes the San Manuel Tribal Court ("Tribal Court"). The Tribal Court shall consist of both a Trial Court and Appellate Court. The Trial Court and Appellate Court are hereby vested with the authority to interpret, construe, and apply the laws of the Tribe and to declare laws void if they are not in agreement with the Articles of Association. The Trial Court and Appellate Court are further vested with the authority to enter such orders and issue such process as may be reasonably necessary to effectuate the purposes of this Code, subject to the limitations of the San Manuel Articles of Association and the governmentally protected rights set out in Section 22.7 of this Code.

22.1.5 Appropriations. The General Council shall appropriate and authorize the expenditure of Tribal funds for the operation of the Tribal Court. The amounts to be appropriated shall be consistent with the needs of the Tribal Court for the proper administration of justice within the San Manuel Reservation ("Reservation"), other tribal law and for the Tribe as determined by the General Council. Appropriations shall be made pursuant to the budgeting process set forth below at Section 22.1.15 of this Code.

22.1.6 Jurisdiction

a. The Tribal Court established by this Code shall exercise the following jurisdiction, subject to any limitation imposed by applicable federal law:

1. **Territorial Jurisdiction.** The Tribal Court may exercise territorial jurisdiction over disputes arising within or concerning all territory within the Reservation and within or concerning other lands outside the boundaries of the Reservation in which the Tribe has a significant governmental interest, including without limitation fee patent lands, allotments,

¹Adopted by the General Council on November 11, 2003. Amended on October 12, 2004, September 25, 2007, and March 15, 2014.

assignments, roads, waters, bridges and lands used for governmental purposes and existing and future lands outside the boundaries of the Reservation owned or controlled by the Tribe for the benefit of its Citizens or in which the Tribe has a significant governmental interest.

2. Subject Matter Jurisdiction. The Tribal Court shall have subject matter jurisdiction over all cases in law and equity, including:

A. Causes of action in tort under Chapter 15 of the Gaming Facility Tort Liability Ordinance; and

B. Causes of action in contract.

3. Personal Jurisdiction. The Tribal Court's personal jurisdiction shall extend to all persons and entities within any geographical area, without regard to the ownership or legal status of such area, who are subject to the jurisdiction and governmental authority of the Tribe as set forth below at subsections 22.1.6(a)(4) (Tribal Citizens) and 22.1.6(a)(5) (persons and entities consenting to Tribal jurisdiction).

4. Jurisdiction over Tribal Citizens. The Tribal Court's personal jurisdiction shall extend to all Citizens of the Tribe, wherever located, in relation to tribal rights, or any matter related thereto.

5. Consent to Tribal Jurisdiction

A. Any person, corporation, or other entity entering the San Manuel Reservation for any purpose shall be deemed to have impliedly consented to the personal jurisdiction of the Tribal Court.

B. Any person, corporation, or other entity engaging in contractual relations with the Tribe shall be deemed to have impliedly consented to the personal jurisdiction of the Tribal Court.

b. Tribal sovereign immunity

1. The Tribal Court shall have no jurisdiction over any suit brought against the Tribe, its governmental departments, agencies, enterprises, corporations, partnerships, projects, officials, officers, agents, or employees, without a valid written waiver by resolution or ordinance adopted by a majority vote at a duly constituted and noticed meeting of the General Council at which a quorum is present. Any such waiver shall be strictly limited to its terms and shall be read narrowly with any ambiguity construed in favor of preserving tribal sovereign immunity.

2. The Tribal Court shall have jurisdiction over properly framed suits for injunctive relief against tribal government officials to uphold the Articles of Association or to enforce rights secured under Section 22.7 of this Code provided such suits are not barred by the doctrine of sovereign immunity where the suit for injunctive relief is brought in the San Manuel Tribal Court. The defense of sovereign immunity shall continue to be available in suits for damages against the Tribe and its officials.

3. With the exception of Section 22.1.6 (b)(2), nothing contained within this Code shall be deemed to constitute a waiver or diminution of any type whatsoever of the Tribe's sovereign immunity from unconsented suit, which sovereign immunity is hereby expressly reaffirmed.

22.1.7 Primary Jurisdiction. The jurisdiction invoked by this Code over any person, corporation or other entity, cause of action, or subject shall be primary to any valid jurisdiction over the same of the courts of the United States, any federally-recognized California Indian Tribe, any state, or any political subdivision thereof.

22.1.8 Prior Inconsistent Codes and Ordinances Repealed. Any laws of the Tribe which directly and irreconcilably conflict in any way with the provisions of this Code are hereby repealed to the extent that they are inconsistent with, or are contrary to the letter, spirit or purpose of this Code.

22.1.9 Code Interpretation

a. In construing this Code, the present tense includes the past and future tenses, and the future tense includes the present tense.

b. Any references to this Code shall include all amendments made hereafter.

c. In the event of any conflict between this Code and other Tribal Codes or other Tribal Laws, this Code shall control. To the extent that this Code is inconsistent with any provisions of the substantive or procedural laws of the State of California which may have been adopted by reference by this Code or any other Tribal Law, the provisions of this Code shall govern.

d. Section headings shall be used only for reference to format and not in construing this Code.

22.1.10 Severability. In the event any provision of this Code is found to be invalid or unenforceable for any reason, such determination shall not affect the remaining terms.

22.1.11 Code Revisions

a. Purpose. The Judicial Code may be amended, corrected, revised, updated and expanded by legislative and referendum action of the General Council. This Section is intended to standardize the procedure for adding any and all new language to this Code.

b. Amendment of Judicial Code. This Judicial Code shall be amended by both:

1. a two-thirds (2/3) majority vote of the qualified voters present at a valid General Council meeting; and
2. subsequent ratification by two-thirds (2/3) majority of all qualified voters of the Tribe by referendum in a manner consistent with the Tribe's current referendum procedures.

This Judicial Code shall not be amended by resolution. Amendments and additions to this Code shall become a part of the Code for all purposes and shall be codified and incorporated herein in a manner consistent with the numbering and organization of this Code.

c. No retroactive amendment. No amendment to this Code may apply retroactively to any case pending before the Tribal Court at the time of such General Council action.

22.1.12 Establishment of San Manuel Judiciary Committee. A San Manuel Judiciary Committee ("Judiciary Committee") is hereby established. The Judiciary Committee shall be responsible for those duties reasonably related to the administration and operation of the Tribal Court, which shall also include those duties set forth in this Code, including but not limited to reviewing the qualifications of candidates for a Tribal Court Judge when needed, and such other duties as may be delegated to it by the General Council or the Business Committee with respect to this Code. The review of candidate qualifications shall consist of areas as outlined in Section 22.2.1 of this Code. Judiciary Committee members shall be duly enrolled Tribal citizens at least twenty-one (21) years of age. The Tribal Chairperson shall serve as Chairperson of the Judiciary Committee. The Business Committee shall elect one of its members to serve as an at-large, third member of the Judiciary Committee. The General Council shall elect, by the same procedures used for other elected positions, a Vice-Chairperson of the Judiciary Committee. The Vice-Chairperson shall not serve on the Business Committee and the Judiciary Committee concurrently. The Vice-Chairperson shall serve a term of three (3) years.

22.1.13 Court Evaluation. At the end of every third fiscal year the caseload of the Tribal Court for the previous three (3) years shall be evaluated in a report to be presented to the Judiciary Committee and the General Council. The evaluation criteria shall include, at a minimum, the following subjects:

- a. the Court's impact on the purposes of this Judicial Code;
- b. the Court's conformance with the procedures and rules of this Judicial Code;
- c. the benefits and shortcomings of Court procedures, with recommendations for modifications where appropriate;
- d. the Court's respect for its jurisdictional limits;
- e. the Court's respect for and impact on tribal sovereignty; and
- f. any other subjects deemed proper by the General Council, Business Committee, Judiciary Committee (as defined below), Tribal Court, or Clerk of the Court.

The evaluation shall be carried out by a person or entity selected by the General Council with the advice and consent of the Judiciary Committee, and the Tribe shall bear the cost of the evaluation. The evaluation shall be conducted pursuant to nationally recognized standards for the evaluation of courts and the judiciary.

22.1.14 Court Training Session. Within one (1) year of the retention of a Chief Judge, and at least every other year thereafter, the Tribal Court shall sponsor and pay for a Tribal Court training session to be held on or near the Reservation. The training session shall be open to any person wishing to attend. The Court may require payment of a registration fee to offset the costs of the training session. Subject to any exception adopted by majority vote of the General Council, each Tribal Court employee and each prospective candidate for Tribal Judge will be required to successfully complete a Tribal Court sponsored or equivalent training session.

22.1.15 Court Budget. The Chief Judge (as defined in Section 22.2.2 below), in consultation with the Judiciary Committee, shall prepare and submit a proposed Tribal Court budget, every three (3) years to the Business Committee for review and submission to the General Council, on or before the first regularly scheduled General Council meeting in the month of November, or as soon thereafter as is practicable. The General Council shall determine the final budget and necessary funds. The Tribal Court budget cycle shall run for a three (3) year fiscal term. The Tribal Court budget shall not be diminished at any time once the three (3) year fiscal cycle has begun.

22.1.16 Rules of Court. The Judiciary Committee may adopt such Rules of Court from time to time as may be reasonable and necessary to achieve the purposes of this Code. Proposed Rules of Court shall be drafted by the Judiciary Committee, in consultation with the Chief Judge and the Clerk. The Judiciary Committee shall adopt such Rules of Court, and amendments thereto, by resolution.

22.1.17 Admission to Practice

a. Any attorney admitted to practice in any state of the United States is eligible for admission to practice in the Tribal Court. Each applicant for admission shall complete and file an application prepared or approved by the Judiciary Committee.

b. The Tribal Court may admit to practice on such terms and conditions as appear appropriate, a lay advocate who shall be a member of the Tribe.

c. The Tribal Court may, in its discretion, admit any other person to appear before it as an advocate, upon successful completion of an application prepared or approved by the Judiciary Committee. No person convicted of a felony may be admitted to practice before the Tribal Court.

d. The Judiciary Committee, in consultation with the Chief Judge, may draft and adopt other rules from time to time as may be reasonable and necessary to govern the admission to practice in the Tribal Court. The Judiciary Committee shall adopt such rules and any amendments thereto, by resolution.

22.1.18 Fees. The Judiciary Committee shall determine a schedule of fees that shall apply to actions filed in the Tribal Court.

22.1.19 Conduct. If in the course of any proceeding, any person misbehaves so as to obstruct such proceeding, that person may be excluded from further participation therein. If the offender is the claimant or the claimant's attorney, the Tribal Judge may summarily terminate the proceeding and dismiss the claim with prejudice.

22.1.20 Bailiff. Upon request of the Chief Judge, the Tribe shall provide the services of a tribal security officer to ensure that order is maintained in any proceeding of the Tribal Court.

22.1.21 Intertribal Agreements. By written resolution, the General Council may enter into an agreement with other Indian Tribes to establish and participate in an organization which makes Tribal Court personnel, including any Tribal Court Judges employed by the Tribe on a full-time basis, or administrative services available to any or all participating Tribes. In the event of such an agreement, such personnel shall be appointed, compensated, and

removed, or payment for such services shall be accomplished as provided for in an intertribal agreement.

SMTC 22.2 Judiciary

22.2.1 Candidate Evaluation

a. The Judiciary Committee shall develop a questionnaire that each prospective candidate for a position as a Chief Judge, Trial Court Judge or Appellate Court Judge shall complete. The questionnaire shall at a minimum fairly test the candidate's knowledge of the Indian Civil Rights Act, the Indian Child Welfare Act, the precepts of federal Indian law applicable to the Tribe and its Reservation, and will include an evaluation of the candidate's writing and analytical abilities. Failure to complete the questionnaire will be grounds to remove that individual as a candidate for Tribal Court Judge.

b. To be eligible to serve as a judge of the Tribal Court, a person must:

1. be a United States citizen;
2. be at least 35 years of age;
3. never have been convicted or found guilty of a felony or convicted or found guilty of a misdemeanor involving moral turpitude within the preceding five years;
4. be of high moral character and mentally sound;
5. satisfactorily demonstrate to the Judiciary Committee a working knowledge of the Indian Law concepts set forth in the questionnaire as detailed in Section 22.2.1(a) and;
6. must have successfully completed a court training session or equivalent within two years before the appointment date and every two (2) years thereafter.

Preference will be given to candidates that possess one or more of the following: member or descendant of a recognized Indian Tribe; significant judicial experience; and significant federal Indian Law experience.

22.2.2 Number of Judges. The Tribal Court shall consist of one Chief Judge who shall serve as the chief administrator of both the Trial and Appellate Courts and the Chief Judge of the Trial Court, and such other Judge or Judges as may be necessary to staff the Appellate Court, and in the event of a conflict or caseload requirements. The Judiciary Committee, Chief Judge and Clerk shall, from time to time, make recommendations to the General Council regarding the Court's staffing needs, and the General Council shall make final determinations as to the number of judges needed. In the absence of a Chief Judge, the responsibilities of the Chief Judge position will rest with the Judiciary Committee.

22.2.3 Bonding. All judges of the Tribal Court before entering their office shall, at tribal expense, post bond in an amount determined by the General Council, or such alternative bonding provisions as the General Council may determine.

22.2.4 Appointment – Term. The Chief Judge of the Tribal Court shall be appointed by the General Council, in consultation with the Judiciary Committee, to a term as provided by

written contract. Temporary Judges (“Judges Pro-Tempore”) shall be appointed as needed by the Business Committee, in consultation with the Judiciary Committee and Chief Judge, for a term provided in a written contract.

22.2.5 Compensation. Judges' compensation shall be determined by the General Council pursuant to a written contract. Under no circumstances shall the General Council reduce any Judge's compensation during the Judge's present term of office.

22.2.6 Conflict of Interest and Nepotism. Any Judge of the Tribal Court shall be disqualified to act as such in any case wherein he or she has any direct interest; and shall not take part in the deliberation upon or in the determination of any matter affecting his or her spouse, son, daughter, sister, brother, mother, father, grandmother, grandfather, aunt, uncle, niece, nephew; and the following in-laws: son, daughter, brother, sister, mother, and father; or where for any other reason the Judge cannot be impartial or creates a reasonable perception of partiality.

22.2.7 Disqualification of Judge. Any party to a case may bring a motion for disqualification on the grounds set forth in section 22.2.6 of this code. The Court shall conduct a hearing on said motion. If the court grants the motion, a judge pro-tempore shall be appointed to hear the case in accordance with 22.2.4 of this code. If the Court denies the motion, it shall do so by written order setting forth the reason for denial pursuant to section 22.2.9 of this code.

22.2.8 Judicial Cooperation. Judges and personnel of the Tribal Court shall cooperate with branches of tribal, federal, state, county and municipal courts and agencies when such cooperation is consistent with the purposes, spirit and letter of this Judicial Code.

22.2.9 Removal of Judges. Tribal Court Judges may be removed by the General Council for cause after a hearing for the purpose of providing the Judge with an opportunity to respond to claims and challenges against him or her. “Cause” is defined as:

- a. Conduct reasonably likely to prejudice the administration of justice;
- b. Conviction of a crime involving moral turpitude;
- c. Changes that would otherwise make the candidate ineligible under Section 22.2.1(b) of this Code; or
- d. Gross neglect or failure to perform the duties of the Office.

22.2.10 Oath Of Office. Before taking office, and in the presence of the Tribal Chairperson, all Tribal Court judges shall be required to take the following oath of office:

“Tribal Judge's Oath”

“I, [name], do solemnly affirm:

1. I will respect and uphold the Articles of Association, and the laws and rules of court of the San Manuel Band of Mission Indians;

2. I will, at all times, act in a professional manner and will promote respect for and the integrity of the Articles of Association and the Judicial Code of the San Manuel Band;

3. I will be faithful and honest to the office of Tribal Judge for as long as I hold that office; and,

4. I will apply the laws and rules of court of the San Manuel Band of Mission Indians fairly and equally to all persons who may come before the Tribal Court.”

Tribal Court Judge

Subscribed and affirmed to before me this _____ day of _____, 20__.

Tribal Chairperson

SMTC 22.3 Appellate Court

22.3.1 Appellate Court. The General Council may appoint and contract with individual judges, to comprise a three judge appellate panel, or with an organization for handling appeals from the Trial Court as needed. The hiring process and conditions of employment for appellate judges shall be the same as that for Trial Court judges, as set forth above at sections 22.2.1 through 22.2.9 of this code.

22.3.2 Appellate Powers

a. **Right to Appeal.** The Appellate Court shall have jurisdiction to hear appeals from final judgments and other final orders of the Trial Court, except in cases where the judgment from which the appeal is taken is less than seventh thousand five-hundred dollars (\$7,500.00). In such cases, there shall be no right of appeal, but such appeals shall be accepted at the appellate court’s discretion in accordance with applicable law and court rules.

b. **Standards of Review.** A judgment of the Trial Court shall be vacated, reversed or modified upon finding that:

1. The Trial Court erred as a matter of law in a way that materially affected the outcome of the case; or
2. The judgment is unsupported by the record taken as a whole.

c. **Writs or Orders.** The Appellate Court shall have the power to issue any writs or orders necessary and proper to the complete exercise of its jurisdiction, or to prevent or remedy any act of the Trial Court beyond such Court's jurisdiction, or to cause a Trial Court to act where the Trial Court unlawfully fails or refuses to act within its jurisdiction.

22.3.3 Stay of Execution of Judgment. In any case where a party has perfected a right of appeal, a stay of execution of judgment for money damages shall be deemed automatically granted by operation of tribal law. The judgment shall not be executed upon except to the extent affirmed by the Appellate Court, or in the event that the Appellate Court dismisses the appeal for any reason. Notwithstanding the above language, there is no automatic stay of

execution of judgment in family law cases or when the Trial Court has issued a temporary restraining order and/or other equitable relief.

22.3.4 Appellate Hearing. Unless additional time is warranted by the appellate judges for good cause, within ninety (90) days from the date a written notice of appeal is filed with the Clerk and served upon all parties to the case, the Appellate Court shall convene, to hear the case on appeal at such place and time as the Appellate Court may designate.

22.3.5 Evidence. The same record and evidence that was used in the Trial Court shall be used in the appellate proceedings. The Appellate Court may also consider the parties' written briefs and oral arguments.

22.3.6 Tax Appeals. Any party contesting the assessment of any taxes owed to the Tribe, or any party appealing a judgment for taxes owed or a judgment for any other remedy provided under any tax ordinance of the Tribe, must pay the assessed tax or judgment, or provide security equal to the amount of such taxes or judgment, before he or she may appeal under this section. Upon the payment of such taxes and upon posting of a \$100 bond for costs, the appealing party may be granted a stay of execution as to the part of the judgment other than the taxes found to be owing, and that of the judgment shall not be carried out unless and until affirmed by the court. Any forfeiture of seized goods shall be stayed pending the appeal, and the court shall hold the goods seized in a safe place until the final resolution of the case. If the court determines that the goods are perishable or subject to sharp decline in value, the clerk of the court may sell such goods in a commercially reasonable manner and hold the amount realized until the final resolution of the case.

22.3.7 Decisions. The Appellate Court may either affirm the judgment as entered, or modify it, or reverse the judgment, or vacate the judgment and remand the case back to the Trial Court for further proceedings, or dismiss the case for failure of the appellant to comply with court procedures or otherwise in the interest of justice, by the majority vote, and shall be final.

SMTC 22.4 Clerk and Records

22.4.1 Clerk. The chief judge shall employ and supervise a clerk of the court ("clerk"). The clerk shall render general assistance to the court, tribal citizens regarding inquiries about the court, and parties filing before the court. The clerk shall not give legal advice. The clerk shall maintain a list of attorneys and lay counselors permitted to practice before the court. The clerk shall attend and keep an accurate written record of all proceedings of the Court, shall administer oaths to witnesses, and shall perform such other duties as the chief judge may designate. The written record of the court proceedings may be transcribed from an audio recording of the proceedings, or the clerk may hire, with court funds, a court reporter to record the proceedings. The clerk, before assuming his or her duties, shall, at tribal expense, post bond in an amount determined by the General Council, or shall be covered by such other security measures as the General Council deems appropriate in consultation with the Judiciary Committee.

22.4.2 Oath of Office. Before taking office and in the presence of the Tribal Chairman, the court clerk shall take the following oath:

"Court Clerk's Oath"

"I, [name], do solemnly affirm:

1. I will uphold the laws and rules of court of the San Manuel Band of Mission Indians to the best of my ability;
2. I will perform the Clerk's duties faithfully and honestly;
3. I will not allow my personal views and relationships to affect the performance of the Clerk's duties;
4. I will not attempt to influence the course of any court proceedings;
5. I will not reveal any confidential matters that I learn in the course of official duties.

Clerk of the Court

Subscribed and sworn to me before me this _____ day of _____, 20____.

Tribal Chairperson

22.4.3 Records. The Tribal Court shall keep for its own information and for inspection by Tribal Citizens and individuals authorized by the General Council, Business Committee, Judiciary Committee or Chairperson a record of all court proceedings, which shall reflect the title of the case, the name of the judge, the names of the parties, the substance of the complaint, the name and address of all witnesses, the date of the hearing or trial, the findings of the court and the judgment, together with any other facts or circumstances deemed of importance to the case. Such records of all proceedings shall be kept at the Tribal Court office. The clerk shall maintain the security, integrity and confidentiality of Tribal Court records.

22.4.4 Copies of Law. The Tribal Court shall secure and maintain current copies of the Articles of Association, this Judicial Code as amended, all pertinent resolutions, ordinances, or enactments of the General Council, title 25 of the Code of Federal Regulations, and such regulations as may be applicable to the conduct of the Court's business.

SMTC 22.5 Civil Actions

22.5.1 Applicable Law

a. The Tribal Court, in deciding matters of both substance and procedure, in cases properly before the Tribal Court, shall look to and give weight as precedent to the following mandatory authorities in the following order:

1. The San Manuel Articles of Association;
2. Ordinances of the Tribe;
3. Actions of the Tribe by referendum;
4. Resolutions of the Tribe;
5. Common law of the Tribal Court; and

6. Customs, traditions, and generally accepted practices of the Tribe.

b. If an issue cannot be resolved by reliance on mandatory authorities, the Tribal Court may look to the following sources as persuasive authority only (in no particular order):

1. Common law of other tribes;
2. Federal common law;
3. Common law of the State of California; and/or
4. Common law of other states.

22.5.2 Development of Tribal Common Law. As to matters beyond the scope of applicable tribal, federal and state law, the Tribal Court is hereby authorized to develop a body of tribal common law, consistent with established principles of judicial restraint and the purposes of this code.

22.5.3 Evidence. The Court shall be bound by the San Manuel Formal Rules of Evidence under SMTC Chapter 27.

22.5.4 Alternative Dispute Resolution. Any party, or the Court, may recommend that any dispute before the Court be resolved by alternative dispute resolution methods, including without limitation negotiation, mediation or arbitration.

SMTC 22.6 Judgments

22.6.1 Verdict – Judge. The Court shall enter its verdict in open court, or at the judge's discretion, within a reasonable time of the end of the presentation of all testimony and evidence. The judge shall provide a written decision in accordance with the rules of court.

22.6.2 Judgments. Generally in all civil cases, judgment shall consist of an order of the Court awarding money damages to be paid to the injured party, or directing the surrender of certain property to the injured party, or the performance of some other act for the benefit of the injured party.

SMTC 22.7 Rights

22.7.1 Rights

a. Persons coming within the jurisdiction of the Tribal Court shall have the right to be protected against the tribal governmental actions set out in subsection 22.7.1 (b) below.

b. The Tribe shall not:

1. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances, except where authorized by statutorily mandated or judicially noticed policy or customs, tradition, or generally accepted practice, and where the rationale for such policy, custom, tradition, or generally accepted practice is explicitly stated in the applicable legislation or court order;

2. violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

3. take any private property for a public use without just compensation;

4. deny to any person within its jurisdiction the equal protection of its laws, except where authorized by statutorily mandated or judicially noticed policy or customs, tradition, or generally accepted practice, and where the rationale for such policy, custom, tradition, or generally accepted practice is explicitly stated in the applicable legislation or court order;

5. deprive any person of liberty or property without due process of law; or

6. pass any bill of attainder or ex post facto law.

SMTC 22.8 Judicial Ethics

22.8.1 Judicial Ethics. Duly appointed judges of the San Manuel Tribe shall:

- a. Uphold the integrity and independence of the judiciary;
- b. Avoid impropriety and the appearance of impropriety in all his/her activities;
- c. Perform the duties of the office impartially and diligently;
- d. Engage in activities to improve the law, the legal system and the administration of justice;
- e. Regulate his/her extra-judicial activities to minimize the risk of conflict with judicial duties; and
- f. Refrain from political activity inappropriate to his/her judicial office.