

**COMANCHE NATION TRIBAL COURT
PRO SE / SELF REPRESENTED INFORMATION**

Court Clerks

Ethical Code and Court Rules prohibit the Court Clerks from providing legal advice and helping parties prepare or type court documents. Different situations may require special procedures and the Court Clerks **CANNOT** advise you on how to proceed or what forms may be necessary in specific situations. If you have legal questions, you will need to consult an attorney at your own expense.

General Information

Unless you are in Court during a hearing, all requests or updates regarding your case should be done in writing and filed with the Court Clerk. If possible, you should submit all filings for your case no later than 10 days before your court date.

No party is allowed to speak to a judge about their case without the other party being present. You are also not allowed to request that the Court Clerks pass on a message to a judge regarding your case.

It is your responsibility to always keep the Court and the other parties updated of your address and phone number if they change during the case. Notices may be sent from the Court regarding your case, however, it is your responsibility to stay updated regarding your case.

If the opposing party has an attorney, address all correspondence and contact to the attorney. **DO NOT** address the opposing party without the attorney present.

If you fail to appear to a court date or fail to respond to an opposing party's filings, judgment may be entered against you by default.

Starting a Case

All legal proceedings are started by filing a Complaint or a Petition. The Petition should contain at a minimum the following: 1. the basis for the Court's jurisdiction, e.g., Defendant is an enrolled Comanche Member; 2. what you would like to happen; 3. Who you are asking the court to take action against (Defendant/Respondent); and 4. Why you believe you should have the court grant your request.

You must serve (formally deliver by obtaining signature or process service) the opposing party with a summons (Formal notice of an action provided by Court Clerk) and the petition before the case actually begins. You must show proof and file with the court that the opposing party received the summons and the petition.

If you are being served with a summons and petition, you have a time period indicated on the summons in which to file an Answer. The Answer should address all the issues within the Petition. You should specifically deny or admit any facts in the Petition and state why you believe the court should deny the petition. If you wish to request action against the petitioner, then you should include in your answer a Counter-Claim similar to a petition.

Emergency Situations

Sometimes a situation arises that requires immediate action. Because you may request for something to be done without giving the other party notice, you are required to have more information with you. You should have a police report or sworn written statement signed before a notary or the Court Clerk that sets forth the nature of the emergency and attach it to your motion.

You will file a petition as in a regular case, however you should also file a motion asking for your emergency action as well. To help your request to be processed faster, you should also have a temporary order prepared for the judge to sign. Because this will take place without the other party present, it is called an "Ex Parte" order and is only valid until the next hearing. If you receive an Ex Parte Order, the Court will schedule your next court date between 10 and 30 days. You are required to serve copies of all documents, as described above, to the other party before that court date or your temporary order will be removed.

Due to the schedule of the Judges, it may take up to 24 hours to process your request for a temporary order. If you are needing a protective order while the court is closed, you should contact the Comanche Nation Police Department at (580) 492-3260. You will have to go to the Police Department at 8527 NW Madische Rd., Lawton, OK 73507. Somebody should provide you the forms to fill out there.

Documents/Filing

Once you have all paperwork completed, bring the documents to the Court Clerk for filing, filing fees may apply. You should bring enough copies so that the Court Clerk keeps the original; you retain a copy for your records, and one copy for each opposing party.

Every document you file should have the case style at the top of the first page. The case style should contain the following: Court: "Comanche Nation Tribal Court, District Court"; Parties' names and which party they are; and case number. Every document must be signed before it will be filed.

Motions

If you need to request anything regarding your case, beyond what is in the Petition, you must file a motion to that affect. Common motions are "Motion for Continuance" and "Motion for Hearing". If possible, you should contact the opposing party and discuss your motion to determine whether they will agree to the requested action. To facilitate your motion being granted, you should prepare an Order for the Judge to sign with your signature and the opposing party's signature to show that it is agreed upon.

If you are not going to be able to appear at your court date, you must file a written Motion for Continuance stating the reason you will not be able to appear. Motions for Continuance should be filed as soon as you find out you will not be able to appear in court. If a motion is opposed, it will need to be set for a hearing to determine whether it should be granted or denied.

To get a hearing date you should file a Motion for Hearing. Contact the Court Clerk to obtain a potential court date and prepare an Order Setting Hearing with the proposed court date for the Judge to sign to expedite the process. The court date is not officially set until the order is signed by a judge. You must verify with the Court in writing that you delivered the motion and Order to the opposing party.

Hearings

You should come to court dressed in a respectful manner and prepared to argue your case. If you bring documents that you wish the court to see and admit as evidence, you should bring a copy for yourself, a copy for the Court Clerk, a copy for the Judge, and a copy for each opposing party.

The petitioner is given the first opportunity to present his/her case and call witnesses. When the petitioner is finished, the Respondent is given the opportunity to rebut the petitioner and call witnesses. Be respectful in court and wait until it is your opportunity to make your arguments. If you disagree with an action that the opposing party is taking, you may tell the judge that you Object and on what grounds you object.

Appeal

If, after your hearing, you disagree with the Court Order on a legal grounds you may file a Notice of Appeal with the District Court. You have 30 days from the date of a final Order in which to file your Notice of Appeal. If you wish to appeal, it is strongly recommended to consult an attorney as appeals go beyond the facts of the case and are highly technical in arguments about the interpretation of the law.