

APPENDIX II

CODE OF ETHICS FOR THE PRAIRIE BAND POTAWATOMI NATION JUDICIARY

This Code of Conduct applies to all Judges of the
Prairie Band Potawatomi Nation Tribal Court.

RULE 1

Integrity and Independence of the Judiciary

A Prairie Band Potawatomi Nation judge shall uphold the integrity and independence of the Prairie Band Potawatomi Nation judiciary. An independent and honorable judiciary is essential to justice in the tribal community. A Prairie Band Potawatomi judge shall help create and maintain such a judiciary, and shall observe high standards of conduct toward achieving this goal.

- A. A Prairie Band Potawatomi judge shall encourage separation between the judicial branch and other branches of tribal government, and shall avoid any contact or duty that violates such a separation.
- B. A Prairie Band Potawatomi judge shall not participate in legislative or executive decision-making except where such participation is in accordance with the tradition of the Tribe.

RULE 2

Impropriety and the Appearance of Impropriety

Prairie Band Potawatomi judge shall avoid impropriety and the appearance of impropriety in all judicial activities.

- A. A Prairie Band Potawatomi judge shall respect and comply with the law and tradition of the Tribe and shall at all times act in a manner that promotes public confidence in the honesty and impartiality of the Prairie Band Potawatomi Nation judiciary.
- B. A Prairie Band Potawatomi judge shall not allow family, social or other personal relationships to influence judicial conduct. A Prairie Band Potawatomi judge shall not attempt to use the prestige of the office to advance the private interests of others; nor shall the judge convey the impression that anyone has special influence on the office of the judge.

RULE 3
Diligence and Impartiality

A Prairie Band Potawatomi judge shall perform the duties of the office impartially and diligently.

A. The official judicial duties of a Prairie Band Potawatomi judge shall take precedence over all other activities. The judicial duties of the judge include all the duties of the office prescribed by tribal law, custom or tradition. In the performance of these duties, the following standards apply:

1. Adjudicative Responsibilities:

- a. A Prairie Band Potawatomi judge shall adhere to the laws, customs and traditions of the Tribe. Decisions shall be unswayed by partisan interests, public clamor, political pressure, or fear of criticism, and the judge shall resist influences on the Court by other tribal officials, governmental officials or any others attempting to improperly influence the Court.
- b. A Prairie Band Potawatomi judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, advocates and others with whom the judge deals officially and shall require similar conduct of other persons in Court proceedings and those court personnel who are subject to the judge's direction and control.
- c. A Prairie Band Potawatomi judge shall give to every person who is legally interested in a proceeding, or their representative, a full right to be heard according to tribal law and tradition. A judge shall avoid all out-of-court or other communications with tribal officials, agents, or others concerning a pending proceeding unless all parties to the proceeding are present or represented. A judge may obtain the advice of a disinterested expert on Federal law or tribal law, custom or tradition or on other sources of law applicable to a proceeding before the court if the request for advice is limited to points of law or tradition and does not involve the merits of the case. Parties shall be given a reasonable opportunity to respond to the information provided by the expert.
- d. A Prairie Band Potawatomi judge shall maintain order in the court. A judge shall not interfere in proceedings except where necessary to protect the rights of the parties. A judge shall not take an advocate's role. A judge shall rely on procedures prescribed by tribal laws and customs.
- e. A judge shall conduct court business promptly.
- f. A judge shall not make public comments on any pending court proceeding and shall also prohibit other court personnel from making such public comment.

2. Administrative Responsibilities

- a. A Prairie Band Potawatomi judge shall diligently perform administrative responsibilities.
- b. A Prairie Band Potawatomi judge shall require judicial staff to observe high standards of honesty and diligence.
- c. A Prairie Band Potawatomi judge shall initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

3. Disqualifications

A Prairie Band Potawatomi judge shall disqualify herself in a proceeding in which her impartiality may reasonably be questioned, including instances where:

- a. the judge has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts;
- b. the judge served as lawyer, advocate, or personal representative in the matter before the Court, or a person with whom the judge has been directly associated in a professional capacity served as a lawyer, advocate or personal representative concerning the matter;
- c. the judge knows that she (or any member of the judge's family, residing in her household) has a financial interest in the subject in controversy or is a party to the proceeding, or has any other interest that could be substantially affected by the proceedings;
- d. the judge or her spouse, or a person in a reasonably close family relationship to either of them, or the spouse of such a person:
 - i. is a party to the proceeding, or an officer, director, or trustee of a party;
 - ii. is acting as a lawyer or advocate in the proceeding;
 - iii. is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; or
 - iv. is, to the judge's knowledge, likely to be a material witness in the proceeding.

4. Alternative to Disqualification

A Prairie Band Potawatomi judge disqualified by the terms of Rule 3 (d)(iii) or (3)(d)(iv) may, instead of withdrawing from the proceeding, disclose on the record the basis of her disqualification. If, based on such disclosure, the parties and the lawyers, independent of the judge's participation, agree on the record that the Judge's participation is not prejudicial or that her financial interest is insubstantial, the judge is no longer disqualified, and may participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceeding.

RULE 4
Improvement of the Legal System

A Prairie Band Potawatomi judge may engage in activities to improve the law, the legal system and the administration of justice. A Prairie Band Potawatomi judge may engage in the following activities, if in doing so, the judge does not cast doubt on her capacity to decide impartially any issue that may come before the court:

- A. The judge may speak, write, lecture, teach and participate in other activities concerning tribal law and custom, the legal system of the tribe and the administration of justice.
- B. The judge may appear at a public hearing before a tribal executive or legislative body or official on matters concerning the tribal legal system and the administration of justice, and the judge may otherwise consult with a tribal executive or legislative body or official but only on matters concerning the general administration of justice.
- C. The judge may serve as a member, officer, or director of an organization or tribal government agency devoted to the improvement of tribal law, its legal system or the administration of justice. The judge may assist such an organization in raising funds and may participate in that management and investment. The judge may make recommendations to public and private funding agencies on projects and programs concerning tribal law, its legal system and the administration of justice. A judge may not serve as a member, officer or director of any other tribal governmental entity.

RULE 5
Extra-Judicial Activities

A Prairie Band Potawatomi judge shall regulate her extra-judicial activities to minimize the risk of conflict with judicial duties.

- A. Avocational Activities.
 - 1. A judge may write, lecture, teach and speak on non-legal subjects, and engage in the arts, sports, civic, charitable, religious, and other social and recreational activities of the tribe, if these activities do not interfere with the performance of the judge's official duties.
 - 2. A judge shall not participate if it is likely that the organization will be involved in proceeding which would ordinarily come before the Judge or will be involved in adversary proceedings in any tribal court.
- B. Financial Activities
 - 1. A Prairie Band Potawatomi judge shall avoid financial and business dealings that tend to reflect adversely on the impartiality of the judge, interfere with the

performance of judicial duties, exploit the judge's position, or involve the judge in frequent transactions with lawyers or others likely to come before the court on which the judge serves.

2. A Prairie Band Potawatomi judge may hold and manage investments, and engage in other activity for compensation, but shall not ordinarily serve as an officer, director, manager or employee of any off-reservation business. Should the tribe be unable to provide an adequate judicial salary but allows a full-time judge to supplement their income through commercial activities, the judge may then participate in the operation of the business.
 3. Except as allowed by the laws and traditions of the tribe, neither a judge nor a member of the judge's family residing in the household shall accept a gift, bequest, favor, or loan from anyone when it would affect or appear to affect the impartiality of the judge in judicial proceedings.
- C. Unless allowed by tribal law or tradition, a Prairie Band Potawatomi judge shall not accept appointment to any tribal governmental entity or position that is concerned with issues of fact or policy on matters other than the improvement of the law, the tribal legal system, or the administration of justice. A judge, however, may represent the tribe on ceremonial occasions or in connection with historical, educational, and cultural activities.

RULE 6

Political Activities

A Prairie Band Potawatomi judge shall refrain from political activity inappropriate to the office of the judge.

- A. Political conduct in general. Unless authorized by tribal law, a judge shall not engage in any tribal political activity except on behalf of measures to improve the law, the tribal legal system, or the administration of justice.
- B. Campaign Conduct. A candidate for a judicial office, including an incumbent judge:
 1. Shall maintain the dignity appropriate to the judicial office and shall refrain from any political activity that might interfere with the performance of the judicial duties of the judge; furthermore, a judge shall encourage members of her family to adhere to the same standards of political conduct that apply to the judge.
 2. Shall not make pledges of promises of conduct in judicial office other than the faithful and impartial performance of the duties of the office, nor announce her views on disputed or political issues.

EFFECTIVE DATE OF COMPLIANCE

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