



Title II – Peacemaker Code

Alabama-Coushatta Tribe of Texas Comprehensive Codes of Justice

**Adopted to supersede and codified as Title II of the A-C, C.C.J. on
September 30, 2010, by Tribal Council Resolution #2010-70; Revised to Supersede
on November 24, 2014, by Tribal Council Resolution #2014-83**

*Title II- Peacemaker Code is comprised of all Tribal statutes relevant to the creation, purpose
and operation of the Peacemaker Court.*

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CHAPTER I. PEACEMAKER COURT

Sec. 101 Purpose

(A) The intent of this section of the Code is to provide a forum allowing for traditional Alabama-Coushatta Tribe of Texas methods, customs and techniques to resolve disputes in a fair, informal and inexpensive manner.

(B) The guiding principles for the Peacemaker Court are:

- (1) Positive relationships between parties are valuable and should be preserved;
- (2) The most constructive way to preserve a positive relationship and settle a dispute is through the voluntary participation of the parties and not through the use of force from an outside source;
- (3) The health of the community at large depends on recognizing the connectedness of all things and the responsibility that we all have to each other; and
- (4) Sacred justice is found when the importance of restoring understanding and balance to the relationship has been acknowledged.

Sec. 102 Establishment of Peacemaker Court

(A) The Peacemaker Court of the Alabama Coushatta Tribe of Texas is hereby established as a division of the courts of the Alabama-Coushatta Tribe of Texas. The Chief Judge of the Trial Division shall exercise supervisory control over the activities of the Peacemaker Court and over any Peacemaker appointed pursuant to these rules.

Sec. 103 Peacemaker to the Court/Appointment And Qualifications

(A) Any enrolled member of the Alabama-Coushatta Tribe of Texas who is over the age of 30 and who has the respect of the Alabama-Coushatta Tribal Community, an ability to work with Tribal members, a reputation for integrity, honesty, humanity and an ability to resolve local problems shall be eligible to be appointed a Peacemaker, except that a person while a member of the Tribal Council or while a Tribal Judge shall be ineligible for appointment.

(B) Peacemakers shall agree to be bound by the Canons of Judicial Ethics insofar as such canons are consistent with the nature and purpose of the Peacemaker Court.

(C) Peacemakers shall agree not to participate in any matter in which they have a personal or financial interest or close relation to a party.

(D) The Tribal Council for the Alabama-Coushatta Tribe of Texas shall appoint Peacemakers to serve for a term of four (4) years, and all Peacemakers shall be eligible for reappointment at the end of each term of office.

(E) The Tribal Council shall appoint as many Peacemakers as necessary, so long as there are no fewer than two (2) Peacemakers at any given time.

(F) The Chief Judge of the Trial Division shall appoint a Senior Peacemaker, who will be responsible for the following:

- (1) Supervising the activities of the Peacemaker Court and the Peacemakers pursuant to this Chapter of the Code;
- (2) Coordinate with the Clerk of the Court for the Alabama-Coushatta Tribe of Texas to ensure that all cases assigned to Peacemaker Court are assigned to a designated Peacemaker in a timely manner.

Sec. 104 Role of Peacemakers

(A) Peacemakers role is to:

- (1) To act as an intermediary between parties to help the parties resolve disputes;
- (2) Use Tribal religious beliefs or traditional tribal ways of dispute resolution and community problem-solving. Where the parties involved accept or practice a given religious belief, discipline or following, the accepted methods and teachings of that religious way may be used, as long as the parties do not object;
- (3) Instruct or counsel individuals on the traditional tribal teachings or values relevant to their problem or conduct;
- (4) Encourage parties involved in a dispute, affected by it or in any way connected with it to meet to discuss the problem being worked on and to participate in all necessary peacemaking efforts; and
- (5) Use any reasonable means to obtain the peaceful, cooperative and voluntary resolution of a dispute subject to peacemaking. No force, violence or the violation of rights secured to individuals by the American Indian Civil Rights Act will be permitted.

(B) The Peacemaker may conduct a reasonable number of sessions in an attempt to achieve peacemaking, and may conduct peacemaking efforts using procedures and techniques which are accepted in the community.

(C) When a matter is assigned to a Peacemaker, the Peacemaker will immediately notify the assigning judge of any disqualification or inability to accept assignment.

(D) Peacemakers assigned a matter referred by a judge of the Tribal Court, when acting as a Peacemaker and performing the functions of a Peacemaker under this Title, shall be immune from liability for all acts that are performed within the scope of their role, the same as a judge of the courts of the Alabama-Coushatta Tribe of Texas.

(E) Peacemakers are not judges and shall not use the title of judge either formally or informally.

Sec. 105 Limitations of Peacemakers

(A) Peacemakers shall only have the authority to use traditional and customary Alabama-Coushatta Tribe of Texas methods and other accepted non-judgmental methods to resolve problems through agreement. Peacemakers shall not have the authority to decide a disputed matter or adjudicate a matter which the parties cannot resolve through voluntary agreement.

(B) Peacemakers shall not have authority to hear any appeal from any decision of:

- (1) The Tribal Council of the Alabama-Coushatta Tribe of Texas;
- (2) The courts of the Alabama-Coushatta Tribe of Texas, including any appeal from a final decision of the appellate division; and
- (3) Employers, when the decision of the employer is regarding any rights or obligations of the employer or employee governed by personnel policies or procedures of the employer.

Sec. 106 Scope of the Peacemaker Court

(A) A matter may be presented to the Peacemaker Court in any of the following manners:

- (1) By assignment of a judge of the Tribal Court.
 - (a) A judge of the trial division of the Tribal Court may refer any matter which the judge believes should or could be resolved through the peacemaking process to the Peacemaker Court where all parties to the dispute agree in writing to the assignment to the Peacemaker Court;
 - (b) If a criminal defendant, the defendant must additionally agree in writing to waive the time spent in the peacemaking process, plus an additional 60 days, for purposes of calculating their right to a speedy trial under Title IV – Criminal Procedure, Section 117(D)(4)(f).

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- (c) The parties must agree upon completion of the peacemaking process to re-appear in front of the judge with a proposed judgment signed by all the parties evidencing the terms of any agreement / resolution reached by the parties.
- (2) By mutual agreement, all parties to a dispute may elect not to file a civil action but, rather, may file a written request with the Clerk of the Court of the Alabama-Coushatta Tribal Court for the assistance of a Peacemaker to resolve the parties' dispute. The request must be submitted on a form provided by the Clerk of the Tribal Court and shall provide the following information:
- (a) The names, mailing addresses, places of residence and the phone numbers of the parties requesting the assistance of the Peacemaker Court;
 - (b) The reason the parties want to use the Peacemaker Court and a short statement of the problem involved;
 - (c) A brief statement of what it is the parties would hope to gain from peacemaking;
 - (d) The names and addresses of each person the Peacemaker should contact and involve in the peacemaking process;
 - (e) Whether the parties are Indian or non-Indian and, if Indian, the party's tribal affiliation and membership; and
 - (f) A joint signed declaration by the parties that they consent to participating in the Peacemaking process.
 - (g) The filing under 106(A)(2) does not toll the statute of limitations or any other legal timeline applicable to filing a claim in Tribal Court.
 - (h) Once the form is complete, it will be referred to the Chief Judge of the Trial Division to determine if the dispute is one appropriate for peacemaking process. If the judge determines the matter is appropriate for the peacemaking process, then the judge shall follow the procedures set forth in paragraph (A)(1) of this Section. If the judge determines the dispute is not appropriate for the peacemaking process, the clerk will notify the parties of the court's decision; and
- (3) The Tribal Probation Department may as a condition of probation, require a defendant to submit to the Peacemaker Court for traditional and customary counseling, instruction and lectures appropriate to the defendant's case.

(B) A party may withdraw their consent to transfer at any time. Upon receipt by the Clerk or by a Peacemaker of a written statement evidencing the party's desire to withdraw consent, the matter shall be either:

- (1) Returned to the Tribal Court's docket if the case was transferred from Tribal Court; or
- (2) Closed if it was initially filed in the Peacemaker Court under (A)(2) of this section. A closure under this paragraph does not preclude a party from later initially filing the matter in Tribal Court or refileing again in the Peacemaker Court as a new case.

Sec. 107 Admissibility of Statements made in the Peacemaker Court

(A) Statements made by any party in the Peacemaking Court during the peacemaking process shall be considered confidential statements made during settlement negotiations and shall not be admissible in any later court proceedings.

Sec. 108 Legal Counsel Forbidden

(A) Attorneys are prohibited from participating in or otherwise attending any proceedings of the Peacemaker Court.

Sec. 109 Duties of the Clerk of the Tribal Court

(A) The Clerk of the Court for the Alabama-Coushatta Tribe of Texas shall coordinate with the Senior Peacemaker to ensure that all cases assigned to the Peacemaker Court are assigned to a designated Peacemaker in a timely manner.

(B) The Clerk of the Court for the Alabama-Coushatta Tribe of Texas will assist parties before the Peacemaker Court by providing written information about the Peacemaking process, assisting parties in filling out requests for Peacemaking, assisting the Peacemakers in scheduling sessions, file management, and giving whatever other kind of assistance parties may need to make the Peacemaker Court effective that is consistent with this Chapter and consistent with carrying out the purposes of this Chapter.

Sec. 110 Method of Presenting Proposed Judgment or Order

(A) Proposed judgments and orders shall be in the form of consent decrees and shall not be valid until signed by the parties and thereafter approved by the trial court. The parties need not be represented by counsel to present a proposed judgment or order, and the tribal court may prepare a proposed judgment or order following an informal oral conference with the parties. Where necessary, the tribal court may require a member of its staff to assist the Peacemaker in preparing a proper form of judgment or order.

(B) Unless the proposed judgment and order contains terms that violate Tribal, federal or state law, or if there is evidence that the proposed judgment and order does not reflect the parties' true agreement, the judge shall sign an order incorporating the terms agreed upon by the parties.

Sec. 111 Form and Enforcement of Judgment or Order

(A) All judgments or orders must contain the following information:

- (1) The names and jurisdictional information with regard to each party (i.e., tribal affiliation, residence, consent to jurisdiction);
- (2) A statement that all necessary persons and parties to the dispute have actual knowledge of it and that they have all agreed to the proposed judgment or order; and
- (3) A statement that the judgment or order is based on Peacemaker session(s), a general description of the dispute, and is the actual judgment or order of the tribal court.

(B) A judgment or order of the tribal court based on a Peacemaker session(s) may be enforced as any other judgment or order of the trial court may be enforced.

Sec. 112 Removal of Peacemaker

(A) The Tribal Council shall summarily suspend any Peacemaker if said Peacemaker is facing pending felony charges in any tribal, state or federal court.

(B) The Tribal Council shall summarily remove any Peacemaker if said Peacemaker, while serving as a Peacemaker, is convicted of a felony by any tribal, state or federal court.

(C) Complaints against Peacemakers shall be made in writing to the Chief Judge of the Trial Division, and to the extent practical, such complaints shall be treated as any complaint against a court or a judge.

(D) On a finding that a Peacemaker has violated an ethical or tribal standard, the Chief Judge of the Trial Division shall recommend to the Tribal Council that the Council remove said Peacemaker. Where criminal activity is suspected, the Chief Judge of the Trial Division may refer the matter further to the Police Department of the Alabama-Coushatta Tribe of Texas.

(E) The Tribal Council may suspend or remove any Peacemaker, by a vote of no less than five (5) Council members, for moral turpitude, nonfeasance or malfeasance in office, gross neglect of duty, misconduct reflecting on the dignity and integrity of the Tribe, embezzlement of tribal property or assets, or for conduct in violation of any Tribal Code of Ethics, provided, that an affected Peacemaker is given written notification and an opportunity to answer any and all charges at a designated Tribal Council meeting. The

decision of the Tribal Council, after the affected Peacemaker is given the opportunity to answer all charges at the designated Tribal Council meeting, shall be final.