

IN THE TRIBAL COURT AND THE CHILDREN'S COURT
OF THE SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

SMSC RESERVATION

STATE OF MINNESOTA

General Order No. 01-25
Order Regarding Hearings and Signatures

Hearing Format

The Court may hold hearings in person in the Tribal Courtroom, by videoconference, or, if circumstances require, by phone conference. Parties may request their preferred format, but the decision of which format to hold a particular hearing shall be at the discretion of the presiding judge. Among the factors the Court will consider in determining whether to hold a hearing in person or by videoconference are:

1. agreement among the parties;
2. a party lacks technology to effectively participate remotely;
3. the importance and complexity of the proceeding, including whether exhibits will be introduced;
4. holding the hearing in person would cause a participant to reasonably fear for their safety;
5. the cost and time savings to any party of holding a hearing remotely;
6. a hearing participant would need to travel unreasonably far to the hearing location or it would be unduly burdensome for a hearing participant to secure transportation to the hearing;
7. a hearing participant is in custody or residential treatment and cannot physically travel to the hearing but can participate remotely;
8. inclement weather conditions make travel to an in-person hearing a risk to the personal safety of any hearing participants;

9. for an evidentiary proceeding, whether appearing remotely would allow for effective examination of the witnesses and maintain the solemnity and integrity of the proceedings and thereby impress upon the witnesses the duty to testify truthfully; and
10. such other factors as the Court determines to be relevant based on the specific facts and circumstances of the case.

Hearings by Videoconference

The Court issues the following expectations for appearances by videoconference:

1. Counsel and parties must remember that their appearance in court is a formal court proceeding and that appropriate court decorum must be followed during the hearing regardless of the location from which counsel and parties are appearing. This includes:
 - Understanding and respecting the seriousness of the proceeding, even when participants are not present in-person.
 - Wearing appropriate dress. Hats and head coverings that are not worn for religious or medical reasons shall be removed unless permitted by the presiding judge.
 - Not smoking/vaping/eating/or drinking except for water.
 - Not moving around during the hearing, including walking, driving, or otherwise moving from place to place, unless so directed by the Clerk or the presiding judge.
 - Not making or taking phone calls or conducting other business (even on “mute”) unless permission to do so is granted by the presiding judge (e.g. in the case of a lawyer confirming a client’s intended presence at the hearing).
 - Speaking only when called upon or granted permission to do so by the presiding judge. Failure to comply with the judge’s instructions may result in a participant being placed on mute or, if a party repeatedly refuses to be quiet when told to do so

- by the judge, ejection from the hearing.
2. No recording of the proceeding is permitted except by the Court or the court reporter.
 3. All participants should familiarize themselves with Zoom before the proceeding.
 4. Unless specific permission to participate without a camera is granted, the devices used by counsel and parties to connect with the hearing must have both video and audio capabilities and those capabilities should be tested before the start of the hearing.
 5. Participants should log in a few minutes early to ensure the connection is sound so that the proceedings can start on time.
 6. Counsel and parties must remember, and counsel must advise their clients, that when participants are admitted to the Zoom session from the waiting room, all participants will be able to see and hear all other participants. Therefore, participants must refrain from casual, personal, or confidential conversation that is not appropriate in this setting.
 7. If counsel need a private session with a client during a hearing, the Clerk can set up a Zoom Breakout Room for counsel and the client to have a private conversation.

In-Person Hearings

The Court issues the following expectations for appearances in person:

1. Counsel and parties must remember that their appearance in court is a formal court proceeding and that appropriate court decorum must be followed during the hearing. This includes:
 - Wearing appropriate clothing. Hats and head coverings that are not worn for religious or medical reasons shall be removed unless permitted by the presiding judge.
 - Not smoking/vaping/eating/or drinking, except for water.

- Speaking only when called upon or granted permission to do so by the presiding judge. Failure to comply with the judge's instructions may result in a participant being removed from the hearing.
2. No recording of the proceeding is permitted except by the Court or the court reporter.
 3. If physically able, attorneys should rise and remain standing while addressing the Court unless the presiding judge gives permission for the attorney to remain seated. Attorneys should refer to the judges as "Your Honor" or "The Court."

All Hearings

For all hearings, the presiding judge shall be responsible for order and decorum in the Court and shall see to it at all times that parties and witnesses in the case are treated with proper courtesy and respect.

Signatures On Filings

The Court will continue to allow filed documents to include either an original or a scan of the individual's handwritten signature, an electronically inserted image intended to substitute for a signature, or a typographical signature, which shall have the same validity and effect as a handwritten signature. Each signatory block must include the typed name, address, telephone number, and designated e-mail address. A typographical signature shall be in the form "/s/ [name of signatory]" and shall be considered the functional equivalent of an original, handwritten signature produced on paper.

Any party who files a document by e-mail that requires one or more signatures is certifying compliance with the signature requirements of this General Order for all signatures on

the document, and the signatures on the document shall be considered the functional equivalent of original, handwritten signatures produced on paper.

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This General Order supersedes General Order No. 01-21.

Dated: January 15, 2025

A handwritten signature in blue ink, consisting of a large initial 'H' followed by a series of loops and a long horizontal stroke.

Henry M. Buffalo Jr., Chief Judge