



Tribal Law Journal

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School of Law

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PICURIS PUEBLO TRIBAL COURT

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NAME OF TRIBE: PICURIS PUEBLO

Part One: TRIBAL GOVERNMENT AND GENERAL INFORMATION

The purpose of this Section is to provide certain basic information about your Tribal Court and judicial system. Anyone practicing in Tribal Court will need to know where the Court is located, how it is organized, and who to contact for more information.

1. Contact Persons and Location of Tribal Court:

Name of Tribal Court	Picuris Pueblo Tribal Court		
Contact Person Name & Title	Edwina Pacheco, Court Clerk		
Address	PO Box 127, Penasco, NM 87553		
Phone	(505) 587-2519	Fax	(505) 587-1685
E-mail	edwina.peacheco@yahoo.com		

2. Name and address of the Chief Judge of the Tribal Court:

Name	Hon. Albert Banteah		
Title	Chief Judge		
Address	PO Box 127, Penasco, NM 87553		
Phone	(505) 587-2519	Fax	(505) 587-1685
E-mail	judgebanteah@gmail.com		

3. Driving directions to Tribal Court (attach a map if needed):

From Albuquerque:

1. Take I-25 N to exit 282A-282B for US-84N/St. Francis Dr. toward US-285N/Santa Fe Plaza
2. Merge onto US-285N/US-84W/S. St. Francis Dr. and continue to follow US-285N/US-84W
3. Turn right onto Co. Rd. 88/La Puebla Rd. (There is a traffic signal at the intersection of US-285N/US-84W and Co. Rd. 88/La Puebla Rd.)
4. As you leave La Puebla, Co. Rd. 88 dead ends into NM-76/Santa Cruz Rd. Turn right onto NM-76N/Santa Cruz Rd. and continue to follow NM-76N.
5. When you reach the village of Truchas, turn left to stay on the paved NM-76N
6. When you pass the Rio Lucia Cemetery, NM-76N dead ends into NM-75. Turn left onto NM-75
7. Take the first right onto Indn Sevice Route 201/Pueblo Rd. and keep right at the fork as you approach the Tribal Administration Offices of the Picuris Pueblo.

Park behind the Administration Office near the old mission church.



4. What is the official name of your tribe or federally recognized organization?

Picuris Pueblo

5. On what is your tribal government based? (Please check one and briefly describe in box)

- An IRA or OIWA constitution
- A non-IRA constitution
- A non-constitutional organizational document (*e.g. tribal legislation*)
- A traditional system (*please describe*)
- Other (*please describe*)

Picuris has a Tribal Council and a Traditional Council. Elections are held for Tribal Council consisting of Governor, Lt. Governor, Sheriff, 1st Fiscal, 2nd Fiscal, and 1st, 2nd & 3rd War Chiefs.

6. Please indicate which organic documents are possessed by the Tribe, and from whom copies are available:

Tribal Document	Available?	Obtain Copy From:
1. Tribal Constitution	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
2. Bill of Rights	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
3.	<input type="checkbox"/> yes <input type="checkbox"/> no	
4.	<input type="checkbox"/> yes <input type="checkbox"/> no	
5.	<input type="checkbox"/> yes <input type="checkbox"/> no	

7. Please indicate where your tribal jurisdiction is exercised:

- Within undisputed, clearly established reservation boundaries
- Generally within reservation boundaries, with a few outlying parcels of Indian country (*Please describe the nature of these parcels: e.g. gaming location; purchased land not used for gaming; land remaining from formerly larger reservation, etc.*)

- Within Indian country (or dependent Indian community); there are no reservation boundaries
- Please describe disputes regarding the tribe's territorial jurisdiction, including boundaries; non-Indian owned fee land; dependent Indian community status; state or county roads; or any other:

8. Regular Court Staff:

Name	Title	Phone Number	e-mail address
Hon. Albert Banteah	Chief Judge	(505) 587-2597	judgebanteah@gmail.com
Edwina Pacheco	Court Clerk	(505) 587-2519	edwina.pacheco@yahoo.com

9. Tribal Court Organization:

Other branches of the Court (if any): None

Other Courts in Tribal Court system are checked below:

- Appellate Court (Tribal Council)
- Supreme Court
- Lower courts with different subject-matter jurisdiction
- Other: _____
- Other: _____
- Other: _____

10. Number of judges on the Tribal Court: (Please provide list of names, titles, and contact information for each judge)

Judge Positions	# of Full-time Positions	# of Part-time Positions	# of Pro-tem Positions
Trial Court Judges		1	
Specialized Court Judges			
Appellate Court Judges			
Other:			

11. Tribal Prosecutor for the Court :

Name			
Title			
Address			
Phone		Fax	
E-mail			

12. Tribal Government staff person to be contacted for more information regarding Tribal Government:

Name	Governor Gerald Nailor		
Title	Picuris Pueblo Governor		
Address	PO Box 127, Penasco, NM 87553		
Phone	(505) 587-2519	Fax	(505) 587-1071
E-mail	The Governor changes yearly, so call the Picuris Pueblo Administrative Offices to find the current governor's email address.		

13. Tribal Justice System Staff: *(Please provide list of names, titles, and contact information for each position)*

Tribal Justice System Position	# of Full-time Positions	# of Part-time Positions	# of Pro-tem Positions
Court Administrators/Clerks		1	
Probation Officers			
Prosecutors			
Public Defenders			
Bailiffs			
Juvenile Officers			
Other:			
Other:			

14. Use of Attorneys: *(Please indicate the number of full and part time attorneys or law school graduates your tribal justice system currently utilizes – enter 0 for positions which are not held by attorneys or law school graduates)*

Tribal Justice System Position	# of Full-time Positions	# of Part-time Positions	# of Pro-tem Positions
Judges who are licensed attorneys			
Judges who are law school graduates, but not licensed in any state			
Prosecutors who are licensed attorneys			
Prosecutors who are law school graduates, but not licensed in any state			
Public defenders who are licensed attorneys			
Public defenders who are law school graduates but not licensed in any state			

15. Alternative Dispute Resolution and Diversion Programs:

- Does your tribe use Alternative Dispute Resolution (ADR) in the judicial system? Yes No
If yes, please indicate below which ADR methods you use:

- Traditional Methods
 Mediation
 Settlement Facilitation
 Arbitration
 Diversion Programs
 Other: _____

Please note: Traditional Council, headed by the Cacique, handles certain disputes, primarily those involving custom and tradition.

- Is there additional written material available which describes your tribe’s ADR program(s)?
 Yes No *If yes, who should be contacted to obtain a copy:*

Name			
Title			
Address			
Phone		Fax	
E-mail			

Part Two: TRIBAL BAR PRACTICE

(Please attach additional information for each question if available)

Issue		Comments
1. Are there special requirements to be permitted to practice in tribal court?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	\$125 and good standing in NM State Bar
2. Are there requirements regarding knowledge of tribal culture or language:	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
3. Are advocates who do not have law degrees or are not members of a state bar permitted to practice in tribal court? Please describe requirements.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
4. Do the same requirements apply for state-licensed attorneys?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
5. Does your tribe have a tribal bar examination? If yes, please provide details concerning requirements, how often the exam is administered and how to get more information about being admitted to the tribal bar.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
6. Can an otherwise licensed attorney who is not a member of the tribal bar be admitted for a single case? If yes, how?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
7. Can/must an otherwise licensed attorney who is not a member of the tribal bar associate with a member of the tribal bar on a single case? If yes, how?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
8. Does the tribal bar have a Continuing Legal Education requirement? If yes, please provide details.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
9. What is the total number of members of the tribal bar?		There are no members at this time
10. Of the total number of members of the tribal bar, how many are licensed attorneys admitted to practice in a state?		

16. Other requirements for a lawyer to practice in Tribal Court:

17. Others that are allowed in practice in Tribal Court:

Of necessity, the police department functions as a type of prosecution. Community and Indian Legal Services appear without special admission on payment of fees.

Part Three: TRIBAL COURT RULES AND PROCEDURE

The purpose of this Section is to provide specific information regarding the rules and procedures necessary to practice in Tribal Court.

18. Tribal Court’s working hours: Monday through Friday: 8:00 a.m. – 5:00 p.m.

19. Language(s) used in Tribal Court: English

20. Interpreters are available: yes no

Contact: If interpretation is needed, a family member is generally brought in.

Name	Edwina Pacheco		
Title	Court Clerk		
Address	PO Box 127, Panasco, NM 87554		
Phone	(505)587-2519	Fax	(505)587-1685
E-mail	edwina.pacheco@yahoo.com		

21. Tribal court filing fees:

There are filing fees – in the process of issuing an administrative order. Ask clerk for a copy.

22. Tribal Court scheduling or docket practices where specific days or weeks are reserved: Hearings held on Fridays (except for statutory exceptions such as arraignments done within 72 hours after arrest).

23. Rules of conduct, or etiquette, or rules of ethics, either written or implied, which are required to practice in Tribal Court: Generally the same as for state court.

24. The following written rules are available for Tribal Court (Check all that apply):

Written rules are in the process of becoming available – Chief Judge is working on this.

<input type="checkbox"/> Civil Procedure	<input type="checkbox"/> Evidence	<input type="checkbox"/> Others:
<input type="checkbox"/> Criminal Procedure	<input type="checkbox"/> Appellate Procedure	
<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Alternative Dispute Resolution	

25. These rules can be obtained by contacting:

Name	Edwina Pacheco		
Title	Court Clerk		
Address	PO Box 127, Panasco, NM 87554		
Phone	(505)587-2519	Fax	(505)587-1685
E-mail	edwina.pacheco@yahoo.com		

26. To obtain more information on unwritten Tribal Court rules procedures, contact:

Name	Edwina Pacheco		
Title	Court Clerk		
Address	PO Box 127, Panasco, NM 87554		
Phone	(505)587-2519	Fax	(505)587-1685
E-mail	edwina.pacheco@yahoo.com		

27. Tribal Court forms can be obtained from:

Is a list of tribal court and related forms available? yes no If yes, please provide a copy.

Name	Edwina Pacheco		
Title	Court Clerk		
Address	PO Box 127, Panasco, NM 87554		
Phone	(505)587-2519	Fax	(505)587-1685
E-mail	edwina.pacheco@yahoo.com		

28. Jury trials are available for the following types of cases:

- Criminal
 Torts – Injury
 Traffic (DUI)
 Other: _____
 Other: _____
 Other: _____

29. Appeals are available for the following types of cases:

- Criminal
 Torts – Injury
 Traffic
 Other: _____
 Other: Juvenile _____
 Other: _____

30. Tribal Court decisions and opinions are written oral.

If written, copies of decisions and opinions are available from:

Name	Hon. Albert Banteah		
Title	Chief Judge		
Address	P.O. Box 127 Penasco, New Mexico 87553		
Phone	(505) 587-2519	Fax	(505) 587-1685
E-mail	judgebanteah@gmail.com		

31. Trial proceedings or hearings are recorded transcribed not recorded.

If recorded or transcribed, proceedings or hearings are available from:

Name	Edwina Pacheco		
Title	Court Clerk		
Address	PO Box 127, Penasco, New Mexico 87553		
Phone	(505) 587-2519	Fax	(505) 587-1685
E-mail	edwina.pacheco@yahoo.com		

Part Four: THE JURISDICTION OF TRIBAL COURT

The purpose of this Section is to provide information regarding the law that applies to cases heard in Tribal Court.

32. Information regarding a written Tribal Code can be obtained from:

Name	Gerald Nailor		
Title	Governor		
Address	PO Box 127 Penasco, New Mexico 87553		
Phone	(505) 587-2519	Fax	(505) 587-1071
E-mail	The Governor changes yearly, so call the Picuris Pueblo Administrative Offices to find the current governor's email address.		

33. Does the tribe or the court have a definition of "non-member Indian" for jurisdictional or service purposes?

yes no If yes, please indicate what that definition is, and describe whether there are different definitions for different purposes (e.g., tribal services or criminal jurisdiction).

Section 2.4. Definitions A. "Indian" shall be defined as any person of Indian descent who is a member of any federally recognized Indian Tribe now under federal jurisdiction.

34. Does the tribe exercise jurisdiction over members off-reservation?

yes no If yes, please specify subject matter and circumstances (check all that apply):

Indian Child Welfare Act

Hunting, Fishing or Subsistence

Other: _____

Other: _____

35. Does a significant number of non-member Indians live within the tribe's jurisdiction?

yes no Comments:

36. Do a significant number of non-Indians visit tribal lands on a regular basis?

yes no If yes, please indicate the types of visits (check all that apply):

Gaming

Tourism

Travelers on Interstate Highway

Resort

Hunting/Fishing

Transients on Other Highways

Smokeshop

Other: _____

37. Are there problems presented by these visitors, such as increased traffic violations, hunting or wood cutting violations?

yes no If yes, please describe these problems and indicate whether disputes are presently settled in tribal court or other forum (please specify forum, such as state court):

All of the above

38. Are there federal laws or treaty provisions that *specifically* limit *your* tribe's jurisdiction over non-members or non-Indians (as opposed to limitations on all tribes)?

yes no If yes, please indicate the specific law or provision and the limitation:

Federal Statute: _____ over
 Non-Indians Non-member Indians

Treaty Provision: _____ over
 Non-Indians Non-member Indians

39. Over which groups of persons does your tribal constitution or traditional system permit jurisdiction?

Tribal Constitution

- Tribal Members Only
- All persons, civil
- All persons, criminal
- All Indians, civil
- All Indians, criminal

Traditional System

- Tribal Members Only
- All persons, civil
- All persons, criminal
- All Indians, civil
- All Indians, criminal

40. Has the tribe, by tribal legislation, limited its jurisdiction to members?

yes no If yes, is the jurisdiction General over all actions, or as to specific matters (please specify the subject matters):

By Code, the Court has general jurisdiction over all civil matters within the reservation boundaries and criminal matters to the extent that is not limited by Federal laws and decisions.

Part Five: TRIBAL CODES

The purpose of this Section is to provide information regarding any Tribal Codes that apply to practice in Tribal Court.

41. Does your tribe's Constitution or Tribal Code contain a Bill of Rights? yes no
 If yes, are copies available? Not yet.

42. Does your tribe have a written code? yes no

If yes, the code is based on:

- written customary law
- a modern (Western-style) code
- Both customary law and modern (Western-style) code

43. Is a copy of the tribal code readily available to any person who wants it? yes no

If yes, where can a copy be obtained?

Name: _____ Phone: _____ Cost: \$ _____

If no, please specify reason: There are not enough funds to produce more copies.

44. Has the tribal code ever been comprehensively codified? yes no
 If yes, when was the last time the tribal codified? Date: _____

45. Please indicate which of the following are covered in your tribal code (check all that apply):

<p>FAMILY LAW (Domestic Relations)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Marriage <input type="checkbox"/> Divorce <input type="checkbox"/> Child Support and Enforcement <input checked="" type="checkbox"/> Visitation <input checked="" type="checkbox"/> Paternity <input checked="" type="checkbox"/> Guardianship <input checked="" type="checkbox"/> Abuse and Neglect <input checked="" type="checkbox"/> Out of home placement <input checked="" type="checkbox"/> Children in Need of Supervision (CHINS) <input checked="" type="checkbox"/> Adoption (including ICWA) <input type="checkbox"/> Probate (Estate distributions) <input checked="" type="checkbox"/> Domestic Violence <input type="checkbox"/> Elder Protection <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ <p>JUVENILE JUSTICE</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Status offenses (curfew, truancy, underage possession of alcohol, etc.) <input checked="" type="checkbox"/> Non-status offenses (criminal) <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ 	<p>HOUSING AND LAND USE</p> <ul style="list-style-type: none"> <input type="checkbox"/> Evictions <input type="checkbox"/> Housing authority actions <input type="checkbox"/> Trespass <input type="checkbox"/> Land assignments <input type="checkbox"/> Land use <input type="checkbox"/> Landlord-tenant <input type="checkbox"/> Grazing/Farming <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ <p>TRIBAL AFFAIRS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Enrollment <input type="checkbox"/> TERO and other employment rights <input type="checkbox"/> Elections <input type="checkbox"/> Voter Registration <input type="checkbox"/> Eligibility to run for office <input type="checkbox"/> Recounts <input type="checkbox"/> Campaign Financing <input type="checkbox"/> Other election disputes <input type="checkbox"/> Appeals <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
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ENVIRONMENTAL

- Housing
- Building
- Sanitation
- Solid Waste
- Water
- Air
- Noise

- Other: _____
- Other: _____

CIVIL COMMITMENTS

- Mental Health
- Substance Abuse
- Juvenile commitment
- Physical disability
- Developmentally disabled (severely retarded) or other disorder (stroke, persistent vegetative state) disability

- Other: _____
- Other: _____

TRAFFIC

- DWI
- Speeding
- Reckless Operation
- Driver's Licenses
- Vehicle Licenses
- Insurance requirements

- Other: _____
- Other: _____

COMMERCIAL TRANSACTIONS

- Contracts
- Consumer protection
- Collection of debts

- Other: _____
- Other: _____

TORTS

- Personal Injury
- Defamation, libel, slander

- Other: _____
- Other: _____

CRIMINAL LAW

- Assault and battery
- Harassment and stalking
- Kidnapping
- Trespass
- Property damage
- Larceny
- Extortion
- Embezzlement
- Receiving stolen property
- Illegal kickbacks
- Marital and familial offenses (e.g. bigamy, unlawful cohabitation, incest)
- Sexual offenses (other than children as victims)
- Alcohol and other intoxicants (including selling, possession, bootlegging, trafficking, distributing, etc.)
- Homicide (murder & lesser offenses involving the death of a human being)
- Crimes against children & dependents, including sex crimes
- Bribery
- Perjury and false affirmations
- Malicious prosecution
- Conspiracy to commit a crime
- Worthless checks
- Welfare fraud
- Securities fraud
- Racketeering
- Election fraud or interfering with elections
- Computer crimes (e.g. computer access with intent to defraud or embezzle, unauthorized computer use)
- Controlled substances (e.g. drug selling, possession, distribution, trafficking, etc.)
- Crimes against public peace (e.g. disorderly conduct, unlawful assembly, rioting)
- Interference with law enforcement (e.g. resisting, evading, obstruction, assault, battery, refusing to aid, concealing identity, aiding a felon, escape from jail, assisting escape, bringing contraband into jail)
- Official misconduct (e.g. demanding or receiving illegal fees, making false vouchers, paying or receiving tribal money for services not provided)

- Other: _____
- Other: _____
- Other: _____

<p>COURT PROCEDURES</p> <p><input checked="" type="checkbox"/> Criminal Court procedures (e.g. requirements for filing a complaint, time limits for hearings and motions, format for documents)</p> <p><input checked="" type="checkbox"/> Civil Court procedures (e.g. requirements for filing a petition or complaint, time limits for hearings and motions, format for documents)</p> <p><input checked="" type="checkbox"/> Juvenile or Children’s Court procedures (e.g. requirements for filing a petition, time limits for hearings and motions, format for documents)</p> <p><input checked="" type="checkbox"/> Appellate Court procedures (e.g. requirements for allowing appeals, time limits, notice of appeal)</p> <p><input type="checkbox"/> Administrative Court procedures (e.g. from decisions made by tribal departments such as housing, personnel, land use & realty, environmental, membership, or elections board)</p> <p><input type="checkbox"/> Procedures for appeals from council (legislative) decisions.</p> <p><input checked="" type="checkbox"/> Code of Judicial or Professional Responsibility</p> <p><input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> Other: _____</p>	<p>OTHER CODE PROVISIONS (Please specify):</p>
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46. Has your tribe waived its immunity from suit in court? yes no

If no, go to question 46.

If yes, please indicate which of the following applies:

- General Waiver
- Limited Waiver (check all that apply)
 - For tort claims against the tribe
 - For civil rights claims against the tribe
 - For specific business activities
 - As to special tribal public agencies (e.g. housing authority)
 - As to tribally-owned business enterprises
- Other: _____
- Specific to:
 - Tribal Court
 - Federal Court
 - State Court

47. Is the civil jurisdiction of your tribe limited by any federal statute? yes no

If yes, please indicate the statute:

Part Six: INTERGOVERNMENTAL RELATIONS

48. Does your tribe, pueblo, or village have any agreements to **RECEIVE** services **from** or to use facilities of a state, county, municipality, or other tribe? yes no

If no, go to question #48.

If yes, please complete the following chart:

Type of Service	Type of Agreement	Agreement is With:
Cross Deputization	<input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
Shelter Care	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input checked="" type="checkbox"/> Informal agreements	
Treatment/Counseling	<input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	As part of Eight Northern Indian Pueblo Council, we can use their services.
Detention Facilities	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input checked="" type="checkbox"/> Informal agreements	We get billed by the detention centers.
Correction Facilities	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
<i>Other (Please Describe)</i>	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	

49. Does your tribe, pueblo, or village have any agreements to **PROVIDE** services or the use of facilities **TO** a state, county, municipality, or other tribe? yes no

If yes, please complete the following chart:

Type of Service	Type of Agreement	Agreement is With:
Cross Deputization	<input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	29-1-11
Shelter Care	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
Treatment/Counseling	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
Detention Facilities	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
Correction Facilities	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
<i>Other (Please Describe)</i>	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	

