

District Court of the Navajo Nation  
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Montezuma Creek, UT 84534  
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Family Court of the Navajo Nation  
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**ANETH DISTRICT AND FAMILY COURT: LOCAL RULES  
REVISED NOVEMBER 30, 2009**

(1) Courtroom Behavior: Attorneys must assist the Court in making sure that their clients, witnesses and other interested persons observe proper courtroom behavior:

- Food or drink is not permitted in the courtroom.
- Gum or tobacco chewing is not permitted in the courtroom.
- Spectators are not permitted to talk while the court is in session.
- Children are not allowed in the courtroom unless prior permission is granted. Children who are allowed into the courtroom must be immediately removed if they are noisy or distracting.
- Pagers and cell phones must be turned off before entering the courtroom. Failure to do so may result in confiscation.
- All spectators must remain seated while the court is in session. There can be no standing in the back or in the aisles.
- Gentlemen must remove their hats.
- Sunglasses must not be worn unless the wearer has a medical condition requiring their use.
- Weapons, including all knives, are not permitted in the courtroom.
- All handbags must be left with the bailiff or clerk before entering the courtroom. Handbags may be permitted in the courtroom with prior inspection and approval.
- Dress may be casual but it must be appropriate for the courtroom.

(2) Navajo Interpreter: A party who does not speak Navajo must provide a Navajo interpreter if a Navajo speaking party or witness appears in a court proceeding. Parties cannot rely upon the judge or court staff to interpret.

(3) Arraignment Time: An individual summoned for criminal arraignment must be within the courtroom thirty (30) minutes prior to the time set for arraignment. Late

arrivals will not be permitted into the courtroom and must reschedule an arraignment date with the Clerk of Court. Exceptions will be made only for extreme emergencies.

(4) Filing Criminal Complaints: No criminal complaint filed on an arraignment day will be processed by the Court for arraignment on that same day.

(5) Recording Devices: No cameras, video recorders, tape recorders or any other types of recording or transmitting devices are permitted in the courtroom without prior approval for good cause from the presiding judge.

(6) Telephonic Appearances: Attorneys will not be permitted to appear telephonically for final hearings, other than for default hearings, except under extraordinary or emergency circumstances. This includes repossession hearings.

(7) Motions for Telephonic Appearance: Before the Aneth Court will permit a party to appear by telephone it expects the party, except in emergency situations, to explain in written motion (1) its attempts to contact the other party or parties in the case and the response(s) to telephonic appearance; and (2) if the party seeking a telephonic appearance has a conflict in another court, why the hearing in the other court should take precedence over the Aneth Court hearing.

(8) Proper Pleading Caption for the Court: The proper designations for Aneth District and Family Courts in pleadings presented to the Court are as follows:

IN THE DISTRICT COURT OF THE NAVAJO NATION  
JUDICIAL DISTRICT OF ANETH, UTAH

IN THE FAMILY COURT OF THE NAVAJO NATION  
JUDICIAL DISTRICT OF ANETH, UTAH

The above captions will be considered to comply with Rule 10(a) of the Navajo Rules of Civil Procedure. Any pleadings that do not conform to one of these captions in identifying the Court will likely be rejected.

(9) Proposed Orders: If a party submits a proposed order for the Court's consideration, no identifying information of the attorney firm or agency should appear on the proposed order.

(10) Time Limits for Response and Reply in Civil Motions: A response to a civil motion is due ten days after the motion is filed with the Court. A reply to a response is due five days after the response is filed. The Aneth District and Family Courts will require these deadlines except where otherwise required by Navajo law, procedural rules or by order of the Court. As required by the Navajo Rules of Civil Procedure, five additional days are allowed if service of the prior pleadings is by mail.

(11) Motions in Criminal Cases: When a defendant is charged with more than one offense, all motions in regard to that Defendant must be filed separately under each complaint docket number, rather than a motion filed with various docket numbers lumped together in one document.

(12) Notices in Motions for Entry of Default: Whether a party gives notice of a motion for entry of default to the party claimed to be in default by way of a copy of the motion or by separate notification, the Court requires the motioning party to include in such notice the information set forth in subsections (3) and (4) of Rule 55(a) of the Navajo Rules of Civil Procedure concerning the ten day period after filing the motion and notice, and the opportunity for the other party to plead or defend within that period.

(13) Signing Pro Se Court Pleadings: If court documents signed and submitted by a prose party are written and/or prepared by another individual, the document submitted must also include the signature of the preparer after the statement, "Prepared By." Remember that Rule 11 of the Navajo Rules of Civil Procedure requires the signer of a court document is verifying the truth and accuracy of the facts and law asserted in the document.

(14) Submission of Discovery Materials: When parties exchange discovery materials, copies of such materials shall not be sent to the Court except in regard to discovery disputes or proposed evidence for trial. Submissions in regard to discovery disputes must be limited to what is essential to demonstrate the dispute. The Court will discard discovery material it receives and will not include it in the Court file except when presented by a motion and an explanation why the court should not discard it.

(15) Pretrial Requirement: Opposing parties must meet five days before trial in both civil and criminal cases scheduled for trial to discuss settlement or plea agreement and submit written proof of said meeting to the court as soon as possible following the meeting.

(16) Order to Show Cause Hearings for Judgment Debtors: Before a party will be granted a hearing for an Order to Show Cause why a judgment debtor should be held in contempt of court for failing to pay a civil judgment, the party must allege facts to support the following:

- a. The requesting party has attempted other methods to collect payments permitted under Navajo law, or any such attempt is impossible.
- b. The debtor has the ability to pay for some or all of the outstanding judgment.

The Court will order a Debtor's examination upon a motion by the requesting party in order to discover the debtor's assets and/or the debtor's ability to pay. This rule does not apply to Order to Show Cause hearings related to the failure to pay child support.

(17) Repossession Cases: Proof Service Requirements: In a repossession action the affidavit or declaration of proof of personal service must include the following:

- a. The date and time the documents were served.
- b. The physical address where the documents were served.
- c. The name of or a reasonable description of the person who was served.
- d. If the person who was served is other than the person named in the complaint and summons, a statement that the person served is over sixteen years of age and is a resident of the dwelling where the person named in the complaint and summons lives.
- e. A complete listing of all documents served.

(18) Repossession Cases: Death of Debtor: In order to repossess secured collateral after the death of a secured party, creditors must file an action in probate for the limited purpose of repossessing the secured property.

(19) Repossession Cases: Repossession of a Residence: If a party seeks repossession of a mobile home or manufactured home that is a residence, the party must use procedures under the Navajo Rules of Civil Procedure, not the procedures under the Navajo Rules for Repossession Proceedings.

(20) Repossession Cases: Waiver of Future Court Order: If the parties in a repossession action request the Court to sign a stipulated order which includes an advance waiver of future repossession proceedings, and the debtor is not represented by legal counsel, the parties must schedule a hearing before the judge prior to judicial authorization of the stipulated order.

(21) Writs of Execution: A party must file a written motion to request the issuance of a writ of execution. A writ of execution will not be issued prior to payment of the required court fee.

(22) Attorney Gifts: Attorneys who practice in the Aneth District and Family Courts are prohibited from giving gifts of any kind to the court or court staff without prior approval of the Chief Justice.

November 30, 2009  
Date

  
Presiding Judge Irene S. Black