

COQUILLE INDIAN TRIBAL COURT

In the matter of Supplemental Court Rules: )  
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Court Clerk Assistance in Drafting Documents ) SUPPLEMENTAL COURT  
 ) RULE 1998-2 September 18, 1998  
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The Coquille Indian Tribal Code provides in pertinent part that the Court Clerk shall “...give assistance to the Tribal Court, Tribal Police, and to residents of the Coquille Indian Community and other Tribal members in drafting complaints, summons, warrants and other documents as required...”. CITC 610.400.3(b). The Coquille Code of Judicial Conduct provides that a Judge, and the Court Clerk, “... shall not act in a way that the Judge knows, or reasonably should know, would be perceived by a reasonable person as biased or prejudiced toward any of the litigants, jurors, witnesses, lawyers or members of the public.” Judicial Rule 2-110(B)(C). The Court Clerk therefore is required to assist in drafting documents only in a manner which would not be perceived by a reasonable person as biased or prejudiced toward any person or entity. Accordingly, in giving assistance in drafting documents pursuant to CITC 610.400.3(b), the Court Clerk is required to adhere to the following criteria:

1. The Court Clerk may not advise a party. Advice generally consists of rendering an opinion, judgment or recommendation regarding a decision to be made or a course of conduct to be taken by a party.
2. The Court Clerk may inform a party by directing or guiding a party to available resources which the party may choose to utilize in making decisions and in determining a course of conduct to be followed by the party.

Illustrative examples of common situations which clarify the distinction between advice and information, as that distinction applies to drafting of documents, and court-authorized forms with instructions, will be available at the Court Clerk's office commencing October 8, 1998.

DATED this 18<sup>th</sup> day of September, 1998.

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Coquille Indian Tribal Court  
Donald Owen Costello  
Chief Judge