MASHPEE WAMPANOAG TRIBAL COURT
MASHPEE WAMPANOAG TRIBE

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)
) ADMINISTRATIVE ORDER #10
)
) POLICY REGARDING ACCESS TO
) TRIBAL COURT PROCEEDINGS
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1. The District Court proceedings of the Mashpee Wampanoag Tribal Court shall be open to all members of the public including but not limited to members of the press.

2. The following types of proceedings are subject to a closure order that would exclude members of the public from attending all or part of a proceeding.

    a) Juvenile matters
    b) Trial of paternity proceedings
    c) Indian Child Welfare Act proceedings
    d) Trial of incest, rape or sexual abuse (involving children 16 years or younger)
    e) Involuntary Commitment proceedings

3. Upon motion of any party to an action listed in Section 2, a-e, court proceedings may be closed to members of the public in the interests of justice. The District Court should consider all reasonable alternatives to closure that might adequately protect the interests of the parties and should fashion a closure order that is no broader than is necessary. The District Court order shall set forth specific findings to support the full or partial closure order. Full or partial closure orders are immediately appealable by any excluded party.

4. Upon consideration of a closure motion, any person who might be subject to being excluded should be granted a reasonable opportunity to be heard by the District Court. The District Court may limit the number of excluded individuals who are permitted to oppose a closure order in its discretion.

5. The District Court has discretion to close all or part of any proceeding in the interests of justice.

6. Depositions are not open to the public nor are side bar discussions between the judge and the attorneys for the parties or discussions between the judge and attorneys for the parties while in chambers.

7. Broadcasting, television, electronic recording or the taking of photographs in tribal court are not permitted without an order of the court. The court may, upon request, permit sketch artists.

TRIBAL COURT POLICY REGARDING ACCESS TO TRIBAL COURT RECORDS

1. Any tribal member and any duly admitted member of the Tribal Court bar may review the court file of any case provided that such review takes place in the presence of the Tribal Court Clerk. Once filed, no document shall be removed from a Tribal Court file without order of a District Court judge.

2. Cases which have been closed by order of a District Court judge are not available for review by tribal members or by members of the Tribal Court bar who are not representing a party to the action.

3. Any tribal member may request copies of any filing in any open case from the Tribal Court clerk, provided they pay to the Tribal Court Clerk the copying fee as set forth in the Mashpee Wampanoag Tribal Court Fee Schedule. The Tribal Court Clerk shall make all copies. There will be an additional fee for certification of filings, as set forth in the Mashpee Wampanoag Tribal Court Fee Schedule.

4. Non-tribal members may have access to an otherwise open Tribal Court file upon motion to the presiding District Court judge. Motions should disclose the interest of the person requesting access and may be granted in the interest of justice. Any order issued by the presiding judge may include permission to request copies upon payment of applicable fees. Orders regarding non-tribal member access may be appealed to the Supreme Court of the Mashpee Wampanoag Tribal Court.

5. Members of the press may have access to an otherwise open Tribal Court file upon motion to the presiding District Court judge. Motions must disclose the name of the news organization that the reporter represents and the reason the request is being made. The District Court judge may grant the motion in the interests of justice. The decision of the District Court judge may be appealed to the Supreme Court of the Mashpee Wampanoag Tribal Court. Members of the press may also request copies of

open file materials provided they pay the copy and/or certification fees as set forth in the Mashpee Wampanoag Tribal Court Fee Schedule.

IT IS SO ORDERED this 13th day of June, 2012

BY THE COURT:

Henry J. Sockbeson, Chief Judge
Mashpee Wampanoag Supreme Court