

**IN THE
HO-CHUNK NATION SUPREME COURT**

***In Re* Urgent Adoption of Amendments to the
Ho-Chunk Nation Rules of Appellate and Civil Procedure**

WHEREAS, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Nation; and

WHEREAS, the Constitution of the Ho-Chunk Nation, art. VII, sec. 4, provides that the judicial power of the Ho-Chunk Nation shall be vested in the Judiciary; and

WHEREAS, the Constitution of the Ho-Chunk Nation, art. VII, sec. 7(b), authorizes the Supreme Court of the Ho-Chunk Nation to establish written rules for the Judiciary, including qualifications to practice before the Ho-Chunk courts; and

WHEREAS, pursuant to this authority, the Supreme Court has promulgated and adopted various procedural rules throughout its twenty-five-year history enabling the Judiciary to ably function as a co-equal branch of government; and

WHEREAS, on March 12, 2020, the Ho-Chunk Nation Legislature declared a state of emergency in response to the global coronavirus pandemic, HCN Leg. Res. 03-12-20A; and

WHEREAS, on March 13, 2020, Ho-Chunk Nation President Marlon E. WhiteEagle joined the above declaration, urging Executive Departments to develop measures permitting enhanced and increased off-site performance of official duties, Admin. Order 03-13-20-1; and

WHEREAS, on May 4, 2020, President WhiteEagle reduced the number of executive facility operational days, excepting health clinics, from five (5) to four (4) days due, in part, to the financial consequences associated with the preceding conditions, and accordingly reduced full-time employee, excepting exempt (and certain other) employees, work hours from forty (40) to thirty-two (32) hours per work week, Executive Order 05-04-20-1; and

WHEREAS, the Supreme Court must adopt measures in response to unprecedented societal circumstances, permitting it to continuously operate safely and responsibly, and also determines to coordinate its actions with that of the executive and legislative branches of government.

THEREFORE, the Supreme Court devises the below amendment to its procedural rules – as indicated in redline – and, due to the pending urgent situation, dispenses with the customary notice and comment period afforded to Ho-Chunk bar practitioners:

HCN R. App. P. 10(a)

The computation of any time period in these rules shall be in calendar days. When counting days, computation begins on the day after the initial act, such as a filing, based on the stamped Court filing date. If the allotted time period is less than seven (7) calendar days, then weekend days (**Friday through Sunday**) and legal holidays are not counted. If the time period concludes on a weekend day, a legal holiday, or a day when the Court is closed without advance notice, then the time period shall conclude on the next working day.

HCN R. Civ. P. 17(A) (footnote omitted)

When counting days to meet time limits under these Rules, computation begins on the day after the filing. For example, if a *Complaint* is filed on the first day of a month and the *Answer* is due in twenty (20) calendar days, then the date the *Answer* is due will be the twenty-first day of the month. If the time limit identified in these rules is less than seven (7) calendar days, then **Fridays**, Saturdays, Sundays and legal holidays are not counted in the time limit. Legal Holidays are defined as those organized by the Ho-Chunk Nation.

HCN R. Civ. P. 17(B)

If a time limit concludes on a weekend (**Friday through Sunday**), legal holiday, or day when the Court is closed due to inclement weather or other unforeseen circumstances, then the time limit falls on the next working day, subject to a single exception. The preceding provision can neither extend nor expand a statutory statute of limitation regardless of whether such corresponding legislation is referenced elsewhere in these rules. Computation of time originates with the actual Court filing date or Court file stamped date of the document and not the date the notice or the document is received by the party.

HCN R. Civ. P. 75(E)

Appeal of Candidate Certification. Pursuant to the ELECTION ORDINANCE, 2 HCC § 6.6f(2), a candidate may appeal a determination of the Election Board not to certify or accept them as a candidate to the Court within five (5) days of the issuance of such decision. The candidate shall initiate the appeal by filing the required *Complaint* as stated in *HCN R. Civ. P. 75(A)*, which shall prompt service of process in the manner articulated in *HCN R. Civ. P. 75(C)*. Thereafter, the appellee, Election Board, shall file an *Answer* to the *Complaint* within two (2) calendar days of the filing of the *Complaint* in the Court, inclusive of weekends (**Friday through Sunday**) and recognized holidays, and comply with the relevant requirements set forth in *HCN R. Civ. P. 76(B)*. The appellee shall serve the *Answer* upon the appellant in accordance with *HCN R. Civ. P. 77*. Thereafter, the

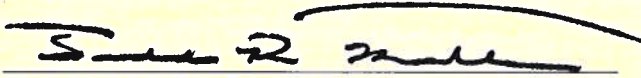
Court may convene a hearing in which event it shall provide notice in accordance with *HCN R. Civ. P.*

HCN R. Civ. P. 84

The Court is open from 8:00 a.m. to 4:30 p.m. Monday through ~~Thursday~~Friday, with the exception of legal holidays, closings due to inclement weather, or other unforeseen circumstances. For a document to be timely filed, it must be received and stamped by the Clerk of Court no later than 4:30 p.m. on or before the due date.

IT IS HEREBY ORDERED AND RESOLVED that the Ho-Chunk Nation Supreme Court hereby temporarily adopts the attached the above rules effective this 14th day of May 2020, from within the sovereign land of the Ho-Chunk Nation.

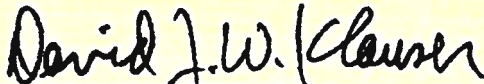
BY THE COURT,



Hon. Todd R. Matha, Wanašip
Chief Justice



Hon. Tricia A. Zunker, Hinuk pij
Associate Justice



Hon. David J. W. Klauser, Manape Huk
Associate Justice