

FREQUENTLY ASKED QUESTIONS ABOUT THE PECHANGA COURT

1. Do I Have to Be a Member of the Pechanga Band of Indians to Use its Court?

Not necessarily. The Court has jurisdiction over the Band's members as well as the Band's lands, and in some cases, the actions and conduct of people living on, occupying, and using that land the Band's resources.

2. What Kind of Cases Does the Pechanga Court Hear?

The Pechanga Court has subject matter jurisdiction over a number of topics as stated in the Pechanga Judicial Ordinance. These areas include child welfare protection, child custody, child support, adoption, legal guardianship, disputes arising from tribally-approved business leases, appeals of Trust Review Board decisions, employment claims under the Band's Employment Claims Ordinance, and matters arising under the Band's Tax Code, among others.

3. What do I do if someone files a lawsuit against me?

If you receive a lawsuit or petition (sometimes called "complaints") filed in Pechanga Court, it is important to act quickly. People named as defendants in a lawsuit usually must file a written answer within a certain time frame under Pechanga law. For questions about how to initiate a lawsuit or respond to one, contact the Court Clerk at courtclerk@pechanga-nsn.gov or (951) 770-6000 for more information.

4. Are there special forms I need to fill out?

Possibly. The Pechanga Court has standard forms available for many situations, including adoption, legal guardianship, custody, child support, etc. Even if the Pechanga Court does not have a specific form for your situation, most requests of the Court must be made in writing. Contact the Court Clerk at courtclerk@pechanga-nsn.gov or (951) 770-6000 for more information about pre-printed court forms.

5. What Do "Plaintiff" and "Defendant" Mean?

Court documents often use special terms when referring to parties to a case. A person who files a lawsuit is known as the "Plaintiff," while the person being sued is called a "Defendant." A person who files a petition asking the Court to take specific action is called "Petitioner," while the person whose rights would be directly affected by that request is known as the "Respondent."

6. What Do I Say When I Appear in Pechanga Court?

Do not be nervous. If you are a party or a witness in a case, be respectful and address the Court in a clear voice without cursing. The judge usually asks each party or witness to speak one at a

time. Lawyers representing parties in the courtroom will speak directly to the judge on behalf of their clients. The judge will direct questions to the lawyers except in rare circumstances when the judge asks a represented individual to speak directly to the Court. Parties and witnesses may also be asked to take an oath to tell the truth at the beginning of each hearing.

Keep in mind that all court hearings are audio recorded to establish a permanent record of the case before the Court. While the recordings are confidential, they may be reviewed on appeal by other judges and could influence the outcome of a case.

For more information about Court conduct and requirements, review the Pechanga Rules of Court, available at on the website.

7. Do I Need a Lawyer to Appear in Pechanga Court?

No. All parties with a case before the Pechanga Court have a right to be represented by legal counsel at their own expense but it is not required. Parties can represent themselves if they feel comfortable doing so. The Court does not provide lawyers to parties.

8. Who Works at the Pechanga Court?

At this time, the Pechanga Court consists of one Judge who presides of trial level cases each month and one Court Clerk who manages the Court's case files, prepares and serves orders, answers general questions about court processes and procedures, and oversees other day-to-day business of the Court. The Court Clerk cannot provide legal advice to parties or others.

In addition, the Pechanga Court of Appeals consists of three appellate justices who hear appeals of the lower court's decisions. Pechanga Tribal Rangers serve as bailiffs to ensure peace and safety during in-person hearings.

9. What can I expect to happen during my court appearance?

There are several different types of hearings that occur during a typical court appearance. Please see the attached court scripts to give you an idea of the court procedure and how the judge typically hears cases.

10. Can I Talk to the Judge about My Case?

Generally, no. Under the Pechanga Rules of Court, only court personnel may communicate with the Judge about an open case outside of the courtroom, unless authorized by a specific Pechanga law or rule. Any party who wishes to make a request of or provide additional information to the judge should do so in writing and submit it to the Court Clerk. Such written requests and updates should be served on all other parties to the case unless otherwise specified under Pechanga law.

For questions about how to file and serve documents with the Court, contact the Court Clerk at courtclerk@pechanga-nsn.gov or (951) 770-6000.