

NATIONAL RULES
OF
JUDICIAL PROCEDURE

6th MONTH 16th DAY, 15111 AC



Printed for the use
of
THE NATIONAL JURAL SOCIETY
SUPREME COURT

FOREWORD

This document contains the Rules of Judicial Procedure for the National Jural Society. These rules have been reviewed and promulgated pursuant to the Constitution of the Aboriginal Republic of North America. This document has been prepared by the National Jural Society in response to the need for an official and up-to-date document containing the latest publishing of these Rules of Procedure.

B'ak Amaru

B'ak Amaru, President of the National Jural Society

AUTHORITY FOR PROMULGATION OF RULES

UNIT 2, ARNA CONSTITUTION

Article 4.

The law shall be the supreme expression of the will of the Nation of Aboriginal Peoples. All shall abide by it. The law shall have no retroactive effect.

UNIT 3, ARNA CONSTITUTION

Article 21.

Rules of procedure of the Jural Society shall be governed by the organic natural law system of the Aboriginal Republic of North America. Local Jural Societies can be impaneled by the discretion of the nationals of that jurisdiction to handle all matters of adjudication and can act if there exists no national jural society at headquarters.

UNIT 4, ARNA CONSTITUTION

Article 42.

Each House shall establish and elect on its own Rules of Procedure and publish such for the record. These shall not, however, go into effect until they are declared by the Jural Society as consistent with the provisions of this Constitution or reviewed by an accredited national law firm.

RULES OF JUDICIAL PROCEDURE
FOR THE
NATIONAL JURAL SOCIETY
Effective 6th MONTH 16th DAY, 15111 AC

TITLE I. PURPOSE AND NATURE OF ACTIONS

Rule 1. Purpose

The judicial purpose of the National Jural Society (NJS) is to hear national issues and appeals from local jurisdictions. Original local jurisdiction matters are not to be heard by this body except upon appeal. NJS Members do have the right to participate in their respective local jurisdiction judicial affairs. In a case where no common local jurisdiction exists between the parties, the NJS has priority right to 1) offer arbitration as an alternative remedy, 2) hear the case for trial, or 3) defer the case to a separate jural society assembly.

Rule 2. Causes of Action

Actions upon which complaints may be brought before this Court must be based on breaches of:

- (a) the ARNA Constitution and all Laws in pursuance thereof, with breaches of the 42 Moral Codes of Conduct being considered criminal;
- (b) ARNA protocols;
- (c) specific indigenous common laws as adopted by ARNA; or
- (d) contracts.

**TITLE II. COMMENCEMENT & SCOPE OF ACTIONS; SERVICE OF PROCESS; PRIVACY; AND
TIME COMPUTATION**

Rule 3. Commencing an Action

- (a) An action is commenced by filing a complaint or petition with this body:
 - (1) The plaintiff may bring the case in their own name; or
 - (2) The plaintiff may coordinate with a jurist or the Chief Executive to present his or her case.

Rule 4. Goals of an Action

The goal of the Court in any action brought before this body is to:

- (a) bring all parties to a full awareness of the reality of the issues between them;

- (b) resolve the issues between the parties;
- (c) remedy any injuries to the parties; and
- (d) issue orders that work to deter or prevent future breaches.

Rule 5. Penalties Assessed

Penalties to be assessed are under the authority of this body.

Rule 6. Prosecution

In cases of prosecution, only the Chief Executive may bring prosecution before this Court until **1)** a Prosecutor General is appointed, or **2)** the position of Prosecutor in a case is delegated to another authorized official.

Rule 7. Initial Review

- (a) This body will study and review all complaints filed to ensure fulfillment of the requirements outlined in these Rules of Procedure. (*See Rules 13 and 14*)
- (b) If a complaint does not meet the requirements set forth in these Rules of Procedure, this body may request the plaintiff or his or her representative to fulfill the requirements within twenty (20) days, or it may choose to initially accept the complaint on the merits.
- (c) If the complaint filed fulfills the requirements in these Rules of Procedure:
 - (1) a summons and notice of complaint may be issued;
 - (2) a hearing may be called on issuance of a warrant pursuant to Art. 10, ARNA Constitution;
 - (3) the case may be deferred to another jural society assembly; and/or
 - (4) the case may be deferred to arbitration upon hearing and/or agreement of parties.
- (d) Pleadings discovered to be of a malicious or other nature deemed inadmissible by this body will be promptly dismissed upon hearing, and appropriate penalties may be assessed in the case of malicious pleadings.

Rule 8. Summons

- (a) Contents
 - (1) A summons must:
 - (A) name the court (“Aboriginal Republic of North America - National Jural Society”) and the parties;
 - (B) be directed to the defendant(s);
 - (C) state the name and address of the plaintiff’s counsel, or - if unrepresented - of the plaintiff;
 - (D) state the timeframe within which the defendant must respond to the complaint;
 - (E) be signed by the clerk of court; and
 - (F) bear the court’s seal.
- (b) Issuance
 - (1) The summons will be sealed and issued by the clerk of court.
- (c) Service
 - (1) The plaintiff and court shall serve and notice the defendant(s) in the case of the complaint

and summons together.

(2) Both physical and electronic means of service are sufficient.

(3) A certificate of service of the summons shall be filed with the clerk of court.

Rule 9. Service and Filings of other Pleadings and Papers

(a) All pleadings, motions, and other documents filed after the initial complaint must be served on all other parties to the case.

(b) This rule does not apply to discovery requests and responses between parties, which do not have to be filed until they are used in the proceeding or until the court orders their filing.

Rule 10. Privacy Protection for Filings

(a) Pursuant to Article 11 of the ARNA Constitution, privacy shall be a preserved right.

(b) Unless otherwise ordered by this body, filings that contain sensitive information, including but not limited to social security numbers, tax identification numbers, names of minors, and certain financial account numbers, may redact said sensitive information.

(c) This body may order certain filings to be made under seal. Said filings may be redacted or unredacted under seal.

(d) This body may issue protective orders to limit access by nonparties to certain sensitive documents filed.

(e) An exception to this rule exists in cases related to National investigations, in which sensitive information may be shared between government officials authorized to participate in the fact-finding investigations.

Rule 11. Computing Time

Concerning time periods stated in days or a longer unit of time:

(a) Exclude the day triggering the time period;

(b) Count everyday, including intermediate Saturdays, Sundays, ARNA holidays, and the last day of the period; but

(c) if the last day of the period is a Saturday, Sunday, or ARNA holiday, the period continues to run until the next day that is not a Saturday, Sunday, or ARNA holiday.

(d) Extending Time Period:

(1) The court may, for good cause, extend a time period given to complete an action on Its own initiative before the current time period given expires; or

(2) The court may, for good cause, extend a time period given to complete an action upon a motion made before or after the time period has expired, if the motioning party failed to or expects to fail to act because of an excusable reason.

TITLE III. PLEADINGS AND MOTIONS

Rule 12. Pleadings Allowed

(a) Only these pleadings are allowed:

(1) a complaint;

- (2) a counterclaim;
 - (3) a crossclaim;
 - (4) a third-party complaint;
 - (5) an answer to a complaint, counterclaim, crossclaim, or third-party complaint; and
 - (6) a reply to an answer.
- (b) The responsive pleadings that state a claim for relief cited above at (2), (3), and (4) should be filed with the answer if known to the responsive pleader at the time of answering.

Rule 13. General Rules of Pleadings

- (a) CLAIMS FOR RELIEF. A complaint or other pleading that states a claim for relief should contain:
- (1) a simple and plain statement of the grounds for this body's jurisdiction;
 - (2) a simple and plain statement of the claim(s), stating the alleged facts of the matter, the alleged breach(es) pursuant to Rule 2, and showing that the pleader is entitled to relief; and
 - (3) a demand for the relief or remedy sought.
- (b) DEFENSES. In response to a pleading stating a claim, a party must:
- (1) state in simple and plain language its defenses to each claim, if any; and
 - (2) admit or deny the allegations asserted against it.
- (c) ARBITRATION REQUESTS. A party may propose or request arbitration in their initial pleading or in their responses to a pleading.

Rule 14. Form of Pleadings

- (a) CAPTION. Each pleading should contain a caption that includes:
- (1) the court's name;
 - (2) the case number, if established;
 - (3) the names and designations of all parties, in the complaint; and
 - (4) *As Is Necessary*, the names of the first party on each side of the case and a general referral (e.g. *et al*) to other parties, in pleadings other than the complaint.
- (b) BODY; PARAGRAPHS. A party should state its claims or defenses in simple language, using numbered paragraphs or sentences.

Rule 15. Time to Serve a Responsive Pleading

- (a) The Court may establish an accelerated or delayed schedule in a case, whether upon request of a party, or on Its own initiative when justice requires such action. Otherwise:
- (b) *In General*. An answer must be filed within twenty-one (21) days of being served with the initial pleading of claim.
- (c) A reply may be filed within twenty-one (21) days of being served with an answer.
- (d) If a respondent files a motion against a pleading stating a claim is filed:
- (1) if the motion is denied or postponed, the respondent must file a responsive pleading within fourteen (14) days after notice of the court's decision to deny or postpone the motion;
 - (2) if the motion, if granted, was for a more definite statement or partial strike, a responsive pleading must be served within fourteen (14) days after the more definite statement or other amendment is filed.

Rule 16. Form of Motions and Requests

- (a) *In General*. A request for a court order in a proceeding must be made by motion.
- (b) Motions may be in writing, or spoken during a hearing.
- (c) All motions must:
 - (1) state the grounds for seeking the order; and
 - (2) state the details of the order sought.

Rule 17. Notice of Motions; Hearings

- (a) Notice of all written motions and hearings on the motions must be given to all parties to the case.

Rule 18. Time to Serve a Response to a Motion

Rule 15(a) applies here at Rule 18 also.

- (a) *In General*. An objection or other response to a motion must be filed within (14) days of notice of the motion, and before hearing on the motion, unless otherwise ordered by this body whether:
 - (1) on Its own initiative; or
 - (2) by the granting of a motion of a party requesting a different time limit.

Rule 19. Signing Pleadings, Motions or Other Papers

- (a) Every pleading, written motion, or other paper filed should be signed by the party or by at least one of their legal representatives.
- (b) If a party forgets to sign their filing, the Court may request a correction or choose to still consider the filing, as it is the Court's intention to make sure that all parties are heard.

Rule 20. Permissions

The court shall grant leave (time off, extensions of time, etc.) when justified.

Rule 21. Amended Pleadings

Rule 15(a) applies here at Rule 21 also.

- (a) One amendment to a pleading may be made:
 - (1) within twenty-one (21) days of service, or
 - (2) within fourteen (14) days after a responsive pleading or motion is filed.
- (b) After that, an amendment may be made only by:
 - (1) consent of all opposing parties;
 - (2) leave of court; or

(3) Court order on a motion during trial, when the requested amendment concerns evidence which, having been disputed concerning its relevance to issues in the pleadings, is deemed to aid in presenting the merits of the case. An amendment at trial must not prejudice any party to the case.

TITLE IV. DISCOVERY

Rule 22. Discovery Tools Afforded

All common discovery tools are available to the parties to any action, unless otherwise ordered by this body or stipulated in these rules, including:

- (a) Requests for admissions;
- (b) Requests for production;
- (c) Interrogatories;
- (d) Depositions;
- (e) Subpoenas; Warrants may be issued pursuant to Article 10 of the ARNA Constitution; and
- (f) Celestial and terrestrial forensics in conformity with natural law (e.g. Assessments using the Tzulukin Calendar).

Rule 23. Discovery by the NJS

This body may issue its own discovery requests pursuant to Art. 40 of the ARNA Constitution:

- (a) On its own initiative; or
- (b) Through the establishment of a fact-finding committee(s), whether:
 - (1) self-established by majority request of this body, or
 - (2) established by initiative of the Chief Executive.
- (c) Fact-finding committees shall promptly be dissolved upon submission of their reports.

Rule 24. Time for Service of Discovery Responses

Rule 15(a) applies here at Rule 24 also.

Responses to interrogatories, and to requests for production and admissions, must be served within thirty (30) days of the date of service of the requests, unless otherwise stipulated:

- (a) in these rules of procedure;
- (b) during a hearing; or
- (c) by order of this body.

TITLE V. PRELIMINARY, PRETRIAL, TRIAL, & ARBITRATION

Rule 25. Preliminary & Pretrial Conferences; Hearings

In any action, this body may order, on Its own initiative or upon a party request, a preliminary conference(s) for such purposes as:

- (a) better identifying and simplifying the allegations of the issues between the parties, and eliminating frivolous claims or defenses;
- (b) determining if the action needs to continue toward a trial, be deferred to other jural society assembly, or be resolved to an arbitration matter;
- (c) amending the pleadings;
- (d) determining the expected scope of discovery;
- (e) setting a case schedule to establish discovery deadlines and trial periods; and
- (f) facilitating in other ways lawful and necessary a fair proceeding.

Rule 26. Trial

- (a) Nationals have the right to a jury trial, pursuant to Article 14 of the ARNA Constitution.
- (b) Parties will be allowed to make opening statements at trial.
- (c) Material arguments and evidence will be presented by each party at trial.
- (d) Testimony of witnesses will be taken in open court unless otherwise stipulated in these rules or ARNA statutes.
- (e) Cross-examination of witnesses is permissible at trial.
- (f) Parties will be allowed to make closing statements at the end of trial.
- (g) The jury will convene and then issue a Judgment.

Rule 27. Arbitration

The general Trial procedures at Rule 26 will be used in Arbitration cases also. Parties must each agree to arbitration for it to occur.

- (a) The Arbitrator(s) will serve a more hands-on role during the proceeding in working to help the parties reach a mutual understanding and resolution.
- (b) If the parties reach an accord (a mutual agreement), the Arbitrator(s) will issue an outline of the terms of solution between the parties in an Arbitration Agreement.
- (c) If the parties cannot reach an accord, the Arbitrator(s) will issue an Arbitration Award in favor of a winning party.

Rule 28. Jury

Nationals have the right to 1) a trial by jury, or 2) a trial by NJS Judges.

Rule 29. Verdict

The Judge(s) will rule on each cause of action in question.

Rule 30. Findings of Fact and Conclusions of Law

As is good practice, the Court shall take to the work of determining the facts and conclusions of law for the record.

TITLE VI. JUDGMENTS, ARBITRATIONS AWARDS & AGREEMENTS

Rule 31. Judgment Defined

(a) DEFINITION. “Judgment ” as used in these rules includes a final decree by this body in any trial case.

(b) RELIEF TO BE GRANTED. The Final Judgment will grant the proper remedy to which each party is entitled, and it must always be in the best interest of justice.

Rule 32. Summary Judgment

Rule 15(a) applies here at Rule 32 also.

(a) A motion for summary judgment may be granted if the movant can prove on the record that there exists absolutely no remaining issues of material fact and law in the case before trial.

(b) TIME TO FILE. A motion for summary judgment must be filed no later than 30 days after the close of the discovery period and before trial.

Rule 33. Declaratory Judgment

This body may issue a declaratory judgment when an action requests or requires such.

Rule 34. Default Judgment

If a party fails to, or refuses to properly respond to an action filed against them, a Default Judgment may be entered against the party.

Rule 35. Arbitration Decisions

(a) Awards and Agreements in Arbitration cases are legally binding on all parties involved.

(b) If a party fails to comply with the Agreement or Award, the other party/parties may petition the trial Court to enforce the arbitration decision.

Rule 36. Entering Judgments, Agreements, Awards onto the Record

The clerk shall enter the Judgment or Arbitration decision into the record promptly following signing and submission of the Judgment by the Court.

Rule 37. Execution of Judgments, Agreements, Awards

(a) Final Judgments and Arbitration decisions shall be issued for immediate execution, unless otherwise ordered by this body.

(b) A writ (written command) of execution may be requested and issued when appropriate.

Rule 38. Appealing a Judgment

Rule 15(a) applies here at Rule 38 also.

(a) IN GENERAL.

(1) When justice requires, an amendment, reversal, or remand of a case Judgment may be granted on some or all of the issues. This process is started when a party files a Notice of Appeal for the case and judgment to be reviewed.

(b) NOTICE OF APPEAL. A notice of appeal must be filed no later than twenty-eight (28) days after the entry of Judgment.

(c) EFFECT ON FINALITY. Filing such a notice does not affect the finality of the Judgment in place or suspend its operation, unless otherwise ordered by the Court or stipulated in ARNA law.

Rule 39. Relief from a Judgment, Arbitration Decision, or other Order

(a) This body may correct clerical, oversight, or omission mistakes in the record on Its own initiative or by motion of a party.

(b) When justice requires, this body may grant relief from a Judgment, Arbitration Decision, or other Order to a party by motion of a party for just cause.

(c) MOTION FOR RELIEF. A motion for relief should be filed within a reasonable time frame.

(d) EFFECT ON FINALITY. Filing such a motion does not affect the finality of the Judgment, Arbitration Decision, or other Order in place or suspend its operation, unless otherwise ordered by the Court or stipulated in ARNA law.

TITLE VII. SPECIAL PROCEEDINGS; SUPPLEMENTAL RULES

Rule 40. Jurist Grievances

Grievance cases against ARNA jurists shall respect all ARNA constitutional laws and Title 7 Law and Justice statutes concerning jurists.

Rule 41. Officials of Government

This Court will hear cases concerning breaches by ARNA government representatives when the Aboriginal High Court is in absence.

Rule 42. Amendments to Rules

Pursuant to review and approval under Article 42 of the ARNA Constitution, this body reserves all constitutional rights to:

(a) amend these rules of procedure; or

(b) add addendum;

only as is deemed lawful and necessary to facilitate fair proceedings.