

# **Fort McDermitt Paiute-Shoshone Tribal Court**

## **Fort McDermitt Paiute-Shoshone Reservation**

111 N. Reservation Rd.  
McDermitt, NV, 89421.

**Mailing Address:** P.O. Box 397  
McDermitt, NV, 89421.

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**Pro Se Packet for  
Order to Show Cause**

## **Pro Se Packet for Orders to Show Cause**

This packet will enable you to appear for an Order to Show Cause in court without the assistance of an attorney or advocate. Please read all of the information contained in this packet before giving any paperwork to the court.

This packet includes the following information:

1. An information sheet about how the court clerk can and can't assist you.
2. Information on how to conduct yourself in court and what to expect generally in court.
3. Definitions of common words that you will hear used in court.
4. A sheet that explains what an Order to Show Cause is about and how to defend yourself at your hearing. Please read this sheet and use it to prepare for your hearing.
5. An Order to Show Cause Response Form with instruction attached on how to complete the form.
6. A complete sample Order to Show Cause Response Form with evidence attached.

## Court Clerk Can and Cannot

Court Clerks are not attorneys and cannot provide answers to specific questions about court rules, procedures, and practices. If the Court Clerk does not know the answer to a particular question or is unable to provide you with the answer, she may refer you to the tribal code or to an advocate or attorney. The following lists certain ways a court clerk can and cannot assist you.

CAN	CANNOT
CAN give general information	CANNOT give legal advice
CAN answer <u>general</u> questions about how the court works	CANNOT explain judicial decisions, let you speak to the judge outside of the courtroom or talk to the judge about what will happen on your case
CAN provide you with contact information for attorneys or advocates	CANNOT refer you to specific lawyers, contact advocates or lawyers for you, or give answers that involve legal advice
CAN give you <u>general</u> information about court rules, terminology, procedures, and practices.	CANNOT advise you as to how the court rules and procedures will be applied to your case
CAN give you legal definitions	CANNOT give you legal interpretations
CAN give you procedural definitions	CANNOT give you procedural advice
CAN give you cites of statutes, court rules, and ordinances	CANNOT complete research of statutes, court rules, and ordinances for you
CAN give you public case information	CANNOT give you confidential information
	CANNOT deny access, discourage access or encourage litigation
CAN give you forms and instructions on how to complete them	CANNOT fill out form for a party <u>except</u> for persons with a disability
CAN review your form by checking for signatures, case numbers, and dates	CANNOT correct forms for you or tell you what corrections should be made
CAN usually answer <u>general</u> questions about deadlines	CANNOT change an order issued by a judge

# **Courtroom Expectations**

## **Courtroom Dress**

When you attend any sort of court proceedings, you should always try to dress your best. It is recommended that you wear at a minimum business casual which is typically classified as nice pants and a button up shirt or a nice dress with a light jacket. However, if this is unavailable to you make sure you come to court as neat and presentable as possible. A nice pair of jeans and a clean t-shirt can get you much further than a suit and a bad attitude. Make sure your hair is neat and brushed, your face is clean, and your outfit is stain and wrinkle free. Please remove hats when you enter the court room.

## **Timing in Court**

Court dates for the month are posted on the FMPST COURT Facebook page at the start of the month. Check the court docket to see which time block your name is listed in. Just because your name is listed in that time block **does not** mean you will go as soon as the time block starts. Additionally, the court does not always go in the order that names are listed. Time blocks can go longer than expected or shorter, please wait patiently for your name to be called.

## **Behavior in Court**

When in court, try to act with the most respect that is possible. Refer to the judge as “Your Honor” and try to let everyone finish their statements or questions before responding. If at the end of your hearing you have unanswered questions you may raise your hand and say “your honor may I please ask a question?” If the judge says yes, ask your question. If the judge says no, say thank you and stand up from the table.

## **Definitions**

- Continuance- postponing a hearing or other court date to a later date for a reason specified by the court.
- Hearing – A setting where the judge hears arguments from the parties about what should or should not happen in the case. Not a trial.
- Motion- a written or spoken request for the court to do something.
- Order- a command, direction, instruction of the court. Typically written.
- Perjury- to make false or misleading statements on purpose while under oath.
- Pro Se- representing yourself in court without an attorney or advocate.

# **Order to Show Cause Explained**

## **What is an order to show cause?**

An order to show cause means that you did not do something that the court told you to do, or you did something that you were not supposed to do, and the Court is giving you an opportunity to come in and explain yourself. This is a court order, meaning you must come into court or appear via Zoom (if allowed) on the assigned date, and explain yourself to the Court, or a warrant may be issued for your arrest or other orders entered against you.

## **Reasons why the Court may have issued an order to show cause.**

This is **NOT** a complete list, merely some examples as to why the court may have issued an order to show cause:

- You did not attend your court date.
- You did not pay a fine as ordered.
- You contacted someone you were told not to contact by the court.
- You failed a drug or alcohol test.
- You did not participate in required classes.
- You did not participate in required evaluations.

Each order to show cause is unique to your specific case, because of this you need to look into specifically why the Court issued an order to show cause against you.

## **What can I do about this?**

- Gather any information or evidence relevant to why an order to show cause was issued. For instance, if your child was sick and you could not attend court that day, bring any proof you have that your child was sick.
- Arrive to the Ft. McDermitt court house before your scheduled hearing time and ask the Court Clerk, Gailynne, for an Order to Show Cause Response Form. This form can only be filed out in-person at the courthouse.
- Fill out the form to the best of your ability by providing information about what part of your court order you violated, why the violation occurred, and letting the court know if you have any evidence to show why the violation occurred. Or if there was no violation, explain why you did not violate your court order.
- When your name is called respectfully hand Judge Boice your form and sit at the empty table with your evidence. The Judge will then ask you questions based on the answers you put on your form and allow you to show evidence you may have.
- Respectfully answer all questions the Judge and the Prosecutor, Anne Laughlin, may have when it is your turn to respond.

## **What will happen?**

- The Judge will then decide what to do, he can either:
  - Dismiss → meaning nothing happens and the previous orders stay in place.

- Impose punishments → This could be a fine, more classes, or even jail time.

Once the Judge makes his decision say thank you and leave the table.

# Instructions for Order to Show Cause Response Form

## General Directions

- Please write as clearly as possible on all parts of this form.
- If you do not know an answer to a question on the form draw a line through that part or write “ unknown” **do not** leave sections blank that apply to you.

## Specific Directions

- (1) Write your name as it appears on your court order.
- (2) Write your case number. You can find it on your Order to Show Cause, the posted court docket, as well as your original court paperwork.
- (3) Circle yes or no.
- (4) If no, go to the end of the form where the signature and date lines are at the bottom.
- (5) The Order to Show Cause will list what specific parts of the Court Order you did not follow, list them here.
- (6) Circle yes or no.
- (7) Provide a brief overview of why you did not comply with the Court Order. This could be for things like sickness, transportation issues, etc. You are not explaining your entire case here just providing a preview to the court here. You will have more time to explain yourself to the judge when you are in front of him, be very brief here. You may use the back of the page if you really need to.
- (8) Circle yes or no.
- (9) Say what type of evidence you will be providing and where that evidence is located such as your text messages or Facebook.
- (10) If you have printed evidence hand it to the judge when you hand him this form.
- (11) This statement promises that everything you have stated above is the truth to the best of your knowledge.
- (12) Sign your name clearly to the best of your ability.
- (13) Provide the date you are signing on.



## Order to Show Cause Response Form

Name (1): \_\_\_\_\_

Case Number(2): \_\_\_\_\_

Do you know why you there is an order to show cause against you (3)? ( Y / N )

If no, please go to the end of this form (4). If yes, please list which order(s) of the Court you did not follow which caused this Court to issue this order (5).

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Do you have a legitimate reason for not complying with the court order (6)? ( Y / N )

If no, please go to the end of this form (4). If yes, please briefly explain your reason for not complying with the court order, you may use the back if needed (7).

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Do you have evidence to prove your reason (8)? ( Y / N )

If no, please go to the end of this form (4). If yes, please list the type of evidence and if the evidence is printed or on a cell phone (9). If the evidence if printed, please hand it to the judge when you submit this form (10).

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I hereby certify that the foregoing information is true to the best of my ability and knowledge under the penalty of perjury (11).

\_\_\_\_\_  
Signature (12)

\_\_\_\_\_  
Date (13)

## Order to Show Cause Response Form

Name (1): Jane Doe

Case Number(2): unknown

Do you know why you there is an order to show cause against you (3)? (  Y / N )

If no, please go to the end of this form (4). If yes, please list which order(s) of the Court you did not follow which caused this Court to issue this order (5).

I did not come to my last court date.

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Do you have a legitimate reason for not complying with the court order (6)? (  Y / N )

If no, please go to the end of this form (4). If yes, please briefly explain your reason for not complying with the court order, you may use the back if needed (7).

My son was very sick with the stomach flu and I needed to take him to the clinic for medical treatment.

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Do you have evidence to prove your reason (8)? (  Y / N )

If no, please go to the end of this form (4). If yes, please list the type of evidence and if the evidence is printed or on a cell phone (9). If the evidence if printed, please hand it to the judge when you submit this form (10).

Doctors note and printed text messages to my sister.

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I hereby certify that the foregoing information is true to the best of my ability and knowledge under the penalty of perjury (11).

Jane Doe

Signature (12)

07/06/2023

Date (13)

## Authorization of Work or School Absence

Date: June 7, 2023

Wellness Health Clinic

123 Main Street

Franklin, Genovia 12345

(775) 555-1234

RE: Joey Smith D.O. B. : 01/01/2020

To Whom It May Concern,

Please excuse Joey Smith and his mother, Jane Doe, from all activities that took place on June 7<sup>th</sup>, 2023 as they were seen at the Wellness Health Clinic. They may return to all regularly scheduled activities on June 9<sup>th</sup>, 2023 after one day of rest.

Sincerely,

*Doctor Johnson*

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Dr. Johnson

Joey has been up all night with a horrible stomach bug, I think I need to take him to the clinic. Can you take Allie to school??? I'll owe you forever.

Wednesday 6:09

Ya no problem I'll come get her, I hope he feels better soon. Sorry to hear that.

Wednesday 8:17

Finally made it to the clinic. Joey has a 102 fever and feels miserable. And to top it off there's a million ppl here ugh

Wednesday 8:18

Are they going to see him quick??? He's only 3 and it's dangerous to have a fever that young!!

Wednesday 1:39

Finally saw doc, he has the flu :( Can you pick Allie up, I don't think I'll be home in time ugh. They only gave him fluids and like one pill.

Wednesday 1:52

I got you, you need anything from the store?