

Saint Regis Mohawk Tribal Court

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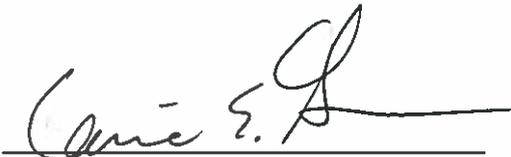
ADMINISTRATIVE ORDER

Interpretation of Rule 20 of the Saint Regis Mohawk Tribe's Rules of Civil Procedure

Rule 20 allows a party to ask the Judge for a rehearing, reconsideration, vacation, or modification of a judgment. A question has been posed to the Court as to whether the ten (10) days referred to within the Rule is calendar or working days. It has been the policy of the Court to interpret 'days' as calendar days. Thus, "ten (10) days after a judgment is final"¹ shall be counted as calendar days.

The Court was also asked to clarify as to the beginning and end of the ten (10) days. Rule 20 simply states that the ten (10) days begins when the judgment is final. However, Rule 2 states that when notice is delivered by mail it is presumed that delivery takes place three days after the notice is placed in the U.S. Postal Service mailbox.² Court orders are delivered by certified mail. Thus a party would not have notice of a final judgment until three days after the judgment was placed in the U.S. Mail. Rule 2 also states that when "an action be taken within a certain number of days, the day of the action from which the time limit begins shall not be counted."³ Thus, the day the Court order is placed in the mail is not counted. As a result, the ten (10) days would be begin 3 days following the day the Court places the order in the U.S. Mail. As for when the 10 days in Rule 20 will expire, Rule 2 also states that the last day is counted unless it is a Saturday, Sunday or Tribal holiday.⁴ Thus, if the last day falls on a Saturday, Sunday or Tribal holiday, the next working day would be the final day of the ten (10) days.

Signed by my hand this 5th day of August 2016.



Carrie E. Garrow, Chief Judge
Saint Regis Mohawk Tribal Court

¹ SRMT Rules of Civil Procedure, Rule 20.
² SRMT Rules of Civil Procedure, Rule 2 B.
³ SRMT Rules of Civil Procedure, Rule 2 A.
⁴ SRMT Rules of Civil Procedure, Rule 2.

