



MILLE LACS BAND OF OJIBWE
Judicial Branch of Tribal Government

IN THE COURT OF CENTRAL JURISDICTION
CHIEF JUSTICE COURT ORDER 54
Effective Date: March 24, 2020

IN THE MATTER OF AFFIDAVIT REQUIREMENTS
IN THE COURT OF CENTRAL JURISDICTION

The Chief Justice of the Court of Appeals for the Court of Central Jurisdiction is authorized by 5 MLBSA 114(g), "To exercise all administrative duties necessary for the continued conduct of competent court operations." It is necessary to eliminate as much interpersonal contact as possible during the Coronavirus (COVID-19) outbreak. Various court rules and statutory provisions require the filing of an affidavit with the Court. There is no specific definition of the term "affidavit" in the Mille Lacs Band District Court Rules. In the absence of a specific Band rule, District Court Rule 135, directs that the Court of Central Jurisdiction "shall apply the Federal Rules of Civil, Criminal, Appellate Procedure, or Evidence that applies to the type of case being heard." There is, however, no federal rule that sets out a definition of the term "affidavit." A commonly understood definition of "affidavit" is a "voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths, such as a notary public." Black's Law Dictionary, page 71, (11th ed. 2019). The requirement of notarization requires potentially hazardous interaction between the affiant with a notary public. Instead of an affidavit sworn under oath, federal law allows an "unsworn declaration, certificate, verification or statement, in writing of [a] person which is subscribed by him, as true under penalty of perjury, and dated" to have the same force and effect as a sworn affidavit. See 28 U.S.C. § 1746. Perjury is defined as a crime under Mille Lacs Band law, 24 MLBSA § 1204.

THEREFORE, it is hereby ORDERED that, until further notice, when an affidavit is required by court rule or Mille Lacs Band statute, such requirement shall be satisfied by the filing of a document that has been signed under penalty of perjury pursuant to 24 MLBSA § 1204 provided that the signature is placed immediately below a declaration using the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to the signature, the date the document was signed shall be noted on the document.

IT IS SO ORDERED.

Ramona Applegate

Ramona Applegate
Interim Chief Justice
Dated this 24th of March 2020

David S. Christensen

David S. Christensen
District Court Judge
Dated this 24th of March 2020