

**TRIBAL CODE**

**CHAPTER 87:**

**ADMISSIONS TO PRACTICE**

**CONTENTS:**

87.101 Purpose.....	87-2
87.102 Definitions .....	87-2
87.103 Representation by Attorney .....	87-2
87.104 Representation by Lay Advocate.....	87-2
87.105 Right to Represent Themselves .....	87-3
87.106 Standards of Conduct and Obligations for Attorneys and Lay Advocates .....	87-3
87.107 Practice Before the Court.....	87-3
87.108 Admission Procedure.....	87-3
87.109 Lay Advocate Practice Before Tribal Court .....	87-4
87.110 Admission Procedures of Lay Advocates .....	87-4
87.111 Approval or Disapproval of Application for Admission to Practice .....	87-5
87.112 Annual Renewal to Practice of Lawyer .....	87-6
87.113 Annual Renewal to Practice of Lay Advocate.....	87-6

**HISTORY NOTE:**

**CURRENT ORDINANCE:**

Adopted December 15, 1998, Resolution No: 98-163, effective immediately.

**TRIBAL CODE**

**CHAPTER 87:**

**ADMISSIONS TO PRACTICE**

**87.101 Purpose.**

The purpose of this Chapter is to provide standards relating to the admission to practice before the Sault Ste. Marie Chippewa Tribal Court ("Court"). The Tribe has a legitimate interest in protecting prospective parties and in the quality of justice within the tribal judicial system. Consequently, this Chapter imposes requirements relative to these interests on anyone seeking to represent clients/parties in the Sault Ste. Marie Chippewa Tribal Court.

**87.102 Definitions.**

When used in this Chapter, unless the context otherwise indicates:

(1) "Attorney" means an individual who is a current member of the State Bar of Michigan or some other State. The term "attorney" is synonymous with the term "lawyer."

(2) "Court" means the Sault Ste. Marie Chippewa Tribal Court.

(3) "Lawyer" means an individual who is a current member of the State Bar of Michigan or some other State. The term "lawyer" shall be synonymous with the term "attorney."

(4) "Lay Advocate" means a person who is a non-lawyer and who has been qualified by the Court to serve as an Advocate on behalf of a party.

**87.103 Representation by Attorney.**

Any party to a civil or criminal action shall have the right to be represented by an attorney of her own choice and at her own expense pursuant to the admission procedures set forth herein.

**87.104 Representation by Lay Advocate.**

Any party to a civil or criminal action shall have the right to be represented by a lay advocate of her own choice and at her own expense pursuant to the admission procedures set forth herein.

**87.105 Right to Represent Themselves.**

Nothing in this Chapter shall be construed to deprive a person of their right to represent themselves.

**87.106 Standards of Conduct and Obligations for Attorneys and Lay Advocates.**

Every attorney and lay advocate admitted to practice before this Court, and every attorney or lay advocate employed or appointed to represent another by this Court, shall conform her conduct in every respect to the requirements of the Code of Ethics or Code of Professional Responsibility for the State in which said lawyer is currently licensed or authorized to practice law. Further, every attorney and lay advocate, who has been admitted to practice before this Court, shall be deemed officers of the Court for purposes of their representation of a party and shall be subjected to the disciplinary and enforcement provisions of the Court.

**87.107 Practice Before the Court.**

A lawyer may represent any person in an action before this Court upon being duly admitted in accordance with §87.108.

**87.108 Admission Procedure.**

A lawyer as defined in §87.102(3), who desires to practice before this Court shall submit to the Court:

(1) An Application for Admission to Practice (as provided by the Court) accompanied by a Certificate of Good Standing or other appropriate documentation from the State Bar or Supreme Court of the State in which such lawyer is duly licensed to practice law; and further, such application must be signed and dated by the lawyer applicant in the presence of a Notary Public;

(2) A Certification that she shall conform to the Code of Ethics or Code of Professional Responsibility for the State in which said lawyer is currently licensed as she performs her duties as a lawyer before this Court;

(3) A sworn Oath of Admission (as provided by the Court), which must be signed and dated by the lawyer applicant in the presence of a Notary Public; and

(4) An application fee for admission as set by the Chief Judge of the Court.

**87.109 Lay Advocate Practice Before Tribal Court.**

A lay advocate may represent any person in an action before this Court upon being duly admitted in accordance §87.110.

**87.110 Admission Procedures of Lay Advocates.**

A lay advocate who desires to practice before this Court shall submit to the Court:

(1) An application for Admission to Practice (as provided by the Court), which shall be signed and dated by the lay advocate applicant in the presence of a Notary Public; and further, said application shall provide information with regard to the following criteria for admission and/or append appropriate documentation which shows that said applicant:

- (a) Is at least Twenty-One (21) years of age;
- (b) Possesses at least a high school diploma or GED Certificate;
- (c) Possesses good communication skills, both written and verbal and has the ability to express her position clearly and concisely;
- (d) Has legal or law-related education and/or training;
- (e) Has legal or law-related work experience including but not limited to experience and practice before Tribal Courts;
- (f) Knows and understands tribal traditions and customs;
- (g) Has the knowledge and understanding of the Tribal Constitution, Tribal Code, Tribal Court Rules and Procedures, Evidentiary Rules, and the Indian Civil Rights Act;
- (h) Knows and understands Tribal Court jurisdiction and the history, structure and function of the Tribal Court;
- (i) Has the ability to perform legal research and use the law library;
- (j) Possesses good character and moral fitness to represent clients, including supporting affidavits from at least two people familiar with the applicant's integrity, honesty, moral character, judgment, courtesy and self-reliance as well as providing background information and permission to contact other references in the Court's discretion.

(2) Certification that she shall conform to the Code of Ethics or Code of Professional Responsibility for the State in which said Lay Advocate may be currently licensed as she performs her duties as a Lay Advocate before this Court;

(3) A sworn Oath of Admission (as provided by the Court), which must be signed and dated by the lay advocate applicant in the presence of a Notary Public; and

(4) An application fee for admission in the amount set by the Chief Judge of the Court.

**87.111 Approval or Disapproval of Application for Admission to Practice.**

(1) Upon the filing of the required documents and fee, the Court shall approve the Application for Admission to Practice provided said lawyer or lay advocate has complied with the admission procedures set forth above. If so approved, the lawyer's name shall be entered on the roster of lawyers admitted to practice before this Court and the lay advocate's name shall be entered on the roster of lay advocates admitted to practice before this Court. Each shall be provided with a Certificate of Admission to Practice from this Court.

(2) An applicant for Admission to Practice shall respond to any additional requests for information or documentation from this Court within twenty (20) days of the date of said request.

(3) An applicant who was denied Admission to Practice shall receive written notice of the basis for the denial and the applicant may then submit a response within twenty (20) days of the date of said notice. The Court will then review the application materials, the basis for denial, and the applicant's response, and then notify the applicant in writing of the subsequent decision. Also, in the Court's discretion, a hearing may be held to elicit testimony bearing on the basis for the denial prior to making such decision. There is no further appeal in the Admission Procedure.

(4) A disapproval for Admission to Practice may include, but are not limited to, the following:

(a) Failure to meet the Admission requirements set forth herein;

(b) Refusal to furnish available information or answer questions relating to the applicant's qualifications for Admission to Practice;

(c) Knowingly making a false statement of a material fact or failure to disclose a fact necessary to correct a misapprehension or misrepresentation in connection with her application; or

(d) Is the subject of disciplinary action as an attorney in the jurisdiction for the State in which the attorney is so licensed.

**87.112 Annual Renewal to Practice of Lawyer.**

Once admitted to practice before this Court, a lawyer may continue to practice before the Court each year thereafter provided said lawyer certifies that she continues to be a lawyer in good standing from her respective State Bar and submits an annual membership fee as set by the chief Judge of the Court.

**87.113 Annual Renewal to Practice of Lay Advocate.**

Once admitted to practice before this Court, a lay advocate may continue to practice before the Court each year thereafter provided said lay advocate certifies she continues to meet the criteria for admissions set forth herein and submits an annual membership fee as set by the chief Judge.