



ENTERED
3/10/2022 to
SSM Chippewa Tribal Court

SAULT STE. MARIE CHIPPEWA TRIBAL COURT

IN RE: PHILIP C. BELLFY

ADMINISTRATIVE ORDER 22-01 REVOKING BELLFY ADMISSION TO PRACTICE

Practicing as a lay advocate in Tribal Court is a privilege, not a right. The purpose of Chapter 87: Admissions to Practice makes this clear:

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.

Chapter 87 makes it clear that the determination as to who permitted to practice rests with the Court. With that privilege to practice in Tribal Court, if granted, comes the responsibility to not impede the administration of Tribal justice. As to the attorneys and lay advocates that appear before this Tribal Court, the Court then has a mandatory obligation to monitor their behavior and compliance with their legal and ethical responsibilities. The Court is the gatekeeper of the quality of justice within our Tribal justice system.

The Court does not simply determine who is admitted to practice, and then end the inquiry. As the Code indicates, "every attorney and lay advocate, who has been admitted to practice before this Court...shall be subjected to the disciplinary and enforcement provisions of this Court." So, the Court must necessarily continue to monitor an attorney's or lay advocate's eligibility to practice and act when an individual demonstrates that they are no longer fit to practice before this Tribal Court.

The following criteria are among those required for an applicant to show within an application for admission to practice: (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; (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.” § 87.110(1). The applicant must also certify that he shall conform to the Code of Ethics or Code of Professional Responsibility for the appropriate state. § 87.110(2).

In addition to establishing these criteria upon application, lay advocates and attorneys alike must comply with these criteria on an ongoing basis. When an issue arises as to potential noncompliance, the Court must review the same. Chapter 87 of our Tribal Code does not set out a process by which the Court exercises this obligation after the initial approval or denial of the application. However, it only makes sense that an identical process used for the initial approval or denial of an application be used when an issue of noncompliance arises. § 87.111(3)

Mr. Bellfy was initially admitted to practice in our Tribal Court in 2018. He has filed three civil cases in this court, *Hodge, et al v. Shell Canada Products, LTD, et al*, Case No. BR-20-01; *Trevor MacLeod, et al v. Sault Ste. Marie Tribe of Chippewa Indians*, Case No. GCV-20-01; and *John Does, et al v. Election Committee, et al.*, Case No. GCV-2021-02. Most recently, this Court dismissed *Does v. Election Committee*, granting the Defendant’s Motion to Dismiss on its merits. Lay Advocate Bellfy did not appear on behalf of his clients at the motion hearing. On March 3, 2022, he indicated via e-mail that he was filing for reconsideration. On March 4, 2022, he directly e-mailed the Court of Appeals indicating that his appeal “may not follow the tribe’s protocol.” The Court has also become aware that Lay Advocate Bellfy is actively issuing subpoenas in Case No. GCV-20-01, which has been dismissed and closed by this court since January 15, 2021. These are just some of Mr. Bellfy’s actions that indicate a misunderstanding of the procedures of the Court, if not a direct defiance of procedural rules.

Most importantly, however, as it relates to Lay Advocate Bellfy’s ability to practice in Tribal Court, on March 7, 2022, he hand-delivered the attached letter to the Tribal Court, personally giving it to the Court Clerk. As the envelope indicates, it was addressed to me in my official capacity as Tribal Court Judge and marked “Personal and Confidential.”

The very submission of the letter, as well as its content, speaks for itself. It plainly smacks of the disrespect and harassment of our Tribal justice system. It demonstrates that Mr. Bellfy does not understand the appropriate procedures in Tribal Court or structure and function of the Court. §87.110(1)(g),(h). Most importantly, such a letter, hand-delivered to a Court for a judge, containing threats and innuendo, absolutely flies in the face of the ethical obligations that lay advocates must abide by.

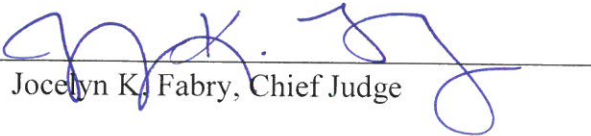
This Court respects and finds great value in the ability of lay advocates to represent the membership in Tribal Court. It allows tribal members more access to our justice system, and lay advocates can bring in a unique and specific perspectives for the Court’s consideration. Many lay advocates have done that in our Tribal Court, and have assisted with the proper administration of justice. Mr. Bellfy is not one of those lay advocates. He took an oath upon his admission that he would “maintain the respect due the courts of the Sault Ste. Marie Tribe of Chippewa Indians and Judicial Officers” and that he would “in all other respects conduct [himself] personally and professionally in conformity with the high standards of conduct imposed on members of the bar

as conditions for the privilege to practice as a lay advocate in this Court.” Mr. Bellfy is not abiding by his oath.

Therefore, the Court FINDS that Philip C. Bellfy no longer meets the criteria for admission to practice in the Sault Ste. Marie Chippewa Tribal Court as a lay advocate and ORDERS that his admission to practice is revoked, effective immediately. The Court interprets the Code to afford a current lay advocate or attorney the same opportunity upon revocation of an admission to practice as it would for an initial denial. § 87.103(3). Therefore, Mr. Bellfy may submit a response to the Court in writing within the next twenty days if he so chooses.

IT IS SO ORDERED.

March 9, 2022


Jocelyn K. Fabry, Chief Judge

JUDGE KASBY

PERSONAL AND CONFIDENTIAL

Once upon a time, there was a Judge who was confronted by two Orders, simultaneously. Signing one would require her to commit perjury, and, additionally, the substance of that Order is legally indefensible. Furthermore, by signing that Order, she would be acting in direct conflict with her Oath of Office, and her Lawyer's Oath, and, most importantly, in violation of the Supremacy Clause of the US Constitution. If she signed this Order, she would, therefore, be putting her job and her law license in jeopardy. At the same time, signing the other Order is mandated by those same Oaths and, again, most importantly, mandated by the Supremacy Clause and legal precedent. She could resolve this legal, moral, and professional dilemma by vacating the perjured Order, and signing the other.

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PROOF OF SERVICE

The undersigned certifies that a copy of each of the **Administrative Order 22-01 Revoking Bellfy Admission to Practice** was served upon Philip C. Bellfy, by U.S. first class mail addressed to his last known address of:

5759 S. Ridge Road, Sault Ste. Marie, MI 49783

and by electronic mail to his e-mail of:

phil.bellfy@gmail.com

I declare under penalty of perjury that the statement above is true to the best of my knowledge, information and belief.

Date: 3-11-22

Alicia J. Roy
Court Clerk