

# LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COURT RULES

## Introduction

In some instances, these rules may be similar to the Michigan Court Rules or the Federal Rules of Civil Procedure. However, these rules have many differences, and the judges may allow for differences that reflect the unique policies and practical considerations of Little River Band of Ottawa Indians Court. Therefore, users of these rules are advised to read the rules carefully. Furthermore, federal or state case law interpreting federal or state rules are not binding on the Tribal Court and should not be assumed to apply.

# CHAPTER 1 ADMISSION TO PRACTICE

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**Little River Band of Ottawa Indians Court  
RULES AND PROCEDURES**

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**CHAPTER 1 ADMISSION TO PRACTICE**

**Section 1.000 Purpose and Definitions**

**1.001 Purpose.** The purpose of this Chapter is to provide standards relating to the admission to practice before this Court. The Court has a legitimate interest in protecting prospective parties and in the quality of justice within the tribal system. Consequently, the Court, by these rules, imposes requirements relative to these interests on anyone seeking to represent clients/parties in this Court.

**1.002 Definitions.** When used in this Chapter, unless the context otherwise indicates:

- (A) "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." Further, a lawyer must be admitted to practice before this Court pursuant to Chapter 3 herein.
- (B) "Court" means the Tribal Court of the Little River Band of Ottawa Indians.
- (C) "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."
- (D) "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.

**Section 1.100 Right to Legal Representation**

**1.101 Representation by Attorney.** Any party to a civil or criminal action shall have the right to be represented by an attorney of his/her own choice and at his/her own expense pursuant to the Admission Procedures set forth herein.

**1.102 Representation by Lay Advocate.** Any party to a civil or criminal action shall have the right to be represented by a lay advocate of his/her own choice and at his/her own expense

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pursuant to the Admission Procedures set forth herein, subject to the limitations contained in these rules.

**1.103 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 his/her conduct in every respect to the requirements of the Code Ethics for Tribal Lawyers and Lay Advocates [**See**, Section 2.300 et seq] as well as the Code of Ethics or 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 Code of Ethics for Tribal Lawyers and Lay Advocates [**See**, Section 2.400 et seq].

### **Section 1.200 Lawyers**

**1.201 Practice Before Tribal Court.** A lawyer may represent any person in an action before this Court upon being duly admitted in accordance with Section 1.202 herein.

**1.202 Admission Procedure.** A lawyer as defined in Section 1.002, above, who desires to practice before this Court shall submit to the Court:

(A) 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;

(B) A Certification that s/he shall conform to the Code of Ethics for Lawyers and Lay Advocates [**See**, Sections 2.300 and 2.400 et seq] as well as the Code of Ethics or Professional Responsibility for the State in which said lawyer is currently licensed as s/he performs his/her duties as a lawyer before this Court;

(C) 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

(D) An application fee for admission in the amount One-hundred (\$100.00) Dollars.

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

(A) Upon the filing of the required documents and fee, the Court shall approve the Application for Admission to Practice provided said lawyer has complied with the admission procedures set forth in Section 1.202 above. If so approved, the lawyer's name shall be entered on the roster of lawyers admitted to practice before this Court and shall be provided with a Certificate of Admission to Practice from this Court.

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(B) 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.

(C) 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.

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

1. Failure to meet the Admission requirements set forth herein;
2. Refusal to furnish available information or answer questions relating to the applicant's qualifications for Admission to Practice;
3. 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 his/her application; or
4. Is subject to disciplinary action as an attorney in the jurisdiction for the State in which the attorney is so licensed.

**1.204 Annual renewal to Practice.** Once admitted to practice before this Court, a lawyer may continue to practice before the Court each year thereafter provided said lawyer certifies that s/he continues to be a lawyer in good standing from his/her respective State Bar and submits an annual membership fee of Fifteen (\$15) Dollars.

### **Section 3.300 Lay Advocates**

**1.301 Practice Before Tribal Court.** A lay advocate may represent any person in an action before this Court upon being duly admitted in accordance with Section 1.302 herein.

**1.302 Admission Procedures.** A lay advocate, as defined in Section 1.002, who desires to practice before this Court shall submit to the Court:

(A) 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:

1. Is at least Twenty-One (21) years of age;
2. Possesses at least a high school diploma or GED Certificate;

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3. Possesses good communication skills, both written and verbal and has the ability to express his/her position clearly and concisely;
  4. Has legal or law-related education and/or training;
  5. Has legal or law-related work experience including but not limited to experience and practice before Tribal Courts;
  6. Knows and understands tribal traditions and customs;
  7. Has the knowledge and understanding of the Tribal Constitution, Tribal Code (Law and Order Code and/or Ordinances), Tribal Court Rules and Procedures, Evidentiary Rules, Tribal Codes of Ethics, and the Indian Civil Rights Act;
  8. Knows and understands Tribal Court jurisdiction and the history, structure and function of the Tribal Court;
  9. Has the ability to perform legal research and use the law library;
  10. 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.
- (B) Certification that s/he shall conform to the Code of Ethics for Tribal Lawyers and Lay Advocates [See, Sections 2.300 and 2.400 et seq] ;
- (C) 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
- (D) An application fee for admission in the amount of One-hundred (\$100.00) Dollars.

### **1.303 Approval or Disapproval of Application for Admission to Practice.**

- (A) Upon the filing of the required documents and fee, the Court should approve the Application for Admission to Practice provided said lay advocate has complied with the admission procedures set forth in Section 1.302 above. If so approved, the Lay Advocate's name shall be entered on the roster of Lay Advocates admitted to practice before this Court and shall be provided with a Certificate of Admission to Practice from this Court.
- (B) 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.
- (C) 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.

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(D) The reasons for disapproval of an application for Admission to Practice may include, but are not limited to, the following:

1. Failure to meet the Admission requirements set forth herein;
2. Refusal to furnish available information or answer questions relating to the applicant's qualifications for Admission to Practice;
3. 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 his/her application; or
4. Is subject to disciplinary action as an attorney or lay advocate in the jurisdiction or the State in which the lay advocate is so licensed or is authorized to practice as a lay advocate.

**1.304 Annual Renewal to Practice.** Once admitted to practice before this Court, a lay advocate must undergo an annual review by the Chief Judge in order to continue to practice before the Court. The Chief Judge shall then state in writing rather or not the lay advocate will be able to continue to practice before this Court. If the Chief Judge determines that the lay advocate should not be allowed to continue, he or she, shall state the reasons in writing. If the lay advocate is allowed to continue, and certifies that s/he continues to meet the criteria for admissions set forth herein (Section 1.302) s/he shall submit the annual renewal fee of Fifteen (\$15) Dollars.

**1.305 Duty to Report.** A lay advocate is under an ongoing duty to report to this Court, any arrests, and any convictions, of any criminal charges, in any jurisdiction, as well as any ethical violations resulting in a suspension or revocation from any agency that has licensed that lay advocate for any purpose.

### **Section 1.400 Short Title**

**1.401 Short Title.** This Code shall be known and may be cited as the "Code of Admission to Practice in Tribal Court."

### **1.500 Effective Date**

#### **1.501 Effective Date.**

This Act becomes effective on July 10, 1998 (Constitutional Ref.).  
As amended on October 9, 2009.