

WAGANAKISING ODAWAK STATUTE # 2012-006
OFFICE OF CITIZENS LEGAL ASSISTANCE

SECTION I. SHORT TITLE; PURPOSE; SCOPE

A. SHORT TITLE

This statute shall be entitled “The Office of Citizens Legal Assistance.”

B. PURPOSE

The purpose of this statute is to establish the “Office of Citizens Legal Assistance”, hereinafter called the “Office”, in the Enjinaaknegeng (Legal Department). The Office shall assist Tribal Citizens with non-criminal legal issues.

C. SCOPE

The Office shall maintain the attorney-client privilege relationship with respect to all communications between it and any Citizen it services. The Office shall not assist with issues that involve the Tribe. The Office will be available to assist with providing legal guidance and drafting of documents, but cannot appear in Court on behalf of Tribal Citizens.

SECTION II. DEFINITIONS

A. “Tribal Council” means the legislative body created under Article VII of the Little Traverse Bay Bands of Odawa Indians Tribal Constitution.

B. “LTBB” or “Tribe” means the Waganakising Odawa, also known as Little Traverse Bay Bands of Odawa Indians.

SECTION III. AUTHORITY AND DUTIES

A. The Office of Citizens Legal Assistance is created within Enjinaaknegeng to provide Tribal Citizens the professional services of an attorney on legal issues. The Office can assist with providing legal guidance and drafting of documents, including, but not limited to, the following:

- Estate Planning - the drafting of Wills, Power of Attorneys, Medical Power of Attorneys and Trusts;
- Real Estate - assist with the purchase, sale, or transfer of real estate, including foreclosures or forfeitures;
- Landlord/Tenant - assist with evictions or any other issues with a landlord or tenant;
- Divorce/Custody/Support - assist a Tribal Member that is involved in a divorce, has issues with child custody, visitation, or child support;
- Probate of Estates - assist with probating a Will in state or tribal court;
- Criminal Matters – is limited to explaining the legal process;
- Civil Matters – is limited to giving legal advice if the Tribal Citizen is involved in a civil lawsuit, including accusations of abuse or neglect of a child against a parent;
- Paternity, DNA testing, Birth Certificates - can assist Tribal Citizens in establishing paternity, including the use of DNA testing, and making changes to birth certificates;
- Guardianships and Conservatorships - can assist in obtaining Guardianships and Conservatorships for minors or for persons who are unable to care for themselves;
- Driver's Licenses - can assist Tribal citizens who are trying to get their driver's license restored through the Secretary of State; and,
- General Legal Advice - can give general legal advice for any type of legal issue that a Tribal Citizen may have except for issues that involve the Tribe.

B. On matters that are of a criminal nature or involve the Tribe, Tribal Officials, Tribal Employees or other Tribal Citizens as a potential party in a dispute, the advice given shall be procedural only.

SECTION IV. STAFFING

A. Tribal Council is authorized to retain an attorney, support staff, and such other positions or entities as may be necessary to carry out the purposes of the Office of Citizens of Legal Assistance. Depending on need and resources, the Citizens Legal Assistance attorney may be contracted on a part time basis or employed at a negotiated salary and shall serve at the pleasure of the Tribal Council. The attorney must be licensed and in good standing in the State of Michigan and is under the supervision of the General Counsel.

B. All other personnel shall be hired and compensated pursuant to LTBB laws, policies and procedures relative to qualifications, experience, Native preference, salaries, etc., and subject to workload requirements and appropriate constraints under the supervision of the Office attorney and General Counsel.

SECTION V. SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, of entirety of the balance of the statute to remain in full and binding force and effect.

SECTION VI. EFFECTIVE DATE

Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the executive.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 10, 2012 at which a quorum was present, by a vote of 7 in favor, 1 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Belinda Bardwell	X			
Bill A. Denemy	X			
Kevin Gasco				X
John Keshick		X		
Aaron Otto	X			
Winnay Wemigwase	X			
John Bott	X			
Regina Gasco Bentley	X			
Melvin L. Kiogima	X			

Date: 6-10-12

Legislative Leader Melvin L. Kiogima

Date: 6-10-12

Regina Gasco Bentley, Secretary

Received by the Executive Office on 6-13-12 by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 6-20-12

Dexter McNamara, Tribal Chairperson