LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIBAL COURT

Rules approved by the Tribal Judiciary, August 10, 2007

CHAPTER 14. QUALIFICATIONS TO PRACTICE BEFORE THE COURTS

14.101 Purpose.

The purpose of these rules is to provide standards relating to the admission to practice before the Little Traverse Bay Bands of Odawa Indians Tribal Court. The Tribe has a legitimate interest in protecting prospective parties and in the quality of justice within the tribal judicial system. Consequently, these rules impose requirements relative to these interests on anyone seeking to represent clients/parties in the Little Traverse Bay Bands of Odawa Indians Tribal Court.

14.102 Definitions.

When used in these rules, 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 Little Traverse Bay Bands of Odawa Indians 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."

14.103 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.

14.104 Right to Represent Themselves.

Nothing in these rules shall be construed to deprive persons of their right to represent themselves.

14.105 Standards of Conduct and Obligations for Attorneys.

Every attorney admitted to practice before this Court, and every attorney employed or appointed to represent another by this Court, shall conform his/her conduct in every respect to the requirements of the Code of Ethics or Code of Professional Responsibility for the state in which the lawyer is currently licensed or authorized to practice law. Further, every attorney, who had 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.

14.106 Practice before the Court.

(1) A lawyer may represent any person in an action before this Court upon being duly admitted in accordance with Section 107 below.

(2) A student enrolled in an accredited school of law in the United States may be admitted to practice before the Tribal Court if an attorney admitted to practice before the Court requests the admission in writing and agrees to supervise and assume responsibility for the student's practice.

14.107. Admission Procedure.

A lawyer as defined in Section 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 applicant in the presence of a Notary Public;

(2) A Certification that the lawyer shall conform to the Code of Ethics or Code of Professional Responsibility for the state in which the lawyer is currently licensed as he/she performs the duties of 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 of $50.00 as set by the Tribal Judiciary.

14.108 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 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. 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-one (21) days of the date of the 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-one (21) days of the date of said notice. The Judiciary 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 is 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 makes a false statement of a material fact or failure to disclose a fact necessary to correct a misapprehension or misrepresentation in connection with the application; or

(d) Subject of disciplinary action as an attorney in the jurisdiction for the state in which the attorney is so licensed.

14.109 Annual Renewal to Practice.

Once admitted to practice before this Court, a lawyer may continue to practice before the Court each year thereafter, provided the lawyer certifies that he/she continues to be a lawyer in good standing from his or her respective State Bar and submits an annual membership fee of $50.00 by January 1 of each year.

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIBAL COURT

APPLICATION FOR ADMISSION TO PRACTICE
AND
ATTORNEY OATH

The undersigned, being first duly sworn, deposes and says:

1. I am an attorney admitted to practice before the courts of the State of _____.
2. My bar membership number is _____.
3. There are currently no disciplinary actions pending against me.
4. I am requesting admission to practice before the Tribal Court of the Little Traverse Bay Bands of Odawa Indians.
5. I certify that I have read the Little Traverse Bay Bands of Odawa Indians Tribal Court Rules.
6. I do solemnly swear (or affirm) that if admitted to practice I will uphold the Constitution and laws of the Little Traverse Bay Bands of Odawa Indians, maintain due respect for the Tribal Court, and employ in my conduct and duties the highest degree of ethical and moral standards with which my profession is charged.
7. I have enclosed a Certificate in Good Standing from the State Bar where I am licensed to practice.
8. I have enclosed the admission fee of $50.00.
9. I understand I will need to renew my status on an annual basis.

Signature of affiant: _____

Name of affiant: _____
Typed or printed

Subscribed and sworn to before me on _____

In _____ County, Michigan.

_____ My Commission expires:_____
Notary Public