

TRIBAL COURT

**ATTORNEY PRACTICE REQUIREMENTS
Tribal Council Resolution 18--2008**

Section I. Title

This Ordinance shall be known as the St. Regis Mohawk Tribal Court Attorney Practice Ordinance.

Section II. Purpose

The purpose of this Ordinance is to establish minimum requirements for attorneys and other persons to practice before the St. Regis Mohawk Tribal Court, and other related subjects regarding regulation of the practice of law in Tribal Court.

Section III. Membership in St. Regis Mohawk Tribal Bar Required to Practice Before the Tribal Courts-Qualification for Membership

No person shall practice as an attorney and counselor at law in any court of the St. Regis Mohawk Tribe unless said person first obtains membership in the Tribal Court Bar. All persons who are admitted to practice law in the State of New York are eligible for membership in the Tribal Court bar upon making application and submitting themselves to the jurisdiction of the Tribal Court.

Section IV. Akwesasne Mohawk Cultural Awareness and Tribal Court Training Required

Attorneys wishing to practice as an attorney and counselor in any court of the St. Regis Mohawk Tribe shall satisfactorily complete Akwesasne Mohawk Cultural Awareness training and tribal court administration training. The training consists of three parts: A guided tour of the Akwesasne Museum and a presentation by the Traditional Medicine Program, a written test based on a culmination of the tour, presentation, and packet of pre-handed out written material including the tribal court's operations.

Section V. Oath Required

Any person admitted to the St Regis Mohawk Tribal Court Bar shall, before he or she is allowed to appear as an attorney in the Courts of the Tribe shall take the following oath:

"I do solemnly swear that I will, to the best of my knowledge and ability, support and defend all causes that may be entrusted to my care, and that in so doing, I will be true to the St. Regis Mohawk Tribal Court and the laws of the St. Regis Mohawk Tribe and subject myself to the contempt powers of the St. Regis Mohawk Tribal Court. So help me God."

Section VI. Removal of Attorney

Any attorney practicing before the Saint Regis Mohawk Tribal Courts may be removed by the Judicial Appeals Tribunal, for any deceit, malpractice, or other gross misconduct, willful neglect of the interests of his client, or collusion with the opposite party, upon complaint and showing made to the Judicial Appeals Tribunal, by the aggrieved party, and upon due notification given to the accused of such charge; and the expenses of any inquiry, instituted by the Judicial Appeals Tribunal in reference to the removal of any attorney, shall be borne by the party at whose instance the expense shall be incurred.

Section VII. Granting Special Permission to Appear Before the Court

A. Any attorney, recognized as such under the laws of any other Indian Nation or tribe, eligible for membership in the St. Regis Mohawk Tribal Court Bar, and in good standing where so recognized and admitted to practice law, may, on special occasions, be allowed, by permission of the presiding judge, to appear before any St. Regis Mohawk Tribal Court.

B. Any regularly admitted practicing attorney in the courts of a state or jurisdiction other than New York who has business in the courts of this Tribe, on motion and at the discretion of the judge presiding over the case, may be admitted before the Saint Regis Mohawk Tribal Court for the purpose of said business only.

C. Before practicing law in the Saint Regis Mohawk Tribal courts, each specially admitted attorney must take the oath proscribed in Section 4 of this Title and must appear in the court with an attorney who is a resident of or who maintains a law office within the State of New York, duly and regularly admitted to the New York Bar Association upon whom service may be had in all matters connected with said action, with the same effect as if personally made on such foreign attorney. Specially admitted attorneys will be subject to the removal power provided in Section 5 of this Title.

Section VIII. Choice of Counsel

Parties may manage, prosecute, or defend their own suits, and by such counsel as they see fit to engage.

Section IX. Judge Shall Not Appear as Counsel

No judge appointed under the authority of the Saint Regis Mohawk Tribe shall be

allowed to appear as counsel or attorney and to practice law in the courts of this Tribe.

Section X. Fees and Dues

Every attorney, including those attorneys practicing in the St. Regis Mohawk Tribal Court prior to the enactment of this Ordinance, shall file with the Tribal Court an application for membership with the Tribal Court Bar, to take the oath required in Section 4, and to pay an initial membership fee of \$100 prior to practicing before the Court. Every member of the Tribal Court Bar shall pay annual membership dues of \$20 by January 31st of each year. An additional \$10 late fee shall be paid if the annual membership fee is not paid by March 31st of the applicable year.