

Oneida Judiciary
Effective: May 1, 2015

Rules of Admission

Rule 1-1 Purpose and Scope

- A. The Oneida Judiciary has an interest in the quality of justice within the tribal system and the protection of parties' interests before the Judiciary. In pursuit of this interest, it is to the benefit of parties that all advocates, whether attorney or lay-person, be reviewed and formally approved for admission to practice before the Oneida courts. Accordingly, the Judiciary adopts these requirements for any individual seeking to represent clients in the Oneida courts.
- B. The purpose of these rules is to establish minimum requirements for the admission to practice before the Judiciary and to regulate those individuals admitted to practice.
- C. No person appearing on their own behalf need be admitted to practice, as a party has a right to represent themselves in an action before the Judiciary.

Rule 1-2 General Requirements

- A. **Lay advocates.** For a lay advocate to be admitted to practice before the Judiciary, he or she shall:
 - a. File a written application for admission.
 - b. Pass a criminal background check.
 - i. A lay advocate applicant who has been convicted of any offense involving fraud or misrepresentation or any felony must receive a pardon or forgiveness to be admitted.
 - ii. Applicant must provide proof of the pardon or forgiveness.
 - c. Be at least 21 years of age.
 - d. Be of good character to practice in accordance with Rule 1-5.
 - e. Take the Oath of Admission.
- B. **Attorneys.** For an attorney to be admitted to practice before the Judiciary, he or she shall:
 - a. File a written application for admission.
 - b. Pass a criminal background check.
 - i. An attorney applicant who has been convicted of any offense involving fraud or misrepresentation or any felony must receive a pardon or forgiveness to be admitted.
 - c. Take the Oath of Admission.
- C. **Ongoing eligibility.** All lay advocates and attorneys shall report to the Judiciary any change which may affect their eligibility for admission, if they have been disciplined in another jurisdiction, and if they have been convicted of a crime. In addition, the Oneida

court may, in its discretion, check on the continuing eligibility of admitted lay advocates and attorneys when there is reasonable cause to believe that a person is no longer eligible to be admitted to practice.

Rule 1-3 Application and Fees

- A. **Lay Advocates.** Any lay advocate applicant must submit a written application for admission to the Court Administrator along with an affidavit reciting the qualifications of the advocate to represent another before the Judiciary. Paralegal applicants shall supply a copy of certification of completion of a paralegal training or other advocacy program.
 - a. There shall be a non-refundable application fee of fifty dollars (\$50.00) for admission to practice before the Judiciary. There will be no annual renewal fee thereafter.
- B. **Attorneys.** Any attorney advocate must submit a written application for admission to the Court Administrator along with a certificate of good standing from the state bar or Supreme Court of the state in which the attorney is duly licensed to practice law.
 - a. There shall be a non-refundable application fee of one hundred dollars (\$100.00) for admission to practice before the Judiciary. There will be no annual renewal fee thereafter.
- C. A Chief Judge or Family Court Judge shall review each application to determine if the application shall be accepted.

Rule 1-4 Waiver

- A. Application for admission may be temporarily waived by the Court when:
 - a. The lay advocate or attorney appears before the Oneida courts on a pro bono basis;
 - b. The fee is being paid by public assistance such as Wisconsin Judicare; or
 - c. The lay advocate or attorney appears before the Oneida courts on a one time appearance, without the reasonable expectation of future appearances.
- B. The Oneida courts may permit a lay-advocate or attorney to appear for one court appearance as long as his or her application for admission is submitted prior to, or immediately thereafter, the court appearance.

Rule 1-5 Character Requirements

- A. **Lay Advocates.** All applicants for admission to practice before the Court must submit supporting affidavits from two people regarding the applicant's integrity, honesty, moral character, judgment, courtesy and self-reliance. Affidavits may be from any person who can reasonably attest to the qualifications of the applicant, such as an attorney, business associate, supervisor or client.
- B. All applicants, both lay-advocate and attorney, must provide educational and/or professional background information and permission to contact other references in the discretion of the Judiciary.

Rule 1-6 Application Process

- A. **Submission.** All applicants shall file an application for admission, with required affidavits, fees, and other materials to the Court Administrator. Such application and the information submitted with it shall not be disclosed to any party or person except to the extent that a referral may be made as detailed in these rules.
- B. **Review.**
- a. The Chief Judges and Family Court Judge shall all review the application and make a determination of eligibility. The decision shall be made within thirty (30) calendar days of the file being complete, including the criminal background check.
 - i. The last Judge to review the application shall sign the approval absent an objection from the other Judges.
 - ii. Note: Background checks shall be performed through the Oneida Tribe's Background Department.
 - b. A Chief Judge and/or Family Court Judge may request that an applicant submit additional information or appear for an interview, if either action is deemed necessary.
 - i. The applicant shall have twenty (20) calendar days to submit any additional information requested.
 - ii. The final decision shall be made within thirty (30) calendar days from the submission of the additional information.
- C. In the event that a Chief Judge and/or Family Court Judge is unavailable or unable to make the decision within the above timeframes, then the next most senior Judge shall make a ruling on the application.
- D. **Denial.** An applicant who is denied admission to practice shall receive written notice of the basis for the denial. In the event an applicant is denied, the applicant may submit additional materials and seek reconsideration by a Chief Judge, Family Court Judge, and/or designee.
- a. Such review must be sought within fifteen (15) calendar days of receipt of denial.
 - b. The decision of a Chief Judge, Family Court Judge and/or designee shall be made in writing within thirty (30) calendar days of the date of request for reconsideration and the reconsideration shall be final.
 - c. Applicants denied admission may reapply, with a new application, fee, and information six (6) months after a Chief Judge, Family Court Judge and/or designee's final denial of admission.
- E. **Acceptance.** If the application is accepted and the applicant is admitted to practice, the applicant shall take the oath of admission. The oath may be administered verbally or the applicant may sign a written version of the oath.

- F. **Confidentiality.** All applications and attached materials, including decisions regarding the applications, shall be confidential and shall not be released to persons other than the applicant unless approved in writing by the applicant.
- G. **Revocation.** Failure to supply accurate information on any application may result in denial of admission or a revocation of admission to practice before the Judiciary.

Rule 1-7 Roster

- A. **Maintenance.** The Court Administrator shall maintain a roster of all persons admitted to practice before the Judiciary. This roster shall include certifications, work telephone numbers and addresses, and area of practice, if known. Advocates may submit updated contact information at any time. Certificates or letters of good standing shall be prepared and delivered to all advocates upon request.
- B. **References.** The Court shall make the advocate roster available to potential litigants seeking a referral, but shall make no preferential referral or comment upon the capabilities of a member of the roster. Tribally sponsored advocacy programs may be specifically referenced by the Court when suggesting an advocate to be retained, but individuals may not be named.

Rule 1-8 Rules of Professional Conduct

- A. The Judiciary hereby adopts Wisconsin Supreme Court Rule 20, Rules of Professional Conduct for Attorneys.
- B. All individuals admitted to practice before the Judiciary, including lay advocates, shall be governed by the Oneida Rules of Professional Conduct for Attorneys.
 - a. Individuals admitted to practice before the Judiciary are also subject to civil contempt penalties.
- C. Those advocates who violate the rules, after notice and an opportunity to be heard, shall be subject to discipline up to and including revocation of the right to practice before the Judiciary. Other disciplinary action includes: suspension of the right to practice before the Judiciary, public reprimand, private reprimand, and/or having findings forwarded to an appropriate outside regulating authority in appropriate situations.
- D. Allegations or complaints of violations of the rules will not be acted on unless received in writing by the Judiciary. Anonymous complaints will not be acted on. All complaints shall be forwarded to a Chief Judge or Family Court Judge, depending on which court the alleged violation occurred. A Chief Judge or Family Court Judge may screen out and take no action on complaints which are frivolous or repetitive. The Court shall communicate in writing any such decision with the complainant.
- E. If a complaint goes forward, a Chief Judge or Family Court Judge shall appoint three Judges to investigate and preside over disciplinary proceedings. The three Judges cannot have been on the court case where the alleged conduct took place. Sitting or former judicial officers are eligible to be on a panel. Notice and an opportunity to be heard means the right to attend and participate in a hearing where the investigating Judges can

receive evidence from the accused and give the accused an opportunity to respond to the allegations. The complainant also shall be given notice of any hearings and shall have the right to present evidence.

- F. The three Judges can dismiss the complaint if it appears frivolous or if there is not enough evidence to substantiate the allegations by a preponderance of the evidence.
- G. The three Judges shall investigate and make written recommendations to the entire Judiciary who shall consider the recommendations at a special or regular meeting.
- H. The attorney or advocate who is accused of a violation shall receive a copy of any written recommendations made by the panel to the entire Judiciary.
- I. If the matter is forwarded to the entire Judiciary, the advocate or attorney accused of a violation may appear at the meeting of the Judiciary and address the entire body for no more than fifteen (15) minutes. More time may be granted by the Judiciary. The complainant shall also receive notice of the meeting and have equal time to address the Judiciary.

End.