

Oneida Judiciary
Effective: November 14, 2017
Amended 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.
- 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 (\$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 Nation'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 the Chief 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 the 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. All individuals admitted to practice before the Judiciary, including lay advocates shall be governed by the Professional Conduct for Attorneys and Advocates law and are subject to civil contempt penalties and any other applicable laws/rules.

End.