



## Title 8. Judiciary – Chapter 811 LEGAL RESOURCE CENTER Rule #1 –Application for Services

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### 1.1. Purpose and Delegation

1.1-1. *Purpose.* The purpose of this rule is to create a procedure for individuals to apply for services from the Legal Resource Center.

1.1-2. *Delegation.* The Legal Resource Center law delegated rulemaking authority pursuant to the Administrative Rulemaking law.

### 1.2. Adoption and Authority

1.2-1. This rule was adopted by the Legal Resource Center in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Legal Resource Center law.

### 1.3. Definitions

1.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Employee” means any individual hired by the Nation and on the Nation’s payroll and encompasses all forms of employment, including but not limited to: full-time, part-time, at-will, elected/appointed officials, political appointees, and contracted persons.

(b) “Judiciary” means the judicial system responsible for applying the laws of the Oneida Nation. The three branches, as identified in resolutions BC-05-08-13-A and GTC 01-07-13-B are the Family Court, Trial Court and Court of Appeals.

(c) “Minor” means anyone who has not yet attained the age of eighteen (18).

(d) “Nation” means the Oneida Nation.

(e) “Tribal member” means an individual who is an enrolled member of the Nation.

(f) “Frivolous case” means a case without any reasonable basis in law or equity and that cannot be supported by a good faith argument.

**1.4. Eligibility**

- 1.4-1. An individual shall be eligible for legal services from the Legal Resource Center if they:
- (a) Are a Tribal member or employee who has a case pending before the Judiciary.

**1.5. Representation**

1.5-1. An eligible individual shall fill out an application for services from the Legal Resource Center.

1.5-2. Respresentation shall be effective at the date and time that the signed application is delivered in person to the Legal Resource Center and the Legal Resource Center has accepted the case.

1.5-3. The Legal Resource Center may decline representation if:

- (a) The prospective client does not apply for services with enough notice prior to the court hearing. The Legal Resource Center may agree to accept the case and appear for future hearings on behalf of the client.

- (b) If, after review by LRC staff, it is determined that the case is frivolous and has no viable defense, the case will not be accepted.

- (1) A frivolous case is one that is without any reasonable basis in law or equity and that cannot be supported by a good faith argument.

- (c) The Legal Resource Center is prohibited from representing the client pursuant to the Legal Resource Center law, Professional Conduct for Attorneys and Advocates law, or another law or rule of the Nation.

**1.6. Fees and Costs**

1.6-1. The Legal Resource Center shall not charge a client any fees for the advocacy services provided directly by the Legal Resource Center.

1.6-2. As a condition of obtaining the services of the Legal Resource Center, clients are responsible for paying all filing fees and other costs associated with the case including but not limited to: service of process fees, guardian ad litem fees, physical and mental examinations, expert witness fees, substance abuse assessments, and court costs.

1.6-3. Clients shall be responsible for seeking out any applicable fee waivers, including those offered by the Judiciary.

*End.*

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Original effective date: