



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center
September 6, 2017 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. August 02, 2017 LOC Meeting Minutes
 - 2. August 11, 2017 LOC Meeting Minutes
- III. Current Business**
 - 1. Legal Resource Center
 - 2. Professional Conduct for Attorneys and Advocates
 - 3. Children's Code
- IV. New Submissions**
 - 1. Oneida Nation Veterans Affairs Committee Bylaw Amendments
 - 2. Petition: Dallas – 2017 Tri-Annual General Election
 - 3. Petition: Vandehei-E-poll Process
 - 4. Petition: Graham-2017 General Election
 - 5. Hall of Fame Repeal
- V. Additions**
- VI. Administrative Updates**
 - 1. Oneida Nation Seal and Flag Rule #1
- VII. Executive Session**
- VIII. Recess/Adjourn**



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

August 2, 2017

9:00 a.m.

Present: Brandon Stevens, Jennifer Webster, David P. Jordan, Tehassi Hill

Excused: Fawn Billie

Others Present: Candice Skenandore, Tani Thurner, Clorissa Santiago, Maureen Perkins, Jen Falck, Rae Skenandore, Lee Cornelius, Ed Delgado, Krystal L. John, Rhiannon Metoxen, Robert J. Collins II

I. Call to Order and Approval of the Agenda

Brandon Stevens called the August 2, 2017 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda with the addition of Professional Conduct for Attorneys and Advocates as the first agenda item; seconded by David P. Jordan. Motion carried unanimously.

II. Minutes to be approved

1. July 19, 2017 LOC Meeting Minutes

Motion by David P. Jordan to approve the July 19, 2017 LOC meeting minutes; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. **Petition: Child Care Department Consumer Complaint Policy** (04:06-07:16)

Motion by Tehassi Hill to accept the fiscal impact statement for the Child Care Department Consumer Complaint law; seconded by David P. Jordan. Motion carried unanimously.

Motion by Jennifer Webster to approve the public meeting comment review memo and updated draft; seconded by Tehassi Hill. Motion carried unanimously.

Motion by David P. Jordan to approve the adoption packet and forward the Petition: Child Care Department Consumer Complaint Policy to the Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

2. **Administrative Rulemaking Amendments** (07:16-11:19)

Motion by Tehassi Hill to accept the fiscal impact of the Administrative Rulemaking Amendments; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Tehassi Hill to approve the public comment review memo and updated draft; seconded by Jennifer Webster. Motion approved unanimously.

Motion by David P. Jordan to approve the adoption packet and forward the Administrative Rulemaking Amendments to the Oneida Business Committee for consideration; seconded by Tehassi Hill. Motion approved unanimously.

3. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (11:20-19:28)

Motion by David P. Jordan to approve the public meeting comment review memo with considerations; seconded by Tehassi Hill. Motion carried unanimously.

Motion by Tehassi Hill to request the Finance Department to complete a fiscal statement and submit to the LRO by August 7, 2017; seconded by Jenny Webster. Motion carried unanimously.

4. General Tribal Council Meetings Law (19:30-25:00)

Motion by Jennifer Webster to accept the public comments and forward to a work meeting; seconded by Tehassi Hill. Motion carried unanimously.

5. Audit Law Amendments (25:04-31:59)

Motion by Tehassi Hill to direct the LRO to send out an e-poll with the updated packets; seconded by Jennifer Webster. Motion carried unanimously.

IV. New Submissions

V. Additions

1. Professional Conduct for Attorneys and Advocates (01:00 – 03:57)

Motion by Tehassi Hill to accept the public meeting comments and comment review memo; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to direct the LRO to prepare an adoption packet; seconded by David Jordan. Motion carried unanimously.

VI. Administrative Updates

1. Public Meeting Standard Operating Procedure (1:40:18-1:41:15)

Motion by Jennifer Webster to accept the Public Meeting Standard Operating Procedure as information; seconded by Tehassi Hill. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by David P. Jordan to adjourn the August 02, 2017 Legislative Operating Committee meeting at 9:36 a.m.; seconded by Tehassi Hill. Motion carried unanimously.



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**LEGISLATIVE OPERATING COMMITTEE
OFFICER SELECTION MEETING MINUTES**

Business Committee Conference Room-2nd Floor Norbert Hill Center
August 11, 2017

Present: Kirby Metoxen, Daniel Guzman King, Ernie Stevens III, David P. Jordan

Excused: Jennifer Webster

Others Present: Jen Falck, Rosa Laster, Brandon Stevens, Cathy Bachhuber

I. Call to Order

David P. Jordan called the August 11, 2017 Legislative Operating Committee Officer Selection meeting to order at 11:44 a.m.

II. Officer Selection

1. LOC Chairman

Motion by Kirby Metoxen to elect David P. Jordan as Legislative Operating Committee Chairman; seconded by Daniel Guzman King. Motion carried unanimously.

2. LOC Vice Chairman

Motion by David P. Jordan to elect Kirby Metoxen as Legislative Operating Committee Vice Chairman; seconded by Ernie Stevens III. Motion carried unanimously.

III. Adjourn

Motion by Ernie Stevens III to adjourn the August 11, 2017 Legislative Operating Committee Officer Selection meeting at 11:45 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.



Legislative Operating Committee
September 6, 2017

Legal Resource Center

Submission Date: 3/1/17	Public Meeting: 7/20/2017
LOC Sponsor: Daniel Guzman King	Emergency Enacted: 5/24/17 Expires: 11/24/17

Summary: *This item is a directive from General Tribal Council and was added to the Active Files List as an emergency on 4/1/17.*

11/14/16 GTC: Motion by Gina Powless to direct the OBC to establish a legal office consisting of advocates and an advising attorney for GTC, and be elected at the 2017 General Election, to represent employees employed by Oneida Nation, and Tribal enrolled members that have any type of litigation at the Oneida Judiciary, and to retain legal counsel specifically for GTC to advise during duly called GTC meetings, this office will not report to the OBC, but to GTC on an Annual and Semi-Annual schedule. Seconded by Robert Steffes. Motion carried by hand count: 827 support; 2017 opposed; 80 abstentions.

Amendment to the main motion by Lloyd Zeise that rule changes and scheduling issues for gaming employees be reviewed. Motion ruled out of order by Vice-Chairwoman Melinda J. Danforth.

Amendment to the main motion by Linn Cornelius to revise the timeframe to the 2017 General Election. Seconded by Don Miller. Motion carried by show of hands

Amendment to the main motion by Linda Dallas to have training on a bi-annual basis that includes but is not limited to training in Judiciary laws, processes, procedures, and tribal laws that apply to it (representation of matters in front of the judiciary), to be opened to all Tribal Members; and to begin FY2018. Seconded by Brad Graham. Motion carried by show of hands

1/11/17 OBC: Motion by Lisa Summers to assign Vice-Chairwoman Melinda J. Danforth and Councilman Brandon Stevens to work on the General Tribal Council directive regarding the establishment of a legal office with advocates and advising attorney for Oneida Nation employees and enrolled Tribal Members, seconded by Tehassi Hill. Motion carried unanimously

2/8/17 OBC: Motion by Lisa Summers to accept the job descriptions as information, noting that the Business Committee will review and provide any recommendations back by February 14, 2017, seconded by Jennifer Webster. Motion carried unanimously

3/1/17 LOC: Motion by Tehassi Hill to add the Legal Resource Center Governing Documents to the Active Files List as high priority, and assign Brandon Stevens as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

4/5/17 LOC: Motion by Jennifer Webster to add the Legal Resource Center Emergency law to the active files list as a high priority with Brandon Stevens as the sponsor; seconded by David P. Jordan. Motion carried unanimously.

Motion by Jennifer Webster to remove the GTC Legal Resource Center Governing Documents item from the active files list; seconded by David P. Jordan. Motion carried unanimously.

5/17/17 LOC: Motion by Jennifer Webster to accept the emergency adoption packet for the Legal Resource Center law and forward to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

5/24/17 OBC: Motion by Lisa Summers to adopt resolution # 05-24-17-A Legal Resource Center Emergency Law, seconded by Brandon Stevens. Motion carried unanimously.

6/7/17 LOC: Motion by David P. Jordan to approve the May 17, 2017 E-Poll regarding the Legal Resource Center; seconded by Fawn Billie. Motion carried unanimously.

6/21/17 LOC: Motion by Fawn Billie to approve the public meeting packet and forward the Legal Resource Center law to a public meeting to be held on Thursday, July 20, 2017; seconded by David P. Jordan. Motion carried unanimously.

6/28/17 OBC: Motion by Jennifer Webster to approve Option 2: Revise the Job Description and place the attorney position on a Special Election – Remove supervising duties for the advocates, seconded by Tehassi Hill. Motion carried unanimously.

7/19/17 LOC: Motion by David P. Jordan to enter the July 5th E-poll results into the record which updated the public meeting packet for the Legal Resource Center; seconded by Jennifer Webster. Motion carried unanimously.

7/20/17: Public meeting held.

Next Steps:

- Approve the public meeting memorandum.
- Approve the adoption packet and forward the Legal Resource Center to the Oneida Business Committee for consideration.



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PO Box 365 • Oneida, WI 54115-0365
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TO: Legislative Operating Committee (LOC) RJC
FROM: Robert J. Collins II, Staff Attorney, Oneida Law Office
DATE: September 6, 2017
RE: Legal Resource Center: Public Meeting Comment Review

On July 20, 2017 a public meeting was held regarding the Legal Resource Center. No oral or written comments were received during the public meeting or during the public meeting comment period which ended on July 27, 2017. No additional revisions were made to the draft.



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TO: Oneida Business Committee (OBC)
 FROM: David P. Jordan, LOC Chairperson
 DATE: September 13, 2017
 RE: Legal Resource Center

Please find attached the following for your consideration regarding the Legal Resource Center:

1. Resolution: Legal Resource Center
2. Statement of Effect: Legal Resource Center
3. Legal Resource Center: Legislative Analysis
4. Legal Resource Center: Law (Redline to Emergency)
5. Legal Resource Center: Law (Clean)
6. Legal Resource Center Fiscal Impact Statement

Overview

On November 14, 2016, the General Tribal Council (GTC) directed the OBC to establish a legal office consisting of advocates and an advising attorney and these individuals be elected at the 2017 General Election. On May 24, 2017, the OBC adopted the Legal Resource Center Emergency Law pursuant to BC Resolution 05-24-17-A in order to meet the 2017 General Election deadline which was July 8, 2017. The emergency law is set to expire on November 24, 2017. In accordance with the Legislative Procedures Act, the emergency law can be extended up for an additional six (6) months [See *Legislative Procedures Act, 1 O.C. 109.9-5 (b)*].

The attached resolution would permanently adopt the Legal Resource Center (Law). The Law permanently establishes the Legal Resource Center. In addition, the Law specifies the organizational structure of the Legal Resource Center which includes at least one attorney and at least two full time advocates. Furthermore, the Law identifies the attorney and advocate qualifications, roles, and responsibilities which include, among other things, providing advice and representation to both members of the Nation and the Nation's employees in cases brought before the Judiciary as well as representing the GTC and GTC meetings. Lastly, the Law includes the process for discipline and removal of the attorney and advocates.

There are three noted changes made to this Law that differ from the current emergency law, they include: 1) the attorney position will no longer have supervisory authority over the advocates, 2) a vacant position can be filled through a special election, and 3) clarification that there are no fees associated with representation; however, clients are responsible for Judiciary filing fees and any other costs related to the case.

On July 20, 2017, the LOC held a public meeting on the Law pursuant to the Legislative Procedures Act [See *Legislative Procedures Act, 1 O.C. 109.8*]. No comments were received at the public meeting or during the public comment period which closed on July 27, 2017. This Law will become effective ten (10) business days after the date of adoption of the resolution as identified in section 109.9-3 of the Legislative Procedures Act. The anticipated effective date will be Wednesday, September 27, 2017.

Requested Action

Approve Resolution: Legal Resource Center

BC Resolution # _____
Legal Resource Center

1
2
3
4 **WHEREAS**, the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6

7 **WHEREAS**, the Oneida General Tribal Council is the governing body of the Oneida Nation;
8 and
9

10 **WHEREAS**, the Oneida Business Committee has been delegated the authority of Article IV,
11 Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal
12 Council; and
13

14 **WHEREAS**, on November 14, 2016, the Oneida General Tribal Council directed the Oneida
15 Business Committee to establish a legal office consisting of advocates and an
16 advising attorney to represent Tribal members and employees in any type of
17 litigation at the Oneida Judiciary and to advise the Oneida General Tribal Council
18 during duly called General Tribal Council meetings; and
19

20 **WHEREAS**, the Oneida General Tribal Council required the advising attorney and advocates
21 be elected at the 2017 General Election; and
22

23 **WHEREAS**, the 2017 General Election was held on July 8, 2017; and
24

25 **WHEREAS**, on May 24, 2017, the Oneida Business Committee enacted emergency legislation
26 pursuant to BC Resolution 05-24-17-A which established the Legal Resource
27 Center; and
28

29 **WHEREAS**, the proposed law would permanently create the Legal Resource Center; and
30

31 **WHEREAS**, a public meeting was held on July 20, 2017, in accordance with the Legislative
32 Procedures Act and no comments were received.
33

34 **NOW THEREFORE BE IT RESOLVED**, that the Legal Resource Center law is hereby
35 adopted.
36

37 **BE IT FURTHER RESOLVED**, that the Oneida Business Committee hereby implements the
38 following Transition Plan:

39 (1) *Elections*. The elections for the Legal Resource Center were held during the 2017
40 general election. The election process followed the Nation's Election law and during
41 the first Legal Resource Center election, the Advocates' terms shall be as follows:

- 42 a. The candidate for Advocate with the highest number of votes shall be elected
43 to a term of four (4) years.
44 b. The candidate for Advocate with the next highest number of votes shall be
45 elected to a term of three (3) years.

46 c. In the event of any tie vote, the provisions of the Nation's Election law for
47 resolving a tie vote shall determine the outcome.

48 (2) *Legal Resource Center Opening.* The Legal Resource Center shall be open to Tribal
49 members and employees beginning on February 1, 2018.

50
51 **BE IT FINALLY RESOLVED**, that the Oneida Business Committee is authorized to make
52 such modifications and additions to the above Transition Plan as it deems necessary to
53 implement the Legal Resource Center in accordance with the proposed timelines, and shall
54 subsequently file a report at the annual or semi-annual meeting of the Oneida General Tribal
55 Council that occurs after the modifications or additions are made.

56
57
58



Statement of Effect

Legal Resource Center

Summary

This Resolution adopts the Legal Resource Center (Law) that permanently establishes the Legal Resource Center.

Submitted by: Robert J. Collins II, Staff Attorney, Oneida Law Office.

Analysis by the Legislative Reference Office

This Resolution permanently establishes the Legal Resource Center. On November 14, 2016, the Oneida General Tribal Council (GTC) directed the Oneida Business Committee to establish a department that will provide legal advice and representation to Tribal members and employees in cases brought forth in the Judiciary and to represent GTC at GTC meetings. GTC directed the legal office to consist of advocates and an advising attorney and that these individuals be elected at the 2017 General Election, which took place on July 8, 2017.

On May 24, 2017, the Oneida Business Committee enacted emergency legislation pursuant to BC Resolution 05-24-17-A which established the Legal Resource Center. Emergency legislation was necessary to meet GTC's deadline of the 2017 General Election.

On July 20, 2017, the Legislative Operating Committee held a public meeting pursuant to the Legislative Procedures Act. No comments were received at the public meeting or during the public meeting comment period which closed on July 27, 2017. In accordance with the Legislative Procedures Act, this Law will become effective ten (10) business days after the date of adoption of the Resolution.

The Resolution adopts the Law on a permanent basis and includes a Transition Plan.

Conclusion

Adoption of this Resolution would not conflict with any of the Nation's laws.



Legal Resource Center Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: GTC Directive	SPONSOR: Daniel Guzman King	DRAFTER: Robert J. Collins	ANALYST: Maureen Perkins
Intent of Law	To govern the Legal Resource Center (LRC) including the establishment of the center, restrictions, prohibitions, filling vacancies, establishing qualifications of advocates and attorneys, election and duties of attorneys and advocates, and detail the discipline and removal process.		
Purpose	The purpose of this law is to establish a Legal Resource Center to provide legal advice and representation to both Tribal members and employees in cases before the Judiciary and to represent the Oneida General Tribal Council at General Tribal Council meetings [see 811.1-1].		
Affected Entities	Judiciary, Employees of the Nation, Tribal members, attorneys, advocates, Oneida General Tribal Council (GTC), Oneida Business Committee (OBC)		
Affected Legislation	Removal Law, Professional Conduct for Attorneys and Advocates (in development), Judiciary Rules of Admission		
Enforcement/Due Process	Attorneys and advocates are subject to disciplinary actions pursuant to the Professional Conduct for Attorneys and Advocates law and any other laws that govern discipline and/or removal of elected positions [see 811.7-1]. Attorneys and advocates are subject to the Removal Law if they have their admission to practice before the Judiciary revoked or no longer qualifies for the position [see 811.7-2].		
Public Meeting	This draft is presented for permanent adoption. A public meeting was held July 20, 2017. There were no comments received.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A.** The proposed legislation was developed in response to a directive from the GTC. This draft is
- 3 presented for permanent adoption. The law was adopted as emergency legislation on May 24, 2017
- 4 because there was not enough time to follow the regular legislative process to have the legislation in
- 5 place by the July 8, 2017 General Election.
- 6 **B.** An alternative to this legislation was considered. Early on, there was discussion about setting the
- 7 office up as a Tribal corporate entity similar to a legal aid entity; however, based on the motion and
- 8 the timelines it was decided that the office would be created via legislation similar to that of the
- 9 Judiciary.
- 10 **C.** The benefits to this legislation include the development of the framework as a governing document to
- 11 implement the Legal Resource Center to fulfill the GTC directive to elect advocates and an attorney
- 12 to represent Tribal members and employees before the Judiciary and to represent the GTC at GTC
- 13 meetings.
- 14

SECTION 3. CONSULTATION

- 15
- 16 **A.** The Oneida Business Committee and the Oneida Judiciary were consulted about the contents of the
- 17 legislation.

18 **B.** The laws and rules pertaining to the Judiciary were consulted in the drafting of this legislation.
19

20 **SECTION 4. PROCESS**

21 **A.** This law has been adopted as emergency legislation in order to have a governing document in place
22 when the Legal Resource Center advocates are elected at the general election on July 8, 2017. This is
23 the correct legislative process in light of the fact that there isn't time to have this law in place by the
24 election through the regular legislative process. The current draft is presented for permanent adoption.
25 **B.** This creation of the Legal Resource Center was directed by the GTC on 11/14/2016 and this law was
26 added to the Active Files List as an emergency on 4/5/17. The law was adopted on an emergency
27 basis on 5/24/17. The current draft is presented for permanent adoption.
28

29 **SECTION 5. CONTENTS OF THE LEGISLATION**

30 **A.** This legislation establishes general provisions related to the Legal Resource Center *[see 811.4]*.

- 31 • Established the Legal Resource Center which will provide legal advice and representation to
32 Tribal members and employees in cases brought before the Judiciary and to represent the GTC at
33 GTC meetings *[see 811.4-1]*.
- 34 • Restrictions are provided which limit the actions of the Legal Resource Center *[see 811.4-2]*.
 - 35 ○ The Legal Resource Center will not:
 - 36 ▪ accept a case that is frivolous
 - 37 ▪ accept a case that causes a conflict of interest
 - 38 ▪ appear in any case before the Judiciary before the client has applied for services
 - 39 ▪ charge a fee for representation
 - 40 • filing fees related to the Judiciary are separate from this law and will be
41 the responsibility of the client; as well as any other costs related to the
42 case *[see 811.4-2(d)]*
- 43 • The attorney or advocates elected by the GTC are prohibited from being elected or appointed to
44 serve on any of the Nation's boards, committees or commissions or be otherwise employed,
45 elected or appointed by the Nation *[see 811.4-3]*.
- 46 • Vacancies of the attorney or advocate positions may be appointed by the OBC until the next
47 general election at which time the successor will be elected to a four (4) year term or may be
48 placed on a special election *[see 811.4-4]*.
- 49 • If there is no attorney in office (there are no candidates on the July 8, 2017 general election ballot
50 for the attorney position), then the advocates shall assume duties related to the administration of
51 the Legal Resource Center *[see 811.4-5]* until an attorney is elected by general or special election
52 or appointed by the OBC.

53 **B.** The attorney is detailed in section 811.5 including:

- 54 • Qualifications *[see 811.5-1]*:
 - 55 ○ There shall be at least one full-time elected attorney with qualifications detailed in this
56 section.
 - 57 ▪ enrolled member of the Nation
 - 58 ▪ have a juris doctorate degree
 - 59 ▪ have at least two (2) years' experience practicing law or a combination of
60 education and experience
 - 61 ▪ be licensed to practice law in the State of Wisconsin and in good standing

- 62 ▪ be admitted to practice before the Judiciary
- 63 • The elected term is four (4) years *[see 811.5-2]*.
- 64 • Duties are detailed in section 811.5-3 and include:
 - 65 ○ providing legal services
 - 66 ○ maintaining ethical standards
 - 67 ○ setting up the Legal Resource Center including drafting any rules or standard operating
 - 68 procedures (SOP's)
 - 69 ○ representing the Legal Resource Center at functions and meetings
 - 70 ○ managing the Legal Resource Center including budgeting and reporting
 - 71 ○ advising the GTC at GTC meetings
 - 72 ○ providing training to Tribal members regarding the Oneida Code of Laws and the
 - 73 Judiciary's processes and procedures
 - 74 ○ any other duties prescribed by the Nation's laws and the Legal Resources Center's
 - 75 SOP's.

76 C. The advocates are detailed in section 811.6 including:

- 77 • Qualifications *[see 811.6-1]*:
 - 78 ○ There shall be at least two (2) full time advocates elected by the Nation's membership
 - 79 with qualifications detailed in this section.
 - 80 ▪ Admission to practice before the Judiciary includes standards that appear in
 - 81 section 811.6-1 and passing a background check, receiving a pardon or
 - 82 forgiveness from the Nation if the background check includes a conviction of any
 - 83 offense involving fraud or misrepresentation or any felony *[see Judiciary Rules*
 - 84 *of Admission Rule 1-2(A)]*.
- 85 • The elected term is four (4) years *[see 811.6-2]*.
- 86 • Duties are detailed in section 811.6-3 and include:
 - 87 ○ providing legal services
 - 88 ○ representing the LRC at functions as appropriate
 - 89 ○ maintaining ethical standards
 - 90 ○ attending continuous training
 - 91 ○ maintaining informed regarding applicable laws
 - 92 ○ other duties as assigned by the attorney or the laws and rules of the Nation and the LRC's
 - 93 SOPs.
 - 94 ○ The advocates are responsible for a portion of the attorney's duties related to the
 - 95 administration of the Legal Resource Center if this position is vacant *[see 811.4-5]*.

96 D. Discipline and Removal *[see 811.7]*.

- 97 • Attorneys and advocates are subject to disciplinary actions according to the Professional Conduct
- 98 for Attorneys and Advocates law (under development) and the Removal Law.

99 E. Administrative Rulemaking Authority

- 100 • The attorney shall promulgate rules establishing how clients apply for the Legal Resource
- 101 Center's services *[see 811.5-3(l)]*. The advocates shall assume this duty if no attorney is in office
- 102 *[see 811.4-5]*.

103 F. The proposed legislation is written clearly and simply.

104
105 **SECTION 6. INTENT**

- 106 A. The purpose of this law is to provide the foundation for the LRC in order to guide the development of
107 the office.
108 B. This legislation clearly applies to the elected positions of the LRC including the attorney and the
109 advocates.
110

111 SECTION 7. EFFECT ON EXISTING LEGISLATION

- 112 A. This law does not impact or conflict with any existing laws of the Nation. The attorney and advocates
113 shall act in accordance with all existing laws and rules of the Nation that establish guidelines for
114 attorneys and advocates including:
- 115 • The Rules of Civil Procedure [*see Chapter 803*]
 - 116 ○ Establishes the role and responsibilities of attorneys and advocates in the civil
117 proceedings
 - 118 • The Rules of Appellate Procedure [*see chapter 805*]
 - 119 ○ Establishes the role and responsibilities of attorneys and advocates in the appellate
120 proceedings
 - 121 • Oneida Judiciary Rules of Evidence [*see Chapter 804*]
 - 122 ○ Establishes the attorney-client and advocate-client relationship
 - 123 • Divorce, Annulment, Legal Separation [*see Chapter 702*]
 - 124 ○ Establishes the role and responsibilities of an attorney or advocate representing a party in
125 divorce, annulment, or legal separation proceedings.
 - 126 • Professional Conduct for Attorneys and Advocates law (under development)
 - 127 ○ Governs the conduct of attorneys and advocates admitted to practice law before the
128 Judiciary.
 - 129 • Judiciary Rules of Admission [*See Judiciary Website*]
 - 130 ○ Establishes minimum requirements for admission to practice before the Judiciary and to
131 regulate those admitted to practice.
- 132 B. Although it is not a conflict; this law establishes advocates as elected by the membership, whereas the
133 laws above do not consider advocates to be elected positions; rather non-attorneys admitted by the
134 Judiciary to practice law as a representative or advisor to a party [*see Rules of Civil Procedure,*
135 *803.3(a)*].
136

137 SECTION 8. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR 138 OBLIGATIONS

- 139 A. This legislation does not impact existing rights, privileges, benefits or obligations.
140 B. Due process is addressed through the Professional Conduct for Attorneys and Advocates law (in
141 development) regarding disciplinary action and the Removal Law regarding elected attorneys or
142 advocates who have their admission to practice before the Judiciary revoked or no longer qualify to
143 serve as an attorney or advocate [*see 811.7*].
144 C. The Judiciary Rules of Admission details the revocation process should an attorney or advocate violate
145 any of the rules of admission and no long qualify to practice before the Judiciary [*see Judiciary Rules*
146 *of Admission on the Judiciary website*].

147 **D.** The attorney and the advocates are elected to four year terms. The first election for the advocates will
148 be for staggered terms with the advocate with the highest votes getting a term of four (4) years and the
149 candidate with the next highest votes with a term of three (3) years [*see adopting Resolution*].

150 **E.** This legislation will not affect any existing legislation or any processes currently in place.

151 **SECTION 9. ENFORCEMENT**

152 **A.** The Professional Conduct for Attorneys and Advocates law (currently in development) will establish:

- 153 • the requirement of competent representation of clients
- 154 • the scope of representation, promptness of representation
- 155 • the required nature of communication with clients
- 156 • any legal fees
- 157 • the confidential nature of representation
- 158 • address any conflicts of interest
- 159 • duties to former clients
- 160 • restrictions for former judges, mediators, or peacemakers
- 161 • representing clients with diminished capacity
- 162 • declining or terminating representation
- 163 • duties to perspective clients
- 164 • the role as advisor
- 165 • candor and impartiality toward the Judiciary
- 166 • fairness to opposing party and counsel
- 167 • counsel as witness
- 168 • admittance to practice and disciplinary matters
- 169 • misconduct
- 170 • civil actions for negligence or violation of duty
- 171 • disciplinary actions

172 **B.** The GTC will enforce this law in accordance with the Removal Law which governs the removal of
173 elected officials [*see Removal Law, 104.4-1*].

174

175 **SECTION 10. ACCOUNTABILITY**

176 **A.** The attorney and the advocates are elected positions who are accountable directly to the GTC.

177 **B.** The Legal Resource Center will report to GTC on an Annual and Semi-Annual schedule.

178 **C.** These reports are available to Tribal members at GTC meetings, on the Members Only website, or
179 through the Secretary's Office.

180

181 **SECTION 11. OTHER CONSIDERATIONS**

182 **A.** Section 109.9-5 of the Legislative Procedures Act authorizes the OBC to temporarily enact an
183 emergency law where legislation is necessary for the immediate preservation of the public health,
184 safety or general welfare of the reservation population and the enactment or amendment of legislation
185 is required sooner than would be possible by utilizing the standard legislative process [*see Legislative*
186 *Procedures Act, 109.9-5(b)*]. This law was adopted by emergency resolution on May 25, 2017
187 because there would not be time to implement the law through the standard legislative process prior
188 to the Nation's general election on July 8, 2017.

- 189 The emergency adoption of this law will remain in effect for up to six months (October 24, 2017),
190 with the possibility of a one-time extension of up to an additional six months [*see Legislative*
191 *Procedures Act, 109.9-5(b)*].
- 192 **B.** There were no candidates for the attorney position on for the general election that took place July 8,
193 2017. The OBC took action on July 3, 2017 to place the attorney position on the special election to
194 take place this fall. The elected advocates will be responsible for the implementation of this law and
195 establishing and administering the Legal Resource Center until an attorney is elected or appointed by
196 the OBC [*see 811.4-5*].
- 197 **C.** The adopting resolution for this legislation includes a transition plan which includes staggered terms
198 for the advocate positions as noted above, and an official opening date for the Legal Resource Center
199 of February 1, 2018 to allow the elected advocates time to create the rules and SOP's necessary to run
200 the LRC [*see adopting resolution*].

201

Title 8. Judiciary – Chapter 811
LEGAL RESOURCE CENTER

811.1. Purpose and Policy
811.2. Adoption, Amendment, Repeal
811.3. Definitions
811.4. General Provisions

811.5. ~~Supervising~~ Attorney
811.6. Advocates
811.7. Discipline and Removal

1 **811.1. Purpose and Policy**

2 811.1-1. *Purpose.* The purpose of this law is to establish a Legal Resource Center to provide
3 legal advice and representation to both Tribal members and employees in cases before the
4 Judiciary and to represent the Oneida General Tribal Council at General Tribal Council
5 meetings.

6 811.1-2. *Policy.* It is the policy of the Nation to provide legal assistance to its members and
7 employees in an effort to protect individual rights.

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9 **811.2. Adoption, Amendment, Repeal**

10 811.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-
11 __.

12 811.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
13 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
14 Act.

15 811.2-3. Should a provision of this law or the application thereof to any person or circumstances
16 be held as invalid, such invalidity shall not affect other provisions of this law which are
17 considered to have legal force without the invalid portions.

18 811.2-4. In the event of a conflict between a provision of this law and a provision of another
19 law, the provisions of this law shall control.

20 811.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
21

22 **811.3. Definitions**

23 811.3-1. This section shall govern the definitions of words and phrases used within this law. All
24 words not defined herein shall be used in their ordinary and everyday sense.

25 | (a) “Advocate” means a person elected by the membership who is a non-attorney admitted to
26 practice law before the Judiciary and presented to the Court as the representative or
27 advisor to a party.

28 | (b) “Attorney” means a person elected by the membership who is trained and licensed to
29 represent another person in Court, to prepare documents, and to give advice or counsel on
30 matters of law.

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

36 | (d) “Judiciary” means the judicial system responsible for applying the laws of the
37 Oneida Nation. The three branches, as identified in resolutions BC-05-08-13-A and GTC
38 01-07-13-B are the Family Court, Trial Court, and Appellate Court.

39 | (e) “Nation” means the Oneida Nation.

40 | ~~(d)~~(f) “Rule” means a set of requirements enacted by an authorized agency in accordance
41 | with the Administrative Rulemaking law based on authority delegated in this law in order
42 | to implement, interpret, and/or enforce this law.

43 | ~~(e)~~ “Supervising Attorney” means a person elected by the membership who is trained and
44 | licensed to represent another person in Court, to prepare documents, and to give advice or
45 | counsel on matters of law.

46 | ~~(f)~~(g) “Tribal member” means an individual who is an enrolled member of the Nation.
47 |

48 | **811.4. General Provisions**

49 | 811.4-1. *Establishment.* There is hereby established a Legal Resource Center, which shall
50 | provide legal advice and representation to Tribal members and employees in cases brought forth
51 | in the Judiciary and to represent the Oneida General Tribal Council at General Tribal Council
52 | meetings.

53 | 811.4-2. *Restrictions.* The Legal Resource Center shall not:

54 | (a) Accept a case that is determined to be frivolous or without legal merit. Whenever the
55 | ~~Supervising~~ Attorney or Advocate makes such a determination in a case where a notice of
56 | representation has been filed or an appearance has been made, he or she shall motion the
57 | court for withdrawal;

58 | (b) Accept a case when there is a conflict of interest pursuant to the Professional Conduct
59 | for Attorneys and Advocates law;

60 | ~~(c)~~ Appear in any case before the Judiciary prior to the client applying for the services of
61 | the Legal Resource Center;

62 | ~~(e)~~(d) Charge a client a fee for representation; however, the client shall be responsible
63 | for all filing fees and other costs associated with the case including but not limited to:
64 | service of process fees, guardian ad litem fees, physical and mental examinations, expert
65 | witness fees, substance abuse assessments, and court costs; or

66 | ~~(d)~~(e) Appear in any case before the Judiciary where the ~~Supervising~~ Attorney or
67 | Advocate does not meet the qualifications established by law.

68 | 811.4-3. *Prohibitions.* While serving a term of office, no ~~Supervising~~ Attorney or Advocate
69 | may:

70 | (a) Be elected or appointed to serve on any of the Nation’s boards, committees or
71 | commissions; or

72 | (b) Be otherwise employed, elected, or appointed by the Nation.

73 | 811.4-4. *Vacancies.* If an ~~Supervising~~ Attorney or Advocate dies, resigns, is removed from
74 | office, becomes incapacitated for a period in excess of one hundred eighty (180) consecutive
75 | days, or is declared incompetent by a court of competent jurisdiction, the position shall be
76 | declared vacant by the Oneida Business Committee and the Oneida Business Committee may
77 | either appoint a successor to fill the position until the next general election at which time a
78 | successor will be elected to a four (4) year term or fill the position through a special election.

79 | 811.4-5. *Assumption of Duties.* If there is no ~~Supervising~~ Attorney in office, then the Advocates
80 | shall share the duties promulgated by sections 811.5-3(b), ~~(dc)~~, ~~(ed)~~, ~~(fe)~~, ~~(gf)~~, ~~(hg)~~, ~~(ik)~~, ~~(ml)~~,
81 | and ~~(on)~~.

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811.5. ~~Supervising~~ Attorney

811.5-1. *Qualifications.* There shall be at least one (1) full-time ~~Supervising~~ Attorney of the Legal Resource Center. This position shall be an elected position and shall have the following qualifications:

- (a) is an enrolled Tribal member and is at least twenty-one (21) years of age on the date of the election;
- (b) have a juris doctor (J.D.) degree from an accredited law school;
- (c) have at least two (2) years of previous experience practicing law and/or equivalent combination of education and experience;
- (d) be licensed to practice law in the State of Wisconsin and in good standing; and
- (e) be admitted to practice before the Judiciary.

811.5-2. *Election.* The ~~Supervising~~ Attorney shall be elected by the Nation’s membership to a term of four (4) years.

811.5-3. *Duties.* The ~~Supervising~~ Attorney shall have the duty of administering the Legal Resource Center, which shall include the following:

- (a) provide legal services;
- (b) oversee the assignment of cases to the Advocates;
- ~~(c)~~ (d) supervise the Advocates;
- ~~(d)~~ (c) supervise any administrative personnel;
- ~~(e)~~ (d) establish standards concerning the training and continued education for the Advocates;
- ~~(f)~~ (e) manage the operation, activities, policies, and procedures of the Legal Resource Center;
- ~~(g)~~ (f) submit an annual budget for consideration by the Oneida General Tribal Council;
- ~~(h)~~ (g) provide annual and semi-annual reports to the Oneida General Tribal Council;
- ~~(i)~~ (h) represent the Legal Resource Center at functions and meetings where appropriate;
- ~~(j)~~ (i) maintain the integrity of the legal process by acting ethically and honestly both in private and in public and maintaining the strictest of confidentiality;
- ~~(k)~~ (j) remain informed about changes to Tribal, state and federal laws, and state and federal court and administrative hearing body decisions that may impact Indian country;
- ~~(l)~~ (k) develop standard operating procedures to ensure confidentiality and accommodate the handling of potential conflicts of interest by the Legal Resource Center (e.g. should the Legal Resource Center represent both parties to an action, written informed consent shall be obtained by both parties prior to the commencement of representation). The procedures shall not conflict with existing law, including the Professional Conduct for Attorneys and Advocates law;
- ~~(m)~~ (l) promulgate rules establishing how clients apply for the Legal Resource Center’s services;
- ~~(n)~~ (m) advise the Oneida General Tribal Council during General Tribal Council meetings;
- ~~(o)~~ (n) provide bi-annual training starting in FY 2018 that is open to all Tribal members and includes, but is not limited to, training on the Oneida Code of Laws and the Judiciary’s processes and procedures; and
- ~~(p)~~ (o) other duties as prescribed by the Nation’s laws and the Legal Resource Center’s standard operating procedures.

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811.6. Advocates

811.6-1. *Qualifications.* There shall be at least two (2) full-time Advocates in the Legal Resource Center. The Advocates shall be elected by the Nation’s membership and have the following qualifications:

- (a) is an enrolled Tribal member and is at least twenty-one (21) years of age on the date of the election;
- (b) have one (1) of the following from an accredited institution:
 - (1) a juris doctor degree;
 - (2) a doctor of philosophy degree;
 - (3) a master’s degree; or
 - (4) a bachelor’s degree or associate’s degree in one of the following fields of study, provided that a degree in a similar field of study shall also apply:
 - (A) Criminal Justice
 - (B) Education
 - (C) Political Science (including Government, Politics or Public Policy)
 - (D) Human Rights
 - (E) Journalism
 - (F) Legal Studies
 - (G) Native American Studies
 - (H) Psychology
 - (I) Sociology
 - (J) Public Administration
 - (K) History
 - (L) Business Administration
 - (M) Economics or Finance
 - (N) Philosophy
 - (O) Judicial Studies
 - (P) Paralegal Studies
 - (Q) Family Law
- (c) have at least two (2) years of experience in litigation, negotiation, or advocacy and/or equivalent combination of education and experience; and
- (d) be admitted to practice before the Judiciary.

811.6-2. *Election.* Advocates shall be elected by the Nation’s membership to a term of four (4) years.

811.6-3. *Duties.* Advocates shall represent clients in accordance with the Professional Conduct for Attorneys and Advocates law. In addition to all other duties imposed by this law and other laws or rules of the Nation, advocates shall:

- (a) provide legal services;
- (b) complete assignments given by the ~~Supervising~~ Attorney or pursuant to section 811.4-5;
- (c) represent the Legal Resource Center at functions and meetings where appropriate;
- (d) maintain the integrity of the legal process by acting ethically and honestly both in private and in public and maintaining the strictest of confidentiality;
- (e) attend training and continued education;

173 (f) remain informed about changes to Tribal, state and federal laws, and state and federal
174 court and administrative hearing body decisions that may impact Indian country; and
175 | (g) other duties as established by the ~~Supervising~~ Attorney or pursuant to section 811.4-5,
176 the Nation's laws and rules, and the Legal Resource Center's standard operating
177 procedures.

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179 **811.7. Discipline and Removal**
180 | 811.7-1. ~~Supervising~~ Attorneys and Advocates shall be subject to disciplinary actions pursuant
181 to the Professional Conduct for Attorneys and Advocates law and any other laws that govern
182 discipline and/or removal of elected positions.
183 | 811.7-2. ~~Supervising~~ Attorneys and Advocates shall at all times be subject to removal. When an
184 ~~Supervising~~ Attorney or Advocate has their admission to practice before the Judiciary revoked or
185 no longer qualifies to serve as an ~~Supervising~~ Attorney or Advocate, removal proceedings shall
186 be commenced in accordance with the Removal Law.

187
188 *End.*

189 | Emergency Adoption – BC-05-24-17-A
190 Adopted – BC-_____

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1 **811.1. Purpose and Policy**

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3 legal advice and representation to both Tribal members and employees in cases before the
4 Judiciary and to represent the Oneida General Tribal Council at General Tribal Council
5 meetings.

6 811.1-2. *Policy.* It is the policy of the Nation to provide legal assistance to its members and
7 employees in an effort to protect individual rights.

8

9 **811.2. Adoption, Amendment, Repeal**

10 811.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-
11 __.

12 811.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
13 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
14 Act.

15 811.2-3. Should a provision of this law or the application thereof to any person or circumstances
16 be held as invalid, such invalidity shall not affect other provisions of this law which are
17 considered to have legal force without the invalid portions.

18 811.2-4. In the event of a conflict between a provision of this law and a provision of another
19 law, the provisions of this law shall control.

20 811.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

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23 811.3-1. This section shall govern the definitions of words and phrases used within this law. All
24 words not defined herein shall be used in their ordinary and everyday sense.

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26 practice law before the Judiciary and presented to the Court as the representative or
27 advisor to a party.

28 (b) “Attorney” means a person elected by the membership who is trained and licensed to
29 represent another person in Court, to prepare documents, and to give advice or counsel on
30 matters of law.

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

35 (d) “Judiciary” means the judicial system responsible for applying the laws of the Oneida
36 Nation. The three branches, as identified in resolutions BC-05-08-13-A and GTC 01-07-
37 13-B are the Family Court, Trial Court, and Appellate Court.

38 (e) “Nation” means the Oneida Nation.

- 39 (f) “Rule” means a set of requirements enacted by an authorized agency in accordance with
40 the Administrative Rulemaking law based on authority delegated in this law in order to
41 implement, interpret, and/or enforce this law.
42 (g) “Tribal member” means an individual who is an enrolled member of the Nation.
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44 **811.4. General Provisions**

45 811.4-1. *Establishment.* There is hereby established a Legal Resource Center, which shall
46 provide legal advice and representation to Tribal members and employees in cases brought forth
47 in the Judiciary and to represent the Oneida General Tribal Council at General Tribal Council
48 meetings.

49 811.4-2. *Restrictions.* The Legal Resource Center shall not:

- 50 (a) Accept a case that is determined to be frivolous or without legal merit. Whenever the
51 Attorney or Advocate makes such a determination in a case where a notice of
52 representation has been filed or an appearance has been made, he or she shall motion the
53 court for withdrawal;
54 (b) Accept a case when there is a conflict of interest pursuant to the Professional Conduct
55 for Attorneys and Advocates law;
56 (c) Appear in any case before the Judiciary prior to the client applying for the services of
57 the Legal Resource Center;
58 (d) Charge a client a fee for representation; however, the client shall be responsible for
59 all filing fees and other costs associated with the case including but not limited to: service
60 of process fees, guardian ad litem fees, physical and mental examinations, expert witness
61 fees, substance abuse assessments, and court costs; or
62 (e) Appear in any case before the Judiciary where the Attorney or Advocate does not
63 meet the qualifications established by law.

64 811.4-3. *Prohibitions.* While serving a term of office, no Attorney or Advocate may:

- 65 (a) Be elected or appointed to serve on any of the Nation’s boards, committees or
66 commissions; or
67 (b) Be otherwise employed, elected, or appointed by the Nation.

68 811.4-4. *Vacancies.* If an Attorney or Advocate dies, resigns, is removed from office, becomes
69 incapacitated for a period in excess of one hundred eighty (180) consecutive days, or is declared
70 incompetent by a court of competent jurisdiction, the position shall be declared vacant by the
71 Oneida Business Committee and the Oneida Business Committee may either appoint a successor
72 to fill the position until the next general election at which time a successor will be elected to a
73 four (4) year term or fill the position through a special election.

74 811.4-5. *Assumption of Duties.* If there is no Attorney in office, then the Advocates shall share
75 the duties promulgated by sections 811.5-3(b), (c), (d), (e), (f), (g), (k), (l), and (n).
76

77 **811.5. Attorney**

78 811.5-1. *Qualifications.* There shall be at least one (1) full-time Attorney of the Legal Resource
79 Center. This position shall be an elected position and shall have the following qualifications:

- 80 (a) is an enrolled Tribal member and is at least twenty-one (21) years of age on the date
81 of the election;
82 (b) have a juris doctor (J.D.) degree from an accredited law school;
83 (c) have at least two (2) years of previous experience practicing law and/or equivalent
84 combination of education and experience;

85 (d) be licensed to practice law in the State of Wisconsin and in good standing; and

86 (e) be admitted to practice before the Judiciary.

87 811.5-2. *Election.* The Attorney shall be elected by the Nation's membership to a term of four
88 (4) years.

89 811.5-3. *Duties.* The Attorney shall have the duty of administering the Legal Resource Center,
90 which shall include the following:

91 (a) provide legal services;

92 (b) oversee the assignment of cases to the Advocates;

93 (c) supervise any administrative personnel;

94 (d) establish standards concerning the training and continued education for the
95 Advocates;

96 (e) manage the operation, activities, policies, and procedures of the Legal Resource
97 Center;

98 (f) submit an annual budget for consideration by the Oneida General Tribal Council;

99 (g) provide annual and semi-annual reports to the Oneida General Tribal Council;

100 (h) represent the Legal Resource Center at functions and meetings where appropriate;

101 (i) maintain the integrity of the legal process by acting ethically and honestly both in
102 private and in public and maintaining the strictest of confidentiality;

103 (j) remain informed about changes to Tribal, state and federal laws, and state and federal
104 court and administrative hearing body decisions that may impact Indian country;

105 (k) develop standard operating procedures to ensure confidentiality and accommodate the
106 handling of potential conflicts of interest by the Legal Resource Center (e.g. should the
107 Legal Resource Center represent both parties to an action, written informed consent shall
108 be obtained by both parties prior to the commencement of representation). The
109 procedures shall not conflict with existing law, including the Professional Conduct for
110 Attorneys and Advocates law;

111 (l) promulgate rules establishing how clients apply for the Legal Resource Center's
112 services;

113 (m) advise the Oneida General Tribal Council during General Tribal Council meetings;

114 (n) provide bi-annual training starting in FY 2018 that is open to all Tribal members and
115 includes, but is not limited to, training on the Oneida Code of Laws and the Judiciary's
116 processes and procedures; and

117 (o) other duties as prescribed by the Nation's laws and the Legal Resource Center's
118 standard operating procedures.

119

120 **811.6. Advocates**

121 811.6-1. *Qualifications.* There shall be at least two (2) full-time Advocates in the Legal
122 Resource Center. The Advocates shall be elected by the Nation's membership and have the
123 following qualifications:

124 (a) is an enrolled Tribal member and is at least twenty-one (21) years of age on the date
125 of the election;

126 (b) have one (1) of the following from an accredited institution:

127 (1) a juris doctor degree;

128 (2) a doctor of philosophy degree;

129 (3) a master's degree; or

- 130 (4) a bachelor's degree or associate's degree in one of the following fields of
131 study, provided that a degree in a similar field of study shall also apply:
132 (A) Criminal Justice
133 (B) Education
134 (C) Political Science (including Government, Politics or Public Policy)
135 (D) Human Rights
136 (E) Journalism
137 (F) Legal Studies
138 (G) Native American Studies
139 (H) Psychology
140 (I) Sociology
141 (J) Public Administration
142 (K) History
143 (L) Business Administration
144 (M) Economics or Finance
145 (N) Philosophy
146 (O) Judicial Studies
147 (P) Paralegal Studies
148 (Q) Family Law

- 149 (c) have at least two (2) years of experience in litigation, negotiation, or advocacy and/or
150 equivalent combination of education and experience; and
151 (d) be admitted to practice before the Judiciary.

152 811.6-2. *Election.* Advocates shall be elected by the Nation's membership to a term of four (4)
153 years.

154 811.6-3. *Duties.* Advocates shall represent clients in accordance with the Professional Conduct
155 for Attorneys and Advocates law. In addition to all other duties imposed by this law and other
156 laws or rules of the Nation, advocates shall:

- 157 (a) provide legal services;
158 (b) complete assignments given by the Attorney or pursuant to section 811.4-5;
159 (c) represent the Legal Resource Center at functions and meetings where appropriate;
160 (d) maintain the integrity of the legal process by acting ethically and honestly both in
161 private and in public and maintaining the strictest of confidentiality;
162 (e) attend training and continued education;
163 (f) remain informed about changes to Tribal, state and federal laws, and state and federal
164 court and administrative hearing body decisions that may impact Indian country; and
165 (g) other duties as established by the Attorney or pursuant to section 811.4-5, the
166 Nation's laws and rules, and the Legal Resource Center's standard operating procedures.
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168 **811.7. Discipline and Removal**

169 811.7-1. Attorneys and Advocates shall be subject to disciplinary actions pursuant to the
170 Professional Conduct for Attorneys and Advocates law and any other laws that govern discipline
171 and/or removal of elected positions.

172 811.7-2. Attorneys and Advocates shall at all times be subject to removal. When an Attorney or
173 Advocate has their admission to practice before the Judiciary revoked or no longer qualifies to
174 serve as an Attorney or Advocate, removal proceedings shall be commenced in accordance with
175 the Removal Law.

176

177 *End.*

178 Emergency Adoption – BC-05-24-17-A

179 Adopted – BC-_____

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

DATE: August 18, 2017

FROM: Rae Skenandore, Financial Management Analyst

TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer

RE: **Financial Impact of the Legal Resource Center**

I. Estimated Fiscal Impact Summary

Law: Legal Resource Center		Draft 6
Implementing Agency	Oneida Business Committee	
Estimated time to comply	Immediately upon approval	
Estimated Impact	Current Fiscal Year	10 Year Estimate*
Startup (2017 budget)	\$49,354	\$49,354
Personnel (FY 2018)	\$303,291	\$3,786,125
Other Expenses (FY 2018)	\$23,097	\$259,071
Total Estimated Fiscal Impact	\$375,742	\$ 4,094,549

II. Background

A. Legislative History

This legislation arose from a GTC petition to provide elected advocates and an attorney to represent Tribal members and employees before the Judiciary and at GTC meetings.

B. Summary of Content

The legislation establishes the framework of the Legal Resource Center (LRC) which will provide legal advice and representation to Tribal members and employees in cases brought before the Judiciary and to represent the GTC at GTC meetings. The legislation includes the following;

1. Restrictions to LRC and advocates.

*Please see the spreadsheet & assumptions for more details on the projections.

2. Attorney qualifications, term, and duties.
3. Advocates qualifications, term and duties
4. Discipline and Removal

C. Methodology and Assumptions

1. A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.
2. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.
3. The analysis was completed based on the information provided as of the date of this memo.

II. Agency

The Business Committee, the Law Office, the Legislative Reference Office, the Legislative Operating Committee and the Election Board have worked to implement this GTC directive. A 2017 budget of \$49,354 was established for this office by the Oneida Business Committee. Based on the listed assumptions below, Finance estimates a Fiscal Year 2018 impact of approximately \$326,388 and including 2017, a 10 year impact of approximately \$ 4,094,549.

Two advocates have been elected and the election for the attorney position is tentatively scheduled for December of 2017.

III. Financial Impact

If fully staffed, the estimated impact is \$326,388 in 2018 and a 10 year impact of approximately \$ 4,094,549 including the 2017 budget.

IV. Recommendation

Finance does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.

Personnel	Grade	Wage	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Attorney	E08	\$ 43.69	\$ 141,493	\$ 145,030	\$ 148,656	\$ 152,372	\$ 156,181	\$ 160,086	\$ 164,088	\$ 168,190	\$ 172,395	\$ 176,705	\$ 181,123
Advocate	E04	24.98	\$ 80,899	\$ 82,922	\$ 84,995	\$ 87,120	\$ 89,298	\$ 91,530	\$ 93,818	\$ 96,164	\$ 98,568	\$ 101,032	\$ 103,558
Advocate	E04	24.98	\$ 80,899	\$ 82,922	\$ 84,995	\$ 87,120	\$ 89,298	\$ 91,530	\$ 93,818	\$ 96,164	\$ 98,568	\$ 101,032	\$ 103,558
Subtotal Personnel Costs			\$ 303,291	\$ 310,873	\$ 318,645	\$ 326,611	\$ 334,777	\$ 343,146	\$ 351,725	\$ 360,518	\$ 369,531	\$ 378,769	\$ 388,238
Annual expenses of three (3) staff	Per staff												
laptops/docking stations -One time exp	\$ 2,400		\$ 2,400										
Supplies	\$ 150		\$ 450	\$ 461	\$ 473	\$ 485	\$ 497	\$ 509	\$ 522	\$ 535	\$ 548	\$ 562	\$ 576
Copy charges	\$ 150		\$ 450	\$ 461	\$ 473	\$ 485	\$ 497	\$ 509	\$ 522	\$ 535	\$ 548	\$ 562	\$ 576
news/subscriptions			\$ 1,000	\$ 1,025	\$ 1,051	\$ 1,077	\$ 1,104	\$ 1,131	\$ 1,160	\$ 1,189	\$ 1,218	\$ 1,249	\$ 1,280
WI Bar Dues & Assessments			\$ 494	\$ 506	\$ 519	\$ 532	\$ 545	\$ 559	\$ 573	\$ 587	\$ 602	\$ 617	\$ 632
Mileage	\$ 500		\$ 1,500	\$ 1,538	\$ 1,576	\$ 1,615	\$ 1,656	\$ 1,697	\$ 1,740	\$ 1,783	\$ 1,828	\$ 1,873	\$ 1,920
Outside services			\$ 384	\$ 394	\$ 403	\$ 414	\$ 424	\$ 434	\$ 445	\$ 456	\$ 468	\$ 480	\$ 492
Training/Travel/Education	\$ 350		\$ 1,050	\$ 1,076	\$ 1,103	\$ 1,131	\$ 1,159	\$ 1,188	\$ 1,218	\$ 1,248	\$ 1,279	\$ 1,311	\$ 1,344
Rental Usage (copy machine)			\$ 2,400	\$ 2,460	\$ 2,522	\$ 2,585	\$ 2,649	\$ 2,715	\$ 2,783	\$ 2,853	\$ 2,924	\$ 2,997	\$ 3,072
Heat & Lights			\$ 2,600	\$ 2,665	\$ 2,732	\$ 2,800	\$ 2,870	\$ 2,942	\$ 3,015	\$ 3,091	\$ 3,168	\$ 3,247	\$ 3,328
Cell Phones	\$ 45		\$ 135	\$ 138	\$ 142	\$ 145	\$ 149	\$ 153	\$ 157	\$ 160	\$ 164	\$ 169	\$ 173
Telephone - Land line	\$ 50		\$ 150	\$ 154	\$ 158	\$ 162	\$ 166	\$ 170	\$ 174	\$ 178	\$ 183	\$ 187	\$ 192
Insurance			\$ 612	\$ 627	\$ 643	\$ 659	\$ 675	\$ 692	\$ 709	\$ 727	\$ 745	\$ 764	\$ 783
Water & Sewer			\$ 380	\$ 390	\$ 399	\$ 409	\$ 419	\$ 430	\$ 441	\$ 452	\$ 463	\$ 475	\$ 486
Printing	\$ 500		\$ 1,500	\$ 1,538	\$ 1,576	\$ 1,615	\$ 1,656	\$ 1,697	\$ 1,740	\$ 1,783	\$ 1,828	\$ 1,873	\$ 1,920
Rent Expense			\$ 7,392	\$ 7,577	\$ 7,766	\$ 7,960	\$ 8,159	\$ 8,363	\$ 8,572	\$ 8,787	\$ 9,006	\$ 9,232	\$ 9,462
Judiciary Fee (one time)	\$ 200		\$ 200			\$ 200			\$ 200			\$ 200	
Subtotal of expenses			\$ 23,097	\$ 21,009	\$ 21,534	\$ 22,273	\$ 22,625	\$ 23,190	\$ 23,970	\$ 24,364	\$ 24,973	\$ 25,798	\$ 26,238
Total Administrative Costs			\$ 326,388	\$ 331,883	\$ 340,180	\$ 348,884	\$ 357,401	\$ 366,336	\$ 375,695	\$ 384,882	\$ 394,504	\$ 404,567	\$ 414,476
Assumptions													
Does not include budget or actuals for 2017													
Assumes a full staff and an approved budget at the start of the fiscal year													
All wage & salaries are set at the midpoint of the FY2017 Wage Chart provided by HRD													
Tribal rate of 39.3% is used for fringe													
Tribal indirect rate of 16.4%													
The telephone land line is an estimate													
No furniture is included.													
No signage is included													
2.5% Inflation annually													



Legislative Operating Committee
September 6, 2017

Professional Conduct for Attorneys and Advocates

Submission Date: 4/5/17	Public Meeting: 7/20/2017
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *This law establishes professional standards of conduct for attorneys and advocates practicing before the Judiciary.*

4/5/17 LOC: Motion by David P. Jordan to add the Professional Conduct for Attorneys and Advocates to the active files list as a high priority, with David P. Jordan as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

6/21/17 LOC: Motion by Fawn Billie to approve the public meeting packet and forward the Legal Resource Center law to a public meeting to be held on Thursday, July 20, 2017; seconded by David P. Jordan. Motion carried unanimously.

7/20/17: Public meeting held.

8/2/17 LOC: Motion by Tehassi Hill to accept the public meeting comments and comment review memo; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to direct the LRO to prepare an adoption packet; seconded by David Jordan. Motion carried unanimously.

Next Steps:

- Approve the public meeting memo with the LOC response.
- Review the redline draft of the law which incorporates the changes based on the public meeting comment.
- Approve the adoption packet and forward the Professional Conduct for Attorneys and Advocates law to the Oneida Business Committee for consideration.



TO: Legislative Operating Committee (LOC) RJC
FROM: Robert J. Collins II, Staff Attorney, Oneida Law Office
DATE: September 6, 2017
RE: Professional Conduct for Attorneys and Advocates: Public Meeting Comment Review

On July 20, 2017 a public meeting was held regarding the Professional Conduct for Attorneys and Advocates law (Law). This memorandum is submitted as a review of the oral and written comments that were presented at the public meeting and submitted within the public comment period.

Comment 1.

Hon. Gerald Hill and Hon. Denice Beans – written comment: This is to bring your attention a provision that is problematic as drafted, specifically, 810.23-1., *"The Judiciary's Court of Appeals is granted jurisdiction to hear complaints filed regarding any disciplinary actions pertaining to this law."* This statement is in conflict with the mission and purpose of the Appellate Court. The scope of appellate review addresses formal hearing decisions of the Oneida Trial Court, the Family Court, and other original hearing bodies. Hearings based on this proposed law should be held in the Judiciary Trial Court and subject to review in the Court of Appeals. As presently drafted, 810.23-1. et seq. that pertain to hearing of complaints should be redrafted throughout to be consistent with the applicable Judiciary Law, Rules of Civil and Appellate Procedure.

Response: Section 810.23 of the Law was drafted using section 1-8(E) of the Judiciary's Rules of Admission as a guide. That rule states that "[i]f a complaint goes forward, a Chief Judge or Family Court Judge shall appoint three Judges to investigate and preside over disciplinary proceedings." Based on this comment and a review of sections 801.8-2(a)(1)-(3) of the Judiciary law, the law was revised so that disciplinary actions are heard by the Trial Court and the Court's decision may be reviewed by the Court of Appeals. The revised section reads as follows:

810.23. Disciplinary Actions

810.23-1. The Judiciary's ~~Court of Appeals~~Trial Court is granted jurisdiction to hear complaints filed regarding any disciplinary actions pertaining to this law.

810.23-2. Complaints of alleged violations of this law may be filed on behalf of the client with the ~~Court of Appeals~~Trial Court or initiated by the Judiciary. All complaints shall be forwarded to the Chief Judge of the ~~Court of Appeals~~Trial Court or his or her designee who may screen out and take no action on complaints which are determined to be frivolous or repetitive on their face. The Chief Judge or his or her designee shall communicate in writing any such decision with the complainant.

(a) The Chief Judge or his or her designee may take no action on an anonymous complaint other than fulfilling the requirements of the Nation's Anonymous Letters Policy.

810.23-3. If a complaint goes forward, the Chief Judge or his or her designee of the Court of Appeals shall ~~appoint a three (3) judge panel~~assign a judge to preside over the disciplinary proceedings. Current or pro tem judges are eligible to ~~be on the panel~~hear disciplinary matters.

(a) The party being accused of the disciplinary violation shall be given notice of a hearing and an opportunity to meaningfully respond to the allegations.

(b) The complainant also shall be given notice of any hearings and shall have the right to present evidence.

810.23-4. The ~~three (3) judge panel~~judge 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.

810.23-5. If there is enough evidence to substantiate the allegations by a preponderance of the evidence, the Court shall issue a written disciplinary order.

(a) The Court may opt to choose any combination of the following disciplinary methods:

- (1) Private reprimand;
- (2) Public reprimand through publication in the Nation's newspaper;
- (3) Additional training requirements;
- (4) Monetary fine not to exceed five thousand dollars (\$5,000); or
- (5) Suspension or revocation of the right to practice before the Judiciary.

(b) The ~~Judiciary~~Court may also forward their decision to an appropriate outside regulating authority in appropriate situations (e.g. to the State Bar of Wisconsin if counsel is an attorney licensed to practice in Wisconsin).

810.23-6. ~~All decisions made by the Court of Appeals under this section are final~~Decisions of the Trial Court under this section may be appealed to the Court of Appeals.

LOC Response: The LOC agrees that section 810.23 shall be revised to authorize the Trial Court to hear complaints filed regarding any disciplinary actions pertaining to this law and that the decision of the Trial Court may be appealed to the Court of Appeals.

Title 8. Judiciary - Chapter 810
PROFESSIONAL CONDUCT FOR ATTORNEYS AND ADVOCATES

810.1. Purpose and Policy	810.13. Client with Diminished Capacity
810.2. Adoption, Amendment, Repeal	810.14. Declining or Terminating Representation
810.3. Definitions	810.15. Duties to Prospective Clients
810.4. Competence	810.16. Role as Advisor
810.5. Scope of Representation	810.17. Candor and Impartiality toward the Judiciary
810.6. Diligence	810.18. Fairness to Opposing Party and Counsel
810.7. Communication	810.19. Counsel as Witness
810.8. Fees	810.20. Admittance to Practice and Disciplinary Matters
810.9. Confidentiality	810.21. Misconduct
810.10. Conflict of Interest	810.22. Civil Actions for Negligence or Violation of Duty
810.11. Duties to Former Clients	810.23. Disciplinary Actions
810.12. Former Judge, Mediator, or Peacemaker	

1
2 **810.1. Purpose and Policy**
3 810.1-1. *Purpose.* The purpose of this law is to govern the conduct of attorneys and advocates
4 that are admitted to practice law before the Judiciary.
5 810.1-2. *Policy.* It is the policy of the Nation that the interests of all parties that appear before
6 the Judiciary are protected. In pursuit of this interest, it is to the benefit of all parties that
7 attorneys or advocates are subject to rules governing their professional conduct.
8
9 **810.2. Adoption, Amendment, Repeal**
10 810.2-1. This law was adopted by the Oneida Business Committee by resolution
11 _____.
12 810.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
13 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
14 Act.
15 810.2-3. Should a provision of this law or the application thereof to any person or circumstances
16 be held as invalid, such invalidity shall not affect other provisions of this law which are
17 considered to have legal force without the invalid portions.
18 810.2-4. Should a provision of this law or the application thereof to any person or circumstances
19 be held as invalid, such invalidity shall not affect other provisions of this law which are
20 considered to have legal force without the invalid portions.
21 810.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
22 810.2-6. Where precedent for any issue under this law has not been established by the Judiciary, the
23 Judiciary and counsel may refer to established Wisconsin or federal case law precedent or laws for
24 guidance. The Wisconsin State Law Library maintains a section on Legal Ethics and Professional
25 Conduct located at <http://wilawlibrary.gov/topics/legalprof/malpractice.php>.
26
27 **810.3. Definitions**
28 810.3-1. This section shall govern the definitions of words and phrases used within this law. All
29 words not defined herein shall be used in their ordinary and everyday sense.
30 (a) “Advocate” means a non-attorney advocate who is admitted to practice law and is
31 presented to the Court as the representative or advisor to a party. “Advocate” shall not
32 mean a domestic violence advocate present in court for the sole purpose of providing
33 support.
34 (b) “Attorney” means a person trained and licensed to represent another person in Court,
35 to prepare documents, and to give advice or counsel on matters of law.
36 (c) “Counsel” means an attorney or advocate that is admitted to practice before the
37 Judiciary.

38 | (d) “Ex Parte” shall mean any contact with the Judge regarding a pending case -where
39 | the opposing party has not received notice, is not present, and has not consented to the
40 | communication.

41 | (e) “Judiciary” means the judicial system responsible for applying the laws of the Oneida
42 | Nation. The three branches, as identified in resolutions BC-05-08-13-A and GTC 01-07-
43 | 13-B are the Family Court, Trial Court and ~~Appellate~~ Court of Appeals.

44 | (fe) “Informed consent” means the agreement by a person to a proposed course of
45 | conduct after counsel has communicated adequate information and explanation about the
46 | material risks of and reasonably available alternatives to the proposed course of conduct.

47 | (gf) “Preponderance of the evidence” means it is more likely than not that the facts
48 | presented are true.

49 | (hg) “Prospective client” means a person who consults with counsel about the possibility
50 | of forming a client-counsel relationship.

51 | (ih) “Pro Tem Judge” means a decision maker that is not currently seated on the
52 | Judiciary, but that is appointed on a temporary (*pro tempore*), case-by-case basis to hear
53 | and decide matters in professional conduct panels.

54 | (ji) “Reasonable” or “reasonably” when used in relation to conduct by counsel means the
55 | conduct of a reasonably prudent and competent attorney or advocate.

56 | **810.4. Competence**

57 | 810.4-1. Counsel shall provide competent representation to a client. Competent representation
58 | requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the
59 | representation.
60 |

61 | **810.5. Scope of Representation**

62 | 810.5-1. A client develops a privileged relationship protected by section 810.9 of this law and
63 | section 804.8-2 of the Oneida Judiciary Rules of Evidence once they consult with counsel to
64 | obtain legal services or once counsel performs legal services for the client. Any professional
65 | opinion given by counsel without express disclosure negating a privileged relationship shall
66 | create a privileged client-counsel relationship.

67 | 810.5-2. Counsel shall abide by a client’s decisions concerning the objectives of representation
68 | and shall consult with the client as to the means by which they are to be pursued. Counsel may
69 | take such action on behalf of the client as is impliedly authorized to carry out the representation.

70 | 810.5-3. Counsel’s representation of a client, including representation by appointment, does not
71 | constitute an endorsement of the client’s political, economic, social or moral views or activities.

72 | 810.5-4. Counsel may limit the scope of representation if the limitation is reasonable under the
73 | circumstances and the client gives informed written consent.

74 | 810.5-5. Counsel shall not advise a client to engage, or assist a client, in conduct that counsel
75 | knows is criminal or fraudulent, but counsel may discuss the legal consequences of any proposed
76 | course of conduct with a client and may advise or assist a client to make a good faith effort to
77 | determine the validity, scope, meaning, or application of the law.
78 |

79 | **810.6. Diligence**

80 | 810.6-1. Counsel shall act with reasonable diligence and promptness in representing a client.
81 |

82 | **810.7. Communication**

83 | 810.7-1. Counsel shall:
84 |

- 85 (a) Promptly inform the client of any decision or circumstance with respect to which the
86 client's informed consent is required by this law;
87 (b) Reasonably consult with the client about the means by which the client's objectives
88 are to be accomplished;
89 (c) Keep the client reasonably informed about the status of the matter;
90 (d) Promptly comply with reasonable requests by the client for information; and
91 (e) Consult with the client about any relevant limitations on counsel's conduct when
92 counsel knows that the client expects assistance not permitted by this law or other laws or
93 rules.

94 810.7-2. Counsel shall explain a matter to the extent reasonably necessary to permit the client to
95 make informed decisions regarding the representation.

97 **810.8. Fees**

98 810.8-1. Counsel shall not make an agreement for, charge, or collect an unreasonable fee or an
99 unreasonable amount for expenses. The factors to be considered in determining the
100 reasonableness of a fee include the following:

- 101 (a) The time and labor required, the novelty and difficulty of the questions involved, and
102 the skill required to perform the legal service properly;
103 (b) The likelihood, if apparent to the client, that the acceptance of the particular
104 employment will ~~preclude~~~~prevent~~ other employment by counsel;
105 (c) The fee customarily charged in the locality for similar legal services;
106 (d) The amount involved and the results obtained;
107 (e) The time limitations imposed by the client or by the circumstances;
108 (f) The nature and length of the professional relationship with the client; and
109 (g) The experience, reputation, and ability of the ~~lawyer~~~~attorney~~ or ~~lawyers~~~~advocate~~
110 performing the services.

111 810.8-2. The scope of the representation and the basis or rate of the fee and expenses for which
112 the client will be responsible shall be communicated to the client in writing, before or within a
113 reasonable time after commencing the representation. Any changes in the basis or rate of the fee
114 or expenses shall also be communicated in writing to the client.

115 810.8-3. Counsel shall promptly respond to a client's request for information concerning fees
116 and expenses.

118 **810.9. Confidentiality**

119 810.9-1. Counsel shall not reveal information relating to the representation of a client unless the
120 client gives informed consent, except for disclosures that are impliedly authorized in order to
121 carry out the representation.

122 810.9-2. Counsel shall reveal information relating to the representation of a client to the extent
123 counsel reasonably believes necessary to prevent the client from committing a criminal or
124 fraudulent act that counsel reasonably believes is likely to result in death or substantial bodily
125 harm or in substantial injury to the financial interest or property of another.

126 810.9-3. Counsel may reveal information relating to the representation of a client to the extent
127 counsel reasonably believes necessary:

- 128 (a) To prevent reasonably likely death or substantial bodily harm;
129 (b) To prevent, mitigate, or rectify substantial injury to the financial interests or property
130 of another that is reasonably certain to result or has resulted from the client's commission
131 of a crime or fraud in furtherance of which the client has used counsel's services;
132 (c) To secure legal advice about counsel's conduct under this law;

133 (d) To establish a claim or defense on behalf of counsel in a controversy between
134 counsel and the client, to establish a defense to an action seeking to deny admission to
135 practice before the Judiciary, or to respond to allegations in any proceeding concerning
136 counsel's representation of the client;

137 (e) To comply with other laws or court orders; or

138 (f) To detect and resolve conflicts of interest, but only if the revealed information would
139 not compromise the client-counsel privilege or otherwise prejudice the client.

140 810.9-4. Counsel shall make reasonable efforts to prevent the inadvertent or unauthorized
141 disclosure of, or unauthorized access to, information relating to the representation of a client.
142

143 **810.10. Conflict of Interest**

144 810.10-1. Counsel, except as provided in 810.10-2, shall not represent a client if the
145 representation involves a conflict of interest. A conflict of interest exists if:

146 (a) The representation of one client will be directly adverse to another client; or

147 (b) There is a significant risk that the representation of one or more clients will be
148 ~~materially~~ significantly limited by counsel's responsibilities to another client, a former
149 client, a third person, or by a personal interest of counsel.

150 810.10-2. Notwithstanding the existence of a conflict of interest under 810.10-1, counsel may
151 represent a client if:

152 (a) Counsel reasonably believes that counsel will be able to provide competent and
153 diligent representation to each affected client;

154 (b) The representation is not prohibited by law;

155 (c) The representation does not involve the assertion of a claim by one client against
156 another client represented by counsel in the same litigation or other proceeding before the
157 Judiciary; and

158 (d) Each affected client gives informed consent, confirmed in ~~a~~-writing signed by the
159 client.

160 810.10-3. Counsel shall not use information relating to representation of a client to the
161 disadvantage of the client unless the client gives informed consent, except as permitted or
162 required by this law.

163 810.10-4. Counsel shall not provide the client with any financial assistance pertaining to the
164 matter for which counsel represents the client.
165

166 **810.11. Duties to Former Clients**

167 810.11-1. ~~Counsel~~ who has formerly represented a client in a matter shall not thereafter
168 represent another person in the same or a substantially related matter in which that person's
169 interests are materially adverse to the interests of the former client unless the former client gives
170 informed written consent.
171

172 **810.12. Former Judge, Mediator or Peacemaker**

173 810.12-1. Counsel shall not represent anyone in connection with a matter in which counsel
174 participated personally and substantially as a judge, mediator or peacemaker.
175

176 **810.13. Client with Diminished Capacity**

177 810.13-1. When a client's capacity to make adequately considered decisions in connection with
178 a representation is diminished, whether because of minority, mental impairment, or for some
179 other reason, counsel shall, as far as reasonably possible, maintain a normal client-counsel
180 relationship with the client.

181 810.13-2. When counsel reasonably believes that the client has diminished capacity, counsel
182 may request that the court appoint a guardian ad litem for the client.
183

184 **810.14. Declining or Terminating Representation**

185 810.14-1. Counsel shall not represent a client or, where representation has commenced, shall
186 withdraw from the representation of a client if:

- 187 (a) The representation will result in a violation of this law or any other applicable law or
188 rule governing professional conduct;
- 189 (b) Counsel's physical or mental condition ~~materially~~significantly impairs counsel's
190 ability to represent the client; or
- 191 (c) Counsel is discharged.

192 810.14-2. Counsel may withdraw from representing a client if:

- 193 (a) Withdrawal can be accomplished without material adverse effect on the interests of
194 the client;
- 195 (b) The client persists in a course of action involving counsel's services that counsel
196 reasonably believes is criminal or fraudulent;
- 197 (c) The client has used the counsel's services to perpetrate a crime or fraud;
- 198 (d) The client insists upon taking action that counsel considers ~~repugnant~~unacceptable
199 or with which counsel has a fundamental disagreement;
- 200 (e) The client fails substantially to fulfill an obligation to counsel regarding counsel's
201 services and has been given reasonable warning that counsel will withdraw unless the
202 obligation is fulfilled;
- 203 (f) The representation will result in an unreasonable financial burden on counsel or has
204 been rendered unreasonably difficult by the client; or
- 205 (g) Other good cause for withdrawal exists.

206 810.14-3. Counsel must comply with applicable court rules requiring notice to or permission of
207 the Judiciary when terminating a representation. When ordered to do so by the Judiciary,
208 counsel shall continue representation notwithstanding good cause for terminating the
209 representation.

210 810.14-4. Upon termination of representation, counsel shall take steps to the extent reasonably
211 practicable to protect a client's interests, such as giving reasonable notice to the client, allowing
212 time for seeking other counsel, surrendering papers and property to which the client is entitled
213 and refunding any fees not earned.
214

215 **810.15. Duties to Prospective Clients**

216 810.15-1. Even when no client-counsel relationship ensues, counsel who has learned
217 information from a prospective client shall not use or reveal that information learned in the
218 consultation, unless:

- 219 (a) The affected client and/or the prospective client have given informed written consent;
220 or
- 221 (b) Counsel who received the information took reasonable measures to avoid exposure to
222 more disqualifying information that was reasonably necessary to determine whether to
223 represent the prospective client.
224

225 **810.16. Role as Advisor**

226 810.16-1. In representing a client, counsel shall exercise independent professional judgment and
227 render candid advice. In rendering advice, counsel may refer not only to law but to other

228 considerations such as moral, economic, social, cultural, and political factors that may be
229 relevant to the client's situation.

230 810.16-2. In representing a client, counsel shall not:

231 (a) Knowingly advance a claim or defense that is unwarranted under existing law, except
232 that counsel may advance such claim or defense if it can be supported by good faith
233 argument for an extension, modification, or reversal of existing law;

234 (b) Knowingly advance a factual position unless there is a basis for doing so that is not
235 frivolous; or

236 (c) File an action, assert a position, conduct a defense, delay a trial, or take other actions
237 on behalf of the client when counsel knows or when it is obvious that such an action
238 would serve merely to harass or maliciously injure another.

239 810.16-3. In the course of representing a client, counsel shall not knowingly:

240 (a) Make a false statement of material fact or law to a third person; or

241 (b) Fail to disclose a material fact to a third person when disclosure is necessary to avoid
242 assisting a criminal or fraudulent act by a client.

243

244 **810.17. Candor and Impartiality toward the Judiciary**

245 810.17-1. Counsel shall not knowingly:

246 (a) Make a false statement of fact or law to the Judiciary or fail to correct a false
247 statement of material fact or law previously made to the Judiciary by counsel;

248 (b) Fail to disclose to the Judiciary legal authority in the controlling jurisdiction known
249 to the ~~lawyer~~ attorney or advocate to be directly adverse to the position of the client and
250 not disclosed by opposing counsel; or

251 (c) Offer evidence that counsel knows to be false. If counsel, counsel's client, or a
252 witness called by counsel has offered material evidence and counsel comes to know of its
253 falsity, counsel shall take reasonable remedial measures, including, if necessary,
254 disclosure to the Judiciary. Counsel may refuse to offer evidence believed to be false.

255 810.17-2. Counsel shall not:

256 (a) Seek to influence a judge, juror, or other court official;

257 (b) Communicate ex parte with a judge during the proceedings unless authorized to do so
258 by law or court order or for scheduling purposes, if permitted by the court; or

259 (c) Engage in conduct intended to disrupt the Judiciary.

260

261 **810.18. Fairness to Opposing Party and Counsel**

262 810.18-1. Counsel shall not:

263 (a) Unlawfully obstruct another party's access to evidence or unlawfully alter, destroy,
264 or conceal a document or other material having potential evidentiary value. Counsel shall
265 not advise or assist another person to do any such act;

266 (b) Falsify evidence, advise, or assist a witness to testify falsely;

267 (c) Knowingly disobey an obligation under any applicable law or rule, except for open
268 refusal based on an assertion that no valid obligation exists;

269 (d) In pretrial procedure, make a frivolous discovery request or fail to make reasonably
270 diligent effort to comply with a legally proper discovery request by an opposing party; or

271 (e) In trial, allude to any matter that counsel does not reasonably believe is relevant or
272 that will not be supported by admissible evidence.

273 810.18-2. In representing a client, counsel shall not communicate about the subject of the
274 representation with a person counsel knows to be represented by another attorney or advocate in

275 the matter unless counsel has the consent of the other attorney or advocate or is authorized to do
276 so by law or a court order.

277 810.18-3. In dealing on behalf of a client with a person who is not represented by an attorney or
278 advocate, counsel shall inform such person of counsel's role in the matter. When counsel knows
279 or reasonably should know that the unrepresented person misunderstands counsel's role in the
280 matter, counsel shall make reasonable efforts to correct this misunderstanding. Counsel shall not
281 give legal advice to an unrepresented person other than the advice to secure counsel.

282
283 **810.19. Counsel as Witness**
284 810.19-1. Counsel shall not act as an attorney or advocate at a trial in which counsel is likely to
285 be a necessary witness unless:

- 286 (a) The testimony relates to the nature and value of legal services rendered in the case; or
287 (b) Disqualification of counsel would work substantial hardship on the client.

288
289 **810.20. Admittance to Practice and Disciplinary Matters**
290 810.20-1. Counsel shall comply with the Judiciary's Rules of Admission to Practice.

291 810.20-2. An applicant for admission to practice or counsel in connection with a disciplinary
292 matter, shall not:

- 293 (a) Knowingly make a false statement of material fact; or
294 (b) Fail to disclose a fact necessary to correct a ~~misapprehension~~ ~~mistake~~ known by the
295 person to have arisen in the matter, or knowingly fail to respond to a lawful demand for
296 information from an admissions or disciplinary authority.

297
298 **810.21. Misconduct**
299 810.21-1. It is professional misconduct for counsel to:

- 300 (a) Violate or attempt to violate this law, knowingly assist or induce another to do so, or
301 do so through the acts of another;
302 (b) Commit a criminal act that reflects adversely on counsel's honesty, trustworthiness,
303 or fitness as counsel in other respects unless such criminal activity has been pardoned or
304 forgiven;
305 (c) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation unless
306 such conduct is pardoned or forgiven;
307 (d) State or imply an ability to influence improperly a tribal or government agency or
308 official or to achieve results by means that violate any applicable law or rule;
309 (e) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable
310 canons of judicial conduct or other law or rule;
311 (f) Violate the counsel's oath given to the Judiciary; or
312 (g) Fail to cooperate in the investigation of a complaint filed with the Judiciary.

313
314 **810.22. Civil Actions for Negligence or Violation of Duty**
315 810.22-1. A client alleging that counsel was negligent or violated a duty under this law may
316 initiate a civil action by filing a complaint with the Judiciary's Trial Court.

317 810.22-2. In a civil action against counsel for negligence or violation of duty, the client has the
318 burden of proving all of the following:

- 319 (a) A client-counsel relationship existed;
320 (b) That counsel committed acts that were negligent or in violation of duty under this
321 law;
322 (c) That the client suffered actual damages;

323 | (d) That the negligence or violation of duty was the ~~proximate~~ direct cause of the
324 | damages; and

325 | (e) That, but for the negligence or violation of duty on counsel, the client would have
326 | been successful in the prosecution or defense of the case.

327 | 810.22-3. In making a final determination, the Court shall consider what a particular counsel did
328 | or failed to do and what a reasonable or prudent counsel would do in the same circumstance.

329 | 810.22-4. If there is enough evidence to substantiate the allegations by a preponderance of the
330 | evidence, the Court shall issue a written order awarding monetary damages to the client not to
331 | exceed five thousand dollars (\$5,000).

332 | 810.22-5. Decisions of the Trial Court under this section may be appealed to the Court of
333 | Appeals.

334

335 | **810.23. Disciplinary Actions**

336 | 810.23-1. The Judiciary's ~~Trial Court of Appeals~~ is granted jurisdiction to hear complaints filed
337 | regarding any disciplinary actions pertaining to this law.

338 | 810.23-2. Complaints of alleged violations of this law may be filed on behalf of the client with
339 | the ~~Trial Court of Appeals~~ or initiated by the Judiciary. All complaints shall be forwarded to the
340 | Chief Judge of the ~~Trial Court of Appeals~~ or his or her designee who may screen out and take no
341 | action on complaints which are determined to be frivolous or repetitive on their face. The Chief
342 | Judge or his or her designee shall communicate in writing any such decision with the
343 | complainant.

344 | (a) The Chief Judge or his or her designee may take no action on an anonymous
345 | complaint other than fulfilling the requirements of the Nation's Anonymous Letters
346 | Policy.

347 | 810.23-3. If a complaint goes forward, the Chief Judge ~~of the Court of Appeals~~ or his or her
348 | designee shall assign a judge to preside over the disciplinary proceedings ~~appoint a three (3)~~
349 | ~~judge panel to preside over the disciplinary proceedings~~. Current or pro tem judges are eligible
350 | to ~~be on the panel~~ hear disciplinary matters.

351 | (a) The party being accused of the disciplinary violation shall be given notice of a
352 | hearing and an opportunity to meaningfully respond to the allegations.

353 | (b) The complainant also shall be given notice of any hearings and shall have the right to
354 | present evidence.

355 | 810.23-4. The ~~three (3)~~ judge ~~panel~~ can dismiss the complaint if it appears frivolous or if there is
356 | not enough evidence to substantiate the allegations by a preponderance of the evidence.

357 | 810.23-5. If there is enough evidence to substantiate the allegations by a preponderance of the
358 | evidence, the Court shall issue a written disciplinary order.

359 | (a) The Court may opt to choose any combination of the following disciplinary methods:

360 | (1) Private reprimand;

361 | (2) Public reprimand through publication in the Nation's newspaper;

362 | (3) Additional training requirements;

363 | (4) Monetary fine not to exceed five thousand dollars (\$5,000); or

364 | (5) Suspension or revocation of the right to practice before the Judiciary.

365 | (b) The ~~Judiciary Court~~ may also forward their decision to an appropriate outside
366 | regulating authority in appropriate situations (e.g. to the State Bar of Wisconsin if
367 | counsel is an attorney licensed to practice in Wisconsin).

368 | 810.23-6. ~~All decisions made by the Court of Appeals under this section are final~~ Decisions of
369 | the Trial Court under this section may be appealed to the Court of Appeals.

370 | *End.*



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



TO: Oneida Business Committee (OBC)
FROM: David P. Jordan, LOC Chairperson 
DATE: September 13, 2017
RE: Professional Conduct for Attorneys and Advocates

Please find attached the following for your consideration regarding the Professional Conduct for Attorneys and Advocates law:

1. Resolution: Professional Conduct for Attorneys and Advocates
2. Statement of Effect: Professional Conduct for Attorneys and Advocates
3. Professional Conduct for Attorneys and Advocates (legislative analysis)
4. Professional Conduct for Attorneys and Advocates (clean copy)
5. Professional Conduct for Attorneys and Advocates (fiscal impact statement)

Overview

The attached resolution would adopt the Professional Conduct for Attorneys and Advocates law (Law). The Law governs the professional conduct of attorneys and advocates that appear before the Judiciary and provides clients with an understanding of the level of service to be expected from counsel who represent them before the Judiciary.

On May 1, 2015, the Judiciary adopted Rules of Admission which state that Wisconsin Supreme Court Rule 20, Rules of Professional Conduct, governs profession conduct. As the Wisconsin Supreme Court Rule does not apply to a court where lay advocates are admitted to practice, the Law creates rules that are specific to the current operation of the Judiciary to ensure clients are receiving adequate representation. The Law addresses a number of topics including but not limited to: competence, scope of representation, diligence, fees, confidentiality, conflict of interest, and candor and impartiality toward the Judiciary. The Law also identifies what a client can do if they allege that counsel has acted negligently or in violation of a duty and directs the Judiciary when complaints are filed regarding any disciplinary actions pertaining to the Law.

On July 20, 2017, the LOC held a public meeting on the Law pursuant to the Legislative Procedures Act [See *Legislative Procedures Act, 1 O.C. 109.8*]. The public meeting comment period regarding the Law closed on July 27, 2017. The Legislative Operating Committee considered the public comments on August 2, 2017, and necessary revisions were incorporated in the Law. This Law will become effective ten (10) business days after the date of adoption of the resolution as identified in section 109.9-3 of the Legislative Procedures Act. The anticipated effective date will be Wednesday, September 27, 2017.

Requested Action

Approve Resolution: Professional Conduct for Attorneys and Advocates

BC Resolution # _____
Professional Conduct for Attorneys and Advocates

1
2
3
4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6

7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation;
8 and
9

10 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV,
11 Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal
12 Council; and
13

14 **WHEREAS,** the Oneida General Tribal Council created the Judiciary through Resolution GTC-
15 01-07-13-B and the Oneida Business Committee created the Family Court
16 through Resolution BC-05-08-13-A; and
17

18 **WHEREAS,** the Oneida Judiciary Rules of Civil Procedure allows a party to be represented by
19 an attorney or advocate that is admitted to practice law before the Judiciary; and
20

21 **WHEREAS,** the Oneida Judiciary Rules of Admission adopted Wisconsin Supreme Court Rule
22 20, Rules of Professional Conduct for Attorneys; and
23

24 **WHEREAS,** the proposed Law would create rules governing the professional conduct both of
25 attorneys and advocates that are specific to the Oneida Judiciary to ensure clients
26 are receiving adequate representation including provisions regarding recourse for
27 inadequate services rendered by practicing attorneys and advocates; and
28

29 **WHEREAS,** a public meeting was held on July 20, 2017, in accordance with the Legislative
30 Procedures Act and the comments that were received were considered on August
31 2, 2017.
32

33 **NOW THEREFORE BE IT RESOLVED,** that the Professional Conduct for Attorneys and
34 Advocates law is hereby adopted.
35
36
37
38



Statement of Effect
Professional Conduct for Attorneys and Advocates

Summary

This Resolution adopts the Professional Conduct for Attorneys and Advocates law (Law) that governs the conduct of attorneys and advocates that are admitted to practice law before the Judiciary.

Submitted by: Robert J. Collins II, Staff Attorney, Oneida Law Office.

Analysis by the Legislative Reference Office

This Resolution adopts the Law which governs the professional conduct of attorneys and advocates that appear before the Judiciary and provides clients with an understanding of the level of service to be expected from attorneys and advocates who represent them before the Judiciary.

The Oneida General Tribal Council created the Judiciary through GTC Resolution 01-07-13-B and the Oneida Business Committee created the Oneida Family Court, which is a branch of the Judiciary, through BC Resolution 05-08-13-A. The Judiciary is governed by the Oneida Judiciary Rules of Civil Procedure and other laws which allow a party to be represented by an attorney or advocate that is admitted to practice law before the Judiciary. The Oneida Judiciary Rules of Admission adopted Wisconsin Supreme Court Rule 20, Rules of Professional Conduct, to address professional conduct.

As the Wisconsin Supreme Court Rule does not apply to a court where lay advocates are admitted to practice law, the proposed Law creates rules that are specific to the Oneida Judiciary to ensure clients are receiving adequate representation. The Law addresses a number of topics including but not limited to: competence, scope of representation, diligence, fees, confidentiality, conflict of interest, and candor and impartiality toward the Judiciary. The Law also identifies what a client can do if they allege that counsel has acted negligently or in violation of a duty and directs the Judiciary when complaints are filed regarding any disciplinary actions pertaining to the Law.

On July 20, 2017, the Legislative Operating Committee held a public meeting pursuant to the Legislative Procedures Act. The public meeting comment period regarding the Law closed on July 27, 2017. The Legislative Operating Committee considered the public comments on August 2, 2017, and necessary revisions were incorporated in the Law. In accordance with the Legislative Procedures Act, this Law will become effective ten (10) business days after the date of adoption of the Resolution.

Conclusion

Adoption of this Resolution would not conflict with any of the Nation's laws.



Professional Conduct for Attorneys and Advocates Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: GTC Directive	SPONSOR: David P. Jordan	DRAFTER: Robert J. Collins	ANALYST: Maureen Perkins
Intent of the Law	The intent of this law is to establish rules governing the professional conduct of attorneys and advocates (counsel) who appear before the Judiciary in order to protect the interests of all parties <i>[see 810.1-2]</i> .		
Purpose	To govern the conduct of attorneys and advocates (counsel) that are admitted to practice law before the Judiciary <i>[see 810.1-1]</i> .		
Affected Entities	Judiciary, Legal Resource Center, attorneys and advocates who are admitted to practice before the Judiciary		
Affected Legislation	Legal Resource Center (law), Oneida Judiciary Rules of Evidence, Cannons of Judicial Conduct, Anonymous Letters Policy, Oneida Judiciary Rules of Admission, Oneida Rules of Professional Conduct for Attorneys		
Enforcement/Due Process	A client alleging that counsel was negligent or violated a duty under this law may initiate a civil action by filing a complaint with the Judiciary’s Trial Court <i>[see 810.22-1]</i> . Decisions of the Trial Court under this section may be appealed to the Court of Appeals <i>[see 810.22-5]</i> . The Judiciary’s Trial Court is granted jurisdiction to hear complaints filed regarding any disciplinary actions pertaining to this law <i>[see 810.23-1]</i> . Decisions of the Trial Court are appealed to the Court of Appeals <i>[see 810.23-6]</i> .		
Public Meeting	A public meeting was held July 20, 2017. Comments were considered by the LOC on August 2, 2017 and directed changes are reflected in this draft.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. This law governs the conduct of attorneys and advocates who are admitted and practice before the Judiciary *[see 810.1-1]*. This includes both attorneys and advocates elected to serve in the Legal Resource Center as well as attorneys and advocates who represent clients outside of the center.
- B. This law benefits the interests of all parties that appear before the Judiciary by subjecting attorneys and advocates to rules governing their professional conduct.

SECTION 3. CONSULTATION

- A. The Oneida Business Committee and the Oneida Judiciary were consulted about the contents of this legislation.
- B. The laws and rules pertaining to the Judiciary were consulted in the drafting of this legislation.

SECTION 4. PROCESS

- A. This law is following the correct legislative process.
- B. This law was added to the Active Files List on 4/5/17.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. Competence

- 19 • Counsel (attorney or advocate) is expected to provide representation that is backed by legal
20 knowledge, skill, thoroughness and preparation *[see 810.4]*.

21 **Scope of Representation**

- 22 • Relationships between a client and counsel are considered privileged once legal services are
23 obtained or performed.
- 24 • Counsel will abide by decisions of the client regarding representation.
- 25 • Counsel's representation does not constitute endorsement of the client.
- 26 • Counsel may limit the scope of representation with client's informed consent.
- 27 • Counsel will not advise or assist the client in criminal or fraudulent conduct *[see 810.5]*.

28 **Diligence**

- 29 • Careful, persistent and immediate work is expected of counsel *[see 810.6]*

30 **Communication**

- 31 • Counsel is expected to *[see 810.7]*:
- 32 ○ let the client know when informed consent is required by law.
- 33 ○ consult with the client regarding the possible strategies that can be used in Court.
- 34 ○ keep the client informed of the status of their case and any decisions that need to be
35 made, as well as complying with requests by the client for information.
- 36 ○ let the client know when their expectations are beyond what is permitted by law.
- 37 ○ explain the case to the client so that they understand the decisions regarding
38 representation.

39 **Fees**

- 40 • Fees must be reasonable considering *[see 810.8-1]*:
- 41 ○ time and labor required, difficulty of the case, and the skill required.
- 42 ○ the likelihood that acceptance of the case will prevent counsel from accepting other cases.
- 43 ○ the price of local legal services.
- 44 ○ time limitations.
- 45 ○ the nature and length of the professional relationship with the client.
- 46 ○ the experience, reputation and ability of counsel.
- 47 • The scope of representation and the basis or rate of the fee and expenses must be provided to the
48 client in writing before or close after beginning representation. Any changes must be
49 communicated in writing *[see 810.8-2]*.
- 50 • Counsel must immediately respond to a client's request for information regarding fees *[see 810.8-*
51 *3]*.

52 **Confidentiality**

- 53 • Information related to the representation of a client is confidential except as necessary to provide
54 representation *[see 810.9-1]*.
- 55 • Counsel must reveal information to any party they feel is appropriate related to the representation
56 of a client to prevent the client from committing a criminal or fraudulent act that is likely to result
57 in death or substantial bodily harm or injury to the financial interest or property of another *[see*
58 *810.9-2]*.
- 59 • Counsel may reveal information to any party they feel is appropriate related to the representation
60 of a client to the extent counsel reasonably believes necessary *[see 810.9-3]*:
- 61 ○ To secure legal advice about counsel's conduct under this law

- 62 ○ To establish a claim or defense regarding a controversy between client and counsel
- 63 ○ To establish a defense to an action seeking to deny admission to practice before the
- 64 Judiciary
- 65 ○ To respond to allegations in any proceeding regarding counsel's representation of the
- 66 client
- 67 ○ To comply with other laws or court orders
- 68 ○ To detect and resolve conflicts of interest, but only if the revealed information would not
- 69 compromise the client-counsel privilege or prejudice the client
- 70 ● Counsel must make reasonable effort to prevent the accidental disclosure or access to client's
- 71 information *[see 810.9-4]*.

72 **Conflict of Interest**

- 73 ● Counsel cannot represent a client if representation will negatively affect another client or if
- 74 representation will be limited by counsel's responsibilities to another client, a former client, a
- 75 third person or by a personal interest of counsel *[see 810.10-1]*.
- 76 ● Counsel may represent a client if *[see 810.10-2]*:
 - 77 ○ they are able to provide competent and immediate representation to each affected client
 - 78 ○ representation is not prohibited by law
 - 79 ○ representation does not involve a claim by one client against another represented by
 - 80 counsel in any proceeding before the Judiciary
 - 81 ○ each affected client gives written informed consent
- 82 ● Counsel cannot use information related to the representation of a client to their disadvantage
- 83 without written consent except as permitted or required by this law *[see 810.10-3]*.
- 84 ● Counsel cannot provide the client with any financial assistance related to the representation *[see*
- 85 *810.10-4]*

86 **Duties to Former Clients**

- 87 ● Counsel cannot represent a client in the same or related matter as a previous client if it is
- 88 significantly conflicting to the interests of the former client unless the former client gives
- 89 informed consent *[see 810.11]*.

90 **Former Judge, Mediator or Peacemaker**

- 91 ● Counsel cannot represent anyone in connection to a case where counsel participated as a judge,
- 92 mediator or peacemaker *[see 810.12]*.

93 **Client with Diminished Capacity**

- 94 ● Counsel must maintain a normal client-counsel relationship with a client with diminished
- 95 capacity and may request a guardian ad litem for the client *[see 810.13]*.

96 **Declining or Terminating Representation**

- 97 ● Counsel must decline or withdraw representation if this law is violated, counsel's physical or
- 98 mental condition significantly impairs their ability to represent the client, or counsel is discharged
- 99 *[see 810.14-1]*.
- 100 ● Counsel may withdraw representation of a client if *[see 810.14-2]*:
 - 101 ○ it does not affect the interests of the client,
 - 102 ○ the client insists on a course of action that is criminal or fraudulent,
 - 103 ○ the client uses counsels services to commit a crime or fraud,
 - 104 ○ the client insists on action that counsel considers distasteful or disagrees with,

- 105 ○ the client fails to fulfill an obligation to counsel and has been given reasonable warning
- 106 that counsel will withdraw unless obligation is met,
- 107 ○ the representation will result in an unreasonable financial burden on counsel, or
- 108 ○ other good cause for withdrawal exists.
- 109 ● Counsel must follow established notice requirements when terminating representation and must
- 110 continue representation if ordered to do so by the Judiciary [*see 810.14-3*].
- 111 ● Counsel must protect client's interests upon terminating representation [*see 810.14-4*].

Duties to Prospective Clients

- 113 ● Counsel must keep information confidential even if a client-counsel relationship does not exist
- 114 unless the client has given written informed consent otherwise or reasonable measures were taken
- 115 to avoid exposure to disqualifying information in determining expected services [*see 810.15*].

Role as Advisor

- 117 ● Counsel may not:
 - 118 ○ knowingly advance a claim outside existing law unless the claim can be supported by
 - 119 good faith argument for an extension, modification or reversal of existing law
 - 120 ○ advance frivolous positions, or
 - 121 ○ injure another with court actions [*see 810.16-2*].
- 122 ● Counsel cannot make false statements to a third person or fail to disclose facts to a third person
- 123 when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client [*see*
- 124 *810.16-3*].

Candor and Impartiality toward the Judiciary

- 126 ● Counsel cannot knowingly [*see 810.17-2*]:
 - 127 ○ make or fail to correct false statements previously made to the Judiciary
 - 128 ○ fail to disclose to the Judiciary legal authority in the controlling jurisdiction known to be
 - 129 adverse to the client and not disclosed by opposing counsel
 - 130 ○ offer or fail to correct evidence presented to the Judiciary known to be false.
- 131 ● Counsel cannot [*see 810.17-2*]:
 - 132 ○ influence a judge, juror or other court official
 - 133 ○ communicate one sided with a judge during proceeding unless authorized by law or court
 - 134 order or for scheduling purposes if permitted by the court
 - 135 ○ disrupt the Judiciary

Fairness to Opposing Party and Counsel

- 137 ● Counsel cannot [*see 810.18*]:
 - 138 ○ Obstruct access to evidence by another party or destroy evidence or advise or assist
 - 139 another to do so
 - 140 ○ Falsify evidence or advise a witness to provide false testimony
 - 141 ○ Knowingly disobey an obligation established by law or rule, except for open refusal
 - 142 based on an assertion that an obligation doesn't exist
 - 143 ○ Make frivolous discovery requests or fail to comply with discovery requests of opposing
 - 144 party
 - 145 ○ Allude to any matter not reasonably relevant or supported by admissible evidence
- 146 ● Counsel cannot communicate about the representation with a person counsel knows is represented
- 147 by an attorney or advocate unless counsel has consent of the other counsel or is authorized to do
- 148 so by law or court order [*see 810.18-2*].

- 149 • Counsel must inform others not represented by an attorney or advocate of their role in
150 representation and correct misunderstandings regarding representation. Counsel cannot give legal
151 advice except to secure counsel [see 810.18-3].

152 **Counsel as Witness**

- 153 • Counsel cannot provide representation at a trial where they are likely to be called as a witness
154 unless [see 810.19]:
- 155 ○ The testimony relates to the legal services rendered in the case, or
 - 156 ○ Not doing so would cause hardship for the client.

157 **Admittance to Practice and Disciplinary Matters**

- 158 • Counsel must comply with the Judiciary’s Rules of Admission to Practice [See Judiciary
159 Website] and cannot knowingly make false statements or fail to disclose a fact necessary to
160 correct a mistake or fail to respond for a demand for information regarding admission [see
161 810.20].

162 **Misconduct**

- 163 • It is professional misconduct for counsel to [see 810.21]:
- 164 ○ Violate or assist or encourage another to violate this law
 - 165 ○ Commit a criminal act unless act has been pardoned
 - 166 ○ Engage in dishonest, fraudulent, deceitful or misrepresentative behavior unless pardoned
 - 167 ○ State or imply an ability to influence a tribal or governmental official to achieve results
 - 168 ○ Violate counsel’s oath to Judiciary
 - 169 ○ Fail to cooperate in an investigation of a complaint filed with the Judiciary

170 **Civil Actions for Negligence or Violation of Duty**

- 171 • A client alleging negligence by counsel can file a complaint with the Nation’s Trial Court and
172 must prove the following [see 810.22]:
- 173 ○ A client-counsel relationship existed
 - 174 ○ Counsel committed acts that were negligent or violated their duty under the law
 - 175 ○ The client suffered actual damages
 - 176 ○ The negligence or violation of duty was the main reason for the damages
 - 177 ○ That the client would have been successful if not for the counsel’s negligence
- 178 • The Trial Court will consider the merits of the client’s case and if allegations are substantiated the
179 court may issue a written order awarding monetary damages not to exceed five thousand dollars
180 (\$5,000) [see 810.22-3 and 810.22-4].
- 181 • Decisions of the Trial Court are appealable to the Court of Appeals.

182 **Disciplinary Actions**

- 183 • The Trial Court is granted jurisdiction to hear any complaints filed regarding disciplinary actions
184 [see 810.23-1].
- 185 • The Chief Judge of the Trial Court or his or her designee will screen out or take no action on
186 complaints that are frivolous and communicate decisions regarding appeals in writing [see
187 810.23-2].
- 188 • Anonymous complaints will be handled according to the Anonymous Letters Policy.
- 189 ○ Anonymous complaints received shall be summarized and forwarded in a confidential
190 manner to the Chief of the Oneida Police Department. The summary must include who
191 received the information, the day, date, and time of receipt and the information received.
192 [see Anonymous Letters Policy O.C. 307.4-1].

- 193 • Complaints that move forward will be assigned a judge by the Chief Judge of the Trial Court or
194 his or her designee to preside. The party being accused must receive notice of a hearing and
195 have a chance to respond to the allegations and the complainant must also receive notice of the
196 hearing in order to present their evidence [see 801.23-3]. The case can be dismissed if there is
197 not sufficient evidence to substantiate the allegation [see 810.23-4]. The presiding judge will
198 determine the disciplinary methods if allegations are substantiated. Outside regulating authority
199 will receive the decision if appropriate [see 810.23-5].
- 200 • Decisions of the Trial Court under this section are appealable to the Court of Appeals [see
201 810.23-6].
- 202 **B.** This legislation is written as simply as the subject matter allows.

- 203
- 204 **SECTION 6. INTENT**
- 205 **A.** The purpose of the law is clearly intended to govern the conduct of attorneys and advocates who are
206 admitted to practice before the Judiciary.
- 207 **B.** This legislation applies to attorneys and advocates who practice before the Judiciary; as well as their
208 clients who have an established set of guidelines to ensure they are receiving adequate representation
209 and a process to follow regarding recourse for inadequate services rendered by practicing attorneys or
210 advocates.

- 211
- 212 **SECTION 7. EFFECT ON EXISTING LEGISLATION**
- 213 **A.** This law does not impact or conflict with any existing laws of the Nation. The following are laws of
214 the Nation are related legislation:
- 215 • Anonymous Letters Policy
- 216 ○ The law will follow the Anonymous Letter Policy with respect to complaints that are
217 filed anonymously. The Chief Judge may take no action on an anonymous complaint
218 other than fulfilling the requirements of the Nation’s Anonymous Letters Policy [see
219 810.23-2(a)].

- 220 Attorneys and advocates admitted to practice before the Judiciary shall act in accordance with all
221 existing laws and rules of the Nation that establish guidelines for attorneys and advocates including:
- 222 • The Rules of Civil Procedure [see Chapter 803]
- 223 ○ Establishes the role and responsibilities of attorneys and advocates in civil proceedings
- 224 • The Rules of Appellate Procedure [see chapter 805]
- 225 ○ Establishes the role and responsibilities of attorneys and advocates in appellate
226 proceedings.
- 227 • Oneida Judiciary Rules of Evidence [see Chapter 804]
- 228 ○ Establishes the attorney-client and advocate-client relationship
- 229 • Divorce, Annulment, Legal Separation [see Chapter 702]
- 230 ○ Establishes the role and responsibilities of an attorney or advocate representing a party in
231 divorce, annulment, or legal separation proceedings.
- 232 • Judiciary Rules of Admission [See Judiciary Website]
- 233 ○ Establishes minimum requirements for admission to practice before the Judiciary and to
234 regulate those admitted to practice.
- 235

236 B. There are not any conflicts with existing laws of the Nation.

237

238 SECTION 8. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR

239 OBLIGATIONS

240 A. This law codifies the Oneida Judiciary Rules of Professional Conduct; a modified version of
241 Wisconsin Supreme Court Rule 20, Rules of Professional Conduct for Attorneys that is applicable to
242 the Judiciary [*see Judiciary website*]. The Wisconsin Supreme Court rules do not apply to lay
243 advocates.

244 B. This law clearly establishes the expectations of attorneys and advocates who practice before the
245 Judiciary and provides clients with an understanding of the level of service to be expected from
246 attorneys and advocates who represent them before the Judiciary.

247

248 SECTION 9. ENFORCEMENT

249 A. A client alleging that counsel was negligent or violated a duty under this law may initiate a civil action
250 by filing a complaint with the Judiciary's Trial Court [*see 810.22-1*]. Decisions of the Trial Court
251 under this section may be appealed to the Court of Appeals [*see 810.22-5*]. The Judiciary's Trial
252 Court is granted jurisdiction to hear complaints filed regarding any disciplinary actions pertaining to
253 this law [*see 810.23-1*]. Decisions of the Trial Court under this section are appealed to the Court of
254 Appeals [*see 810.23-6*].

255 B. The law will be enforced utilizing existing human resources.

256

257 SECTION 10. ACCOUNTABILITY

258 A. The Judiciary is accountable for implementation and operation of this law.

259 B. There are no annual or other reporting requirements to the GTC.

260

261

262

Title 8. Judiciary - Chapter 810
PROFESSIONAL CONDUCT FOR ATTORNEYS AND ADVOCATES
Tehatilihwask#nhas <hatilihwakwalihsy&hake ahatihlwatok^hake laotilihw@ke
The lawyers/advocates will always straighten out the issues for them to always be certain of their affairs

810.1. Purpose and Policy	810.13. Client with Diminished Capacity
810.2. Adoption, Amendment, Repeal	810.14. Declining or Terminating Representation
810.3. Definitions	810.15. Duties to Prospective Clients
810.4. Competence	810.16. Role as Advisor
810.5. Scope of Representation	810.17. Candor and Impartiality toward the Judiciary
810.6. Diligence	810.18. Fairness to Opposing Party and Counsel
810.7. Communication	810.19. Counsel as Witness
810.8. Fees	810.20. Admittance to Practice and Disciplinary Matters
810.9. Confidentiality	810.21. Misconduct
810.10. Conflict of Interest	810.22. Civil Actions for Negligence or Violation of Duty
810.11. Duties to Former Clients	810.23. Disciplinary Actions
810.12. Former Judge, Mediator, or Peacemaker	

1
2 **810.1. Purpose and Policy**
3 810.1-1. *Purpose.* The purpose of this law is to govern the conduct of attorneys and advocates
4 that are admitted to practice law before the Judiciary.
5 810.1-2. *Policy.* It is the policy of the Nation that the interests of all parties that appear before
6 the Judiciary are protected. In pursuit of this interest, it is to the benefit of all parties that
7 attorneys or advocates are subject to rules governing their professional conduct.
8
9 **810.2. Adoption, Amendment, Repeal**
10 810.2-1. This law was adopted by the Oneida Business Committee by resolution
11 _____.
12 810.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
13 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
14 Act.
15 810.2-3. Should a provision of this law or the application thereof to any person or circumstances
16 be held as invalid, such invalidity shall not affect other provisions of this law which are
17 considered to have legal force without the invalid portions.
18 810.2-4. Should a provision of this law or the application thereof to any person or circumstances
19 be held as invalid, such invalidity shall not affect other provisions of this law which are
20 considered to have legal force without the invalid portions.
21 810.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
22 810.2-6. Where precedent for any issue under this law has not been established by the Judiciary, the
23 Judiciary and counsel may refer to established Wisconsin or federal case law precedent or laws for
24 guidance. The Wisconsin State Law Library maintains a section on Legal Ethics and Professional
25 Conduct located at <http://wilawlibrary.gov/topics/legalprof/malpractice.php>.
26
27 **810.3. Definitions**
28 810.3-1. This section shall govern the definitions of words and phrases used within this law. All
29 words not defined herein shall be used in their ordinary and everyday sense.
30 (a) “Advocate” means a non-attorney advocate who is admitted to practice law and is
31 presented to the Court as the representative or advisor to a party. “Advocate” shall not
32 mean a domestic violence advocate present in court for the sole purpose of providing
33 support.

34 (b) “Attorney” means a person trained and licensed to represent another person in Court,
35 to prepare documents, and to give advice or counsel on matters of law.

36 (c) “Counsel” means an attorney or advocate that is admitted to practice before the
37 Judiciary.

38 (d) “Ex Parte” shall mean any contact with the Judge regarding a pending case where the
39 opposing party has not received notice, is not present, and has not consented to the
40 communication.

41 (e) “Judiciary” means the judicial system responsible for applying the laws of the Oneida
42 Nation. The three branches, as identified in resolutions BC-05-08-13-A and GTC 01-07-
43 13-B are the Family Court, Trial Court and Court of Appeals.

44 (f) “Informed consent” means the agreement by a person to a proposed course of conduct
45 after counsel has communicated adequate information and explanation about the material
46 risks of and reasonably available alternatives to the proposed course of conduct.

47 (g) “Preponderance of the evidence” means it is more likely than not that the facts
48 presented are true.

49 (h) “Prospective client” means a person who consults with counsel about the possibility
50 of forming a client-counsel relationship.

51 (i) “Pro Tem Judge” means a decision maker that is not currently seated on the Judiciary,
52 but that is appointed on a temporary (*pro tempore*), case-by-case basis to hear and decide
53 matters in professional conduct panels.

54 (j) “Reasonable” or “reasonably” when used in relation to conduct by counsel means the
55 conduct of a reasonably prudent and competent attorney or advocate.

56 57 **810.4. Competence**

58 810.4-1. Counsel shall provide competent representation to a client. Competent representation
59 requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the
60 representation.

61 62 **810.5. Scope of Representation**

63 810.5-1. A client develops a privileged relationship protected by section 810.9 of this law and
64 section 804.8-2 of the Oneida Judiciary Rules of Evidence once they consult with counsel to
65 obtain legal services or once counsel performs legal services for the client. Any professional
66 opinion given by counsel without express disclosure negating a privileged relationship shall
67 create a privileged client-counsel relationship.

68 810.5-2. Counsel shall abide by a client’s decisions concerning the objectives of representation
69 and shall consult with the client as to the means by which they are to be pursued. Counsel may
70 take such action on behalf of the client as is impliedly authorized to carry out the representation.

71 810.5-3. Counsel’s representation of a client, including representation by appointment, does not
72 constitute an endorsement of the client’s political, economic, social or moral views or activities.

73 810.5-4. Counsel may limit the scope of representation if the limitation is reasonable under the
74 circumstances and the client gives informed written consent.

75 810.5-5. Counsel shall not advise a client to engage, or assist a client, in conduct that counsel
76 knows is criminal or fraudulent, but counsel may discuss the legal consequences of any proposed
77 course of conduct with a client and may advise or assist a client to make a good faith effort to
78 determine the validity, scope, meaning, or application of the law.

79 80 **810.6. Diligence**

81 810.6-1. Counsel shall act with reasonable diligence and promptness in representing a client.

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810.7. Communication

810.7-1. Counsel shall:

- (a) Promptly inform the client of any decision or circumstance with respect to which the client’s informed consent is required by this law;
- (b) Reasonably consult with the client about the means by which the client’s objectives are to be accomplished;
- (c) Keep the client reasonably informed about the status of the matter;
- (d) Promptly comply with reasonable requests by the client for information; and
- (e) Consult with the client about any relevant limitations on counsel’s conduct when counsel knows that the client expects assistance not permitted by this law or other laws or rules.

810.7-2. Counsel shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

810.8. Fees

810.8-1. Counsel shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

- (a) The time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly;
- (b) The likelihood, if apparent to the client, that the acceptance of the particular employment will prevent other employment by counsel;
- (c) The fee customarily charged in the locality for similar legal services;
- (d) The amount involved and the results obtained;
- (e) The time limitations imposed by the client or by the circumstances;
- (f) The nature and length of the professional relationship with the client; and
- (g) The experience, reputation, and ability of the attorney or advocate performing the services.

810.8-2. The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client in writing, before or within a reasonable time after commencing the representation. Any changes in the basis or rate of the fee or expenses shall also be communicated in writing to the client.

810.8-3. Counsel shall promptly respond to a client’s request for information concerning fees and expenses.

810.9. Confidentiality

810.9-1. Counsel shall not reveal information relating to the representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation.

810.9-2. Counsel shall reveal information relating to the representation of a client to the extent counsel reasonably believes necessary to prevent the client from committing a criminal or fraudulent act that counsel reasonably believes is likely to result in death or substantial bodily harm or in substantial injury to the financial interest or property of another.

810.9-3. Counsel may reveal information relating to the representation of a client to the extent counsel reasonably believes necessary:

- (a) To prevent reasonably likely death or substantial bodily harm;

129 (b) To prevent, mitigate, or rectify substantial injury to the financial interests or property
130 of another that is reasonably certain to result or has resulted from the client's commission
131 of a crime or fraud in furtherance of which the client has used counsel's services;

132 (c) To secure legal advice about counsel's conduct under this law;

133 (d) To establish a claim or defense on behalf of counsel in a controversy between
134 counsel and the client, to establish a defense to an action seeking to deny admission to
135 practice before the Judiciary, or to respond to allegations in any proceeding concerning
136 counsel's representation of the client;

137 (e) To comply with other laws or court orders; or

138 (f) To detect and resolve conflicts of interest, but only if the revealed information would
139 not compromise the client-counsel privilege or otherwise prejudice the client.

140 810.9-4. Counsel shall make reasonable efforts to prevent the inadvertent or unauthorized
141 disclosure of, or unauthorized access to, information relating to the representation of a client.

142 **810.10. Conflict of Interest**

143 810.10-1. Counsel, except as provided in 810.10-2, shall not represent a client if the
144 representation involves a conflict of interest. A conflict of interest exists if:

145 (a) The representation of one client will be directly adverse to another client; or

146 (b) There is a significant risk that the representation of one or more clients will be
147 significantly limited by counsel's responsibilities to another client, a former client, a third
148 person, or by a personal interest of counsel.

149 810.10-2. Notwithstanding the existence of a conflict of interest under 810.10-1, counsel may
150 represent a client if:

151 (a) Counsel reasonably believes that counsel will be able to provide competent and
152 diligent representation to each affected client;

153 (b) The representation is not prohibited by law;

154 (c) The representation does not involve the assertion of a claim by one client against
155 another client represented by counsel in the same litigation or other proceeding before the
156 Judiciary; and

157 (d) Each affected client gives informed consent, confirmed in writing signed by the
158 client.

159 810.10-3. Counsel shall not use information relating to representation of a client to the
160 disadvantage of the client unless the client gives informed consent, except as permitted or
161 required by this law.

162 810.10-4. Counsel shall not provide the client with any financial assistance pertaining to the
163 matter for which counsel represents the client.

164 **810.11. Duties to Former Clients**

165 810.11-1. Counsel who has formerly represented a client in a matter shall not thereafter represent
166 another person in the same or a substantially related matter in which that person's interests are
167 materially adverse to the interests of the former client unless the former client gives informed
168 written consent.

169 **810.12. Former Judge, Mediator or Peacemaker**

170 810.12-1. Counsel shall not represent anyone in connection with a matter in which counsel
171 participated personally and substantially as a judge, mediator or peacemaker.

176 **810.13. Client with Diminished Capacity**

177 810.13-1. When a client's capacity to make adequately considered decisions in connection with
178 a representation is diminished, whether because of minority, mental impairment, or for some
179 other reason, counsel shall, as far as reasonably possible, maintain a normal client-counsel
180 relationship with the client.

181 810.13-2. When counsel reasonably believes that the client has diminished capacity, counsel
182 may request that the court appoint a guardian ad litem for the client.

183

184 **810.14. Declining or Terminating Representation**

185 810.14-1. Counsel shall not represent a client or, where representation has commenced, shall
186 withdraw from the representation of a client if:

187 (a) The representation will result in a violation of this law or any other applicable law or
188 rule governing professional conduct;

189 (b) Counsel's physical or mental condition significantly impairs counsel's ability to
190 represent the client; or

191 (c) Counsel is discharged.

192 810.14-2. Counsel may withdraw from representing a client if:

193 (a) Withdrawal can be accomplished without material adverse effect on the interests of
194 the client;

195 (b) The client persists in a course of action involving counsel's services that counsel
196 reasonably believes is criminal or fraudulent;

197 (c) The client has used the counsel's services to perpetrate a crime or fraud;

198 (d) The client insists upon taking action that counsel considers unacceptable or with
199 which counsel has a fundamental disagreement;

200 (e) The client fails substantially to fulfill an obligation to counsel regarding counsel's
201 services and has been given reasonable warning that counsel will withdraw unless the
202 obligation is fulfilled;

203 (f) The representation will result in an unreasonable financial burden on counsel or has
204 been rendered unreasonably difficult by the client; or

205 (g) Other good cause for withdrawal exists.

206 810.14-3. Counsel must comply with applicable court rules requiring notice to or permission of
207 the Judiciary when terminating a representation. When ordered to do so by the Judiciary,
208 counsel shall continue representation notwithstanding good cause for terminating the
209 representation.

210 810.14-4. Upon termination of representation, counsel shall take steps to the extent reasonably
211 practicable to protect a client's interests, such as giving reasonable notice to the client, allowing
212 time for seeking other counsel, surrendering papers and property to which the client is entitled
213 and refunding any fees not earned.

214

215 **810.15. Duties to Prospective Clients**

216 810.15-1. Even when no client-counsel relationship ensues, counsel who has learned
217 information from a prospective client shall not use or reveal that information learned in the
218 consultation, unless:

219 (a) The affected client and/or the prospective client have given informed written consent;
220 or

221 (b) Counsel who received the information took reasonable measures to avoid exposure to
222 more disqualifying information that was reasonably necessary to determine whether to
223 represent the prospective client.

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810.16. Role as Advisor

810.16-1. In representing a client, counsel shall exercise independent professional judgment and render candid advice. In rendering advice, counsel may refer not only to law but to other considerations such as moral, economic, social, cultural, and political factors that may be relevant to the client’s situation.

810.16-2. In representing a client, counsel shall not:

- (a) Knowingly advance a claim or defense that is unwarranted under existing law, except that counsel may advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law;
- (b) Knowingly advance a factual position unless there is a basis for doing so that is not frivolous; or
- (c) File an action, assert a position, conduct a defense, delay a trial, or take other actions on behalf of the client when counsel knows or when it is obvious that such an action would serve merely to harass or maliciously injure another.

810.16-3. In the course of representing a client, counsel shall not knowingly:

- (a) Make a false statement of material fact or law to a third person; or
- (b) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client.

810.17. Candor and Impartiality toward the Judiciary

810.17-1. Counsel shall not knowingly:

- (a) Make a false statement of fact or law to the Judiciary or fail to correct a false statement of material fact or law previously made to the Judiciary by counsel;
- (b) Fail to disclose to the Judiciary legal authority in the controlling jurisdiction known to the attorney or advocate to be directly adverse to the position of the client and not disclosed by opposing counsel; or
- (c) Offer evidence that counsel knows to be false. If counsel, counsel’s client, or a witness called by counsel has offered material evidence and counsel comes to know of its falsity, counsel shall take reasonable remedial measures, including, if necessary, disclosure to the Judiciary. Counsel may refuse to offer evidence believed to be false.

810.17-2. Counsel shall not:

- (a) Seek to influence a judge, juror, or other court official;
- (b) Communicate ex parte with a judge during the proceedings unless authorized to do so by law or court order or for scheduling purposes, if permitted by the court; or
- (c) Engage in conduct intended to disrupt the Judiciary.

810.18. Fairness to Opposing Party and Counsel

810.18-1. Counsel shall not:

- (a) Unlawfully obstruct another party’s access to evidence or unlawfully alter, destroy, or conceal a document or other material having potential evidentiary value. Counsel shall not advise or assist another person to do any such act;
- (b) Falsify evidence, advise, or assist a witness to testify falsely;
- (c) Knowingly disobey an obligation under any applicable law or rule, except for open refusal based on an assertion that no valid obligation exists;
- (d) In pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party; or

271 (e) In trial, allude to any matter that counsel does not reasonably believe is relevant or
272 that will not be supported by admissible evidence.

273 810.18-2. In representing a client, counsel shall not communicate about the subject of the
274 representation with a person counsel knows to be represented by another attorney or advocate in
275 the matter unless counsel has the consent of the other attorney or advocate or is authorized to do
276 so by law or a court order.

277 810.18-3. In dealing on behalf of a client with a person who is not represented by an attorney or
278 advocate, counsel shall inform such person of counsel's role in the matter. When counsel knows
279 or reasonably should know that the unrepresented person misunderstands counsel's role in the
280 matter, counsel shall make reasonable efforts to correct this misunderstanding. Counsel shall not
281 give legal advice to an unrepresented person other than the advice to secure counsel.

282

283 **810.19. Counsel as Witness**

284 810.19-1. Counsel shall not act as an attorney or advocate at a trial in which counsel is likely to
285 be a necessary witness unless:

- 286 (a) The testimony relates to the nature and value of legal services rendered in the case; or
287 (b) Disqualification of counsel would work substantial hardship on the client.

288

289 **810.20. Admittance to Practice and Disciplinary Matters**

290 810.20-1. Counsel shall comply with the Judiciary's Rules of Admission to Practice.

291 810.20-2. An applicant for admission to practice or counsel in connection with a disciplinary
292 matter, shall not:

- 293 (a) Knowingly make a false statement of material fact; or
294 (b) Fail to disclose a fact necessary to correct a mistake known by the person to have
295 arisen in the matter, or knowingly fail to respond to a lawful demand for information
296 from an admissions or disciplinary authority.

297

298 **810.21. Misconduct**

299 810.21-1. It is professional misconduct for counsel to:

- 300 (a) Violate or attempt to violate this law, knowingly assist or induce another to do so, or
301 do so through the acts of another;
302 (b) Commit a criminal act that reflects adversely on counsel's honesty, trustworthiness,
303 or fitness as counsel in other respects unless such criminal activity has been pardoned or
304 forgiven;
305 (c) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation unless
306 such conduct is pardoned or forgiven;
307 (d) State or imply an ability to influence improperly a tribal or government agency or
308 official or to achieve results by means that violate any applicable law or rule;
309 (e) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable
310 canons of judicial conduct or other law or rule;
311 (f) Violate the counsel's oath given to the Judiciary; or
312 (g) Fail to cooperate in the investigation of a complaint filed with the Judiciary.

313

314 **810.22. Civil Actions for Negligence or Violation of Duty**

315 810.22-1. A client alleging that counsel was negligent or violated a duty under this law may
316 initiate a civil action by filing a complaint with the Judiciary's Trial Court.

317 810.22-2. In a civil action against counsel for negligence or violation of duty, the client has the
318 burden of proving all of the following:

- 319 (a) A client-counsel relationship existed;
320 (b) That counsel committed acts that were negligent or in violation of duty under this
321 law;
322 (c) That the client suffered actual damages;
323 (d) That the negligence or violation of duty was the direct cause of the damages; and
324 (e) That, but for the negligence or violation of duty on counsel, the client would have
325 been successful in the prosecution or defense of the case.

326 810.22-3. In making a final determination, the Court shall consider what a particular counsel did
327 or failed to do and what a reasonable or prudent counsel would do in the same circumstance.

328 810.22-4. If there is enough evidence to substantiate the allegations by a preponderance of the
329 evidence, the Court shall issue a written order awarding monetary damages to the client not to
330 exceed five thousand dollars (\$5,000).

331 810.22-5. Decisions of the Trial Court under this section may be appealed to the Court of
332 Appeals.

333

334 **810.23. Disciplinary Actions**

335 810.23-1. The Judiciary's Trial Court is granted jurisdiction to hear complaints filed regarding
336 any disciplinary actions pertaining to this law.

337 810.23-2. Complaints of alleged violations of this law may be filed on behalf of the client with
338 the Trial Court or initiated by the Judiciary. All complaints shall be forwarded to the Chief
339 Judge of the Trial Court or his or her designee who may screen out and take no action on
340 complaints which are determined to be frivolous or repetitive on their face. The Chief Judge or
341 his or her designee shall communicate in writing any such decision with the complainant.

342 (a) The Chief Judge or his or her designee may take no action on an anonymous
343 complaint other than fulfilling the requirements of the Nation's Anonymous Letters
344 Policy.

345 810.23-3. If a complaint goes forward, the Chief Judge or his or her designee shall assign a
346 judge to preside over the disciplinary proceedings. Current or pro tem judges are eligible to hear
347 disciplinary matters.

348 (a) The party being accused of the disciplinary violation shall be given notice of a
349 hearing and an opportunity to meaningfully respond to the allegations.

350 (b) The complainant also shall be given notice of any hearings and shall have the right to
351 present evidence.

352 810.23-4. The judge can dismiss the complaint if it appears frivolous or if there is not enough
353 evidence to substantiate the allegations by a preponderance of the evidence.

354 810.23-5. If there is enough evidence to substantiate the allegations by a preponderance of the
355 evidence, the Court shall issue a written disciplinary order.

356 (a) The Court may opt to choose any combination of the following disciplinary methods:

357 (1) Private reprimand;

358 (2) Public reprimand through publication in the Nation's newspaper;

359 (3) Additional training requirements;

360 (4) Monetary fine not to exceed five thousand dollars (\$5,000); or

361 (5) Suspension or revocation of the right to practice before the Judiciary.

362 (b) The Court may also forward their decision to an appropriate outside regulating
363 authority in appropriate situations (e.g. to the State Bar of Wisconsin if counsel is an
364 attorney licensed to practice in Wisconsin).

365 810.23-6. Decisions of the Trial Court under this section are appealed to the Court of Appeals.

366 *End.*



Legislative Operating Committee
September 6, 2017

Children's Code

Submission Date: 9/17/14	Public Meeting: 5/4/17
LOC Sponsor: Kirby Metoxen	Adopted: 7/26/17

Summary: *This item was carried over into the current term by the LOC. The proposal seeks to develop a Children's Code which would enable the Tribe to take jurisdiction of child welfare matters involving Tribal children. The proposal seeks establishment of a Child Welfare Office and the Oneida Child Protective Board, and would address child welfare proceedings including CHIPS; termination of parental rights; adoption; and foster home licensing. OBC adopted on 7/26/17 but directed that final implementation plan be presented to the new OBC on 9/13 and that quarterly updates be provided until Code is implemented and that a 1-yr review be conducted after Code is implemented.*

Next Steps:

- Approve the Children's Code Implementation Plan and forward to the Oneida Business Committee for consideration.

2017

CHILDREN'S CODE IMPLEMENTATION PLAN



By: Legislative Operating Committee

Oneida Nation

9/13/2017

CHILDREN’S CODE

Implementation Plan

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Purpose: The Children’s Code was adopted by the Oneida Business Committee through resolution BC-07-26-17-J with the purpose of providing for the welfare, care, and protection of Oneida children through the preservation of the family unit, by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation, and acknowledging the customs and traditions of the Nation when raising an Oneida child.

On July 26, 2017, the Oneida Business Committee directed that a full transition plan be submitted to the Oneida Business Committee, with quarterly reports submitted thereafter, and a one (1) year review of the Code itself as it relates to the full implementation.

This implementation plan describes the various duties and responsibilities of the Oneida Family Court, the Indian Child Welfare Department, Oneida Nation Child Support Agency, Oneida Police Department, Trust Enrollment Department and/or Committee, and Cultural Heritage Department. This implementation plan is not exhaustive, but serves as an example of the many tasks that must be accomplished for a successful implementation of the Children’s Code.

ONEIDA FAMILY COURT

This section of the implementation plan describes the various duties and responsibilities assigned to the Oneida Family Court (OFC) in order for the successful implementation of the Children’s Code.

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
HIRING																
Review & Revise Job Descriptions																
Post Positions																
Hiring Process for Clerk																
Appointment Process for Judge																
Hire Judge & Clerk																
TRAINING																
Train for OFC Current Workload																
Outside Training on Children’s Code																
ADDITIONAL DUTIES																
Take on OFC Current Workload Duties																
Develop OFC Manual																
Develop Internal SOPs																
Outreach with County Courts																
Adoption Record Retention																
Develop GAL Training																
Develop Legal Documents																
Develop Training Plan for Children’s Code																
Meeting w/ Trial Court: Case Scheduling																
Judge Trains OFC Staff of Children’s Code																
Recruit GALs																
Hold GAL Training Sessions																
Prepare for Case Transfers																
Provide Completion of Tasks for Quarterly Report																

HIRING

Review and Revise Job Descriptions. From now until the approval of the Fiscal Year 2018 Budget the Oneida Family Court (OFC) must review the job descriptions for the OFC Judge and OFC Clerk, and make any necessary revisions to the job descriptions.

Post OFC Positions. Once the Fiscal Year 2018 Budget is approved, the OFC will work with Human Resources Department (HRD) to post the Oneida Family Court Judge and Clerk positions and begin searching for potential applicants.

Hiring Process for Clerk. The hiring process for the OFC Clerk position should be completed thirteen (13) months prior to implementation. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential OFC Clerk enough time to provide proper notice to his or her current employer, if necessary. The OFC Clerk should begin employment at the OFC no later than twelve (12) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired.

Appointment Process for Judge. The Oneida Business Committee, in conjunction with the OFC and HRD will have from fifteen (15) months to thirteen (13) months prior to implementation to complete the appointment process for the OFC Judge position. The appointment process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential OFC Judge enough time to provide proper notice to his or her current employer, if necessary. The OFC Judge should begin employment at the OFC no later than twelve (12) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired.

Hire Judge and Clerk. The OFC Judge and Clerk positions must be hired no later than twelve (12) months prior to implementation date of the Children's Code. This is to allow enough time for the OFC to complete the following tasks necessary to successfully implement the Children's Code.

TRAINING

Train for OFC Current Workload. The newly hired OFC Judge and Clerk will begin training on child support; divorce; custody, placement, and visitation matters; and any other OFC duties as soon as they are hired, but no later than twelve (12) months prior to implementation. The experience of the newly hired Judge and Clerk will directly affect the amount of training that will be required before the new Judge and Clerk can begin alleviating some of the current caseload from the current OFC Judge and Clerk. Appointing a Judge with child welfare experience may be a fiscal benefit in that he or she can assist or provide the necessary training to staff, thus eliminating a need for outside training. If the current Judge and Clerk are required to provide extensive training to new staff, it will result in a push back on the current case load.

Outside Training on Children's Code. The newly hired OFC Judge and Clerk will begin training on child welfare matters as soon as they are hired, but no later than twelve (12) months prior to implementation. The experience of the newly hired Judge and Clerk will directly affect the amount of training that will be required. Outside sources may need to be utilized to provide the necessary training to successfully implement the Children's Code. Examples include: the Conference on Child Welfare and the Courts- Inspiring Hope and Building Resiliency Among our Youth in October 2017, and the Together for Children Conference, and the Child Welfare Law Orientation both in April 2017, all provided by the Children's Court Improvement Program of Wisconsin. There are also Juvenile Clerk Associations that provide trainings and recourses to court clerks.

ADDITIONAL DUTIES

Take on OFC Current Workload Duties. Once the proper training is received, the newly hired OFC Judge and Clerk may begin hearing current cases in the OFC, including child support, divorce, custody, and placement

cases. The newly hired OFC Judge and Clerk can begin hearing current cases as early as twelve (12) months prior to implementation, depending on the experience of the Judge and Clerk and the amount of training that is necessary.

Develop OFC Manual. At least twelve (12) months prior to the implementation date of the Children's Code, the OFC shall begin the development of a user friendly OFC Manual. The plain language OFC Manual will be available for use by members of the community and will contain information and resources pertaining to all areas of the law the OFC has jurisdiction over including child support, divorce, custody, placement, and child welfare.

Outreach with County Courts. At least twelve (12) months prior to the implementation date of the Children's Code the OFC may begin reaching out to Brown and Outagamie County courts informing them the Nation will be exercising jurisdiction over child welfare proceedings. The OFC has already begun reaching out to the counties informing the counties that the county caseload may be lessened with adoption of the Children's Code.

Adoption Records Retention. The OFC shall continue to collaborate with the Indian Child Welfare Department and Records Management to develop a process for adoption records retention as required by the Code [See Children's Code, 7 O.C. 708.41-3 (e)]. Prior to the implementation date of the Children's Code, the OFC, Indian Child Welfare Department and Records Management shall develop a procedure for the retention of adoption records and determine how adoption records shall be maintained.

Develop GAL Training. Between twelve (12) months and four (4) months prior to the implementation date of the Children's Code the OFC shall develop guardian ad litem (GAL) training. The OFC already has training developed for GALs pertaining to the cases the OFC currently hears, but training specific to child welfare proceedings and the newly adopted Children's Code will have to be created. In addition to the development of content for GAL training, the OFC will have to develop a training plan for providing the best opportunity for interested individuals to be trained as a GAL.

Develop Training Plan for Children's Code. Between ten (10) months and seven (7) months prior to the implementation date of the Children's Code the two (2) OFC Judges shall develop a training plan for all OFC staff to obtain training on child welfare proceedings, as no current staff possess experience or training on these proceedings.

Judges Train OFC Staff for Children's Code. Between six (6) months and three (3) months prior to the implementation date of the Children's Code the OFC Judges shall train all OFC staff on matters regarding child welfare proceedings. The intent to train staff closer to the implementation date is so that staff will better retain the information yet still provide enough time to more training if necessary.

Recruit GALs. Although the general recruitment of GALs can begin immediately, the recruitment of GALs specific to child welfare proceedings should occur at least between six (6) months and four (4) months prior to implementation of the Children's Code. The OFC currently has a limited number of GALs, and the current GALs are only trained to hear current cases involving child support, divorce, custody, and placement matters. The Children's Code requires a GAL to be assigned to a child for certain proceedings related to child welfare. It is uncertain how many current GALs will show interest in serving as a GAL for child welfare proceeding, due to the difficult subject matter, and that will invest in more training specific to child welfare proceedings. Therefore, in order to properly take jurisdiction over child welfare proceedings the OFC needs to recruit more GALs.

Hold GAL Training Sessions. Between four (4) months and two (2) months prior to the implementation of the Children's Code the OFC will hold training sessions for recruited GALs to ensure the GALs are properly prepared for involvement with child welfare proceedings. The OFC will determine the best training plan for potential GALs, and will most likely hold multiple trainings in an effort to increase the number of available GALs for those cases that fall within the jurisdiction of the Children's Code. Trainings are held closer to the implementation date to allow the GALs to more accurately retain the information provided.

Develop Legal Documents. At least twelve (12) months to six (6) months prior to the implementation of the Children's Code the OFC will have to develop any and all legal documents relevant to child welfare proceedings. The legal documents will need to be developed prior to training OFC staff on the Children's Code. Legal documents that will be necessary to be developed will include:

- Temporary Physical Custody Form
- Order for Temporary Physical Custody
- Uniform Child Custody Jurisdiction & Enforcement Act Affidavit
- Petition for Protection or Services
- Dispositional Order: Protection or Services
- Petition for Termination of Parental Rights
- Summons: Termination of Parental Rights
- Order Concerning Termination of Parental Rights
- Notice of Hearing
- Motion for Transfer to Tribal Court
- Motion for Transfer to State Court
- Notice of Change in Placement
- Request to Change in Placement
- Request to Revise Dispositional Order
- Request to Extend Dispositional Order
- Request to Review Permanency Plan
- Stipulation for Consent Decree
- Consent Decree
- Order for Extension of Dispositional Order
- Order for Extension of Consent Decree
- Petition to Vacate Consent Decree
- Order on Petition Vacating Consent Decree and Reinstating Proceedings
- Order for Change of Placement
- Permanency Hearing Order
- Petition for Appointment of Guardian
- Dispositional Order Appoint Guardian
- Petition for Termination of Guardianship
- Order on Petition Termination of Guardianship
- Notice and Order of Hearing for Publication
- Consent to Termination of Parental Rights
- Petition for Adoptive Placement
- Consent to Adoption
- Order for Hearing and Investigation: Adoption
- Order for Hearing and Screening: Step-parent Adoption
- Order to Adoptive Placement
- Order Registering a Foreign Adoption Order
- Notice of Post-Termination of Parental Rights Change in Placement
- Order for Post-Termination of Parental Rights Change in Placement
- Injunction in Juvenile Court: Termination of Parental Rights
- Notice of Permanency Plan Hearing
- Plea Questionnaire/Waiver of Rights: Child in Need of Protection or Services
- Request to Inspect Child Welfare Court Records
- Order to Inspect Child Welfare Court Records
- Order Dismissing Petition
- Notice Concerning Grounds to Terminate Parental Rights
- Order Terminating Dispositional Order
- Stipulate to Revise Dispositional Order
- Order on Stipulation to Revise Dispositional Order
- Order for Revision of Dispositional Order
- Permanency Plan Hearing Order
- Order Appointing Guardian ad Litem
- Statement/Report of Guardian ad Litem (template)
- Request to Extend Consent Decree
- Request for Trial Reunification
- Request for Extension of Trial Reunification
- Request for Revocation of Trial Reunification
- Order for Trial Reunification
- Order Extension of Trial Reunification
- Order for Revocation of Trial Reunification

Meet with Trial Court Regarding Case Scheduling. Starting at least ten (10) months prior to implementation the OFC should meet with the Oneida Trial Court regarding future case scheduling. The Oneida Nation Judiciary only has two (2) court rooms available for hearings, so both the Trial Court and OFC will have to collaborate to determine how hearings will be scheduled and managed. Please note that the Children's Code requires

emergency custody hearings to take place as soon as possible but no later than seventy-two (72) hours of the time the decisions to hold the child was made, excluding weekends and holidays [See Children’s Code, 7 O.C. 708.16]. Between two (2) months and one (1) month prior to the implementation of the Children’s Code the OFC will meet with the Oneida Trial Court staff to again discuss case scheduling once the OFC receives the memorandum from the Legislative Operating Committee (LOC) discussing the projected number of cases that could transfer to the OFC.

Prepare for Case Transfers. Sixty (60) days prior to the implementation of the Children’s Code the LOC will meet with the Indian Child Welfare Department to discuss the potential number of cases that will be transferring to the OFC when the Children’s Code becomes effective. The LOC will then take the information regarding potential number of cases that will transfer to the OFC, and provide this information to the OFC in a memorandum so the OFC can better prepare to hear child welfare matters. This memorandum will not discuss specific case information but rather provide the OFC with an idea of how many cases will be transferred.

Provide Completion of Tasks for Quarterly Report. Beginning immediately, and up until the date of implementation, the OFC will track and document all tasks completed and provide updates on the progress of implementation of the Children’s Code.

ONEIDA INDIAN CHILD WELFARE DEPARTMENT

This section of the implementation plan describes the various duties and responsibilities assigned to the Nation’s Indian Child Welfare Department (ICW) in order for the successful implementation of the Children’s Code.

HIRING

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date	
			15	14	13	12	11	10	9	8	7	6	5	4	3		2
HIRING																	
Review, Revise, & Develop Job Descriptions	█																
Post Intake Supervisor Position		█															
Post Child Placement Coordinator Position		█															
Post 2 On-Going Worker Positions		█															
Post Intake/Investigator Position		█															
Post Parenting Coordinator Position		█															
Hiring Process for Intake Supervisor			█	█													
Hiring Process for Child Placement Coordinator			█	█													
Hiring Process for 2 On-Going Workers			█	█													
Hiring Process for Intake/Investigator			█	█													
Hiring Process for Parenting Coordinator			█	█													
Hire Intake Supervisor			█	█	█												
Hire Child Placement Coordinator			█	█	█												
Hire 2 On-Going Workers			█	█	█												
Hire Intake/Investigator			█	█	█												
Hire Parenting Coordinator			█	█	█												
Post Paralegal Position										█							
Hiring Process for Paralegal										█	█						
Hire Paralegal												█					
Post PT Security Officer Position																█	
Hiring Process for PT Security Officer																█	█
Hire PT Security Officer																	█

Review, Revise & Develop Job Descriptions. Beginning immediately the Indian Child Welfare Department (ICW), along with the Social Services Area Manager, the Governmental Services Division Director and HRD will form a working group to review, revise and develop job descriptions for the ICW positions needed to implement the Children's Code. The job description working group will also discuss a potential restructuring of ICW to ensure the department is conducting business in an effective and efficient manner.

Post Intake Supervisor Position. Upon approval of the Fiscal Year 2018 Budget the ICW in conjunction with HRD will post the ICW intake supervisor position and begin searching for potential applicants.

Post Child Placement Coordinator Position. Upon approval of the Fiscal Year 2018 Budget the ICW in conjunction with HRD will post the child placement coordinator position and begin searching for potential applicants.

Post Two On-Going Worker Positions. Upon approval of the Fiscal Year 2018 Budget the ICW in conjunction with HRD will post two (2) ongoing worker positions and begin searching for potential applicants.

Post Intake/Investigator Position. Upon approval of the Fiscal Year 2018 Budget the ICW in conjunction with HRD will post the intake/investigator position and begin searching for potential applicants.

Post Parenting Coordinator Position. Upon approval of the Fiscal Year 2018 Budget the ICW in conjunction with HRD will post the parenting coordinator position and begin searching for potential applicants.

Hiring Process for Intake Supervisor. ICW and HRD will have from fifteen (15) months to thirteen (13) months prior to implementation to complete the hiring process for the intake supervisor position. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential intake supervisor enough time to provide proper notice to his or her current employer, if necessary.

Hiring Process for Child Placement Coordinator. ICW and HRD will have from fifteen (15) months to thirteen (13) months prior to implementation to complete the hiring process for the child placement coordinator position. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential child placement coordinator enough time to provide proper notice to his or her current employer, if necessary.

Hiring Process for Two On-Going Workers. ICW and HRD will have from fifteen (15) months to thirteen (13) months prior to implementation to complete the hiring process for two on-going worker positions. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential on-going workers enough time to provide proper notice to their current employer, if necessary.

Hiring Process for Intake/Investigator. ICW and HRD will have from fifteen (15) months to thirteen (13) months prior to implementation to complete the hiring process for the intake/investigator position. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential intake/investigator enough time to provide proper notice to his or her current employer, if necessary.

Hiring Process for Parenting Coordinator. ICW and HRD will have from fifteen (15) months to thirteen (13) months prior to implementation to complete the hiring process for the parenting coordinator position. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential parenting coordinator enough time to provide proper notice to his or her current employer, if necessary.

Hire Intake Supervisor. The intake supervisor should begin employment at ICW no later than twelve (12) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired. This is to allow enough time for the intake supervisor to complete the training and tasks necessary to successfully implement the Children's Code.

Hire Child Placement Coordinator. The child placement coordinator should begin employment at ICW no later than twelve (12) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired. This is to allow enough time for the child placement coordinator to complete the training and tasks necessary to successfully implement the Children's Code.

Hire Two On-Going Workers. The two on-going workers should begin employment at ICW no later than twelve (12) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired. This is to allow enough time for the two on-going workers to complete the training and tasks necessary to successfully implement the Children's Code.

Hire Intake/Investigator. The intake/investigator should begin employment at ICW no later than twelve (12) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired. This is to allow enough time for the intake/investigator to complete the training and tasks necessary to successfully implement the Children's Code.

Hire Parenting Coordinator. The parenting coordinator should begin employment at ICW no later than twelve (12) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired. This is to allow enough time for the parenting coordinator to complete the training and tasks necessary to successfully implement the Children's Code.

Post Paralegal Position. At least eight (8) months prior to the implementation of the Children's Code ICW will post the paralegal position and begin searching for potential applicants.

Hiring Process for Paralegal. ICW will have from eight (8) months to seven (7) months prior to implementation to complete the hiring process for the paralegal position. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential paralegal enough time to provide proper notice to his or her current employer, if necessary.

Hire Paralegal. The paralegal should begin employment at ICW no later than six (6) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired. This is to allow enough time for the paralegal to complete the training and tasks necessary to successfully implement the Children's Code.

Post PT Security Officer Position. At least two (2) months prior to the implementation of the Children's Code ICW will post the part-time security officer position and begin searching for potential applicants.

Hiring Process for PT Security Officer. ICW will have from two (2) months to one (1) month prior to implementation to complete the hiring process for the part-time security officer position. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential security officer enough time to provide proper notice to his or her current employer, if necessary.

Hire PT Security Officer. The part-time security officer should begin employment at ICW no later than the implementation date of the Children's Code, but can begin as soon as possible when hired.

TRAINING

OUTSIDE TRAINING: SUPERVISOR

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
OUTSIDE TRAINING: SUPERVISOR																
Administrative Rule DCF 43																
Safety in Child Protective Services: Present Danger																
Safety in Child Protective Services: Impending Danger																
Engaging to Build Trusting Relationships																
Supporting Change Through Engagement																
Case Practice with American Indian Tribes*****																
Placement																
Access																
Initial Assessment																
Ongoing Case Planning																
Trauma Informed Practice																
In the Best Interest of the Child: Making the Most of Family Interaction																
Stepping Up to Supervision: Orientation for New Supervisors																
Administrative Supervision: Supervisor as Manager																
Educational Supervision: Supervisor as Coach																
Supportive Supervision: Supervisor as Team Leader																
Clinical Supervision: Supervisor as Critical Thinker																
Confirming Safe Environments (CSE)																
Understanding Sex Trafficking in Wisconsin																

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
OUTSIDE TRAINING: SUPERVISOR CONTINUED																
SAFE Training																
SAFE Supervisors																
Secondary Traumatic Stress: Building Resilience in Staff																
Reflective Supervision in Child and Family Services																
Leading and Managing from the Middle Leadership																
Conflict Management: Having Challenging Conversations																
Child Adolescent Needs and Strengths (CANS)																

The Wisconsin Child Welfare Professional Development System provides a variety of professional development trainings to those individuals who provide child welfare services in one of the county departments of social/human services in Wisconsin, individuals who provide child welfare services in one of the Indian Child Welfare departments in Wisconsin, and Department of Children and Families and Bureau of Regional Operations staff. The above chart assumes that the Fiscal Year 2018 Budget will be adopted in October 2017, and illustrates the availability of trainings based on that fact.

The ICW Department supervisors will have the opportunity to obtain the following professional development foundation trainings from the Wisconsin Child Welfare Professional Development System:

Administrative Rule DCF 43. This training outlines the training requirements described in Administrative Rule DCF 43 for pre-service, foundation and ongoing trainings that are required by county staff.

Safety in Child Protective Services: Present Danger. This is a one (1) day course that looks at recognizing present dangers, and protective planning. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	March 20, 2018;
Pewaukee	October 10, 2017;
Fond du Lac	November 28, 2017;
Madison	January 17, 2018.
Eau Claire	May 8, 2018;

Safety in Child Protective Services: Impending Danger. This is a two (2) day course that looks at recognizing impending dangers and safety in child protective services. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 5, 2018 - April 6, 2018;
Pewaukee	October 24, 2017 - October 25, 2017;
Fond du Lac	December 19, 2017 - December 20, 2017;
Madison	February 7, 2018 - February 8, 2018;
Eau Claire	May 23, 2018 - May 23, 2018.

Engaging to Build Trusting Relationships. This is a two (2) day course that looks at providing guidance to workers on how to engage families to build trusting relationships. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	January 9, 2018 – January 10, 2018;
Fond du Lac	October 12, 2017 - October 13, 2017;
Madison	November 16, 2018 – November 17, 2018;
Eau Claire	February 20, 2018 – February 21, 2018.
Pewaukee	April 12, 2018 – April 13, 2018;
Tomah	May 2, 2018 – May 3, 2018.

Supporting Change Through Engagement. This is a two (2) day course that can only be taken after *Engaging to Build Trusting Relationships* is taken. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	February 7, 2018 – February 8, 2018;
Weston	October 26, 2017 – October 27, 2017;
Fond du Lac	November 7, 2017 – November 8, 2017;
Madison	December 13, 2017 – December 14, 2017;
Eau Claire	March 21, 2018 – March 22, 2018;

Pewaukee May 23, 2018 – May 24, 2018.

Case Practice with American Indian Tribes. This is a two (2) day course that provides guidance and standards for case practice with American Indian Tribes. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	June 12, 2018 – June 13, 2018;
Fond du Lac	February 5, 2018 – February 6, 2018;
Eau Claire	January 17, 2018 – January 18, 2018;
Madison	March 20, 2018 – March 21, 2018;

Placement. This is a two (2) day course that provides training on placement. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	March 15, 2018 – March 16, 2018;
Tomah	November 8, 2017- November 9, 2017;
Weston	December 13, 2017 – December 14, 2017;
Fond du Lac	January 17, 2018 – January 18, 2018;
Madison	May 16, 2018 – May 17, 2018;

Access. This is a one (1) day course that provides training on access. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	October 26, 2017;
Pewaukee	December 20, 2017;
Eau Claire	February 6, 2018;
Madison	April 4, 2018;
Weston	May 22, 2018.

Initial Assessment. This is a three (3) day course that can only be taken after *Safety in Child Protective Services - Present Danger* and *Safety in Child Protective Services - Impending Danger* foundation courses are completed. This course intends to provide guidance on conducting initial assessments. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 24, 2018 – April 26, 2018;
Pewaukee	December 5, 2017 – December 7, 2017;
Madison	March 6, 2018 – March 8, 2018;
Weston	June 6, 2018 – June 8, 2018.

Ongoing Case Planning. This is a two (2) day course that can only be taken after *Safety in Child Protective Services - Present Danger* and *Safety in Child Protective Services - Impending Danger* foundation courses are completed. This course intends to provide guidance on conducting ongoing case planning. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	May 9, 2017 – May 10, 2017;
Pewaukee	November 14, 2017 – November 15, 2017;
Madison	February 21, 2018 – February 22, 2018;
Eau Claire	June 13, 2018 – June 14, 2018.

Trauma Informed Practice. This is a two (2) day course that provides training on trauma informed practice. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	October 17, 2017 – October 18, 2017;
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Pewaukee	January 25, 2018 – January 26, 2018;
Weston	January 31, 2018 – February 1, 2018;
Eau Claire	April 10, 2018 – April 11, 2018;
Madison	April 17, 2018 – April 18, 2018.

In the Best Interest of the Child: Making the Most of Family Interaction. This is a new two (2) day course providing training on making the most of family interactions in the best interest of the child. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	March 6, 2018 – March 7, 2018;
Eau Claire	November 29, 2017 – November 30, 2017;
Madison	June 7, 2018 – June 8, 2018.

Stepping Up to Supervision: Orientation for New Supervisors. This is a one (1) day course that provides orientation for new child welfare supervisors. This training will provide information that is most necessary for new supervisors early in their position: leadership, transitioning into supervision and the four roles of supervisors. The Wisconsin Child Welfare Model for Practice is central to the work of child welfare and will be introduced. Department of Children and Families staff will provide an overview of the department as well as staff and resources available to assist supervisors, information about eWisacwis and administrative rules/memos pertaining to their position. An overview of the Wisconsin Child Welfare Professional Development training system will be provided and resources and trainings available as well as how to access them. The training is available in the following locations on the following dates:

Weston	November 1, 2017;
Madison	December 6, 2017;
Madison	February 7, 2018;
Weston	March 7, 2018;
Madison	April 4, 2018;
Weston	May 2, 2018;
Madison	June 6, 2018.

Administrative Supervision: Supervisor as Manager. This is a two (2) day course which focuses on those areas of supervision which relate to the efficient and effective delivery of services. Key concepts covered include: supervising to the agency practice model, leading in a challenging environment, understanding the use of power, decision-making with data, recruiting and selecting workers, transitioning from peer to supervisor, managing performance. The training is available in the following locations on the following dates:

Milwaukee	September 12, 2017 – September 13, 2017;
Eau Claire	March 13, 2018 – March 14, 2018.

Educational Supervision: Supervisor as Coach. This is a two (2) day course which focuses on educating workers and staff in order to attain higher performance. Key topics include: coaching, learning styles, employee orientation, stages of worker development, transfer of learning. The training is available in the following locations on the following dates:

Milwaukee	October 10, 2017 – October 11, 2017;
Eau Claire	April 10, 2018 – April 11, 2018.

Supportive Supervision: Supervisor as Team Leader. This is a two (2) day course which focuses on supporting, nurturing, and motivating your workers to attain a high level of performance. This training reflects the reality of the supervisor's position as head cheerleader, arbitrator, and counselor, and the goal of creating supportive and enabling environment that promotes effective and efficient completion of mission-critical casework activities. The training is available in the following locations on the following dates:

Milwaukee	November 14, 2017 – November 15, 2017;
Eau Claire	May 8, 2018 – May 9, 2018.

Clinical Supervision: Supervisor as Critical Thinker. This is a two (2) day course in which supervisors will learn key elements of clinical practice and case consultation. During the training the supervisor will explore the use of solution focused supervision skills, providing individual and group supervision, knowing the supervisor's and worker's responsibilities in assessing for and achieving safety, permanency, and well-being, and understanding how to facilitate quality case practice. The training is available in the following locations on the following dates:

Milwaukee	December 12, 2017 – December 13, 2017;
Eau Claire	June 12, 2018 – June 13, 2018.

Confirming Safe Environments (CSE). This is a three (3) hour online training course that can be completed at any time. This training provides guidance and standards for those individuals who are responsible for confirming the safety of the placement environment when children are placed in out-of-home care, including unlicensed homes, foster homes, group homes, and residential care settings. This training prepares a supervisor or worker to better integrate these responsibilities into agency casework and promotes consistent, thorough approach to assessing safety in out-of-home care. This training provides more understanding behind the rationale and use of this CSE assessment.

Understanding Sex Trafficking in Wisconsin. This is an online training course that can be completed at any time. This training provides more understanding to the current condition of sex trafficking in Wisconsin.

SAFE Training. This is a two (2) day course in which the Structured Analysis Family Evaluation (SAFE) home study tool, which is required for all foster care licensing, is discussed. This standardized tool assists foster care coordinators in conducting a thorough evaluation of prospective foster families. The training is available in the following locations on the following dates:

Milwaukee	November 29, 2017 – November 30, 2017;
Madison	March 27, 2018 – March 28, 2018;
Eau Claire	June 26, 2018 – June 27, 2018.

SAFE Supervisors. This is a one (1) day course focusing on the Structured Analysis Family Evaluation (SAFE) home study tool in regards to supervisors. The training is available in the following locations on the following dates:

Milwaukee	December 1, 2017;
Madison	March 29, 2018;
Eau Claire	June 28, 2018.

Secondary Traumatic Stress: Building Resilience in Staff. This is a two (2) day supervisor and leadership continuing education course that is offered in Waupaca on March 27, 2018 – March 28, 2018.

Reflective Supervision in Child and Family Services. This is a one (1) day supervisor and leadership continuing education course. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 19, 2018;
Madison	November 2, 2017.

Leading and Managing from the Middle. This is a one (1) day supervisor and leadership continuing education course that is offered in Waupaca on November 8, 2017.

Leadership. This is a one (1) day supervisor and leadership continuing education course that is offered in Eau Claire on May 16, 2017.

Conflict Management: Having Challenging Conversations. This is a one (1) day supervisor and leadership continuing education course that is offered in Madison on June 27, 2017.

Child Adolescent Needs and Strengths (CANS). This is a two (2) day training for the Child Adolescent Needs and Strengths (CANS) tool, which is an assessment strategy that is designed to be used for decision support and outcomes management. The use of the CANS assessment tool will allow ICW to focus on serving children and families, by representing children at all levels of need in the child welfare system. ICW staff will use the CANS assessment to determine the following:

1. the child’s mental health needs;
2. the level of need of a child, and the level of placement for the child based on the identified needs and strengths; and
3. a supplemental rate to be included in the foster care reimbursement.

ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

- Appleton April 18, 2018;
- Eau Claire October 5, 2017;
- Pewaukee February 1, 2018.

INTERNAL TRAINING: SUPERVISOR

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
INTERNAL TRAINING: SUPERVISOR																
Develop Children’s Code Training																
Provide Children’s Code Training to Staff																
Develop on the Job Training for New Staff																
Provide on the Job Training to New Staff																
CANS: New Staff																
Develop Current Duties Training																
Provide Current Duties Training to New Staff																
Develop Court Procedures Training																
Provide Court Procedures Training to New Staff																
Develop ICW & Client Training																
Provide ICW & Client Training																
Receiving Cultural Training																
Provide Title IV-E Time Studies Training																

Develop Children’s Code Training. Beginning immediately, and up until six (6) months prior to implementation of the Children’s Code, the ICW supervisors shall begin developing training for current and new ICW staff on the newly adopted Children’s Code. The ICW Department will have to become familiar with all responsibilities, requirements, processes, and procedures within the Children’s Code.

Provide Children’s Code Training to Staff. The ICW supervisors will have from six (6) months prior to the implementation date up until the Children’s Code implementation date to provide training on the Children’s Code to ICW staff.

Develop on the Job Training for New Staff. Beginning immediately, and up until twelve (12) months prior to implementation of the Children’s Code, the ICW supervisors shall begin developing on-the-job training for new ICW staff that will allow the staff to successfully take on current ICW job responsibilities and cases.

Provide on the Job Training to New Staff. At least twelve (12) months prior to implementation, but as soon as the new staff members are hired, the ICW supervisors can begin providing on the job training to the new ICW staff for their responsibilities and duties related to ICWA/WICWA cases. The new ICWA staff will immediately be assigned current ICWA/WICWA cases which will alleviate the caseload of current ICW staff.

CANS: New Staff. At least eight (8) months prior to implementation, but as soon as the new staff members are hired, the new staff members can begin obtaining Child and Adolescent Needs and Strengths (CANS) assessment training. The use of the CANS assessment tool will allow ICW to focus on serving children and families, by representing children at all levels of need in the child welfare system. ICW staff will use the CANS assessment to determine the following:

1. the child's mental health needs;
2. the level of need of a child, and the level of placement for the child based on the identified needs and strengths; and
3. a supplemental rate to be included in the foster care reimbursement.

Develop Current Duties Training. Beginning immediately, and up until twelve (12) months prior to implementation of the Children's Code, the ICW supervisors shall begin developing training for new ICW staff that will allow the staff to successfully take on current ICW job responsibilities and cases.

Provide Current Duties Training to New Staff. At least twelve (12) months prior to implementation, but as soon as the new staff members are hired, the ICW supervisors can begin providing training to the new ICW staff for their responsibilities and duties related to current ICW Department duties. The new ICWA staff will immediately be assigned current ICWA/WICWA cases which will alleviate the caseload of current ICW staff.

Develop Court Procedures Training. Beginning immediately, and up until twelve (12) months prior to implementation of the Children's Code, the ICW supervisors shall begin developing training for new ICW staff regarding the various court proceedings and procedures ICW workers will be expected to know.

Provide Court Procedures Training to New Staff. At least twelve (12) months prior to implementation, but as soon as the new staff members are hired, the ICW supervisors can begin providing training on court procedures and processes ICW workers will be required to know.

Develop ICW & Client Training. Beginning immediately, and up until seven (7) months prior to implementation of the Children's Code, the ICW supervisors shall begin developing general training regarding the ICW Department and relationships with clients.

Provide ICW & Client Training. At least six (6) months prior to implementation, but as soon as the new staff members are hired, the ICW supervisors can begin providing general training on the ICW Department and how to foster good relationships with clients.

Receiving Cultural Training. At least three (3) months prior to implementation, the entire ICW department shall receive training from the Cultural Facilitator on Oneida culture and traditions, and how culture can be utilized and encouraged through the ICW process.

Provide Title IV-E Time Studies Training. At least twelve (12) months prior to implementation, but as soon as the new staff members are hired, the ICW supervisors can begin providing training on Title IV-E reimbursement and the time studies that are required as part of the reimbursement. Title IV-E of the Social Security Act provides funds for states and tribes to provide foster care, transitional independent living programs for children, guardianship assistance, and adoption assistance for children with special needs.

ADDITIONAL DUTIES

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
ADDITIONAL DUTIES: ICW																
Collaboration with County Agencies																
Collaboration with Oneida Nation Child Support Agency																
Collaboration with Trust Enrollment Department/Committee																
Collaboration with OPD																
Enter into MOA with Counties																
Enter into MOA with Child Support																
Enter into MOA with Trust Enrollment																
Enter into MOA with OPD																
Develop Placement Philosophy																
Obtain Access to Electronic Database																
161 Agreement Development																
161 Agreement Negotiations																
Provide Completion of Tasks for Children's Code Quarterly Report																
Case Transfer: Current Client Outreach																
Case Transfer: Better Suited in OFC																
Case Transfer: LOC Work Meeting																

Collaboration with County Agencies. Beginning immediately, ICW may begin collaborating and communicating with Brown and Outagamie County agencies to inform the county agencies that the Nation will be exercising jurisdiction over child welfare proceedings when the Children’s Code becomes effective, and to collaborate to determine the roles, responsibilities, and relationships between ICW and the county agencies and how child welfare matters will be processed and transferred between the two agencies. ICW will seek to enter into memorandums of agreement with Brown and Outagamie County regarding these matters.

Collaboration with Oneida Nation Child Support Agency. Beginning immediately, ICW may begin collaborating and communicating with the Oneida Nation Child Support Agency to discuss and determine how child support referrals will be handled and processed by the Nation when a child welfare case intersects with a child support issue. Examples of when child support might need to be addressed or modified during an ICW case include trial reunifications and out-of-home placements. ICW will seek to enter into a memorandum of agreement with the Oneida Nation Child Support Agency regarding this matter.

Collaboration with Trust Enrollment Department/Committee. Beginning immediately, up until two (2) months prior to the date of implementation, ICW may begin collaborating and communicating with the Nation’s Trust Enrollment Department and/or Committee to discuss and determine how ICW will access the information they need from the Enrollment Database to properly implement the duties and responsibilities delegated to ICW by the Children’s Code. ICW will seek to enter into a memorandum of agreement with the Trust Enrollment Department and/or Committee regarding this matter.

Collaboration with OPD. Beginning immediately, up until two (2) months prior to the date of implementation, ICW may begin collaborating and communicating with the Oneida Police Department to discuss and determine the roles and responsibilities of each department, and how the Oneida Police Department will handle child welfare matters, and refer child welfare matters to ICW. ICW will seek to enter into a memorandum of agreement with the Oneida Police Department regarding this matter.

Enter into MOA with Counties. Beginning as soon as collaboration and communication with Brown and Outagamie Counties is complete, but at least two (2) months before implementation, ICW shall negotiate and enter into memorandums of agreement with both Brown County and Outagamie County.

Enter into MOA with Child Support. Beginning as soon as collaboration and communication with the Oneida Nation Child Support Agency is complete, but at least one (1) month before implementation, ICW shall negotiate and enter into a memorandum of agreement with the Oneida Nation Child Support Agency.

Enter into MOA with Trust Enrollment. Beginning as soon as collaboration and communication with the Trust Enrollment Department and/or Committee is complete, but at least one (1) month before implementation, ICW shall negotiate and enter into a memorandum of agreement with the Trust Enrollment Department and/or Committee.

Enter into MOA with OPD. Beginning as soon as collaboration and communication with the Oneida Police Department is complete, but at least one (1) month before implementation, ICW shall negotiate and enter into a memorandum of agreement with the Oneida Police Department.

Develop Placement Philosophy. Beginning immediately, up until one (1) month prior to the date of implementation, ICW in conjunction with the Social Services Area Manager and the Governmental Services Division Director will meet to discuss and determine a philosophy regarding placement that reflects the goals and intent of the Children's Code that will serve as a guide for ICW staff.

Obtain Access to Electronic Database. Beginning immediately, up until one (1) month prior to the date of implementation, ICW must obtain access to an electronic database, or software, something similar to eWISACWIS, which is the Wisconsin Statewide Automated Child Welfare Information Systems. Currently, ICW has limited access to eWISACWIS that will either need to be expanded to allow for the new duties of responsibilities of the ICW staff when the Children's Code becomes effective, or ICW will have to obtain access to another electronic database or software to maintain records.

161 Agreement Development. Beginning immediately, ICW along with other individuals from the formed subcommittee (including the Governmental Services Division Director, the Social Services Area Manager, and other individuals from Legislative Affairs, the Oneida Law Office, the Legislative Reference Office, and Finance) will continue to develop a draft 161 Agreement, describing when the Nation and either Brown or Outagamie County agrees to funding out-of-home placement, for approval by the Oneida Business Committee. The 161 Agreement subcommittee group has set the goal of providing a draft 161 Agreement to the Oneida Business Committee for approval prior to the approval of the Fiscal Year 2018 Budget. The 161 Agreements should be entered into as soon as possible, but should be in place prior to implementation. 161 Agreements are only valid for one year and must be re-negotiated and renewed every year.

161 Agreement Negotiations. As soon as the draft of the 161 Agreement is developed, and approved by the Oneida Business Committee, the Nation shall seek to enter into negotiations with both Brown County and Outagamie County for the 161 Agreement.

Provide Completion of Tasks for Quarterly Report. Beginning immediately, and up until the date of implementation, ICW will track and document all tasks completed and provide updates on the progress of implementation of the Children's Code.

Case Transfer: Current Client Outreach. Between four (4) months and two (2) months prior to implementation of the Children's Code, ICW must meet with each affected family to discuss the status of their case, what jurisdiction the case would be better suited in, and the family's feelings on transfer to the Oneida Family Court.

Case Transfer: Better Suited in OFC. Between four (4) months and two (2) months prior to implementation of the Children’s Code, but after ICW meets with each affected family, ICW will make the determination as to which cases would be better suited in the OFC.

Case Transfer: LOC Work Meeting. At least sixty (60) days before the Children’s Code becomes effective the LOC and the ICW Department shall hold a work meeting to discuss the number of cases seeking transfer to the Oneida Family Court.

DEVELOP INTERNAL STANDARD OPERATING PROCEDURES

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
DEVELOP INTERNAL SOPs & WORK STANDARDS																
Standards for Substantiated Cases																
CANS: Standards to Determine Rates																
Process for Communication with County																
Process for Communication with OPD																
Process for Communication with Trust Enrollment																
Process for Communication with Child Support Agency																
On Call Process																
Adoption Records Retention																
Develop a Checks and Balances System																
Develop Process for Background Checks																
How to Determine if a Home is Safe																
Develop Best Practice Standards																
Revise Complaint Process																

Standards for Substantiated Cases. Beginning immediately, ICW will have to develop internal standard operating procedures governing the standards and conditions for when ICW will determine a case should be substantiated or unsubstantiated. ICW will need to determine if they will utilize the Wisconsin standards, or modify the standards.

CANS: Standards to Determine Rates. Beginning immediately, ICW will have to develop internal standard operating procedures governing which assessment tool they will use to determine the child’s mental health needs, the level of placement for the child based on the identified needs and strengths, and a supplemental rate to be included in the foster care reimbursement. ICW will have to determine whether they will continue using Wisconsin’s CANS assessment tool, or create a new assessment tool.

Process for Communication with County. Beginning immediately, ICW will have to develop internal standard operating procedures governing how ICW communicates and collaborates with both Brown and Outagamie County and their Child Protective Services workers.

Process for Communication with OPD. Beginning immediately, ICW will have to develop internal standard operating procedures governing how ICW communicates and collaborates with the Oneida Police Department, and how cases are referred between the two (2) departments.

Process for Communication with Trust Enrollment. Beginning immediately, ICW will have to develop internal standard operating procedures governing how ICW communicates and collaborates with the Trust Enrollment Department and/or Committee, including how information regarding the child, and information derived from the Enrollment Database is communicated and shared.

Process for Communication with Child Support Agency. Beginning immediately, ICW will have to develop internal standard operating procedures governing how ICW communicates and collaborates with the Oneida Nation Child Support Agency, including how relevant information and referrals are processed between the two (2) departments.

On Call Process. Beginning immediately, ICW will have to develop internal standard operating procedures describing the processes and procedures for those employees that will be on call.

Adoption Records Retention. Beginning immediately, ICW will have to develop internal standard operating procedures describing the procedure for the retention and maintenance of adoption records. ICW shall continue to collaborate with the Oneida Family Court and Records Management to develop a process for adoption records retention as required by the Code [*See Children's Code, 7 O.C. 708.41-3 (e)*].

Develop a Checks and Balances System. Since ICW, along with the attorney assigned to handle the Nation's child welfare matters, were delegated the Oneida Child Protective Board's authority and responsibilities upon dissolution of the Oneida Child Protective Board by Oneida Business Committee resolution BC-07-26-17-J, ICW should immediately begin to develop internal standard operating procedures describing the internal checks and balances that will be in place within ICW to ensure that the placement preferences and other standards described in the Children's Code are being properly followed.

Process for Background Checks. Beginning immediately, ICW will have to develop internal standard operating procedures describing the procedure and standards for background checks ICW will be following.

How to Determine if a Home is Safe. Beginning immediately, ICW will have to develop internal standard operating procedures that will govern such standards as when ICW makes the determination that a home is safe for a child to remain or return there. ICW will need to determine if they will utilize the Wisconsin standards, or modify the standards.

Develop Best Practice Standards. Beginning immediately, ICW will have to develop internal standard operating procedures that will govern best practice standards for all roles, responsibilities, and job duties of an individual employed in the ICW Department.

Revise Complaint Process. Beginning immediately, ICW will have to develop internal standard operating procedures that will govern how complaints made from families and clients involved with ICW will be handled and processed to ensure that the ICW Department is providing the best possible service to Oneida families.

FOSTER CARE

FOSTER CARE COORDINATOR: PROFESSIONAL DEVELOPMENT TRAINING

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
FOSTER CARE COORDINATOR: PROFESSIONAL DEVELOPMENT TRAINING																
Professional Development Training:																
Structured Analysis Family Evaluation Training (SAFE)	■			■				■			■					
Foster Care Coordinator Pre-Service Training	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
DCF 56: New Licensors		■		■		■										
Foster Parent Pre-Placement Training	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Confirming Safe Environments (CSE)	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Child Adolescent Needs and Strengths (CANS)			■			■			■							
SAFE Structured Analysis Family Evaluation Booster Training				■												
DCF 58: Kinship Care Coordinators			■	■					■	■	■					
Foster Parent Foundation Training of Content									■							
SAFE TA Phone Calls				■				■			■					

The Wisconsin Child Welfare Professional Development System provides a variety of professional development trainings to those individuals who provide child welfare services in one of the county departments of social/human services in Wisconsin, individuals who provide child welfare services in one of the Indian Child Welfare departments in Wisconsin, and Department of Children and Families and Bureau of Regional Operations staff. The above chart assumes that the Fiscal Year 2018 Budget will be adopted in October 2017, and illustrates the availability of trainings based on that fact.

Structured Analysis Family Evaluation Training (SAFE). This is a two (2) day course in which the Structured Analysis Family Evaluation (SAFE) home study tool, which is required for all foster care licensing, is discussed. This standardized tool assists foster care coordinators in conducting a thorough evaluation of prospective foster families. The training is available in the following locations on the following dates:

Milwaukee November 29, 2017 – November 30, 2017;
 Madison March 27, 2018 – March 28, 2018;
 Eau Claire June 26, 2018 – June 27, 2018.

Foster Care Coordinator Pre-Service Training. This is an online training that can be obtained at any time. The Foster Care Coordinator Pre-Service Training explains the process by which children are placed into out-of-home care; the role of the Foster Care Coordinator within a licensing agency; the role that the Foster Care Coordinator will play with families; and the licensing process, including documentation requirements.

DCF 56: New Licensors. This is a two (2) day course that can only be taken after the *Foster Care Coordinator Pre-Service Training* is completed. This training will provide a review of Ch. DCF 56, Admin. Code highlighting recent changes or interpretations and review implementation of rules. Participants in this training will review all licensing materials as well as discuss licensing questions and foster care related issues. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton March 1, 2018 – March 2, 2018;
 Madison October 19, 2017 – October 20, 2017;
 Milwaukee May 10, 2018 – May 11, 2017.

Foster Parent Pre-Placement Training. This is an online training that can be obtained at any time. This training is intended for foster parents, but as a foster care coordinator it is best practice to become familiar with content in this training which will assist in the licensing process.

Confirming Safe Environments (CSE). This is a three (3) hour online training course that can be completed at any time. This training provides guidance and standards for those individuals who are responsible for confirming the safety of the placement environment when children are placed in out-of-home care, including unlicensed homes, foster homes, group homes, and residential care settings. This training prepares a supervisor or foster care coordinator to better integrate these responsibilities into agency casework and promotes consistent, thorough approach to assessing safety in out-of-home care. This training provides more understanding behind the rationale and use of this CSE assessment.

Child Adolescent Needs and Strengths (CANS). This is a two (2) day training for the Child Adolescent Needs and Strengths (CANS) tool, which is an assessment strategy that is designed to be used for decision support and outcomes management. The use of the CANS assessment tool will allow ICW to focus on serving children and families, by representing children at all levels of need in the child welfare system. ICW staff will use the CANS assessment to determine the following:

1. the child's mental health needs;
2. the level of need of a child, and the level of placement for the child based on the identified needs and strengths; and
3. a supplemental rate to be included in the foster care reimbursement.

ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 18, 2018;
Eau Claire	October 5, 2017;
Pewaukee	February 1, 2018.

SAFE Structured Analysis Family Evaluation Booster Training. This is a one (1) day optional training for those who have completed the initial training and would like a refresher on information regarding the Structured Analysis Family Evaluation (SAFE) home study tool, which is required for all foster care licensing. This training can only be taken after the *Structured Analysis Family Evaluation Training (SAFE)* is completed. This training is offered in Milwaukee on November 28, 2017.

DCF 58: Kinship Care Coordinators. This is a one (1) day training that provides a review of Ch. DCF 58, Admin. Code highlighting recent changes or interpretations and review implementation of rules. Participants in this training will review all materials as well as discuss any kinship care related issues. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	June 21, 2018;
Wausau	October 26, 2017;
Madison	November 8, 2017;
Eau Claire	April 5, 2018;
Madison	April 11, 2018;
Wausau	May 10, 2018.

Foster Parent Foundation Training of Content. This is a two (2) day training that provides a review of foster parent foundation training of content. This training will be offered in Appleton from April 11, 2018, to April 12, 2018.

SAFE TA Phone Calls. This is a telephonic training opportunity in which telephone calls are allowed from one (1) o'clock until three (3) o'clock in the afternoon on the following dates:

December 12, 2017;

March 6, 2018;
June 12, 2018.

FOSTER CARE COORDINATOR: INTERNAL TRAINING

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date		
			15	14	13	12	11	10	9	8	7	6	5	4	3		2	1
			FOSTER CARE COORDINATOR: INTERNAL TRAINING															
SAFE Homes Study Training																		
Foundation Training																		
On Job Training																		
Cultural Training																		
Foster Care Coordinator Regional Training (Monthly)																		
State-wide Training (Quarterly)																		

SAFE Homes Study Training. At least twelve (12) months prior to implementation, but as soon as the new foster care coordinator is hired, the foster care coordinator can begin obtaining further training from the current foster care coordinator on best practices when conducting SAFE home studies. The foster care coordinator will also obtain on the job training on how this assessment tool is utilized.

Foundation Training. At least twelve (12) months prior to implementation, but as soon as the new foster care coordinator is hired, up until two (2) months prior to the implementation of the Children’s Code, the foster care coordinator will obtain foundational training on the key concepts and processes of the Indian Child Welfare Department and child welfare matters.

On Job Training. At least twelve (12) months prior to implementation, but as soon as the new foster care coordinator is hired, up until two (2) months prior to the implementation of the Children’s Code, the foster care coordinator will obtain on the job training of all current duties and responsibilities the foster care coordinator has.

Cultural Training. At least three (3) months prior to implementation, the foster care coordinators shall receive training from the Cultural Facilitator on Oneida culture and traditions, and how culture can be utilized and encouraged through the ICW process.

Foster Care Coordinator Regional Training (Monthly). The foster care coordinators are required to participate in regional trainings and meetings on a monthly basis.

State-wide Training (Quarterly). The foster care coordinators are required to participate in state wide trainings on a quarterly basis.

FOSTER CARE COORDINATOR: ADDITIONAL DUTIES

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date		
			15	14	13	12	11	10	9	8	7	6	5	4	3		2	1
			FOSTER CARE COORDINATOR: ADDITIONAL DUTIES															
Develop Foster Care Training																		
Develop Current Foster Parents Recognition Events																		
Establish Support Groups for Foster Parents																		
Establish Evaluation Process																		
Recruitment of Foster Homes																		
Licensing Foster Homes																		
Re-licensing Foster Homes																		
Maintain Current Placement																		
Kinship Care																		
Renewal Evaluation																		
Monthly Reports to State																		
Maintain Licensing Capabilities																		
Complying with State Audits																		
Provide Training for Foster Homes																		
Title IV-E Time Studies																		

Develop Foster Care Training. Beginning immediately, up until the implementation of the Children’s Code, the foster care coordinators shall develop trainings and programs regarding foster care that can be utilized by foster homes and potential foster homes in order to gain more knowledge, understand, and support of the foster care system.

Develop Current Foster Parents Recognition Events. At least six (6) months prior to implementation, the foster care coordinator will develop recognition events and programs for current foster homes. The purpose of these events is to honor those families that open up their homes to foster children, and to bring more awareness to the foster care system.

Establish Support Groups for Foster Parents. Beginning immediately, the foster care coordinators will begin to establish support groups for foster parents. It is important that foster families feel supported in their endeavor to support Oneida families and children. Fostering a strong community of foster families is also a goal of ICW Department.

Establish Evaluation Process. Beginning immediately, the foster care coordinators shall establish an evaluation process that can be provided to current and potential foster families to garner feedback on how the ICW Department and its foster care coordinators can better provide service to Oneida families and children. It is ICW’s goal to provide a better service to Oneida families than what the families are currently receiving in the counties, so it is important that ICW garner feedback on what they are doing well, and what behaviors and services can be improved upon.

Recruitment of Foster Homes. Beginning immediately, the foster care coordinators shall work on the recruitment of foster homes. At the end of July 2017 the Nation had nine (9) foster homes, although some of those homes are child specific, and the potential to license four (4) more homes in the near future. When the Children’s Code is implemented the Nation will need more foster homes, as it is the goal of the ICW Department to utilize Oneida foster homes before utilizing foster homes in Brown County and Outagamie County. Currently, recruitment involves presence at community events such as General Tribal Council meetings, advertisements in the Kalihwisaks, collaboration with the State of Wisconsin, various counties, and other tribes on foster home recruitment, and education for the community on the foster care licensing process and what it means to care for a foster child.

Licensing Foster Homes. Beginning immediately, the foster care coordinators shall continue to work on licensing foster homes. Currently, the ICW Department licenses foster homes under Wisconsin licensing guidelines, which allows the Nation to license foster homes both on and off the Reservation. When licensing a foster home the foster care coordinator must check to ensure that all the required documents are available, execute background checks, check sex offender registries and the Department of Justice background checks and registries, complete Federal Bureau of Investigation (FBI) fingerprinting on potential foster homes, check with local police enforcement agencies and Child Protective Services (CPS) to do a check on the potential foster parents anywhere they have lived for the last ten (10) years, check for prior offenses and see if they have been banned from being around children, ensure that potential parents have reviewed the Chap. DCF 56 requirements, ensure pre-placement trainings have been accomplished, and ensure parents have drafted required autobiographies. The next step to licensing a foster home is a home study in which various questionnaires, psych-social evaluations, and interviews with potential parents, other children in the home, and references for the parents are held.

Re-licensing Foster Homes. Beginning immediately, the foster care coordinators shall continue to work on licensing foster homes. Foster homes must be relicensed every two (2) years, and much of the process for licensing foster homes has to occur again.

Maintain Current Placement. Beginning immediately, the foster care coordinators shall continue to work on maintaining those current out-of-home placements that are in foster homes, whether those foster homes are Oneida foster homes, or Brown and/or Outagamie County foster homes.

Kinship Care. Beginning immediately, the foster care coordinators shall continue to work on evaluating and processing kinship care payments. Kinship care works as a preventative method since it allows families to receive support for caring for a relative on a voluntary basis. Before the foster care coordinator can determine if a relative is eligible for voluntary kinship care the foster care coordinator must conduct background checks, hold a home study, and conduct an evaluation of any individual that lives in the residence. Kinship care must be renewed on a yearly basis, and currently about six (6) kinships renewals occur every month. The foster care coordinator is also responsible for processing kinship care checks every month. Currently, the Nation has about fifty-two (52) cases of voluntary kinship care.

Renewal Evaluation. Beginning immediately, the foster care coordinators shall continue processing Kinship care renewals. Kinship care must be renewed on a yearly basis, and currently about six (6) kinships renewals occur every month.

Monthly Reports to State. Beginning immediately, the foster care coordinators shall work on creating monthly reports to the State of Wisconsin regarding foster care.

Maintain Licensing Capabilities. Beginning immediately, the foster care coordinators shall continue maintaining the Nation's licensing capabilities. The foster care coordinator is responsible for all reporting to the State of Wisconsin to ensure that the "child placement agency license" is maintained.

Complying with State Audits. Beginning immediately, the foster care coordinators shall work towards complying with audits from the State of Wisconsin. The State of Wisconsin conducts audits on foster care coordinators, their licensing, and their record keeping every three (3) months.

Provide Foster Care Training. Beginning immediately the foster care coordinators shall provide the developed foster care trainings to both current and potential foster families. The trainings and programs that are developed and provided will pertain to foster care, its processes, and what it means to be a foster parent, so that foster families can gain more knowledge, understanding, and support of the foster care system.

Title IV-E Time Studies. Beginning immediately, the foster care coordinators shall obtain training on Title IV-E time studies and begin conducting Title IV-E time studies when required. Title IV-E of the Social Security Act provides funds for states and tribes to provide foster care, transitional independent living programs for children, guardianship assistance, and adoption assistance for children with special needs.

ONGOING-INTAKE WORKER: PROFESSIONAL DEVELOPMENT TRAINING

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date		
			15	14	13	12	11	10	9	8	7	6	5	4	3		2	1
ONGOING/INTAKE: PROFESSIONAL DEVELOPMENT TRAINING																		
Safety in Child Protective Services: Present Danger																		
Safety in Child Protective Services: Impending Danger																		
Engaging to Build Trusting Relationships																		
Supporting Change Through Engagement																		
Case Practice with American Indian Tribes****																		
Placement Access																		
Initial Assessment																		
Ongoing Case Planning																		
Trauma Informed Practice																		
In the Best Interest of the Child: Making the Most of Family Interaction																		
Permanency Roundtable Orientation and Values Training																		
Creative Case Planning for Parents with Personality Disorders																		
Secondary Traumatic Stress and the Child Welfare Professional																		
Wisconsin and National Drug Trends and Dangerous (Illegal) Drug Awareness																		
Legal Updates for Juvenile and Children's Law																		
Prescription Drug Abuse and Addiction																		
Supporting the Educational Needs of Children and Youth																		
CANS Case Planning																		
Termination of Parental Rights																		
Effective Court Room Preparation and Presentation																		
Childhood and Adolescent Disorders																		

The Wisconsin Child Welfare Professional Development System provides a variety of professional development trainings to those individuals who provide child welfare services in one of the county departments of social/human services in Wisconsin, individuals who provide child welfare services in one (1) of the Indian Child Welfare departments in Wisconsin, and Department of Children and Families and Bureau of Regional Operations staff. The above chart assumes that the Fiscal Year 2018 Budget will be adopted in October 2017, and illustrates the availability of trainings based on that fact.

Safety in Child Protective Services: Present Danger. This is a one (1) day course that looks at recognizing present dangers, and protective planning. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

- Appleton March 20, 2018;
- Pewaukee October 10, 2017;

Fond du Lac	November 28, 2017;
Madison	January 17, 2018.
Eau Claire	May 8, 2018;

Safety in Child Protective Services: Impending Danger. This is a two (2) day course that looks at recognizing impending dangers and safety in child protective services. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 5, 2018 - April 6, 2018;
Pewaukee	October 24, 2017 - October 25, 2017;
Fond du Lac	December 19, 2017 - December 20, 2017;
Madison	February 7, 2018 - February 8, 2018;
Eau Claire	May 23, 2018 - May 23, 2018.

Engaging to Build Trusting Relationships. This is a two (2) day course that looks at providing guidance to workers on how to engage families to build trusting relationships. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	January 9, 2018 – January 10, 2018;
Fond du Lac	October 12, 2017 - October 13, 2017;
Madison	November 16, 2018 – November 17, 2018;
Eau Claire	February 20, 2018 – February 21, 2018.
Pewaukee	April 12, 2018 – April 13, 2018;
Tomah	May 2, 2018 – May 3, 2018.

Supporting Change Through Engagement. This is a two (2) day course that can only be taken after *Engaging to Build Trusting Relationships* is taken. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	February 7, 2018 – February 8, 2018;
Weston	October 26, 2017 – October 27, 2017;
Fond du Lac	November 7, 2017 – November 8, 2017;
Madison	December 13, 2017 – December 14, 2017;
Eau Claire	March 21, 2018 – March 22, 2018;
Pewaukee	May 23, 2018 – May 24, 2018.

Case Practice with American Indian Tribes. This is a two (2) day course that provides guidance and standards for case practice with American Indian Tribes. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	June 12, 2018 – June 13, 2018;
Fond du Lac	February 5, 2018 – February 6, 2018;
Eau Claire	January 17, 2018 – January 18, 2018;
Madison	March 20, 2018 – March 21, 2018;

Placement. This is a two (2) day course that provides training on placement. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	March 15, 2018 – March 16, 2018;
Tomah	November 8, 2017- November 9, 2017;
Weston	December 13, 2017 – December 14, 2017;
Fond du Lac	January 17, 2018 – January 18, 2018;
Madison	May 16, 2018 – May 17, 2018;

Access. This is a one (1) day course that provides training on access. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	October 26, 2017;
Pewaukee	December 20, 2017;
Eau Claire	February 6, 2018;
Madison	April 4, 2018;
Weston	May 22, 2018.

Initial Assessment. This is a three (3) day course that can only be taken after *Safety in Child Protective Services - Present Danger* and *Safety in Child Protective Services - Impending Danger* foundation courses are completed. This course intends to provide guidance on conducting initial assessments. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 24, 2018 – April 26, 2018;
Pewaukee	December 5, 2017 – December 7, 2017;
Madison	March 6, 2018 – March 8, 2018;
Weston	June 6, 2018 – June 8, 2018.

Ongoing Case Planning. This is a two (2) day course that can only be taken after *Safety in Child Protective Services - Present Danger* and *Safety in Child Protective Services - Impending Danger* foundation courses are completed. This course intends to provide guidance on conducting ongoing case planning. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	May 9, 2017 – May 10, 2017;
Pewaukee	November 14, 2017 – November 15, 2017;
Madison	February 21, 2018 – February 22, 2018;
Eau Claire	June 13, 2018 – June 14, 2018.

Trauma Informed Practice. This is a two (2) day course that provides training on trauma informed practice. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	October 17, 2017 – October 18, 2017;
Pewaukee	January 25, 2018 – January 26, 2018;
Weston	January 31, 2018 – February 1, 2018;
Eau Claire	April 10, 2018 – April 11, 2018;
Madison	April 17, 2018 – April 18, 2018.

In the Best Interest of the Child: Making the Most of Family Interaction. This is a new two (2) day course providing training on making the most of family interactions in the best interest of the child. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	March 6, 2018 – March 7, 2018;
Eau Claire	November 29, 2017 – November 30, 2017;
Madison	June 7, 2018 – June 8, 2018.

Child Adolescent Needs and Strengths (CANS). This is a two (2) day training for the Child Adolescent Needs and Strengths (CANS) tool, which is an assessment strategy that is designed to be used for decision support and outcomes management. The use of the CANS assessment tool will allow ICW to focus on serving children and families, by representing children at all levels of need in the child welfare system. ICW staff will use the CANS assessment to determine the following:

1. the child's mental health needs;

2. the level of need of a child, and the level of placement for the child based on the identified needs and strengths; and

3. a supplemental rate to be included in the foster care reimbursement.

ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 18, 2018;
Eau Claire	October 5, 2017;
Pewaukee	February 1, 2018.

Permanency Roundtable Orientation and Values Training. This is a one (1) day special skills and topics training which discusses permanency and values. The training is available in the following locations on the following dates:

Pewaukee	November 9, 2017;
Madison	February 13, 2018;
Eau Claire	May 18, 2018.

Creative Case Planning for Parents with Personality Disorders. This is a one (1) day special skills and topics training which discusses creative case planning methods for those parents who have personality disorders. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	October 4, 2017;
Eau Claire	April 17, 2018.

Secondary Traumatic Stress and the Child Welfare Professional. This is a one (1) day special skills and topics training which discusses secondary traumatic stress and its effect on child welfare professionals. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	October 24, 2017;
Hayward	September 19, 2017;
Madison	March 22, 2018.

Wisconsin and National Drug Trends and Dangerous (Illegal) Drug Awareness. This is a one (1) day special skills and topics training which discusses drug trends in Wisconsin and the Nation, and how to bring awareness to dangerous and illegal drugs. This training is especially important because the current drug trends are having a great impact on child welfare matters. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	December 12, 2017;
Wausau	October 3, 2017;
Eau Claire	November 8, 2017;
Pewaukee	January 12, 2018;
Madison	February 1, 2018.

Legal Updates for Juvenile and Children's Law. This is a one (1) day special skills and topics training which discusses legal updates and interpretations to juvenile and children's law. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	January 12, 2018;
Eau Claire	October 17, 2017;
Madison	November 1, 2017;
Pewaukee	March 28, 2018;
Wausau	May 1, 2018.

Prescription Drug Abuse and Addiction. This is a one (1) day special skills and topics training which discusses prescription drug abuse and addiction. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	March 27, 2018;
Madison	December 6, 2017;
Rhineland	April 10, 2018.

Supporting the Educational Needs of Children and Youth. This is a one (1) day special skills and topics training which discusses methods to support the education needs of children and youth. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 10, 2018;
Madison	January 9, 2018;
Eau Claire	May 15, 2018.

CANS Case Planning. This is a one (1) day special skills and topics training which discusses the use of the CANS assessment tool in case planning. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	April 18, 2018;
Eau Claire	October 5, 2017;
Pewaukee	February, 2018.

Termination of Parental Rights. This is a two (2) day special skills and topics training which discusses the termination of parental rights. ICW intends to look at training opportunities in the greater Fox Valley area, and the above chart reflects such, but the training is available in the following locations on the following dates:

Appleton	June 6, 2018 – June 7, 2018;
Pewaukee	November 30, 2017 - December 1, 2017.

Effective Court Room Preparation and Presentation. This is a two (2) day special skills and topics training which discusses tips and methods for effective court room preparation and presentation. This training is available in the following locations on the following dates:

Madison	September 7, 2017 – September 8, 2017;
Wausau	March 21, 2018 – March 22, 2018.

Childhood and Adolescent Disorders. This is a two (2) day special skills and topics training which discusses childhood and adolescent disorders. This training is available in Madison from September 14, 2017 to September 15, 2017.

ONGOING-INTAKE WORKER: INTERNAL TRAINING

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
ONGOING/INTAKE: INTERNAL TRAINING																
Children's Code Training																
On the Job Training/Performing																
Court Proceedings Training																
ICW & Client Training																
Cultural Training																
Title IV-E Time Studies Training																

Children's Code Training. At least six (6) months prior to the implementation of the Children's Code the ICW on-going and intake workers shall begin obtaining training on the newly adopted Children's Code. The ICW Department will have to become familiar with all responsibilities, requirements, processes, and procedures within the Children's Code.

On the Job Training/Performing. At least twelve (12) months prior to implementation, but as soon as the new ongoing and intake workers are hired; the ongoing and intake workers will obtain on the job training of all current duties and responsibilities. These duties and responsibilities include, but are not limited to the following:

- Develop positive working relationships, provide support services and needs assessments for families to address safety concerns and to best maintain the family unit
- Maintain a current case plan
- Receive, record and provide information regarding child abuse and neglect to appropriate agencies
- Provide child welfare services and intervene in emergency situations, provide assessment and referral services in emergency situations
- Coordinate required family contact defined in the Children's Code
- Assess the family situation and determine services needed on an ongoing basis
- Provide family support services, primary prevention, and early intervention in child abuse and neglect situations
- Conduct investigations for cases within the Nation's jurisdiction and participate in investigations conducted by county Social Service agencies as required
- Prepare and maintain a current case place and safety plan for every active case with the family's input
- Attend court hearings and provide court testimony when necessary
- Network with tribal, county, state, federal and private sector services and organizations that serve the children and their families
- Ensure compliance of program with tribal, state, and federal child welfare regulations
- Coordinate Oneida and county foster home placements, including foster care, pre-adoptive guardianships, kinships and report back to judicial agencies
- Arrange, transport, and supervise visits between parents, children, and relatives
- Research family tree and enrollment verification to identify, contact, and investigate potential placements with relatives
- Assure best practice standards are adhered to ensure safety, confidentiality and professionalism

Court Proceedings Training. At least twelve (12) months prior to implementation, but as soon as the new staff members are hired, the ongoing and intake workers can begin obtaining training on court procedures and processes ICW workers will be required to know.

ICW & Client Training. At least six (6) months prior to implementation, but as soon as the new staff members are hired, the additional ongoing and intake workers can begin obtaining general training on the ICW Department and how to foster good relationships with clients.

Cultural Training. At least three (3) months prior to implementation, the intake and ongoing workers shall receive training from the Cultural Facilitator on Oneida culture and traditions, and how culture can be utilized and encouraged through the ICW process.

Title IV-E Time Studies Training. At least twelve (12) months before the implementation of the Children’s Code, but as soon as the additional ongoing and intake workers are hired, the ongoing and intake workers shall obtain training on Title IV-E time studies and begin conducting Title IV-E time studies when required. Title IV-E of the Social Security Act provides funds for states and tribes to provide foster care, transitional independent living programs for children, guardianship assistance, and adoption assistance for children with special needs.

PARALEGAL

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date		
			15	14	13	12	11	10	9	8	7	6	5	4	3		2	1
PARALEGAL																		
Court Room Conduct & Procedures Training																		
Assist Attorney in Developing Legal Documents																		
Children’s Code Training																		
ICW & Client Training																		
Cultural Training																		
Title IV-E Time Studies Training																		

Court Room Conduct & Procedures Training. At least six (6) months prior to implementation, but as soon as the paralegal is hired, the paralegal can begin obtaining training regarding court procedures and processes, and the specific documentation related to those procedures and processes.

Assist Attorney in Developing Legal Documents. At least four (4) months prior to implementation of the Children’s Code, the paralegal can assist the Nation’s Child Welfare Attorney in developing and drafting the various legal documents that will be necessary for the implementation of the Children’s Code. The paralegal may also work with the Oneida Family Court when drafting such documents to ensure the ICW Department’s documents are consistent with the Oneida Family Court’s documents.

Children’s Code Training. At least six (6) months prior to the implementation of the Children’s Code the ICW on-going and intake workers shall begin obtaining training on the newly adopted Children’s Code. The ICW Department will have to become familiar with all responsibilities, requirements, processes, and procedures within the Children’s Code.

ICW & Client Training. At least six (6) months prior to implementation, but as soon as the paralegal is hired, the paralegal can begin obtaining training regarding the specific responsibilities and duties of the position, as well as general trainings on child welfare matters.

Cultural Training. At least three (3) months prior to implementation, the paralegal shall receive training from the Cultural Facilitator on Oneida culture and traditions, and how culture can be utilized and encouraged through the ICW process.

Title IV-E Time Studies Training. At least six (6) months before the implementation of the Children’s Code, but as soon as the paralegal is hired, paralegal shall obtain training on Title IV-E time studies and begin conducting Title IV-E time studies when required. Title IV-E of the Social Security Act provides funds for states and tribes to provide foster care, transitional independent living programs for children, guardianship assistance, and adoption assistance for children with special needs.

PARENTING COORDINATOR

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date
			15	14	13	12	11	10	9	8	7	6	5	4	3	
PARENTING COORDINATOR																
Children’s Code Training																
On the Job Training																
Current Job Duties Training/Performing																
ICW & Client Training																
Cultural Training																
Title IV-E Time Studies Training																

Children’s Code Training. At least six (6) months prior to the implementation of the Children’s Code the parenting coordinator shall begin obtaining training on the newly adopted Children’s Code. The ICW Department will have to become familiar with all responsibilities, requirements, processes, and procedures within the Children’s Code.

On the Job Training. At least twelve (12) months before the implementation of the Children’s Code, but as soon as the parenting coordinator is hired, the additional parenting coordinator can begin obtaining on the job training for the current duties and responsibilities assigned to the parenting coordinator.

Current Job Duties Training/Performing. At least twelve (12) months before the implementation of the Children’s Code, but as soon as the parenting coordinator is hired, the additional parenting coordinator can begin obtaining training regarding the specific duties and responsibilities of the parenting coordinator.

ICW & Client Training. At least twelve (12) months before the implementation of the Children’s Code, but as soon as the parenting coordinator is hired, the additional parenting coordinator can begin obtaining general training on the ICW Department and how to foster good relationships with clients.

Cultural Training. At least three (3) months prior to implementation, the parenting coordinator shall receive training from the Cultural Facilitator on Oneida culture and traditions, and how culture can be utilized and encouraged through the ICW process.

Title IV-E Time Studies Training. At least twelve (12) months before the implementation of the Children’s Code, but as soon as the parenting coordinator is hired, the parenting coordinator shall obtain training on Title IV-E time studies and begin conducting Title IV-E time studies when required. Title IV-E of the Social Security Act provides funds for states and tribes to provide foster care, transitional independent living programs for children, guardianship assistance, and adoption assistance for children with special needs.

ONEIDA POLICE DEPARTMENT

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date		
			15	14	13	12	11	10	9	8	7	6	5	4	3		2	1
			Outreach to other Law Enforcement Agencies															
Develop Standards on when ICW is Called																		
Enter into MOA w/ ICW																		
Enter into MOA w/ County																		

Outreach to Other Law Enforcement Agencies. Beginning as soon as possible, the Oneida Police Department shall reach out to other law enforcement agencies, specifically those agencies in Brown County and Outagamie County, and inform the agencies that the Oneida Nation will soon be exercising jurisdiction over child welfare cases.

Develop Standards on when ICW is Called. Beginning as soon as possible, the Oneida Police Department shall begin developing standards for their relationship with the Nation’s Indian Child Welfare Department, and when the Oneida Police Department is responsible for communication with the Indian Child Welfare Department to inform them that there might be a child welfare case.

Enter into MOA with ICW. As soon as possible, but at least two (2) months to one (1) month prior to the implementation date of the Children’s Code, the Oneida Police Department shall enter into a memorandum of agreement (MOA) with the Indian Child Welfare Department. The MOA will detail the relationship, roles, and responsibilities of the Oneida Police Department and Indian Child Welfare Department. The MOA will also detail the process by which each department shall communicate with the other.

Enter into MOA with the County. As soon as possible, but at least two (2) months to one (1) month prior to the implementation date of the Children’s Code, the Oneida Police Department may enter into a memorandum of agreement (MOA) with Brown County and/or Outagamie County, if determined necessary. The MOA between the Oneida Police Department and local counties would detail the responsibilities, relationships, and roles of each agency in regard to handling child welfare matters.

ONEIDA CHILD SUPPORT AGENCY

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date		
			15	14	13	12	11	10	9	8	7	6	5	4	3		2	1
			Identify Cases that Intersect with ICW															
Collaboration w/ ICW: Case Referrals																		
Develop Communication Process: ICW 161 Agreement: Child Support																		
Enter into MOA w/ ICW																		

Identify Cases that Intersect. From now until implementation of the Children’s Code, the Oneida Child Support Agency shall identify, to the best of their ability, cases that intersect with the Indian Child Welfare Department’s

child welfare cases. This identification can come from how many child support cases involve reimbursement to kinship or foster care costs, and how many referrals are received from the Indian Child Welfare Department.

Collaboration with ICW: Case Referrals. From now until implementation of the Children’s Code, the Oneida Child Support Agency shall collaborate with the Indian Child Welfare Department to determine how case referrals will be made between the two departments, and the communication, roles, responsibilities, and relationship of the two departments.

Develop Communication Process: ICW. From now until approval of the Fiscal Year 2018 Budget, the Oneida Child Support Agency shall develop internal processes and procedures describing how the Oneida Child Support Agency will communicate with the Indian Child Welfare Department.

161 Agreement: Child Support. From now until approval of the Fiscal Year 2018 Budget, the Oneida Child Support Agency shall work with the 161 Agreement sub-committee to address how child support will be referenced and handled in the potential 161 Agreements.

Enter into MOA with ICW. As soon as possible, but at least two (2) months to one (1) month prior to the implementation date of the Children’s Code, the Oneida Child Support Agency shall enter into a memorandum of agreement (MOA) with the Indian Child Welfare Department. The MOA will detail the relationship, roles, and responsibilities of the Oneida Child Support Agency and Indian Child Welfare Department. The MOA will also detail the process by which each department shall communicate with the other, and how cases will be referred between the two departments.

ONEIDA NATION CULTURAL HERITAGE DEPARTMENT

Tasks	Today	FY 18 Budget Adoption	Number of Months prior to Implementation													Implementation Date		
			15	14	13	12	11	10	9	8	7	6	5	4	3		2	1
			HIRING															
Review & Revise Job Descriptions																		
Post Cultural Facilitator (1) Position																		
Hiring Process for Cultural Facilitator (1)																		
Hire Cultural Facilitator (1)																		
Post Cultural Facilitator (2) Position																		
Hiring Process for Cultural Facilitator (2)																		
Hire Cultural Facilitator (2)																		
TRAINING																		
ICW & Client Training																		
Foster Home Training																		
ADDITIONAL DUTIES																		
Develop Cultural Training Plan																		
Provide Cultural Training ICW																		
Provide Cultural Training GALs, Advocates & Court Staff																		
Provide Cultural Training to Foster Homes																		
Provide Cultural Training Parenting Group																		

HIRING

Review & Revise Job Descriptions. Beginning immediately, the Cultural Heritage Department shall review the job descriptions for the Cultural Facilitator positions needed to implement the Children’s Code, and make any necessary revisions to the job descriptions.

Post First Cultural Facilitator Position. At least eight (8) months prior to the implementation of the Children's Code Cultural Heritage will post the first cultural facilitator position and begin searching for potential applicants.

Hiring Process for First Cultural Facilitator. Cultural Heritage will have from eight (8) months to seven (7) months prior to implementation to complete the hiring process for the first cultural facilitator position. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential cultural facilitator enough time to provide proper notice to his or her current employer, if necessary.

Hire First Cultural Facilitator. The first cultural facilitator should begin employment at Cultural Heritage no later than six (6) months prior to implementation date of the Children's Code, but can begin as soon as possible when hired.

Post Second Cultural Facilitator Position. At least two (2) months prior to the implementation of the Children's Code Cultural Heritage will post the second cultural facilitator position and begin searching for potential applicants.

Hiring Process for Second Cultural Facilitator. Cultural Heritage will have from two (2) months to one (1) month prior to implementation to complete the hiring process for the second cultural facilitator position. The hiring process will include interviews of potential applicants, background checks, negotiations, as well as allotting the potential cultural facilitator enough time to provide proper notice to his or her current employer, if necessary.

Hire Second Cultural Facilitator. The second cultural facilitator should begin employment at Cultural Heritage no later than the implementation date of the Children's Code, but can begin as soon as possible when hired.

TRAINING

ICW & Client Training. At least six (6) months prior to implementation, but as soon as the first cultural facilitator is hired, the cultural facilitator can begin obtaining training regarding the specific responsibilities and duties of the position, as well as general trainings on child welfare matters. The second cultural healer will begin obtaining this training at least by the date of implementation, but as soon as the second cultural facilitator is hired.

Foster Home Training. At least six (6) months prior to implementation, but as soon as the first cultural facilitator is hired, the cultural facilitator can begin obtaining training on the foster home process to gain a better understanding of the experiences and expectations of families who go through the foster home process in order to provide better training to families in the future. The second cultural healer will begin obtaining this training at least by the date of implementation, but as soon as the second cultural facilitator is hired.

ADDITIONAL DUTIES

Develop Cultural Training Plan. At least six (6) months prior to implementation, but as soon as the first cultural facilitator is hired, the cultural facilitator can begin developing a cultural training plan. The cultural facilitator will be responsible for providing trainings and services based on Oneida culture and tradition to families, ICW staff, GALs, advocates, Oneida Family Court staff, parenting groups, and foster homes.

Provide Cultural Training ICW. At least one (1) month prior to the implementation of the Children's Code, the cultural facilitator can begin providing training on Oneida culture and traditions to staff from the Indian Child Welfare Department.

Provide Cultural Training GALs, Advocates & Court Staff. At least one (1) month prior to the implementation of the Children's Code, the cultural facilitator can begin providing training on Oneida culture and traditions to guardians ad lite, advocates, and staff at the Oneida Family Court.

Provide Cultural Training to Foster Homes. At least one (1) month prior to the implementation of the Children's Code, the cultural facilitator can begin providing training on Oneida culture and traditions to foster homes that may be housing Oneida children.

Provide Cultural Training Parenting Group. At least one (1) month prior to the implementation of the Children's Code, the cultural facilitator can begin providing training on Oneida culture and traditions to those individuals that participate in the Indian Child Welfare Department's parenting groups.

*Oneida Nation Veterans Affairs Committee
P.O. Box 365
Oneida, WI 54155-0365*

May 22, 2017

TO: Oneida Nation ONVAC Board

Re: Amendment to By-Laws

We respectfully request your consideration of the following Amendments.

Article III. Meetings Section 3-3. Emergency or Special Meetings. Emergency meetings may be called by the Chairperson with at least twenty-four (24) hour notice to all members of the Veterans Affairs Committee.

AMENDMENT TO READ: *Regular Emergency Meetings. Emergency meetings may be called by the Chairperson with at least twenty-four (24) hour notice to all members of the Veterans Affairs Committee.*

Article VI. Stipends. Section 6-1. Members of the Veterans Affairs Committee shall be paid a meeting stipend in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions, provided that the meeting has established a quorum for a minimum of one (1) hour and the member collecting the stipend was present for at least one (1) hour of the established quorum.

AMENDMENT TO READ: *Stipends. Section 6-1. Members of the Veterans Affairs Committee shall be paid a meeting stipend of \$100 in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions, provided that the meeting has established a quorum for a minimum of one (1) hour and the member collecting the stipend was present for at least one (1) hour of the established quorum.*

If you have any questions, please feel free to contact me at 819-8889.

Respectfully Submitted,

James D. Martin
Vice-Chairperson, ONVAC

c: file



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: August 28, 2017
- 2) Contact Person(s): Candice Skenandore
Dept: LRO
Phone Number: x4376 Email: cskena10@oneidanation.org
- 3) Agenda Title: Petition: Dallas-2017 Tri-Annual General Election
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On July 26, 2017 the OBC accepted the Dallas Petition regarding the 2017 Tri-Annual Election.
The OBC directed the LRO to complete a legislative analysis which shall be brought back to the OBC
on 10/11/17 and a 45 day update to be brought back on 9/27/17. The Petition seeks to call a GTC meeting
to review, discuss and nullify the 2017 General Election and have GTC set a date and time to hold a new election.

List any supporting materials included and submitted with the Agenda Request Form

- 1) _____ 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Election Law
- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:
GTC has directed that Petitions be brought back within 120 days

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester: 

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

To obtain the Petition and backup materials, please refer to the Oneida Business Committee's Member's Only Packet dated July 26, 2017. For those with access, the Member's Only Packet can be obtained on the G:Drive *G:\Business Committee\Meeting_Materials\BC Meetings\2017\Open Packet*. The packet is also available on the Member's Only page of the Nation's website <https://oneida-nsn.gov/members-only/gtc-portal/bc-meeting-materials-for-members-only/>



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: August 28, 2017
- 2) Contact Person(s): Candice Skenandore
Dept: LRO
Phone Number: x4376 Email: cskena10@oneidanation.org
- 3) Agenda Title: Petition: Vandehei- E-poll Process
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On July 26, 2017 the OBC accepted the Vandehei Petition regarding the E-poll process.
The OBC directed the LRO to complete a legislative analysis which shall be brought back to the OBC
on 10/11/17 and a 45 day update to be brought back on 9/27/17. The Petition seeks to call a GTC meeting
to discuss eliminating or modifying the e-poll conducted by the OBC to include the GTC.

List any supporting materials included and submitted with the Agenda Request Form

- 1) _____ 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
OBC E-poll SOP
- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:
GTC has directed that Petitions be brought back within 120 days

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester: 

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

To obtain the Petition and backup materials, please refer to the Oneida Business Committee's Member's Only Packet dated July 26, 2017. For those with access, the Member's Only Packet can be obtained on the G:Drive *G:\Business Committee\Meeting_Materials\BC Meetings\2017\Open Packet*. The packet is also available on the Member's Only page of the Nation's website <https://oneida-nsn.gov/members-only/gtc-portal/bc-meeting-materials-for-members-only/>



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54255-0365
Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: August 29, 2017
- 2) Contact Person(s): Candice Skenandore
Dept: LRO
Phone Number: x4376 Email: cskena10@oneidanation.org
- 3) Agenda Title: Petition: Graham- 2017 General Election
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On August 17, 2017 the OBC accepted the Graham Petition regarding the 2017 General Election. The OBC directed the LRO to complete a legislative analysis which shall be brought back to the OBC on 10/25/17 and a 45-day update be brought back on 10/11/17. The Petition seeks to have GTC hear, review & render a decision on whether or not grounds exist for GTC to take formal action to void/nullify the 2017 Election, hold a new Election and take action on items listed on Petition.

List any supporting materials included and submitted with the Agenda Request Form

- 1) _____ 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Election Law
- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:
GTC has directed that Petitions be brought back within 120 days

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester: 

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

To obtain the Petition and backup materials, please refer to the Oneida Business Committee's Member's Only Packet dated August 17, 2017. For those with access, the Member's Only Packet can be obtained on the G:Drive *G:\Business Committee\Meeting_Materials\BC Meetings\2017\Open Packet*. The packet is also available on the Member's Only page of the Nation's website <https://oneida-nsn.gov/members-only/gtc-portal/bc-meeting-materials-for-members-only/>

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: August 18, 2017
- 2) Contact Person(s): George Skenandore Dept: Governmental Services Div
Phone Number: 490-3904 Email: gskenan1@oneidanation.org
- 3) Agenda Title: Hall of Fame Law
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Is it feasible for this Law to be rescinded? The Museum is willing to create the necessary
guidelines to implement the necessary processes. This law was adopted in 2004; however,
there has not been an "official" committee or induction ceremony since.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Chapter 130 Hall of Fame Law
- 2) _____
- 3) _____
- 4) _____

- 5) Please List any laws, ordinances or resolution that might be affected:
Chapter 130 Hall of Fame Law
- 6) Please List all other departments or person(s) you have brought your concern to:
Parks and Recreation, Museum
- 7) Do you consider this request urgent? Yes No
If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: _____

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

Title 1. Government and Finances - Chapter 130

HALL OF FAME

Tsi? kaya wahatiliwatatsané?

Of the one's they have made achievements

130.1 Purpose and Policy	130.6 Selection Committee
130.2 Adoption, Amendment, Repeal	130.7 Selection Process
130.3 Definitions	130.8 Induction Resolution
130.4 Tri-Annual Induction	130.9 Record Keeping
130.5 Eligibility for Nomination Into the Hall of Fame	130.10 Recall

130.1. Purpose and Policy

130.1-1. *Purpose.* The purpose of this law is to give recognition to those Oneidas, both historically and in the modern era, who excelled in the fields of academics, sports or other personal achievement, by paying tribute to these persons by enshrining their names and achievements into the Oneida Hall of Fame. Inductees into the Hall of Fame should have distinguished themselves and brought honor to the Oneida people by being a consistent representative of good character and high standard of conduct.

130.1-2. *Policy.* The policy of this law is to have a consistent methodology for induction into the Hall of Fame.

130.2. Adoption, Amendment and Repeal

130.2-1. This law was adopted by the Oneida Business Committee by resolution BC- 6-16-04-D and amended by BC-07-03-07-A.

130.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

130.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

130.2-4. Any law, policy, regulation, rule, resolution, or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

130.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

130.3. Definitions

130.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Director" means the Director of the Oneida Nation Museum or a person designated by the Cultural Heritage Department.

(b) "Hall of Fame" means the Oneida Hall of Fame.

(c) "Historic Era Nominee" means an enrolled Oneida elder, or a deceased person of verifiable Oneida ancestry, whose record in either academics, sports or personal achievement was established a minimum of 25 years prior to being nominated.

(d) "Modern Era Nominee" means an enrolled Oneida, either living or deceased, whose record in either academics, sports or personal achievement was established a minimum of

five (5) years prior to being nominated.

(e) “Quality Leadership Team” means, for the purposes of this law, the Area Managers and Key Directors from all the service areas of the Government Service Division. However, only those members of the Quality Leadership Team who are Tribal members or those members of the Quality Leadership Team who are spouses of Tribal members may serve on the Hall of Fame Selection Committee. A Tribal member designee shall substitute for the non-spouse or non-Tribal member for the purpose of carrying out the selection responsibilities of this law but is not intended to replace that member of the Quality Leadership Team.

(f) “Selection Committee” means the Oneida Hall of Fame Selection Committee which shall be responsible for selecting inductees for the Hall of Fame on a tri-annual basis.

130.4. Tri-Annual Induction

130.4-1. In accordance with this law, the Oneida Tribe on a tri-annual basis, may induct into the Hall of Fame three (3) Modern Era and three (3) Historic Era nominees into the Oneida Hall of Fame at the Oneida Tribe July Pow Wow.

(a) From the Modern Era, three (3) persons may be inducted into the Hall of Fame as follows:

- (1) One (1) person for Academics;
- (2) One (1) person for Sports;
- (3) One (1) person for Personal Achievement.

(b) From the Historical Era, three (3) persons may be inducted into the Hall of Fame as follows:

- (1) One (1) person for Academics;
- (2) One (1) person for Sports;
- (3) One (1) person for Personal Achievement.

130.5. Eligibility for Nomination Into the Hall of Fame

130.5-1. A nominee for induction into the Hall of Fame under the Modern Era classification shall meet the requirements as defined under 130.3-1(d).

130.5-2. A nominee for induction into the Hall of Fame under the Historic Era classification shall meet the requirements as defined under 130.3-1(c).

130.5-3. Any nominee who is not selected for induction may be considered for the next tri-annual induction without having his or her name resubmitted. However, if he or she is not selected for induction at the second tri-annual induction attempt, his or her name will need to be resubmitted in order to receive consideration at a future date.

130.6. Selection Committee

130.6-1. *Appointment.* There is hereby created a Selection Committee. Members shall adhere to all Tribal laws, codes, policies and procedures with the strictest confidentiality. The Committee shall consist of:

(a) members of the Quality Leadership Team who are Tribal members, or spouses of Tribal members. Members of the Quality Leadership Team who are non-Tribal members or who are not spouses of Tribal members shall designate a Tribal member from their department to perform the Hall of Fame Selection Committee duties;

(b) one (1) Oneida Business Committee member, selected at the beginning of each term; and

(c) one (1) Tribal member, appointed by the Oneida Business Committee.

130.6-2. *Expiration of Terms.* The term of the Tribal member appointed by the Oneida Business Committee shall expire thirty (30) days after the induction ceremony under 130.8-2.

130.6-3. At the first meeting of the Selection Committee, they shall elect from among themselves a Chairperson, Vice Chairperson and Secretary.

130.6-4. If a vacancy occurs on the Selection Committee prior to the selection of inductees to the Hall of Fame for that tri-ennium, a replacement shall be appointed in accordance with the Tribal law or policy governing boards, committees and commissions.

130.6-5. The Selection Committee shall abide by their own bylaws as ratified by the Oneida Business Committee.

130.7. Selection Process

130.7-1. The Selection Committee shall provide notice to the community when nominations are being taken for selection into the Hall of Fame and shall also request from the Director the record of nominations still eligible for induction pursuant to 130.5-3.

(a) Notice shall include:

(1) How to acquire an application for induction;

(2) Categories of induction under 130.4;

(3) Deadlines for submission of applications and supporting documentation.

130.7-2. During the selection process, the Selection Committee shall maintain a file of applications from persons directly applying for induction into the Hall of Fame as well as applications from persons applying on behalf of or in support of a person recommended for induction.

130.7-3. The Selection Committee shall, within a reasonable time after the deadline for submissions has passed, review the applications submitted to determine if the information provided is sufficient to be sent to the Director for verification.

130.7-4. The Selection Committee by a majority vote, may determine, or the Director may request the Selection Committee to determine, to withdraw the name or names of nominees from consideration for induction if submitted documentation supporting induction into the Hall of Fame cannot be verified or is false.

130.7-5. The Selection Committee shall discuss the achievements of the nominees. The Selection Committee will then be asked to support, or not support each nominee by a secret vote. Only the names of the nominees who receive a majority vote of support from the Selection Committee shall be considered still in contention for induction into the Hall of Fame.

130.7-6. The Final Vote of the Selection Committee.

(a) Each Selection Committee member shall cast a secret vote for his or her choice in each individual category. Those names of the nominees who receive the most votes in each category shall be submitted to the Oneida Business Committee for a resolution inducting each recommended nomination into the Hall of Fame.

(1) In the case of a tie vote in any particular category, an additional vote, including only the nominees that had the tie vote, shall be taken until a single nominee is determined, or

(2) If the tie cannot be broken after a re-vote, the Chairman of the Selection

Committee shall select who will be inducted into the Hall of Fame from among the tied votes.

(c) Upon the completion of the final vote, all members of the Selection Committee shall sign the results of the final vote. The Chairman shall deliver the final vote and all inductee applications and documentation, within one (1) business day, to the Oneida Tribal Secretary's Office for deposit.

130.8. Induction Resolution

130.8-1. *Oneida Business Committee Resolution.* No later than the month of June of the induction year, the Selection Committee shall request that the Oneida Business Committee adopt individual resolutions affirming each nomination for induction into the Hall of Fame.

130.8-2. *Induction Ceremony.* The reading of the resolutions including the inductee's name and achievements shall occur at a special ceremony at the Oneida Tribe Pow Wow in July of an induction year.

130.8-3. Notification of the induction ceremony shall be posted in the Kalihwisaks.

130.9. Record Keeping

130.9-1. The Selection Committee shall submit all remaining applications and supporting documentation to the Director for record keeping.

130.9-2. The Director shall retain nominee applications and supporting documentation for consideration at the next tri-annual induction, unless the nomination would no longer be eligible pursuant to 130.5-3.

130.10. Recall

130.10-1. In any case whereby it is discovered that fraud or incorrect information was of sufficient basis to withdraw an inducted person's name from the Hall of Fame, such a determination shall be made by a subsequently designated Selection Committee providing:

- (a) The Director has conducted a full investigation on the matter; and
- (b) The Director recommends that such person's name be withdrawn from the Hall of Fame.

End.

Adopted - BC- 6-16-04-D

Amended - BC-7-3-07-A



TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Santiago, Legislative Reference Office Staff Attorney
DATE: September 6, 2017
RE: Certification of Oneida Nation Seal and Flag Law Rule

The Legislative Reference Office has reviewed the certification packet provided by the Oneida Nation Secretary Lisa Summers for the Oneida Nation Seal and Flag law Rule No. 1 – Placement, Maintenance, and Authorized Use (“the Rule”). The Rule provides additional requirements for the placement, maintenance, and authorized use of the official Oneida Nation Seal, which is reserved to authenticate official governmental documents and actions.

Administrative Record

The certification packet contains all documentation required by the Administrative Rulemaking law for a complete administrative record.

The certification packet contains:

- A memorandum containing the Rule’s procedural timeline;
- Final draft of the Rule;
- Memorandum from Lisa Summers, Oneida Nation Secretary, approving the Rule on August 30, 2017;
- Summary Report;
- Public Meeting Notice;
- Draft of the Rule Handbook considered at the public meeting;
- Copy of Public Meeting Notice as it appeared in the Kalihwisaks;
- Public Meeting Sign In Sheet; and
- Memorandum stating that no public comments were received.

Procedural Requirements

The certification packet illustrates that the promulgation of the rule complies with the procedural requirements contained in the Administrative Rulemaking law.

In accordance with the Administrative Rulemaking law:

- A public meeting notice for the Rule was published in the Kalihwisaks on August 3, 2017;
- A public meeting for the Rule Handbook was held on August 17, 2017;
- The public comment period was held open until August 24, 2017;

- There was no one in attendance at the public meeting, and no written comments received during the public meeting or the public meeting comment period;
- The Oneida Nation Secretary approved the Rule on August 30, 2017.

Rulemaking Authority

The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

The Summary Report states that the Rule will become effective on September 12, 2017, but most recent amendments to the Administrative Rulemaking law do not allow a rule to become effective until after adoption by the Oneida Business Committee. [*see Administrative Rulemaking law section 106.9-1*]. The Rule may become effective September 13, 2017.

Conclusion

Promulgation of the Oneida Nation Seal and Flag Law Rule No. 1 – Placement, Maintenance and Authorized Use complies with all requirements of the Administrative Rulemaking law.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: August 30, 2017
- 2) Contact Person(s): Lisa Summers, Secretary Dept: Oneida Business Committee
 Phone Number: X 4434 Email: lsummer2@oneidanation.org
- 3) Agenda Title: Oneida Nation Seal and Flag Rule #1
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee Pursuant to Section 106.7 of the Administrative Rulemaking Law, the above referenced Rule is being submitted for Certification by the Legislative Operating Committee.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Procedural Timeline memo dated 8/30/17
- 2) Summary Report
- 3) Draft #1 - Approved by Secretary 7/27/2017
- 4) Draft # 1 - for Public Meeting 8/17/2017
- 5) Public Meeting Notice
- 6) Public Meeting Sign-In Sheet
- 7) Approval memo dated 8/30/17
- 8) Public Comments memo dated 8/30/17
- 5) Please List any laws, ordinances or resolution that might be affected:
n/a
- 6) Please List all other departments or person(s) you have brought your concern to:
n/a
- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: Lisa Summers

Digitally signed by Lisa Summers
DN: cn=Lisa Summers, o=Oneida Tribe of Indians of WI, ou=Oneida Business Committee, email=lsummer2@oneidanation.org, c=US
Date: 2017.08.30 13:58:40 -05'00'

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

To: Legislative Operating Committee

From: Lisa Summers, Secretary 

Date: August 30, 2017

Re: Procedural Timeline for Proposed Oneida Nation Seal and Flag Law - Rule 1

The purpose of this memorandum is to provide the above referenced proposed Rule's procedural timeline, including the dates the requirements of the Administrative Rulemaking Law were fulfilled.

Background

On January 11, 2017, the Oneida Business Committee adopted the Oneida Seal and Flag Law, which designates the Oneida Nation Secretary as the authorized agency to create rules to govern the placement, maintenance and authorized use of the official Oneida Nation Seal.

The Oneida Nation Secretary is proposing Oneida Nation Seal and Flag Law - Rule 1 which provides additional requirements for the placement, maintenance, and authorized use of the official Oneida Nation Seal, which is reserved to authenticate official governmental documents and actions.

Procedural Timeline

Below is the timeline including the dates the requirements of the Administrative Rulemaking Law were fulfilled.

Procedural Timeline	
January 11, 2017	The Oneida Business Committee adopts the Oneida Seal and Flag Law via the adoption of resolution 01-11-17-C.
March 8, 2017	The Oneida Business Committee grants a 90-day extension to create and make effective rules governing the placements, maintenance, and authorized use of the official Oneida Nation Seal via the adoption of resolution 03-08-17-C.
June 14, 2017	The Oneida Business Committee grants a second 90-day extension to create and make effective rules governing the placements, maintenance, and authorized use of the official Oneida Nation Seal via the adoption of resolution 03-08-17-C.
July 27, 2017	The proposed Rule is finalized by the Oneida Nation Secretary.

July 27, 2017	The proposed Rule is provided to the Legislative Reference Office for a Statement of Effect
July 27, 2017	Information on how the proposed Rule would financially affect their areas is solicited from The Division of Land Management, the Trust Enrollment Department, and the Business Committee Support Office, noting the areas have up to ten (10) business days to respond.
July 27, 2017	The Public Meeting Notice is provided to the Kalihwisaks for publication in the August 3, 2017, issue; confirmation from the Kalihwisaks is received.
July 27, 2017	The Business Committee Support Office and Records Management provide a response to the solicitation of information regarding financial effect of the proposed Rule.
August 1, 2017	The Legislative Reference Office provides the Statement of Effect regarding the proposed Rule.
August 2, 2017	The Division of Land Management provides a response to the solicitation of information regarding financial effect of the proposed Rule.
August 3, 2017	The Trust Enrollment Department provides a response to the solicitation of information regarding the financial effect of the proposed Rule
August 3, 2017	Oneida Register publishes the following: <ol style="list-style-type: none"> 1. Public Meeting Notice, 2. Proposed Rule, and 3. Summary Report: <ol style="list-style-type: none"> a. Name of proposed rule; b. Reference to the Law the rule interprets, along with a list of any other related laws or rules that may affect the rule; c. Brief summary of the rule; d. Statement of Effect from the LRO; and e. Financial Analysis
August 3, 2017	Kalihwisaks publishes the Public Meeting Notice
August 17, 2017	Public Meeting is held; no attendees.
August 24, 2017	Deadline for written comments; none received.
August 24, 2017	Public Comment Period closes. No public comments submitted; therefore, no further changes are considered by the Oneida Nation Secretary.



Summary Report for Oneida Nation Seal and Flag Law – Rule 1

Original effective date: March 12, 2017

Amendment effective date: September 12, 2017

Name of Rule: Oneida Nation Seal and Flag Law – Rule 1

Name of law being interpreted: Oneida Nation Seal and Flag Law

Rule Number: Rule 1

Other Laws or Rules that may be affected: None

Brief Summary of the proposed rule: This rule is to govern the placement, maintenance, and authorized use of the Oneida Nation Seal.

Statement of Effect: See attached

Financial Analysis: See attached



Statement of Effect

Oneida Nation Seal and Flag Law Rule No.1 – Placement, Maintenance, and Authorized Use

Summary

This rule governs the placement, maintenance, and authorized use of the Oneida Nation Seal.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

The Oneida Nation Seal and Flag law (“the Law”) confers administrative rulemaking authority to the Oneida Nation Secretary as authorized by the Administrative Rulemaking law. [see *Oneida Nation Seal and Flag law section 116.4-4*]. The Law states that the Oneida Nation Secretary shall create rules to govern the placement, maintenance and authorized use of the official Oneida Nation Seal. [see *Oneida Nation Seal and Flag law section 116.4-4*].

Oneida Nation Seal and Flag Law Rule No.1 – Placement, Maintenance, and Authorized Use (“the Rule”) provides additional requirements for the placement, maintenance, and authorized use of the official Oneida Nation Seal, which is reserved to authenticate official governmental documents and actions.

Conclusion

There are no legal bars to adopting Oneida Nation Seal and Flag Law Rule No.1 – Placement, Maintenance, and Authorized Use.

Financial Analysis for Oneida Nation Seal and Flag Law – Rule 1

A written request was sent to the Division of Land Management, the Trust Enrollment Department, the Records Management Department, and the Business Committee Support Office that they provide information about how the rule would financially affect them. Below are the responses received:

Division of Land Management:

It will be a minimal cost, less than \$100.

Trust Enrollment Committee:

1 – desk metal embosser @ 50.00 (includes desk base)

Records Management:

There would be no financial impact.

Business Committee Support Office:

There would be no financial impact.



ONEIDA NATION SEAL AND FLAG LAW

Rule #1 – Placement, Maintenance, and Authorized Use

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Placement
- 1.5 Maintenance
- 1.6 Authorized Use

1 **1.1 Purpose and Authority**

2 1.1-1. *Purpose.* The purpose of this rule is to govern the placement, maintenance, and authorized
3 use of the official Oneida Nation Seal under the Oneida Nation Seal and Flag Law. The Oneida
4 Nation Seal is reserved for official government documents.

5 1.1-2. *Authority.* The Oneida Nation Seal and Flag Law delegates rulemaking authority to the
6 Oneida Nation Secretary pursuant to the Administrative Rulemaking law.

7
8 **1.2. Adoption, Amendment and Repeal**

9 1.2-1. This rule was adopted by the Oneida Nation Secretary in accordance with the procedures
10 of the Administrative Rulemaking law.

11 1.2-2. This rule may be amended or repealed by the Oneida Nation Secretary and/or the Oneida
12 Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

13 1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be
14 held as invalid, such invalidity shall not affect other provisions of this rule which are considered
15 to have legal force without the invalid portions.

16 1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule,
17 internal policy, procedure, or other regulation; the provisions of this rule shall control.

18 1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements
19 relating to the placement, maintenance, and authorized use of the official Oneida Nation Seal.

20
21 **1.3. Definitions**

22 1.3-1. All words herein shall be used in their ordinary and everyday sense.

23
24 **1.4. Placement**

25 1.4-1. The following list identifies the requirements that are applicable to the placement of the
26 Oneida Nation Seal:

27 (a) *Location.* The Oneida Nation Seal location is governed by the Oneida Nation Seal and
28 Flag Law.

29 (b) *Size.* The Oneida Nation Seal must be of equal or larger size than any other seal or
30 logo with which it is placed.

31 (c) *Color.* The full color seal is expected to be used if possible. In all other instances,
32 black and white or grey scale is acceptable.

33
34 **1.5. Maintenance**

35 1.5-1. Records Management is responsible to maintain the true and correct version of the Oneida
36 Nation Seal.

37

38 **1.6. Authorized Use**

39 1.6-1. Personal use or that for financial gain is not authorized.

40 1.6-2. Oneida Nation entities that use embossing tools of the Oneida Nation Seal for official
41 government documents must register with the Oneida Nation Secretary as established by an
42 adopted standard operating procedure.

43

44 *End.*

45

Original effective date: <<DATE>> (Certified by LOC on <<DATE>>)



ONEIDA NATION SEAL AND FLAG LAW

Rule #1 – Placement, Maintenance, and Authorized Use

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Placement
- 1.5 Maintenance
- 1.6 Authorized Use

1 **1.1 Purpose and Authority**

2 1.1-1. *Purpose.* The purpose of this rule is to govern the placement, maintenance, and authorized
3 use of the official Oneida Nation Seal under the Oneida Nation Seal and Flag Law. The Oneida
4 Nation Seal is reserved for official government documents.

5 1.1-2. *Authority.* The Oneida Nation Seal and Flag Law delegates rulemaking authority to the
6 Oneida Nation Secretary pursuant to the Administrative Rulemaking law.

7
8 **1.2. Adoption, Amendment and Repeal**

9 1.2-1. This rule was adopted by the Oneida Nation Secretary in accordance with the procedures
10 of the Administrative Rulemaking law.

11 1.2-2. This rule may be amended or repealed by the Oneida Nation Secretary and/or the Oneida
12 Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

13 1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be
14 held as invalid, such invalidity shall not affect other provisions of this rule which are considered
15 to have legal force without the invalid portions.

16 1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule,
17 internal policy, procedure, or other regulation; the provisions of this rule shall control.

18 1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements
19 relating to the placement, maintenance, and authorized use of the official Oneida Nation Seal.

20
21 **1.3. Definitions**

22 1.3-1. All words herein shall be used in their ordinary and everyday sense.

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24 **1.4. Placement**

25 1.4-1. The following list identifies the requirements that are applicable to the placement of the
26 Oneida Nation Seal:

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28 Flag Law.

29 (b) *Size.* The Oneida Nation Seal must be of equal or larger size than any other seal or
30 logo with which it is placed.

31 (c) *Color.* The full color seal is expected to be used if possible. In all other instances,
32 black and white or grey scale is acceptable.

33
34 **1.5. Maintenance**

35 1.5-1. Records Management is responsible to maintain the true and correct version of the Oneida
36 Nation Seal.

37

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39 1.6-1. Personal use or that for financial gain is not authorized.

40 1.6-2. Oneida Nation entities that use embossing tools of the Oneida Nation Seal for official
41 government documents must register with the Oneida Nation Secretary as established by an
42 adopted standard operating procedure.

43

44 *End.*

45

Original effective date: <<DATE>> (Certified by LOC on <<DATE>>)

NOTICE OF
PUBLIC MEETING
TO BE HELD
Thursday, August 17, at 12:15
IN THE
OBC Executive Conference Room

In accordance with the Administrative Rulemaking Law, the
Oneida Nation Secretary
is hosting this Public Meeting to gather feedback from the community
regarding the following rule(s).

**TOPIC: Oneida Nation Seal and Flag
Rule #1—Placement, Maintenance,
and Authorized Use**

This is a proposal to create a rule which would:

- ◆ Govern the size and color of the Oneida Nation Seal.
- ◆ Establish maintenance responsibilities with Records Management.
- ◆ Govern the authorized use of the official Oneida Nation Seal.

To obtain copies of the Public Meeting documents for this proposal,
please visit www.oneida-nsn.gov/Register/PublicMeetings.

**PUBLIC COMMENT PERIOD
OPEN UNTIL
THURSDAY AUGUST 24, 2017**

During the Public Comment Period, all interested persons may
submit written comments and/or a transcript of any testimony/spoken
comments made during the Public Meeting. These may be submitted to
Oneida Nation Secretary by U.S. mail, interoffice mail, e-mail or fax.

Public Meeting Sign In Sheet

Oneida Nation Seal & Flag Rule #1 - Placement, Maintenance, & Authorized Use

Thursday, August 17, 2017 -- 12:15 p.m. -- OBC Executive Conference Room

	Name	Phone or Email
1		
2		
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7		
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To: Legislative Operating Committee

From: Lisa Summers, Secretary 

Date: August 30, 2017

Re: Approval of Proposed Oneida Nation Seal and Flag Law - Rule 1

The purpose of this memorandum is to provide documentation of the approval of the above referenced proposed Rule in accordance with Section 106.11-1.(g) of the Administrative Rulemaking Law.

Background

On January 11, 2017, the Oneida Business Committee adopted the Oneida Seal and Flag Law, which designates the Oneida Nation Secretary as the authorized agency to create rules to govern the placement, maintenance and authorized use of the official Oneida Nation Seal.

The Oneida Nation Secretary is proposing Oneida Nation Seal and Flag Law - Rule 1 which provides additional requirements for the placement, maintenance, and authorized use of the official Oneida Nation Seal, which is reserved to authenticate official governmental documents and actions.

Section 106.11-1. of the Administrative Rulemaking Law states that the administrative record shall include, in part:

(g) Minutes from the authorized agency's meeting during which the proposed rule was considered as an agenda item, or, if the authorized agency is not a board, committee or commission, a memo from the authorized agency's highest level of management approving the proposed rule;

Approval of Proposed Oneida Nation Seal and Flag Law - Rule 1

I, Lisa Summers, Secretary of the Oneida Nation, have approved the Proposed Oneida Nation Seal and Flag Law - Rule 1. This memorandum serves as documentation to fulfill the requirements of Section 106.11-1.(g) of the Administrative Rulemaking Law

To: Legislative Operating Committee

From: Lisa Summers, Secretary 

Date: August 30, 2017

Re: Public Comments for Proposed Oneida Nation Seal and Flag Law - Rule 1

The purpose of this memorandum is to provide documentation of the Public Comments for the above referenced proposed Rule in accordance with Section 106.11-1.(h) of the Administrative Rulemaking Law.

Background

On January 11, 2017, the Oneida Business Committee adopted the Oneida Seal and Flag Law, which designates the Oneida Nation Secretary as the authorized agency to create rules to govern the placement, maintenance and authorized use of the official Oneida Nation Seal.

The Oneida Nation Secretary is proposing Oneida Nation Seal and Flag Law - Rule 1 which provides additional requirements for the placement, maintenance, and authorized use of the official Oneida Nation Seal, which is reserved to authenticate official governmental documents and actions.

Section 106.11-1. of the Administrative Rulemaking Law states that the administrative record shall include, in part:

(h) A memorandum provided by the authorized agency containing the public comments that were received, both orally and written, and the authorized agency's response to each comment;

Public Comments for Proposed Oneida Nation Seal and Flag Law - Rule 1

The Public Meeting was held on August 17, 2017. There were no attendees; no oral comments were received.

The deadline to submit written comments was August 24, 2017. No written comments were received.

September 2017

September 2017

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2017

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	Aug 27	28	29	30	31	Sep 1	2
Aug 27 - Sep 2							
	3	4	5	6	7	8	9
Sep 3 - 9			3:00pm 4:30pm LOC Prep (BC 3:00pm 4:30pm LOC Prep (BC 3:00pm 4:30pm LOC Prep (BC 3:00pm 4:00pm Canceled: LO	9:00am 3:00pm LOC (BC_Conf_Ro om) - LOC			
	10	11	12	13	14	15	16
Sep 10 - 16				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
	17	18	19	20	21	22	23
Sep 17 - 23	GTC Budget Mé	1:00pm 3:00pm LOC Prep (BC_Exec_Con f_Room) - LOC					
	24	25	26	27	28	29	30
Sep 24 - 30				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill			

October 2017

October 2017

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2017

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Oct 1 - 7	Oct 1	2	3 3:00pm 4:30pm LOC Prep (BC_Exec_Con 3:00pm 4:30pm LOC Prep (BC_Exec_Con 3:00pm 4:30pm LOC Prep (BC	4 9:00am 3:00pm LOC (BC_Conf_Ro om) - LOC	5	6	7
	8	9	10	11 8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)	12	13	14
Oct 8 - 14	15	16	17 3:00pm 4:30pm LOC Prep (BC_Conf_Ro 3:00pm 4:30pm LOC Prep (BC_Exec_Con 3:00pm 4:30pm LOC Prep (BC	18	19	20	21
	22	23	24	25 8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill	26	27	28
Oct 15 - 21	29	30	31 3:00pm 4:30pm LOC Prep (BC_Conf_Ro om) - LOC	Nov 1	2	3	4
Oct 22 - 28							
Oct 29 - Nov 4							