

NOTICE OF  
**PUBLIC MEETING**

TO BE HELD  
**Monday, June 04 at 09:00 a.m.**

IN THE  
**Ridgeview Plaza Conference Room  
(3759 W. Mason St Suite 4 Oneida WI, 54155)**

In accordance with the Administrative Rule Making Law, the Legal Resource Center is hosting this Public Meeting to gather feedback from the community regarding the following rule(s).

**TOPIC: Legal Resource Center Rule #  
1 - Applications for Services**

- ♦ **This is a proposal to adopt a process for application for services.**

To obtain copies of the Public Meeting documents for this proposal,  
please visit

**[www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings)**  
or contact the Legal Resource Center.

**PUBLIC COMMENT PERIOD  
OPEN UNTIL June 11, 2018**

During the Public Comment Period (public comments shall be limited to 5 minutes per person), 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 the Legal Resource Center in person at Ridgeview Plaza 3759 W. Mason Suite 6 Oneida WI 54155 or by U.S. mail, interoffice mail, e-mail, or fax.

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

- 1.1 Purpose and Delegation**
- 1.2 Adoption and Authority**
- 1.3 Definitions**
- 1.4 Eligibility**
- 1.5 Representation**
- 1.6 Fees and Costs**
- 1.7 No Results Promised**
- 1.8 Right to Discharge and Withdraw**

### **1.1. Purpose and Delegation**

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

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

### **1.2. Adoption and Authority**

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

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 This rule may be amended or repealed pursuant to the procedures set out in the Administrative Rulemaking law.

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

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

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

### **1.3. Definitions**

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

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

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

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

(d) “Nation” means the Oneida Nation.

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

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

#### **1.4. Eligibility**

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

#### **1.5. Representation**

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

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

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

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

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

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

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

#### **1.6. Fees and Costs**

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

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

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

*End.*

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Original effective date:

## **Summary Report for LEGAL RESOURCE CENTER Rule #1 – Applications for Service**

Original effective date: N/A

Amendment effective date: N/A

**Name of Rule:** Rule #1 – Application for Services

**Name of law being interpreted:** Chapter 811 LEGAL Resource Center

**Rule Number:** #1

**Other Laws or Rules that may be affected:** None

**Brief Summary of the proposed rule:** The proposed rule is to create a procedure for individuals to apply for services from the Legal Resource Center.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** This rule creates no anticipated fiscal impact.

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**Note:** *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*

### Financial Analysis for Legal Resource Center Rule # 1 – Applications for Services

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	There are no startup costs to this rule.	\$0.00
Personnel	There are no additional costs to personnel to implement this rule.	\$0.00
Office	There are no additional costs to Office to implement this rule.	\$0.00
Documentation Costs	There are no additional costs to Document Costs to implement this rule.	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Compliance will immediately start after the rule has been approved for the opening date of the LRC office on August 01, 2018.	\$0.00
Other, please explain		
Total	Annual Net Revenue	\$0.00



## Statement of Effect

### *Legal Resource Center Law Rule No. 1 – Application for Services*

#### *Summary*

Legal Resource Center Law Rule No. 1 – Application for Services creates a procedure for individuals to apply for services from the Legal Resource Center.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*

*Date: May 14, 2018*

#### *Analysis by the Legislative Reference Office*

The Legal Resource Center law (“the Law”) was adopted by the Oneida Business Committee by resolution BC-09-13-17-L for the purpose of establishing 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. [8 O.C. 811.1-1].

The Law delegates administrative rulemaking authority to the Legal Resource Center attorney for the purpose of promulgating a rule establishing how clients apply for the Legal Resource Center’s services. [8 O.C. 811.5-3(l)]. The Legal Resource Center attorney position currently remains vacant as there were no candidates on the ballot for the 2017 General Election or the 2017 Special Election. The Law allows for the Legal Resource Center advocates to assume the duty of promulgating the rule for establishing how clients apply for the Legal Resource Center’s services in the absence of an attorney. [8 O.C. 811.4-5].

The Legal Resource Center Law Rule No. 1 – Application for Services (“the Rule”) creates a procedure for individuals to apply for services from the Legal Resource Center. [see Rule section 1.1-1]. The Rule discusses the following:

- Eligibility requirements [see Rule section 1.4];
- When representation begins, and who may receive representation from the Legal Resource Center, and when representation can be declined [see Rule section 1.5]; and
- Fees and costs associated with representation with the Legal Resource Center [see Rule section 1.6].

The provisions of the Rule do not exceed the rulemaking authority granted under the law, as required by the Administrative Rulemaking law. [1 O.C. 106.4-1].

#### *Conclusion*

There are no legal bars to adopting the Legal Resource Center Law Rule No. 1 – Application for Services.