

APRIL 2005 CROW TRIBAL LEGISLATURE

BILL NO. CLB05-10

INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

A BILL FOR AN ACT ENTITLED:

“AN ACT TO AMEND THE CROW LAW AND ORDER CODE REGARDING ADMISSION TO PRACTICE BEFORE THE CROW TRIBAL COURT”

WHEREAS, the Crow Law and Order Code currently contains requirements for admission to practice before the Crow Tribal Court; and

WHEREAS, it is in the interest of the citizens of the Crow Nation to have access to legal counsel; and

WHEREAS, the proposed amendments will promote admission to practice before the Crow Tribal Court by qualified attorneys and advocates; and

WHEREAS, the proposed amendments will aid the Crow Tribal Court in regulating the practice of law before the Court; and

WHEREAS, the interests of the Crow Nation will be served by adoption of the following amendments to the Crow Law and Order Code;

NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Section 1. The Crow Law and Order Code is amended as follows:

CHAPTER 7. - ADMISSION TO PRACTICE BEFORE THE COURT.

3-7-701. General Requirements. (1) The Apsaalooke (Crow) Tribe has a legitimate interest in protecting prospective clients and insuring the quality of justice within the Tribe's governmental system particularly the Apsaalooke (Crow) Judicial System. Therefore, anyone wishing to represent a party to an action in the Tribal Court must meet the following minimum requirements:

1. Must be at least (18) years of age;
2. Must demonstrate his or her competency to represent clients as described in this chapter;
3. Must demonstrate his or her good character and fitness to represent clients as described in this chapter.

(2) The burden of proof is on the applicant seeking admission to the Tribal Court that he or she meets the requirements as described in this chapter, provided however that professional attorneys who have been admitted to practice in the Tribal Court or in the highest court of any of the fifty states shall be deemed to have fulfilled all of the above minimum requirements and are not required to submit affidavits of character and fitness or consent to a background or fingerprint check.

(3) Special admission for a case. Attorneys admitted to practice law in the highest court of any of the fifty states may be admitted to practice *pro hac vice* (for a particular case) upon satisfaction of other applicable requirements of this Chapter.

3-7-702. Competence Requirements. An applicant shall demonstrate their competency by successfully passing the Tribal Bar examination which shall be administered twice each year during the second week in January and the second week in July by the Appellate Court of the Apsaalooke (Crow) Tribe.

Persons admitted to practice before the Crow Tribal Court who are not licensed professional attorneys are called "advocates" and are governed by the rules of the Court including any rules of professional conduct adopted by the Court. All attorneys or Advocates admitted to practice before the Crow Tribal Court are officers of the Court who are obligated to endorse justice and the judicial system's effective operation. Attorneys and advocates have the ethical duty as officers of the court to inform judges of the truth and must be honest and candid at all times in their representations to and dealings with the Court in all matters, including information presented orally or in writing concerning their clients' cases. Intentional or negligent failure to meet this duty shall result in disbarment.

3-7-703. Character Requirements. An applicant who is not an attorney admitted to practice in the highest court of any of the fifty states shall demonstrate his or her good character and fitness to represent clients by:

1. Submitting supporting affidavits from two persons licensed to practice in the Tribal Court or in the highest court of any of the fifty states, not relatives or affiliated with the applicant in any business or professional relationship, familiar with their integrity, honesty, moral, character, judgment, courtesy and self reliance;
2. Consenting to a background information check and granting permission to contact other references requested by the Tribal Court; and,
3. Submitting to a fingerprint check if requested by the Tribal Court.

3-7-704. Application Process. (1) All applicants for regular or *pro hac vice* admission shall request and fill out an application for admission. The applicant shall submit his or her application for admission, together with affidavits and releases of information if required, the applicable fees and any other documentation required in one filing. Attorneys licensed to practice in the highest court of any of the fifty states, in addition to passing the Crow bar examination, shall complete an application for admission, provide proof of current licensure

and submit any necessary processing, admission or license fee required by the rules of the Court.

(2) The applicant shall respond to any additional requests from the Court within twenty (20) days, or within the amount of time granted by the Court.

(3) The Chief Judge shall grant or deny the application, or request additional information concerning the admission within thirty (30) days of receiving the request.

3-7-705. Denial of Admission. If an applicant is denied admission to the Court, he or she shall receive written notice of such denial including the reason for denial of admission. A request for review and any additional information the applicant wishes to have considered must be submitted within twenty (20) days of the date of the notice of reason for denial of admission. Any further action on the request for admission is solely at the discretion of the Court. The Chief Judge's denial of any person's admission to practice in the Tribal Court may be appealed to the Crow Court of Appeals.

3-7-706. Confidentiality. All information received by the Court in connection with an application for admission is confidential and will be released only upon written authorization of the applicant or by order of the Court.

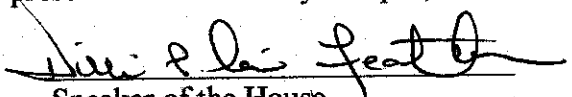
3-7-707. Fees. The processing and admission or license fees for new applicants shall be set by the Court. Persons admitted to practice other than for a particular case (*pro hac vice*) shall pay an annual fee set by the Court. Applicants for *pro hac vice* admission shall be required to pay the current annual fee. Failure to pay the annual fee upon notice from the Court shall result in removal from the register of persons admitted to practice. A person removed from the register of persons admitted for failure to pay the required annual fee shall reapply for admission or may request reinstatement by motion upon tender of any unpaid fees and completion of any other requirements of the Court. Persons removed from the register for any other reason shall be required to reapply for admission.

3-7-708. Rules of Professional Conduct. Lawyers and lay advocates admitted to practice in the Tribal Court shall be subject to and shall abide by rules of professional conduct promulgated by the Chief Justice of the Apsaalooke (Crow) Court of Appeals. The Chief Justice shall establish a three (3) member commission on practice consisting of two attorneys and one lay person to handle alleged violations by lawyers and lay advocates of the rules of professional conduct.

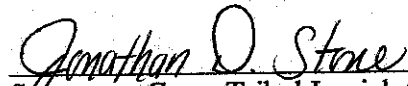
Section 2. Upon enactment of this Bill by the Crow Tribal Legislature and approval of the Chairman of the Executive Branch, the foregoing amendments are hereby adopted, with an immediate effective date.

CERTIFICATION

I hereby certify that this Bill, "AN ACT TO AMEND THE CROW LAW AND ORDER CODE REGARDING ADMISSION TO PRACTICE BEFORE THE CROW TRIBAL COURT", was duly enacted by the Crow Tribal Legislature with a vote of 17 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 13th day of April, 2005.


Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature

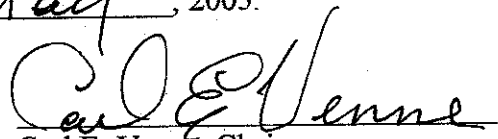
EXECUTIVE ACTION

I hereby

approve

veto this Bill:

"AN ACT TO AMEND THE CROW LAW AND ORDER CODE REGARDING ADMISSION TO PRACTICE BEFORE THE CROW TRIBAL COURT" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 2 day of May, 2005.


Carl E. Venné, Chairman
Crow Tribal Executive Branch

Current provisions of the Crow Law and Order Code regarding admission to practice:

CHAPTER VII - ADMISSION TO PRACTICE BEFORE THE COURT.

3-7-701. General Requirements. (1) The Apsaalooke (Crow) Tribe has a legitimate interest in protecting prospective clients and insuring the quality of justice within the Tribe's governmental system particularly the Apsaalooke (Crow) Judicial System. Therefore, anyone wishing to represent a party to an action in the Tribal Court must meet the following minimum requirements:

1. Must be at least (18) years of age;
2. Must demonstrate his or her competency to represent clients as described in this chapter;
3. Must demonstrate his or her good character and fitness to represent clients as described in this chapter.

(2) The burden of proof is on the applicant seeking admission to the Tribal Court that he or she meets the requirements as described in this chapter provided however that professional attorneys who have been admitted to practice in the Tribal Court prior to the passage and adoption of these requirements shall be deemed to have fulfilled all of the above minimum requirements.

(3) Special admission for a case. Attorneys admitted to practice law in any of the highest courts of the fifty (50) states may be admitted to practice on a pro hac vice basis provided however that the attorney shall associate an attorney who is a member of the Apsaalooke (Crow) Bar Association and who has been admitted to practice before the Apsaalooke (Crow) Tribal Court.

3-7-702. Competence Requirements. An applicant shall demonstrate their competency by:

1. Proof of admission to practice law and be in good standing in the highest Court of any state; or,
2. Successfully passing the Tribal Bar administered from time to time by the Appellate Court of the Apsaalooke (Crow) Tribe.

3-7-703. Character Requirements. An applicant shall demonstrate his or her good character and fitness to represent clients by:

1. Submitting supporting affidavits from two persons licensed to practice in the Tribal Court, not relatives, familiar with their integrity, honesty, moral, character, judgment, courtesy and self reliance;
2. Consenting to a background information check and granting permission to contact other references requested by the Tribal Court; and,
3. Submitting to a fingerprint check if requested by the Tribal Court.

3-7-704. Application Process. (1) The applicant shall request and fill out an application for admission. The applicant shall submit his or her application for admission, affidavits, releases of information, the application processing fee and any other documentation required in one filing.

(2) The applicant shall respond to any additional requests from the Court within twenty (20) days, or within the amount of time granted by the Court.

(3) The Chief Judge shall grant or deny the applications, or request additional information concerning the admission within thirty (30) days of receiving the request.

3-7-705. Denial of Admission. If an applicant is denied admission to the Court, he or she shall receive written notice of such denial including the reason for denial of admission. A request for review and any additional information the applicant wishes to have considered must be submitted within twenty (20) days of the date of the notice of reason for denial of admission. Any further action on the request for admission is solely at the discretion of the Court. The Chief Judge's denial of any person's admission to practice in the Tribal Court may be appealed to the Court of Appeals.

3-7-706. Confidentiality. All information received by the Court in connection with an application for admission is confidential and will be released only upon written authorization of the applicant or by order of the Court.

3-7-707. Fees. The processing, admission and Tribal Bar fees for new applicants shall be set by the Court. Persons admitted to practice shall pay an annual fee set by the Court.

3-7-708. Rules of Professional Conduct. Lawyers and lay advocates admitted to practice in the Tribal Court shall be subject to and shall abide by Rules of Professional Conduct promulgated by the Chief Justice of the Apsaalooke (Crow) Court of Appeals. The Chief Justice shall establish a five (5) member commission on practice consisting of three attorneys and two lay people to handle alleged violations by lawyers and lay advocates of the Rules of Professional Conduct.

Bill or Resolution Number CB05-10 Introduced by: Executive Date of Vote 2/14/05
 Representative

	Yes	No	Abstain
B. Cloud	<input checked="" type="checkbox"/>		
C. Goes Ahead	<input checked="" type="checkbox"/>		
O. Costa	<input checked="" type="checkbox"/>		
V. Crooked Arm	<input checked="" type="checkbox"/>		
R. Iron	<input checked="" type="checkbox"/>		
J. Stewart	<input checked="" type="checkbox"/>		
E. Fighter			
L. Costa	<input checked="" type="checkbox"/>		
L. Hogan	<input checked="" type="checkbox"/>		
D. Old Elk	<input checked="" type="checkbox"/>		
K. Real Bird	<input checked="" type="checkbox"/>		
E. Pease	<input checked="" type="checkbox"/>		
S. Medicine Horse	<input checked="" type="checkbox"/>		
L. Not Afraid	<input checked="" type="checkbox"/>		
P. Real Bird	<input checked="" type="checkbox"/>		
D. Wilson	<input checked="" type="checkbox"/>		
J. Stone	<input checked="" type="checkbox"/>		
<i>Secretary of the House</i>			
W. Plain Feather	<input checked="" type="checkbox"/>		
<i>Speaker of the House</i>			
Totals:	<u>17</u>	<u>0</u>	<u>0</u>

Results of Vote: Passed Not Passed Tabled Veto Override
 Signature of Officer: [Signature] Date: 2/14/05