

RESOLUTION NUMBER **TMBC1277-05-24** OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

- WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the Tribe, is an unincorporated Band acting under a revised Constitution and By-Laws approved by the Secretary of the Interior on June 16<sup>th</sup>, 1959 and amendments thereto approved; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and By-Laws empowers the Tribal Council with the authority to represent the Band and to negotiate with Federal, State, and Local Governments and with private persons; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and Bylaws requires a 30-day comment period prior to the adoption of any ordinances or amendments to the Tribal Code, whether proposed by resolution or otherwise. Adoption must occur through a roll call vote of the Tribal Council at a publicly held meeting; and
- WHEREAS, the Tribe is proposing revision to Title 2, Section 2.14 to provide for the adoption of revisions to how attorneys and advocates are licensed and to be consistent with the adoption of Article XIV of the Constitution; and
- WHEREAS, approved a 30-day comment period by the adoption of Resolution No. TMBC1046-03-24 for the proposed amendments and no comments were received; now

THEREFORE BE IT RESOLVED that the Tribe is approving revisions to the Turtle Mountain Band of Chippewa Indians Title 2, Section 2.14.

BE IT FURTHER RESOLVED that the Tribal Code will be codified accordingly to insert amendments to Title 2.

CERTIFICATION

I, the undersigned Tribal Secretary of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of **nine (9) members** of whom **six (6)** constituting a quorum were present at a meeting duly called, convened and held on the **30<sup>th</sup> day of May, 2024** that the foregoing resolution was adopted by an affirmative vote of **five (5) in favor** – Representatives Ron Trottier Sr., Blaine “Slugger” Davis, Craig Lunday, Jon Jon Keplin and Elmer Davis Jr.; three (3) absent- Representatives Kenneth Malaterre, Lynn Gourneau and Chad Counts; none (0) opposed; with the Tribal Chairman not voting.

  
Joleen A. Morin, Tribal Secretary 6/3/24

(  ) SIGNED INTO LAW/Dated this 4<sup>th</sup> day of June, 2024  
(  ) VETOED/Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

  
Jamie Azure, Tribal Chairman

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2.14.101 Qualifications to Admission

(a) No person may practice as an attorney before the Tribal Court or the Tribal Court of Appeals unless admitted to practice and enrolled as an attorney of the Tribal Court upon written application. Any attorney-at-law, who is a member in good standing of the bar of any state or federal court, shall be eligible for admission to practice before the Tribal Court.

(b) Any Indian of the reservation shall be admitted to practice **as an advocate** before the court upon application accompanied by proof satisfactory to the court:

(1) that he is at least twenty-one (21) years of age;

(2) that he is a person of good moral character and integrity;

(3) that he has successfully completed at least two (2) years of high school work or its equivalent;

(4) that he has never been convicted of a felony for which he has not received a pardon or restoration of civil rights;

(5) that he is not a member of the Tribal Council, an employee of the Tribe or of the United States.

(c) **The Judicial Board shall review applications for admission and issue or deny licenses based upon the criteria listed above. Such authority shall not infringe upon the Court’s authority enumerated herein.**

Prior Codifications

\*2.14.010 was formerly codified as 2.1401

2.14.020 Filing Fee

A filing fee of five dollars (\$5) shall accompany each application for admission to the bar which shall be set by the regulating body.

#### Prior Codifications

\*2.14.020 was formerly codified as 2.1402

#### 2.14.030 Oath upon Admission

As a condition to admission, each attorney shall take the following oath:

"I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States of America against all enemies, foreign and domestic; that I will faithfully discharge all duties incumbent on me as an attorney to the best of my abilities and understanding. So, help me God."

Each attorney, also shall agree, in writing, to represent indigent defendants in criminal cases upon assignment by the Court.

#### Prior Codifications

\*2.14.030 was formerly codified as 2.1403

#### 2.14.040 Attorney's Roll

A roll of attorneys admitted to practice before the Court shall be maintained by the Clerk of Court.

#### Prior Codifications

\*2.14.040 was formerly codified as 2.1404

#### 2.14.050 Disbarment

(a) The Tribal Court, ~~or~~ the Tribal Court of Appeals may disbar an attorney or advocate from practice before the Court, or impose suspension from practice for such time as the Court deems appropriate on any of the following grounds:

- (1) False swearing;
- (2) Conviction of a felony;
- (3) Disbarment by a federal or state court;
- (4) Conduct unbecoming an officer of the court;
- (5) Failure to act as counsel for a defendant upon assignment of the Court.

(b) The Judicial Board may disbar an advocate or attorney after complaint by a party with standing, and investigation, and a hearing.

Prior Codifications

\*2.14.050 was formerly codified as 2.1405

2.14.060 Prosecuting Attorneys and Defense Attorneys

(a) Any, indigent defendant who pleads “not guilty” to an offense, or combination of offenses, punishable by imprisonment ~~for six (6) months or more~~ and is unable to secure an attorney for his defense, shall be entitled to be represented by an attorney appointed by the Court from the Attorney’s roll.

(b) Where a defendant is represented by an attorney, the Court, in its discretion, may appoint a prosecuting attorney from the Attorney’s roll or outside the Attorney’s roll. The prosecuting attorney so appointed shall be compensated for his services at a rate equal to the fee or compensation paid to prosecutors by the county in which the Court sits.

Prior Codifications

\*2.14.060 was formerly codified as 2.1406

2.14.070 Council Members Shall Not Practice as Attorneys **or Advocates before the Turtle Mountain Court System**

No member of the Tribal Council shall practice before the Tribal Court or the Tribal Court of Appeals during his term of office.

Prior Codifications

\*2.14.070 was formerly codified as 2.1407