



FORT MCDOWELL YAVAPAI NATION TRIBAL COURTS
APPLICATION FOR ADMISSION TO PRACTICE

Name _____ DOB _____

Firm Name _____

Street _____

City & State _____ Zip Code: _____

Office Phone _____

Fax No. _____

Email Address _____

Residence Address _____

Residence Phone No. _____ Cell _____

Enrolled Tribal Member of: Name of Tribe _____

What is your % of Native American Blood? _____

Membership Number: _____

State Courts of Last Resort to which you are admitted to practice and date(s) of admission.

Are you engaged in the practice of the law? Yes No Bar No. _____

State the nature of your practice, whether by self, in partnership, giving the name of the firms or employers. _____

List firms or other entities with which you have been associated or employed as a lawyer:

Legal Education: Years Law School. _____ School _____

Year and Degree Received: _____ Graduate and Undergraduate Education:

School _____ Year and Degrees received _____

School _____ Year and Degrees received _____

1. Have you ever changed your name or been known by any name or surname other than those appearing on this application? Yes No (If so, give details on a separate sheet).

2. Have you ever been disciplined, disbarred, sanctioned, or suspended from practice before any court, tribal court, department, bureau, or commission of the United States, or of any State, Commonwealth, Territory, Possession, Tribal Court, or District of Columbia or have you received any public or private reprimands from any such entity pertaining to your conduct as a member of the bar? Yes No

3. Are there any disciplinary proceedings pending currently against you? Yes No

4. Have you ever been denied admission to the bar of this Court or the bar of any entity described above? Yes No

5. Have you ever been convicted of a crime (other than a civil traffic violation). Yes No

If you answered yes to any of the questions 1-5 above you must provide a detailed explanation on a separate sheet and attach any relevant documentation concerning your answer.

What type of experience do you have in representing a litigant in Tribal Court? _____

Years of experience as an Advocate in Tribal Court? _____

CERTIFICATION

I certify that I have read the foregoing questions and have answered them fully and frankly. The answers are complete and are true to my own knowledge.

Dated this _____ of _____ 20____.

(Applicant's Signature)

OATH OF ADMISSION

I, _____ do solemnly swear (or affirm) that as an attorney and as a counselor and officer of this Court I will conduct myself uprightly and according to law, abide by the Model Rules of Professional Responsibility and I will support the Constitution of the Fort McDowell Yavapai Nation and the Law and Order Code.

Dated this _____ of _____ 20____.

(Applicant's Signature)

Sec. 1-25. LEGAL COUNSEL

A.

Any person may represent himself in any civil or criminal action unless the judge presiding over that action determines that such person cannot adequately and competently protect his own interests.

B.

Any attorney licensed to practice law in any state or territory of the United States who is in good standing with the Bar of that jurisdiction at the time of initial appearance and at all times thereafter during the pendency of any cause in which he is counsel of record, may serve as legal counsel in any criminal proceeding before any court of the Fort McDowell Indian Community upon filing a notice of appearance in writing with the Clerk of the Court. If the Court determines that the civil rights of any person appearing before the Court in any proceeding before the Court pursuant to Chapter 11 of this Code include the right to have the assistance of a licensed attorney, or if Chapter 11 of this Code so requires or permits, the Court shall permit a licensed attorney to appear before the Court as legal counsel to represent that person. Attorneys shall not be permitted to appear as legal counsel in any civil action or proceeding except as provided in Chapter 11, section 11-27(g) as amended.

C.

Any Indian person who is not licensed to practice law in any state or territory of the United States, or in the Federal Court system, shall be permitted to practice before any court of the Fort McDowell Mohave-Apache Indian Community. The requirement of Indian heritage shall not apply to any person employed by a governmental department, agency, commission or other subordinate entity of the Council as a non-attorney advocate. Non-attorney advocates shall enter their appearance by filing an action or a notice of appearance in writing with the Clerk of the Court. Non-attorney advocates shall be held to the same standards of knowledge and ability as are expected of attorneys. A person who retains the services of a non-attorney advocate in his defense of a criminal charge against him thereby exercises his right to the assistance of counsel. Any person who retains the services of a non-attorney advocate does so at his own risk regarding the competence of the advocate.

D.

Any person who practices as legal counsel before any Court of the Fort McDowell Mohave-Apache Indian Community shall be required to have adequate knowledge of substantive and procedural tribal law as set forth in the Law and Order Code and Rules of Court to prosecute or defend their claims.

E.

All persons practicing as legal counsel in the Tribal Court shall conform to the standards of the Model Rules of Professional Conduct of the American Bar Association or such standards as may be established by tribal law or court rule in performance of their duties as legal counsel.

F.

The Chief Judge shall have the duty and authority to:

1. initiate or receive comments, inquiries, or complaints regarding the competence or professional conduct of any person serving as legal counsel in any action before any court of the Fort McDowell Mohave-Apache Indian Community.
2. develop, implement and conduct proceedings to determine whether there exists any factual basis to substantiate a complaint regarding the competence or professional conduct of any person serving as legal counsel in any action before any court of the Fort McDowell Mohave-Apache Indian Community.
3. impose an appropriate sanction (including, but not limited to, temporary suspension or permanent revocation of the privilege of practicing before the courts of the Fort McDowell Mohave-Apache Indian Community) against any person serving as legal counsel who the Chief Judge determines has failed to comply with any applicable rule or standard of ethics or professional conduct, or who is found not to have exhibited reasonable competence in the provision of services as legal counsel to his client. (Suspension or revocation of the privilege to practice as legal counsel before any court of the Fort McDowell Mohave-Apache Indian Community shall be by written order to the court, signed by the Chief Judge, stating with particularity the reasons(s) for such action.

G.

Any person adversely affected by the application of the provisions of this section may petition the Fort McDowell Tribal Court of Appeals for review of the action. Such person shall file a memorandum of points and authorities, which shall address only those issues contained in the Order of the Chief Judge issued pursuant to subsection F(3) of this section. After consideration of the Order, pertinent court records, and the memorandum of points and authorities, the Court of Appeals shall affirm, modify or vacate such order.

H.

In the event that an attorney or advocate is held in contempt before any Court of the Fort McDowell Mohave-Apache Indian Community, the tribal judge or Court commissioner may levy a penalty for said contempt not to exceed the sum of Five Hundred Dollars (\$500); and that tribal judge or court commissioner may recommend that the Chief Judge suspend or revoke the privilege to practice before any tribal court. If an attorney or advocate fails to pay a fine for contempt within a reasonable time after exhausting all available appeals or administrative remedies, the Chief Judge shall permanently revoke the privilege of such attorney or advocate to practice before any court of the Fort McDowell Mohave-Apache Indian Community.