

Rules for Admission to Practice In the Courts of the Ho-Chunk Nation

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PURPOSE

The Judiciary Branch of the Ho-Chunk Nation has legitimate interests in protecting prospective clients and in the quality of justice within this Nation's system of government. Furthermore, pursuant to ART. VII, §7 of the CONSTITUTION OF THE HO-CHUNK NATION, the Supreme Court is charged with establishing written rules regarding qualifications to practice before the Ho-Chunk Courts. Accordingly, these Rules of Admission to Practice impose requirements on anyone seeking to represent clients in the courts of the Ho-Chunk Nation.

RULE I GENERAL REQUIREMENTS

Part A.

An applicant who meets the qualifications described below shall be admitted to practice in the Courts:

1. At least eighteen (18) years of age;
2. Demonstrates their competency to represent clients as described in Rule II;
3. Demonstrates their good character and fitness to represent clients as described in Rule III; and
4. Takes the oath prescribed in Rule IX.

The burden of proof is on the applicant to establish that they meet the requirements for admission. Refusal to furnish available information or answer questions relating to the qualifications is a sufficient reason to deny the application for admission to practice.

Part B.

Justices of the Supreme Court elected to their position and Judges of the Trial Court appointed by the Legislature shall be eligible for special admission to practice before the Courts of the Ho-Chunk Nation. This special admission shall be limited to the duration of their elected or appointed term and expires upon their resignation, removal or recall from office.

RULE II. COMPETENCE REQUIREMENTS

An applicant shall demonstrate their competency by:

1. Proof of admission to practice law and be in good standing in any state of U.S. territory, and passage of the Ho-Chunk Professional Responsibility Exam; or
2. Proof of satisfactorily completing a course for lay advocates sponsored by or certified by the Wisconsin Tribal Judges Association and passage of the Ho-Chunk Professional Responsibility Exam; or

3. Proof of satisfactorily completing a degree program in the Indian justice systems or lay advocacy which has at least forty-two (42) semester credits of course work including substantive and procedural law and skills development, and passage of the Ho-Chunk Professional Responsibility Exam; or
4. Submission of proof of admission to practice lay advocacy before a tribal Court of a federally recognized tribe, which extends a similar admission to practice to Ho-Chunk advocates and passage of the Ho-Chunk Professional Responsibility Exam; or
5. Being a Ho-Chunk Tribal Member selected as a spokesperson to represent a Ho-Chunk party for the purpose of that action only. For persons under this section, an oral application on the date of the appearance is sufficient;
6. Law students may appear as advocates in some cases. The requirements are:
 - a. Student must attend an ABA accredited law school and be in good standing;
 - b. Student must have completed at least one academic year of credits;
 - c. Student must be supervised by an attorney;
 - d. Student must be certified to the above requirements by the Dean of the student's law school.

RULE III. CHARACTER REQUIREMENTS

An applicant shall demonstrate their good character and fitness to represent clients by:

1. Submitting supporting affidavits from two people familiar with their integrity, honesty, moral character, judgment, courtesy and self-reliance;
2. Providing background information and permission to contact other references as requested by the Court;
3. Submitting to a fingerprint check if requested by the Court;
4. Submitting Ho-Chunk identification number if requested by the Court for verification pursuant to Rule 11, §5. Ho-Chunk spokespersons are not required to comply with Parts 1 through 3 of this section.

Any applicant who knowingly makes a false statement or fails to disclose a fact necessary to correct a mistaken understanding by the Court in connection with their application shall not be admitted to practice.

An applicant who is not in good standing or who has been suspended from practice in another jurisdiction may be refused admission.

RULE IV. APPLICATION PROCESS

The applicant shall submit their request for admission to practice, affidavits, releases of information, the application processing fee, telephone numbers,

and home and any business address in one filing. Failure to submit this documentation will result in no action taken on the request for admission. The applicant shall respond to any additional requests from the Court within twenty (20) days, or else within the time allowed by the Court.

The Court will grant or deny the application or request additional information concerning the admission within thirty (30) days of receiving the request.

For persons under Rule II, §5, an oral application on the date of the appearance is sufficient.

RULE V. ADVERSE DECISION

An applicant who is denied admission to practice will receive a written notice of the reason for denial. 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 the reason for the denial.

Any personal interviews of the applicant or others in connection with an evaluation of the request for review of a denial is solely within the Court's discretion.

There is no further appeal.

RULE VI. WAIVER OF REQUIREMENTS

The Court, in its discretion, may waive any requirements in these rules, except those of Rules II and III, for good cause and where to do otherwise would be unjust.

RULE VII. 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 this Court.

RULE VIII. FEES

The processing and admission fee is fifty dollars (\$50.00US) and is nonrefundable. Except that,

1. For persons under Rule II, §5, the admission fee will be waived.
2. For persons under Rule II, §6, the admission fee will be ten dollars (\$10.00 US).

Each applicant or person admitted to practice before the Ho-Chunk Nation Courts will be required to renew admission to practice on an annual basis. The renewal of admission to practice requires a fee of fifty dollars (\$50.00 US) to be paid to the Court and the submissions of an updated Attorney Data Form, if any information has changed.

RULE IX. OATH

The oath or affirmation to be taken to qualify for admission to practice before the Courts of the Ho-Chunk Nation shall be in substantially the form shown below. It may be submitted in writing, containing the signatures of the applicant and two witnesses or it may be a spoken oath before any Judge or Justice of the Ho-Chunk Nation.

I do solemnly swear:

I am familiar with and will support the Constitution and laws of the Ho-Chunk Nation.

I will maintain the respect due to the Courts and Judicial Officers and consent to the Court's jurisdiction, including the jurisdiction to sanction attorneys.

I will not counsel or maintain any suit or proceeding, which shall appear to me to be unjust or present any defense except, as I believe to be honestly debatable under the laws of Nation and the United States of America.

I will employ for the purpose of maintaining the causes confided to me, such means only as are consistent with truth and honor, and will never seek to mislead the Courts by any artifice or false statement.

I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with my clients business except from my client or with my client's knowledge and approval.

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the case with which I am charged.

I will never reject from any consideration personal to myself the cause of the defenseless or oppressed, or delay any person's cause for personal or financial gain or animosity.

I agree to accept appointments from the Courts to represent low-income clients without charging a fee for the representation. I understand this obligation will not exceed ten (10) hours per year.

Oath will be waived for Ho-Chunk spokesperson pursuant to Rule II, §5.

RULE X.

SUSPENSION OR DISBAREMENT

Any party licensed to practice who violates their oath or demonstrates misconduct will lose their privilege to practice in the Ho-Chunk Courts. The length and severity of the loss of privilege will be invoked at the discretion of the Court.

For persons under Rule II, §5, the administration of the Oath will be waived.

Admission Adopted 2/23/1996
Revised 9/10/2016
By the Supreme Court of the Ho Chunk Nation

Revised this tenth day of September, 2016.