

INSTRUCTIONS FOR PETITION FOR ADMINISTRATIVE REVIEW

(Not for Use with Employee Grievances)

These instructions are only intended to provide information on how to fill out this form. It is not intended to substitute legal advice. There may be additional documents and procedures for your particular type of civil action. If you have any legal questions regarding the specific facts of your case, please consult with your attorney.

For other questions, you may contact the Trial Court at (715) 284-2722. In addition, copies of the applicable law can be found on the Nation's website located at <https://ho-chunknation.com/government/legislative-branch/ho-chunk-nation-laws/> or by contacting the Ho-Chunk Nation Legislature at (715) 284-9343 or (800) 294-9343.

Do not include these instruction sheets when you file the completed form.

Petition:

A petition is an initial pleading that starts an action and states the basis for the court's jurisdiction, the basis for the petitioner's claim, and the demand for relief.

The petitioner is the party who brings the action to court - the person who fills out the petition.

The respondent is the party being sued in the action - the person who the petition is brought against.

Instructions:

- **Page 1, Lines 3-6:** Enter your full, legal name on the petitioner line. There can be more than one petitioner. Enter in the respondent's full, legal name on the respondent line. There can be more than one respondent. The respondent is the official or employee being sued. Indicate whether the official or employee is being sued in their individual, or in their official capacity. You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Lines 12-17:** State the specific reasons why the administrative decision is defective. The basis for review is a factual situation that entitles an individual to obtain a remedy in court.
- **Page 1, Lines 19-28:** Enter the applicable information as it relates to the petitioner.
- **Page 2, Lines 1-13:** Enter the applicable information as it relates to the respondent.
- **Page 2, Lines 14-25:** Provide a summary of the incident and circumstances resulting in this action. You may use additional paper to provide a summary of the incident and circumstances if necessary.
- **Page 3, Lines 1-11:** Jurisdiction is the court's power to exercise authority over all persons and things within its territory and to hear and decide a case or issue in dispute. The petitioner must show that the Ho-Chunk Nation Trial Court has jurisdiction over the action and the parties in the action. State the specific law or laws that relate to your

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action and give the Ho-Chunk Nation Trial Court authority to hear and determine your action.

- **Page 3, Lines 13-26:** The procedural history is the disposition of the case at the administrative level that explains how the case got to the Court. Provide a summary of the procedural history at the administrative level i.e. provide a history and timeline of key events, case filings, and decisions. You may use additional paper to provide a summary of the procedural history if necessary.
- **Page 4, Lines 1-10:** A request for relief is a request for a determination of the rights and liabilities of one or more parties in an action that a legal authority allows the court to decide by a judgment. In simpler terms, a request for relief is what you are asking the court to do with your case, i.e. what do you want to occur in your case. State what you want the Ho-Chunk Nation Trial Court to do. Explain the requests fully.
- **Page 4, Lines 12-16:** Check the corresponding box for the documents that you are including with the petition.
- **Page 4, Line 16-17:** State the number of additional pages that are being filed with the petition, if any.
- **Page 4, Lines 18-22:** The prayer for relief is a request addressed to the court and appearing at the end of a pleading; it is a request for specific relief or damages.
- **Page 5, Lines 1-12:** Read the statement that precedes your signature. By signing the petition, you are signaling to the Court that you agree with this statement. If you are self-represented, you must date and sign the document. If you are represented by a lawyer, the lawyer must date and sign the document.

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**IN THE
HO-CHUNK NATION TRIAL COURT**

**PETITION FOR ADMINISTRATIVE
REVIEW**

Case No.: CV __ - __

_____,
Petitioner,
v.
_____,
Respondent(s),
-and-
Ho-Chunk Nation,
Respondent.

I. BASIS FOR REVIEW

The petitioner in the above-captioned case files this action requesting a judicial review of the administrative decision, which the petitioner regards as defective for the following specific reasons: _____

Attach additional sheets if necessary.

The following information relates to the **PETITIONER**:

PETITIONER'S INFORMATION

1. Name: _____
2. Maiden name (if applicable): _____
3. Address: _____
(state physical address also if P.O. Box is listed)

City State Zip Code
4. Phone: (_____) _____ (_____) _____
Home Work
5. Facsimile Number (if available): (_____) _____
6. E-mail address: _____
7. Occupation: _____
Place of employment: _____
8. Ho-Chunk Nation Tribal ID No.: _____

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IV. REQUEST FOR RELIEF

V. REQUIRED ATTACHMENTS *(check the corresponding boxes)*

- Final Administrative Decision
- Other *(list documents)*: _____

NUMBER OF ADDITIONAL PAGES USED: _____

PRAYER FOR RELIEF:

For the reasons stated above and according to the attached documentation, the petitioner requests that the Court enter a Judgment against the respondent and grant the relief sought by the petitioner.

1 By affixing my signature below, I swear that I have provided the above information in
2 good faith and with the belief that each statement represents a true and accurate account of the
3 facts based upon adequate research and investigation. I recognize that the Ho-Chunk Nation
4 Judiciary may impose sanctions if it determines that I have made statements in bad faith,
5 including intentional misstatements or statements made upon inadequate research or
6 investigation. I also recognize that the foregoing admonition extends to include the omission of
7 material facts or law, which I knew, or should have reasonably known, would impact or prove
8 relevant to the action. I file this petition of my own free will and absent threats, intimidation or
9 coercion of any kind. I understand that any decision reached by the Ho-Chunk Nation Trial
10 Court is binding and that if I disagree with the findings or conclusions or remedies of the Trial
11 Court, I may file an appeal with the Ho-Chunk Nation Supreme Court. I further acknowledge
12 that since I am submitting myself to the jurisdiction of the Ho-Chunk Nation Judiciary, I am
13 subject to its determinations, including those relating to contempt of court.

14 **RESPECTFULLY SUBMITTED BY PETITIONER,**

15 Signature: _____

16 Date: _____

17
18 _____
19 Name of Counsel/Lay Advocate (if any)

20 _____
21 Signature of Counsel

22 Mailing address of counsel: _____

23 E-mail address of counsel: _____

24 Telephone number of counsel: _____

25 Facsimile number of counsel: _____

26 Ho-Chunk Bar number of counsel: _____

27 If not a member of the Ho-Chunk bar, a *Motion to Appear Pro Hac Vice* has been attached in
28 accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B), and/or I have
applied for membership in the Ho-Chunk Nation bar in accordance with the *Ho-Chunk Nation
Rules for Admission to Practice*.