

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 32

ATTORNEYS

S. W. S. T. CODE
 Amendment
 New Adoption
Judicial Approved

Council Adopted

32-01-01 QUALIFICATIONS FOR ADMISSION

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. Any member of the Tribe shall be admitted to practice before the Court, upon the application accompanied by proof, satisfactory to the Court:

1. That he is at least twenty-one (21) years of age;
2. That he has been an eligible voter of the Reservation for at least one (1) year next preceding his application;
3. That he is a person of good moral character and integrity;
4. That he has successfully completed at least two (2) years of high school work or its equivalent;
5. That he has never been convicted of a felony for which he has not received a pardon or restoration of civil rights.

32-01-02 Any person not meeting the above cited conditions may seek a waiver from the Judicial Committee. The Judicial Committee shall examine the facts and circumstances and shall grant a waiver of any of the cited conditions if it deems that the best interest of justice are served.

32-02-01 FILING FEE

A filing fee of five dollars (\$5.00) shall accompany each application for admission to the bar.

32-03-01 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 AND THAT I WILL FAITHFULLY DEPORT MYSELF AS AN ATTORNEY AND OFFICER OF THIS COURT RIGHTEOUSLY AND ACCORDING TO THE LAW WITH ALL GOOD FIDELITY AS WELL AS TO THE COURT, AND TO MY CLIENTS, SO HELP ME GOD."

32-04-01 ATTORNEY'S ROLL

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

32-05-01 DISBARMENT

The Tribal Court or the Tribal Court of Appeals may disbar an attorney from practice before the Courts, or impose suspension from practice for such time as the Court deems appropriate on any of 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; and
5. Failure to act as counsel for a defendant upon assignment by the Court.

32-06-01 PROSECUTION ATTORNEYS AND DEFENSE ATTORNEYS

Any indigent defendant who pleads "not guilty" to an offense, or combination of offenses, punishable by imprisonment for less than six (6) months, is guaranteed the right to hire a lawyer "at his own expense."

32-06-02 Where a defendant is represented by an attorney the Court in its discretion may appoint a prosecuting attorney, who so appointed shall be compensated from the Court fund.

32-07-01 PROSECUTING ATTORNEYS

The Sisseton-Wahpeton Sioux Tribal Council has authority to authorize the Chief Judge of the Tribal Court to retain a prosecuting attorney when needed for proceedings before the Sisseton-Wahpeton Sioux Tribal Court.

32-08-01 SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.



Sisseton - Wahpeton Sioux Tribe

LAKE TRAVERSE RESERVATION

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TRIBAL COUNCIL RESOLUTION NO. SWST-98-074

Tribal Court Fee Schedule

- WHEREAS,** The Sisseton-Wahpeton Sioux Tribe is organized under a Constitution and By-Laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966; and,
- WHEREAS,** The Constitution and By-Laws ARTICLE VII, Section 1, that the Tribe shall be governed by the Tribal Council, and that the Tribal Council shall have the power to: (a) represent the Tribe in all negotiations with federal, state, and local governments; (c) to engage in any business that will further the economic development of the Tribe and its members and to use tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (g) to take actions by ordinance, resolution or otherwise which are reasonably necessary, through committees, boards, agents, or otherwise, to carry into effect the foregoing purposes; (h) to promote public health, education, charity and other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe; and, (i) to adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of the Tribal Affairs; and,
- WHEREAS,** The Constitution and By-Laws governing the Tribe authorize the Tribal Council to enact criminal and civil laws governing the conduct of tribal members and other persons within the jurisdiction of the Tribe; and,
- WHEREAS,** The Tribal Council has previously, through the enactment of Chapter 21 of the Sisseton-Wahpeton Sioux Tribe Code, created a Tribal Court of Law in accordance with Article III, Section 5(d) of the Tribe's Constitution to make available a forum for the resolution of disputes that arise within the Tribe's jurisdiction; and,
- WHEREAS,** The Tribe Council, through the enactment of Rule 2(f) of Chapter 21 and Chapter 33-06-02 of the SWST Code, has set the filing fees for civil cases in the amount of twenty five dollars (\$25.00) and has also the fee for attorneys to be admitted to practice before the Tribal Court as five dollars (\$5.00) as provided for at Chapter 32-02-01 of the Tribe Code; and,

Tribal Court Fee Schedule

WHEREAS, The Tribal Court, through its Chief Judge, has proposed a fee schedule to the Council for the collection of fees for the processing of civil and criminal cases in the Tribal Court as has also proposed an annual fee for attorneys and lay advocates to practice before the Tribal Court; and,

WHEREAS, The fees proposed by the Court will assist the Court in dealing with the increased caseloads that it faces as the results of the increasing numbers of cases that are filed with the Court and will also permit the Court to get reimbursed for the service of process expenses it incurs for serving notice for private parties in civil cases; and,

WHEREAS, The fee for membership in the Tribal bar, five dollars (\$5.00) is very low compared to other tribal courts and that a more reasonable fee is called for in light of the benefits attorneys gain from being able to practice law before the Tribal court; and,

WHEREAS, The proposed fee schedule has been reviewed by the Tribal Judicial Committee which said Committee supports the adoption of the fee schedule to be implemented upon passage of this resolution.

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Council of the Sisseton-Wahpeton Sioux Tribe hereby does amend Chapter 32-02-01 of the Sisseton-Wahpeton Sioux Tribal Code as follows:

32-02-01 Filing Fee: A filing fee of one hundred dollars (\$100.00) for licensed attorneys and twenty dollars (\$20) for non-attorney tribal members shall accompany each application for admission to the Bar. Upon an attorney's admission to the Bar, he shall be required to pay as an annual practice fee the amount of \$100.00 to the Tribal Court on or before the 1st day of January of each year commencing 1999.

FURTHER BE IT RESOLVED, That the Tribal Council of the Sisseton-Wahpeton Sioux Tribe does hereby repeal Chapter 33-06-02 of the Tribal Code dealing with filing fees and does further amend Rule 2(f) of the Rules of Civil Procedure containing in Chapter 21-14-02 of the Sisseton-Wahpeton Sioux Tribe Code as follows:

21-14-02 Rule 2(f): An action shall be commenced by filing a complaint or petition with the Clerk of Courts. The Clerk shall collect a filing fee of twenty-five dollars (\$25.00) and a service



fee of five dollars (\$5.00) for filing any complaint or petition which commences an action. No filing fee shall be charged a tribal entity nor shall a fee be charged for amendments to a previously filed complaint, or the filing of other pleadings or documents contemplated by the Rules except the Tribal Court may charge reasonable fees under a fee schedule approved by the Tribal Court, for the issuance of orders or the performance of other duties for the public. Filings may be accomplished in person or by mailing to Clerk, Sisseton-Wahpeton Sioux Tribal Court, P.O. Box 568, Agency Village, South Dakota 57262; and,

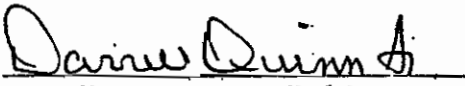
FINALLY, BE IT RESOLVED, That the attached fees submitted by the Tribal Court and approved by the Judicial Committee are hereby approved and can be implemented by the Tribal Court.

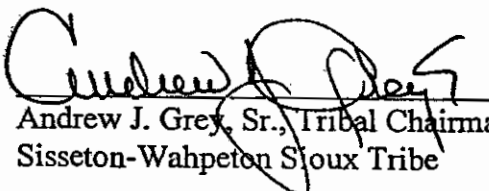
CERTIFICATION

We, the undersigned duly elected Chairman and Secretary of the Sisseton-Wahpeton Sioux Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council, which is composed of 10 members, (representing a total of 15 Tribal Council weighted votes) of whom 10 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, June 10, 1998 by a vote of 15 for, 0 opposed, 0 abstained, 0 absent from vote, 3 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 10th of June, 1998.

ATTEST:


Darrell Quinn, Sr., Tribal Secretary
Sisseton-Wahpeton Sioux Tribe


Andrew J. Grey, Sr., Tribal Chairman
Sisseton-Wahpeton Sioux Tribe

Original Copy to Tribal Court
cc: Judicial

