

**TRIBAL COURT ORDINANCE
KLAMATH TRIBAL CODE
Title 2 Chapter 11**

PRACTICE BEFORE THE KLAMATH TRIBAL COURTS

11.34 Representation Before the Klamath Tribal Courts.

(a) Except as otherwise limited by the Klamath Tribal Code, any person may represent himself or herself before the Tribal Courts or may be represented by a counsel at his or her own expense, subject to the provisions of Subsection (b) of this Section.

(b) No person may practice before the Klamath Tribal Courts without first having been admitted to the Klamath Tribal Bar.

(c) No Tribal Court employee, including but not limited to Clerks of the Court, Tribal Court Administrator, prosecutor, bailiff, and probation officers, shall be allowed while employed in such positions to represent any party before the Tribal Courts or to accept compensation for giving legal advice to parties before the Tribal Courts; *provided* that this Subsection shall not be construed to prohibit the prosecutor from representing the Klamath Tribes in criminal actions brought to enforce Klamath Tribal Law.

(d) No Tribal Council member or officer shall be allowed to serve as counsel to a party before the Tribal Courts while sitting on the Tribal Council.

11.35 Authority to Practice Before the Klamath Tribal Courts.

(a) In order to practice before the Tribal Courts, every attorney must:

(1) apply for a license and obtain membership in the Klamath Tribal Bar and be:

(A) an attorney in good standing, licensed by and an active member of the State Bar of Oregon; or

(B) an attorney in good standing, licensed by and an active member of any other state bar association, who passes the Klamath Tribal Bar examination; or

(2) in the discretion of the Court, be permitted to make a special appearance and practice before the Tribal Courts only in a particular case upon making a motion to the Judge having jurisdiction over the case.

(b) In order to practice before the Klamath Tribal Courts, every lay advocate who is not an attorney must apply for a license, obtain membership in the Klamath Tribal Bar, and pass the Klamath Tribal Bar examination.

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(c) A licensed lay advocate shall be permitted to practice before the Tribal Courts in criminal matters only when the defendant has knowingly waived his or her right to counsel.

(d) Every applicant for a license must submit a sworn statement signed by the applicant that he or she:

(1) has read and is familiar with this Ordinance and any rules of court pertaining to attorney and lay advocate conduct and will abide by the provisions thereof;

(2) has read and is familiar with the Oregon Code of Professional Responsibility and will abide by the provisions thereof to the extent that such Code is not inconsistent with Klamath Tribal Law;

(3) submits to the jurisdiction of the Klamath Tribal Court for disciplinary purposes; and

(4) has not been disciplined by the Tribal Courts or the courts of any jurisdiction within the past five (5) years.

(e) No person meeting the requirements of this Section shall be authorized to practice before the Tribal Courts until the applicant has been authorized to do so by order of the Chief Judge of the Klamath Tribal Court. A copy of the order authorizing the practice of law shall be filed in the records of the Klamath Tribal Court.

(f) Law students who are certified under the following provisions will be permitted to practice on Klamath Tribal Lands and before the Tribal Courts for a specified time. In order to make an appearance pursuant to this Subsection, the law student must:

(1) be duly enrolled in a law school approved and accredited by the American Bar Association, be supervised by an attorney who is a member of the Klamath Tribal Bar, and be authorized by the Klamath Tribal Court to make appearances;

(2) have successfully completed legal studies amounting to at least three (3) semesters, or the equivalent if the school is on some basis other than a semester basis;

(3) be certified by the dean of the law school as being of good character and competent legal ability, and as being adequately trained to perform as legal intern including instruction in civil, criminal, and courtroom procedure;

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(4) neither ask for nor receive any compensation or remuneration of any kind for his or her services from the person on whose behalf he or she renders services, but this shall not prevent an attorney, legal aid bureau, law school, public defender agency, or the Klamath Tribes from paying compensation to the eligible law student;

(5) certify in writing that he or she has read and is familiar with this Ordinance and any rules of court pertaining to attorney and lay advocate conduct, and will abide by the provisions thereof;

(6) certify in writing that he or she has read and is familiar with the Oregon Code of Professional Responsibility and will abide by the provisions thereof to the extent that such Code is not inconsistent with Klamath Tribal Law; and

(7) submits to the jurisdiction of the Klamath Tribal Court for disciplinary purposes.

11.36 Licensing.

(a) The fee for an initial license to practice before the Tribal Courts shall be fifty dollars (\$50.00) for attorneys and twenty-five dollars (\$25.00) for lay advocates or such other fees established by the Chief Judge from time to time by rule of court.

(b) All licenses to practice before the Tribal Courts must be renewed annually on or before February 1 of each year by completing the license renewal forms established by the Klamath Tribal Court and paying fifty dollars (\$50.00) for attorneys and twenty-five dollars (\$25.00) for lay advocates or such other fees established by the Chief Judge from time to time by rule of court. Expired licenses may not be renewed, and such applicants must apply for and meet all the requirements for a new license to practice before the Tribal Courts.

(c) The Chief Judge of the Tribal Court shall establish standards and procedures for the licensing of attorneys and lay advocates and shall make the final decision as to the granting of each license.

(d) A Roll of Counsel, listing the names of all counsel currently licensed or certified to practice before the Tribal Courts, shall be used by the Tribal Courts to determine if a particular counsel is authorized to appear before the Courts.

(e) Any applicant denied a license to practice before the Tribal Courts may appeal to the Klamath Supreme Court in accordance with the Klamath Rules of Appellate Procedure.

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11.37 Klamath Tribal Bar Examination.

(a) The Chief Judge, in consultation with an attorney who is a member in good standing of the Klamath Tribal Bar, shall develop and oversee the administration of the Klamath Tribal Bar examination, which shall be a minimum standards test that will require an applicant to demonstrate an adequate, general working knowledge of Klamath Tribal Law, federal Indian law, and rules of the court.

(b) The fee for all applicants taking the Klamath Tribal Bar examination shall be fifty dollars (\$50.00) or such other fee established by the Chief Judge from time to time by rule of court.

11.38 Discipline of Counsel Licensed to Practice Before the Klamath Tribal Courts.

(a) Upon the receipt by the Chief Judge of a verified complaint alleging that a counsel has acted unethically, or improperly, or violated a rule of court relating to the standards of conduct and professional responsibility, or alleging that there are reasonable grounds to believe that any counsel authorized to practice before the Tribal Courts has been disbarred, suspended from practice, or disciplined relating to his or her practice of law in any other jurisdiction, such counsel shall immediately be served with notice that he or she will be suspended from the practice of law in the Tribal Courts unless he or she appears in the Klamath Tribal Court before the Chief Judge within ten (10) days of receipt of the notice and shows cause why he or she should not be suspended.

(b) Any Judge who finds a counsel in contempt of Court may, in addition to imposing any other sanctions provided by this Ordinance, order the counsel to appear as in Subsection (a), above.

(c) Any counsel who is ordered to appear pursuant to this Section may be requested to provide an accounting of monies received and expended on behalf of the client and to justify the accounting.

(d) Any counsel who is ordered to appear pursuant to this Section shall be afforded a full and fair hearing, with the rights to confront his or he accuser, to present evidence, and to subpoena and call witnesses. If after the hearing the Chief Judge finds on the basis of the evidence that counsel is guilty of misconduct which requires the imposition of disciplinary action, he or she may:

(1) verbally censure counsel;

(2) issue a written reprimand to counsel, which shall be recorded on the Roll of Counsel maintained by the Clerk of the Court;

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(3) suspend counsel for a specific period of time from practicing before the Tribal Courts;

(4) suspend counsel for an indefinite period of time, setting a date for review of the matter to determine the necessity of continued suspension; or

(5) disbar counsel permanently from practicing before the Tribal Courts.

(e) Any final order sanctioning counsel may be appealed to the Klamath Supreme Court in accordance with the Klamath Rules of Appellate Procedure.