

For Office Use:

Name of Applicant: _____

Application No.: _____

RULES FOR ADMISSION TO PRACTICE BEFORE THE TRIAL COURT AND SUPREME COURT AND APPLICATION FOR ADMISSION

CHEYENNE AND ARAPAHO TRIBAL BAR ASSOCIATION

JUDICIAL BRANCH

TRIAL COURT OF THE CHEYENNE AND ARAPAHO TRIBES

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CHEYENNE & ARAPAHO TRIBES
OF OKLAHOMA
FILED AUG 10 2022

IN THE SUPREME COURT

DOCKET _____ PAGE _____
FILM _____ IMAGE _____
Debra J. ... COURT CLERK
DEPUTY

**In the Supreme Court
of the Cheyenne & Arapaho Tribes**

CONCHO, OKLAHOMA

IN RE: Rules for Admission to Practice)
Before the Trial Court and Supreme) No. SC-AD-2022-06
Court of the Cheyenne and Arapaho Tribes.)

ORDER

PER CURIAM.

This Court promulgates the attached *Rules for Admission to Practice Before the Trial Court and Supreme Court of the Cheyenne and Arapaho Tribes* pursuant to its authority to regulate the admission to practice before Cheyenne and Arapaho courts. This Order, and the attached Rules, supersedes all previous Orders and Rules for Admission to Practice and all previous Bar Association Rules. These Rules shall be effective immediately.

IT IS SO ORDERED.

Enid K. Boles

Acting Chief Justice Enid K. Boles (for the Court)

CHEYENNE & ARAPAHO TRIBES
OF OKLAHOMA
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DEPUTY

**RULES FOR ADMISSION TO PRACTICE
BEFORE THE TRIAL COURT AND SUPREME COURT
OF THE CHEYENNE AND ARAPAHO TRIBES**

ARTICLE I. AUTHORITY

Rule 1. The Supreme Court herein exercises its inherent and constitutional authority to regulate admission to the practice of law before Cheyenne and Arapaho Courts.

ARTICLE II. ADMISSION TO THE BAR

Rule 2. ROLL OF ATTORNEYS. Only members of the Cheyenne and Arapaho Bar Association and attorneys admitted for a particular case pursuant to Rules 5 or 6 may practice law in the Cheyenne and Arapaho Trial Court and Supreme Court. The Cheyenne and Arapaho Bar Association shall consist of those attorneys heretofore and hereafter admitted to practice by the Supreme Court who have taken the oath prescribed by the Rules in force at the time of their admission, and who have not been disqualified from the practice of law by Order of the Supreme Court and/or the Judicial Commission as provided by Article VIII, Section 9 of the Tribes' Constitution and the Supreme Court's interpretive caselaw.

Rule 3. ELIGIBILITY. Any member of the Bar of the Supreme Court of the United States, or a United States Court of Appeals, or a United States District Court, or a member in good standing of the Bar of the highest Court of any State of the United States, or a federally recognized Indian tribe, is eligible for admission to the Cheyenne and Arapaho Bar Association.

Rule 4. PROCEDURE FOR ADMISSION. Each applicant for admission to the Cheyenne and Arapaho Bar Association shall file a written petition for admission with the Court Administrator on the form prescribed by Appendix I of these Rules. The Court Administrator shall refer such petitions to the Justices of the Supreme Court, who shall investigate the fitness and qualifications of the applicant. The Supreme Court's Justices will thereupon render a decision in writing to the Court Administrator. Upon the rendering of a favorable decision by the Supreme Court, the applicant may be admitted and sworn in as a member of the Bar Association by the Court Administrator, administering the oath prescribed by Appendix IV of these Rules. The Court Administrator shall thereafter add the name of the new Bar Association member to the Roll of Attorneys and assign the successful applicant a Bar Number. An unfavorable decision may be appealed as provided by Article VIII, Section 9(c) of the Tribes' Constitution.

Rule 5. ATTORNEYS REPRESENTING THE UNITED STATES. Attorneys who are employed or retained by the United States or its agencies may practice before the Cheyenne and Arapaho Trial Court and Supreme Court in all cases or proceedings in which they represent the United States or its agencies.

Rule 6. ADMISSION *PRO HAC VICE*. For good cause shown, any person who is eligible for membership in the Cheyenne and Arapaho Bar Association may be admitted for limited practice upon written motion or oral application to the Trial Court or Supreme Court without complying

with Rule 4. Any admission pursuant to this Rule shall be limited to appearance and practice in a single case before the Trial Court or Supreme Court.

ARTICLE III. DISCIPLINARY ENFORCEMENT AND PROCEDURE

Rule 7. The procedures for discipline, suspension, and/or termination of membership in the Cheyenne and Arapaho Bar Association (and along with it, the attorney's right to practice law in the Cheyenne and Arapaho Trial Court and Supreme Court), are proscribed by Article VIII of the Tribes' Constitution, the Supreme Court's interpretive caselaw, and these Rules.

Rule 8. In part, the Judicial Commission has exercised its Article VIII, Section 9(e) power to regulate the conduct of attorneys by validly promulgating the in-force *Code of Ethics for Attorneys* on November 16, 2008. All attorneys practicing law within the Tribes' jurisdiction are responsible for being familiar with, and abiding by, the Tribes' *Code of Ethics for Attorneys* and the Supreme Court's interpretations and applications thereof.

Rule 9. ATTORNEYS SPECIALLY ADMITTED. Whenever an attorney applies for admission or is admitted to practice in the Trial Court and/or Supreme Court for purposes of a specific proceeding pursuant to Rule 6, that attorney shall be deemed to have consented to the Tribes' disciplinary jurisdiction for alleged misconduct arising in the course of that representation.

Rule 10. SERVICE OF NOTICE. Service of an order to show cause instituting a formal disciplinary proceeding may be made by personal service or by registered or certified mail addressed to the respondent-attorney at the address shown in his or her most recent filing, whether on a client's or his or her own behalf. Service of any other discipline-related papers or notices required by these Rules shall be deemed to have been made if addressed to the respondent-attorney at the address shown on his or her most recent filing (including those described above), or at his or her address of record as filed with the Court Administrator.

ARTICLE IV. REINSTATEMENT AFTER DISBARMENT OR SUSPENSION

Rule 11. TIME LIMITATION ON SEEKING REINSTATEMENT. Excluding suspensions for a specific period of time, an attorney suspended or disbarred may apply for reinstatement after five years from the effective date of the suspension or disbarment have elapsed.

Rule 12. HEARING ON APPLICATION. Petitions for reinstatement by a disbarred or suspended attorney shall be filed with the Chief Justice or Acting Chief Justice of the Supreme Court. Upon receipt of such a petition, the Chief Justice or Acting Chief Justice shall refer the petition to the Supreme Court or the Judicial Commission for a hearing. If the referral is to the Judicial Commission, that body may either issue an Order or make a recommendation to the Supreme Court and/or its Chief Justice (or Acting Chief Justice). An adverse decision may be appealed as provided by Article VIII, Section 9(c) of the Constitution.

Rule 13. DEPOSIT FOR COSTS. Petitions for reinstatement shall be accompanied by an advance cost deposit in an amount to be set by the Supreme Court to cover anticipated costs of the reinstatement proceeding.

Rule 14. SUCCESSIVE PETITIONS. No petition for reinstatement shall be filed within one year of an adverse ruling on a petition for reinstatement.

ARTICLE V. FEES AND DUES

Rule 15. APPLICATION FEE. Lawyers seeking admission to practice before the Cheyenne and Arapaho Trial Court and Supreme Court shall pay an application fee set by the Supreme Court. That fee, or a portion thereof, may be used to pay the cost of disciplinary administration and enforcement under these Rules.

Rule 16. DUES. Members of the Cheyenne and Arapaho Bar Association may be assessed an annual membership fee in an amount to be determined by the Supreme Court. Payment of that fee shall not be required of an application for *pro hac vice* admission pursuant to Rules 5 or 6.

ARTICLE VI. COMMUNICATION OF ATTORNEY STATUS TO AND FROM OTHER COURTS

Rule 17. NOTICE OF CRIMINAL CONVICTIONS. Upon being informed that an attorney admitted to the practice of law before the Cheyenne and Arapaho Trial Court and Supreme Court has been convicted of any crime, the Supreme Court Clerk shall determine whether the Clerk of the Court in which such conviction occurred has forwarded a certificate of such conviction to the Judicial Branch of the Tribes. If such a certificate has not been so forwarded, the Court Clerk shall promptly seek to obtain one and file it with the Supreme Court and the Judicial Commission.

Rule 18. DISCIPLINE IN OTHER COURTS. Upon being informed that an attorney admitted to practice before the Cheyenne and Arapaho Trial Court and Supreme Court has been subjected to discipline by another Court, the Court Clerk shall determine whether a copy of the disciplinary order has been filed with the Supreme Court, and, if not, the Clerk shall seek to obtain a copy of that order and file it with the Supreme Court and the Judicial Commission.

Rule 19. NOTICE TO OTHER COURTS OF ATTORNEY DISCIPLINE. Whenever it appears that any person disbarred or suspended pursuant to Cheyenne and Arapaho law is also admitted to the practice of law in another jurisdiction, the Court Clerk shall transmit notice thereof to the disciplinary authority of that jurisdiction.

Rule 20. NOTICE TO THE NATIONAL DATABASE. The Court Clerk shall also notify the American Bar Association's National Discipline Databank of an order pursuant to Cheyenne and Arapaho law imposing the penalty of suspension or disbarment upon any attorney admitted to practice before the Trial Court and Supreme Court.

Rule 21. ONLINE POSTING OF LIST OF CHEYENNE AND ARAPAHO BAR ASSOCIATION MEMBERS IN GOOD STANDING. The Court Clerk shall maintain an online list of the members of the Cheyenne and Arapaho Bar Association in good standing, and may confirm that status in writing if so requested by another Court or Bar Association.

ARTICLE VII. OTHERWISE UNCODIFIED ATTORNEY DUTIES

Rule 22. CODIFIED ATTORNEY DUTIES. Most attorney duties are codified in the 1988 *Law and Order Code* and/or the *Code of Ethics for Attorneys* adopted by the Judicial Commission on November 16, 2008. Rules 23 to 25 prescribe attorney duties beyond those therein codified.

Rule 23. WITHDRAWAL FROM A CASE. In criminal and civil cases where an attorney has entered an appearance, the attorney shall not withdraw except by leave of Court upon reasonable notice to the client and to all other parties (and their attorneys) who have appeared in the case. Withdrawal of an attorney may be granted subject to the condition that future filings may continue to be efficaciously served on that attorney, or on the Clerk of the Trial Court and/or Supreme Court (as the appropriate Court may direct), unless and until the client appears through another attorney or *pro se*. The notice provided to the client shall also so state.

Rule 24. FILINGS. All attorneys and litigants are responsible for maintaining continuing awareness of the dates and times during which the Court Clerks' Office will be open, for confirming the time at which a document must be received by the Clerks' Office to be file-stamped on that date, and for confirming the actual file-stamp date. Irrespective of the date affixed to a filing by a party or his or her attorney(s), the date on which a document is file-stamped is its legally effective date. The date and/or time of a document's electronic transmission to the Clerks' Office does not substitute for the file-stamp date.

Rule 25. PANDEMIC COURTHOUSE CLOSINGS. The Supreme Court has held that coronavirus pandemic closings of the Courthouse are within the spirit of the "Saturday, Sunday, and legal holiday" exceptions to be day-counting rules provided by Section 405 of the *Appellate Procedure Code*. See *The Pokertribes Case*, No. SC-2018-32, slip op. at 54 n.183 (Cheyenne & Arapaho S.Ct. July 13, 2022).

ARTICLE VIII. EFFECTIVE DATE

Rule 26. These Rules supersede all previous Rules for Admission to Practice and all previous Bar Association Rules. These Rules shall be effective upon publication.

RULES FOR ADMISSION TO PRACTICE

APPENDIX I.

APPLICATION FOR ADMISSION

I hereby apply for admission to the Cheyenne and Arapaho Bar Association and request that my name be included on the roll of attorneys eligible to practice before the Tribes' Trial Court and Supreme Court. I acknowledge that as an applicant for admission to the Cheyenne and Arapaho Bar Association, I am required to complete this application by responding to its questions truthfully, fully, completely, and without mental reservation. I also acknowledge that my failure to complete this application truthfully, fully, completely, and without mental reservation may result in denial of this application or subsequent revocation of admission. I also acknowledge receipt of a copy of the *Code of Ethics for Attorneys* adopted by the Judicial Commission on November 16, 2008.

1. Mr. Ms. _____

 First Middle Last

Please list any other name/alias you have gone by _____

2. Date of Birth: ___/___/___ Birth City: _____ Birth State: _____

3. Firm or Practice Information (information provided in this section will be used for all official correspondence from the Cheyenne and Arapaho Tribes' Judicial Branch and may be published in the Cheyenne and Arapaho Bar Association membership listings):

a. Firm/Organization Name: _____

b. Address: _____

 City: _____ State: _____ Zip: _____

c. Phone Number: _____

d. Fax Number: _____

e. Email Address: _____

f. Areas of Specialty: _____

4. Address of Record and Contact Numbers (for internal use only – not for external distribution)

a. Residence Address: _____

 City: _____ State: _____ Zip: _____

- b. Residence Phone Number: _____
- c. Cell Phone Number: _____
- d. Personal Email Address: _____

5. Name and location of law school(s) where you received your legal education:

<u>Name of Law School</u>	<u>Location</u>	<u>Degree</u>	<u>Year Graduated</u>
_____	_____	_____	_____
_____	_____	_____	_____

6. Name and location of colleges and/or universities where you received your non-legal education:

<u>Name of School</u>	<u>Location</u>	<u>Degree</u>	<u>Year Graduated</u>
_____	_____	_____	_____
_____	_____	_____	_____

7. List all state, federal and tribal bar associations to which you have been admitted.

<u>Bar Association</u>	<u>Date of Admission</u>	<u>Bar No.</u>	<u>Standing/Status</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8. Have you ever been suspended, disbarred or otherwise disciplined by any state, federal, or tribal court, or by any administrative body? (If "yes," please list and explain each instance in a separate attachment.)

Yes No

9. Have you ever applied for and been denied admission to any bar in any jurisdiction? (If "yes," please list and explain each instance in a separate attachment.)

Yes No

10. Have you ever voluntarily withdrawn from any bar in any jurisdiction? (If "yes," please list and explain each instance in a separate attachment.)
- Yes No
11. Are you a previous member of the Cheyenne and Arapaho Bar Association who has ever been suspended or disbarred? (If "yes," please list and explain each instance in a separate attachment.)
- Yes No
12. Have you read the Cheyenne and Arapaho Constitution?
- Yes No
13. Are you familiar with the Cheyenne and Arapaho Tribes' *Law and Order Code*?
- Yes No
14. Have you read the *Rules for Admission to Practice Before the Trial Court and Supreme Court*?
- Yes No
15. Have you read the Tribes' *Code of Ethics for Attorneys*?
- Yes No
16. Are you a member of the Cheyenne and Arapaho Tribes?
- Yes No
17. Are you a member of any other federally recognized Indian tribe, band, group, pueblo or community?
- Yes No
- a. If "yes," please list your tribal affiliation(s): _____

I, the undersigned, submit the foregoing application for membership in the Cheyenne and Arapaho Bar Association and admission to practice law before the Cheyenne and Arapaho Trial Court and Supreme Court. I have carefully read each question in the foregoing application and answered each question truthfully, fully, completely, and without mental reservation.

Applicant's Signature

Date

RULES FOR ADMISSION TO PRACTICE

APPENDIX II.

REQUIRED ATTACHMENTS

At the time of filing an application for membership in the Cheyenne and Arapaho Bar Association, the applicant shall provide the following documentation:

1. Unless the applicant's membership in a qualifying Bar (as defined by Rule 3) is accessible on an online database maintained by that Bar, the applicant must provide either an official, original certificate of good standing issued by that Bar or a copy of a current Bar card showing the applicant's Bar Member number;
2. A *Consent to Jurisdiction* form [APPENDIX III] signed and dated by the applicant;
3. An *Oath of Attorney* form [APPENDIX IV] signed and dated by the applicant;
4. A copy of an official State-issued identification card or United States passport; and
5. A \$50 cashier's check or money order made payable to the Supreme Court of the Cheyenne and Arapaho Tribes.

Please submit your application and the required documents either in person at the Cheyenne and Arapaho Tribal Justice Center, located at 100 W. Black Kettle Boulevard in Concho, Oklahoma, or by mail to:

Court Administrator
Judicial Branch of the Cheyenne and Arapaho Tribes
P.O. Box 102
Concho, OK 73022

RULES FOR ADMISSION TO PRACTICE

APPENDIX III.

CONSENT TO JURISDICTION

I, the undersigned applicant for membership in the Cheyenne and Arapaho Bar Association, acknowledge my awareness that if my application is approved by the Supreme Court pursuant to Rule 4, I must swear or affirm the *Oath of Admission* [APPENDIX IV] before I may represent clients or otherwise engage in the practice of law before the Cheyenne and Arapaho Trial Court or Supreme Court.

Upon admission to the Cheyenne and Arapaho Bar Association and taking the Oath described above, I agree to adhere to the *Rules for Admission to Practice*, the *Code of Ethics for Attorneys* adopted by the Judicial Commission on November 16, 2008, and all other rules that govern the practice of law in the Tribes' Trial Court and Supreme Court.

I unreservedly consent to the jurisdiction of those Courts, including the original jurisdiction of the Cheyenne and Arapaho Supreme Court and the Judicial Commission [as the jurisdiction of the Judicial Commission is prescribed by Article 8, Section 9 of the Tribes' Constitution and the Supreme Court's interpretive caselaw] to discipline me for cause with respect to any professional misconduct in which I am found to have engaged.

Applicant's signature

Date

Applicant's printed name

State of Oklahoma)
)
County of _____)

ss.

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public

Commission no.: _____

Commission expires: _____

RULES FOR ADMISSION TO PRACTICE

APPENDIX IV.

OATH OF ATTORNEYS

I, _____, do hereby solemnly swear [or affirm] that I will support, protect, and defend the Constitution and laws of the Cheyenne and Arapaho Tribes, and that as an attorney I will represent the interests of my clients vigorously, with integrity and honor, and in conformity with the *Code of Ethics for Attorneys*, the Constitution and laws of the Tribes, and all other applicable Rules of the Supreme Court, so help me God.

Signature

Date

to be signed before the Court Administrator at the time of admission

Subscribed and sworn to before me this _____ day of _____,
20__.

Court Administrator
Judicial Branch, Cheyenne and Arapaho Tribes