

RULES OF CONDUCT
FOR SPOKESPERSON IN THE SILETZ TRIBAL COURTS
AND DISBARMENT PROCEDURE

PREAMBLE

The Court may establish rules of conduct for the practice of spokespersons before the Tribal Court. (TCRP) §3.022. These rules of conduct shall guide all spokespersons in delivering legal services before the Siletz Tribal Courts. The Court has a duty to ensure to the extent possible that all parties appearing through a spokesperson, receive and are represented by competent spokespersons reflecting high professional standards. It is therefore the policy of the Court that the following rules shall apply to all spokespersons who are admitted to practice before the Siletz Courts. Failure to comply or adhere to these rules shall result in the Chief Judge disbarring the spokesperson as provided in § 3.022(f) of the Siletz Tribal Rules and Procedures.

Rule 1:

A spokesperson shall not:

- A) File a petition, assert a position, conduct a defense, delay a trial or take other action, which the spokesperson knows would serve merely to harass or maliciously injure another
- B) Knowingly advance a claim or defense that is unwarranted under existing law
- C) Knowingly use perjured testimony or false evidence
- D) Knowingly make a false statement of law or fact
- E) Participate in the creation or preservation of evidence, when the spokesperson knows or should have known that the evidence is false
- F) Counsel or assist a client in conduct that the spokesperson knows to be illegal or fraudulent

Rule 2:

- A) A spokesperson shall not communicate with a judge before whom a proceeding is pending except in open court or in writing, and promptly forwarding a copy to the adverse party
- B) A spokesperson shall not give or lend anything of value to a judge, official or any employee of the Tribal Court
- C) A spokesperson shall not threaten to bring criminal charges to obtain an advantage in a civil matter

Rule 3:

During a Court hearing:

- a) A spokesperson shall not state or allude to any matter that the spokesperson has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence
- b) A spokesperson shall not ask any question that the spokesperson has no reasonable basis to believe is relevant to the case and that is intended to degrade or humiliate a witness or another person
- c) A spokesperson shall not engage in undignified or discourteous conduct which is degrading to the Court or any of the parties
- d) A spokesperson shall not intentionally or habitually violate any established rule of procedure or evidence

Rule 4:

A spokesperson shall not intentionally:

- a) Fail to seek the lawful objectives of the client through reasonable available means permitted by law
- b) Fail to carry out a contract of employment entered into with a client

Rule 5:

Rules of Conduct for Spokespersons

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Drafted: 051903 by Judge Gantenbein

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- a) A spokesperson shall not withdraw from representation of a client without the permission of the Court
- b) A spokesperson shall not withdraw from representation of a client until said spokesperson has taken reasonable steps to avoid prejudice to the rights of the client

Rule 6:

- a) A spokesperson shall not accept representation, in which there appears to be an actual conflict of interest or a likely conflict of interest
- b) A spokesperson shall seek to resign from representation, if after accepting employment/responsibility to represent, an actual or likely conflict of interest arises

Rule 7:

- a) A spokesperson shall provide competent representation. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonable necessary for the case
- b) A spokesperson shall not neglect a legal matter entrusted to the spokesperson

Rule 8:

A spokesperson shall not:

- a) Commit a criminal act that reflects adversely on the spokesperson's honesty, trustworthiness or fitness;
- b) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- c) Engage in any conduct that is prejudicial to the administration of justice;
- d) State or imply an ability to improperly influence a tribal agency, tribal official or tribal judge

Rule 9:

A spokesperson shall not enter into a representation agreement, charge or collect a clearly excessive fee. A fee is clearly excessive when, after a review of the facts, a spokesperson of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee.

VIOLATION INVESTIGATIONS
AND DISBARMENT PROCEDURE

All alleged violations of the Code of Professional Responsibility shall be in writing and filed with the Tribal Court.

The Chief Judge shall review the allegations and make a preliminary finding as to the merits of the allegations.

If the Chief Judge finds that the allegations are unfounded, he shall notify the complaining party of his findings in writing.

However, if the Chief Judge finds reasonable grounds that the allegations could be true, he shall appoint another tribal judge to investigate the allegations and make written findings and recommendations to the Chief Judge.

If the allegations are found to be sustained by the investigating judge, a hearing shall be held before the Chief Judge to determine the merits of the allegations and to set sanctions, including disbarment.

If the allegations are not sustained by the investigating judge, the Chief Judge shall be bound by that determination.

The Chief Judge shall notify the complaining party, in writing, of the final determination of any allegation reached by the Court.

I hereby acknowledge that I have read and understand the Rules of Conduct for Spokesperson in the Siletz Tribal Courts and Disbarment Procedure. I agree to abide by said rules.

Printed name of Spokesperson

Signature of Spokesperson

Date of signature

Printed name of Witness to Signature

Witness to Signature

Date witnessed