



Community Court of the
Salt River Pima-Maricopa Indian Community
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Salt River Pima-Maricopa Indian Community Court
Rules of Professional Conduct
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**Salt River Pima-Maricopa Indian Community Court
Rules of Professional Conduct**

Section 1: Advocate Rules of Professional Conduct

I. General Definitions

- A. "Advocate" as used in these rules refers to all Advocates and Attorneys authorized to practice law before the Salt River Pima-Maricopa Indian Community Court (herein after referred to as "Community Court").
- B. An Advocate is a representative of clients, an officer of the Community Court and a public citizen having special responsibility for the quality of justice.
- C. An Advocate's conduct should conform to the requirements of the law, both in professional service to clients and in the Advocate's business and personal affairs.
- D. When "Advocate" is used, it is understood that the duties and obligations of Advocates shall be:
 - 1. Those prescribed to the Salt River Pima-Maricopa Indian Community Rules of Community Court and Advocate Rules of Professional Conduct;
 - 2. To support the Salt River Pima-Maricopa Indian Community Constitution, laws and codes;
 - 3. To maintain respect due to the Community Courts of justice and Judicial Officers;
 - 4. To employ for the purpose of maintaining causes confided to the Advocate such means only as are consistent with truth, and never seek to mislead the

Community Court or its Judges or Officer, by any
artifice or false statement of fact or law;

5. To abstain from all offensive acts or language and to
advance no fact prejudicial to the honor or reputation of
a party or a witness unless required by the justice of the
cause with which the Advocate is charged;

6. To support the legal process created by the Salt River
Pima-Maricopa Indian Community and its Community
Court for adjudication of disputes and crimes and to not
assist another in avoiding or subverting the legal process
or the procedures.

E. "Code" means the Code of Ordinances of the Salt River Pima-
Maricopa Indian Community.

F. "Days" means business and does not include weekends or holidays
unless otherwise specified.

II. Licensing Requirement

An Advocate shall be permitted to practice before the Salt River Pima-Maricopa
Indian Community Court in all criminal and civil proceedings, as is consistent
with the Community Code and its Rules of Admission.

Client-Advocate Relationship

III. Competence

An Advocate shall provide competent representation to a client. Competent
representation requires the legal knowledge, skill, thoroughness and preparation
reasonably necessary for the representation.

IV. Scope of Representation

- A. An Advocate shall abide by a client's decisions concerning the
objectives of representation, subject to (B), (C), and (D), and shall
consult with the client as to the means by which they are to be

pursued. An Advocate shall abide by a client's decision whether to accept an offer of settlement of a matter. In a criminal case, the Advocate shall abide by the client's decision, after consultation with the Advocate, as to a plea to be entered, whether to waive jury trial, whether to accept or deny a plea agreement, and whether the client will testify.

- B. An Advocate may limit the objectives of the representation if the client consents after consultation.
- C. An Advocate shall not counsel a client to engage, or assist a client, in conduct that the Advocate knows is criminal, fraudulent, or contrary to the legal process, but an Advocate may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.
- D. When an Advocate knows that a client expects assistance not permitted by the Advocate Rules of Professional Conduct or other law, the Advocate shall consult with the client regarding the relevant limitations on the Advocate's conduct.

V. Diligence

- A. An Advocate shall act with reasonable diligence and promptness in representing a client.
- B. An Advocate shall not intentionally prejudice or damage his client during the course of the relationship.
- C. An Advocate should represent a client within the bounds of the law and these rules.

VI. Communication

- A. An Advocate shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.**
- B. An Advocate shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.**
- C. An Advocate should fully and promptly inform the client of material developments in the matters being handled for the client.**
- D. An Advocate shall notify his client of all court proceedings and see that the client is present when required.**

VII. Fees

- A. An Advocate's fees shall be reasonable.**
- B. Factors to be considered in determining the reasonableness of a fee include the following:**
 - 1. The time and labor required, the novelty and the difficulty of the questions involved, and the skill required to perform the legal services properly;**
 - 2. The fee customarily charged in the locality for similar legal services;**
 - 3. The time limitations imposed by the client or by the circumstances;**
 - 4. The amount of services;**

5. The nature and length of the professional relationship with the client;
 6. The experience, and ability of the Advocate or Advocates performing the services; and
 7. Whether the fee is fixed or contingent.
- C. The basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.
- D. An Advocate shall not enter into an arrangement for, charge, or collect an illegal or clearly excessive fee or expenses.
- E. An Advocate shall not enter into an arrangement for, charge, or collect for:
1. Any fee in a domestic relations matter, where the payment is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof; or
 2. A contingent fee for representing a defendant in a criminal case.
- F. A fee may be contingent on the outcome of the matter for which the service is rendered, except in a manner in which a contingent fee is prohibited by paragraph (E) or other law.
- G. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the Advocate in the event of settlement, trial or appeal, litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculate.

- H. Upon conclusion of a contingent fee matter, the Advocate shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.

VIII. Confidentiality of Information

- A. An Advocate shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (B), (C), (D).
- B. An Advocate shall reveal such information to the extent the Advocate reasonably believes necessary to prevent the client from committing a criminal act that the Advocate is likely to result in death or substantial bodily harm.
- C. An Advocate may reveal the intention of his client to commit a crime and the information necessary to prevent the crime.
- D. An Advocate may reveal such information to the extent the Advocate reasonably believes necessary to establish a claim or defense on behalf of the Advocate in a charge or civil claim against the Advocate based upon the conduct in which the client was involved, or to respond to allegations in any proceedings concerning the Advocate's representation of the client.
- E. If the Advocate's services will be used by the client in materially furthering a course of criminal or fraudulent conduct, the Advocate must withdraw and is required to refrain from making disclosure of the client's confidences.

IX. Conflict of Interest: General

An Advocate shall not represent a client if the representation of that client will be directly adverse to another client or if the representation of that client may be materially limited by the Advocate's responsibilities to another client or to a third person, or by the Advocate's own interests, unless:

1. The Advocate reasonably believes the representation will not adversely affect the relationship with the other client; and
2. Each client consents in writing after consultation.

X. Conflict of Interest: Prohibited Transactions

- A. An Advocate shall not enter into a business transaction with a client or knowingly acquire any pecuniary interest adverse to a client unless:
 1. The transaction and terms are reasonable and fair to the client and the agreement is written in terms which can be reasonably understood by the client;
 2. The pecuniary interest is fully disclosed in writing; and
 3. The client is given an opportunity to seek independent counsel in the transaction and the client consents in writing to the transaction.
- B. An Advocate shall not use information relating to the representation of a client to the disadvantage of the client.
- C. An Advocate shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:
 1. An Advocate may advance court costs and expenses of litigation, provided the client remains ultimately liable for such costs and expenses; and
 2. An Advocate representing an indigent client may pay court costs and expenses on behalf of the client.
- D. An Advocate may accept compensation for representing a client from one other than the client if the client consents after consultation.

XI. Conflict of Interest: Former Client

- A. An Advocate who has formerly represented a client in a matter shall not thereafter:
 - 1. Represent another person in the same or substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after consultation; or
 - 2. Use information relating to the representation to the disadvantage of the former client.
- B. The obligation of an Advocate to preserve the confidences and secrets of his client continues after the termination of his employment.

XII. Terminating or Declining Representation

- A. When ordered to do so by the Community Court, and providing that the client wishes to continue with the representation, an Advocate shall continue representation notwithstanding good cause for terminating representation.
- B. Except as stated in (A), an Advocate shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
 - 1. The representation will result in violation of the Advocate Rules of Professional Conduct or other law;
 - 2. The Advocate's physical or mental condition materially impairs the Advocate's ability to represent the client.
- C. Except as stated in (A), an Advocate may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interest of the client, or if:

1. The client persists in a course of action involving the Advocate's services that the Advocate reasonably believes is criminal or fraudulent;
 2. The client has used the Advocate's services to perpetrate a crime or fraud;
 3. The client fails to fulfill an obligation to the Advocate regarding the Advocate's services and has been given reasonable warning that the Advocate will withdraw unless the obligation is fulfilled; or
 4. Other good cause for withdrawal exists that is acceptable to the Community Court.
- D. Upon termination of representation and within a reasonable period of time not to exceed 30 days unless extended by the Community Court for good cause shown, an Advocate shall protect the client's interest, such as giving reasonable notice to the client of the withdrawal, surrendering papers and property to which the client is entitled, and refund advance payment of fee that has not been earned.

Advocate Duties to the Court

XIII. Meritorious Claims

An Advocate shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

XIV. Advocate as Witness

An Advocate shall not act as an Advocate at a trial in which the Advocate is likely to be a necessary witness, except:

1. The testimony relates to an uncontested issue;

2. The testimony relates to the nature and value of legal services rendered in the case.

XV. Advocate Conduct Towards the Community Court

- A. An Advocate shall not knowingly:
 1. Make a false statement of material fact or law to the Community Court;
 2. Except as required by applicable law or rule, fail to disclose a material fact to the Community Court when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client or evading the legal process;
 3. Offer evidence that the Advocate knows to be false. If an Advocate has offered material evidence and comes to know of its falsity, the Advocate shall take reasonable remedial measures.
- B. The duties of the Advocate in (A) continue to the conclusion of the proceeding.
- C. The Advocate may refuse to offer evidence that the Advocate reasonably believes is false.
- D. An Advocate shall at all times maintain proper respect for the Community Court and abide by orders of the Community Court.

XVI. Fairness to Opposing Party and Advocate

An Advocate shall not:

1. Improperly obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value;

2. Falsify evidence, counsel or assist a witness to testify falsely, or offer an improper inducement to a witness;
3. Knowingly disobey an obligation under the rules of the Community Court except for an open refusal based on an assertion that no valid obligation exists.

XVII. Impartiality of the Community Court

An Advocate shall not:

1. Seek to influence a Judge, juror, prospective juror or an Official of the Community Court by improper means, including an ex parte meetings with the Judge;
2. Engage in conduct intended to disrupt the Community Court.

XVIII. Responsibilities of a Prosecutor

The prosecutor in a criminal case shall:

1. Refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;
2. Make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;
3. Not seek to obtain a waiver of important pretrial rights from an unrepresented accused; and
4. Make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and in connection with sentencing, disclose to the defense and to the Community Court all unprivileged mitigating information known to the prosecutor.

XIX. Responsibilities of Government Advocates

A government Advocate who does not have discretionary power to institute or discontinue litigation and who believes there is lack of merit in a controversy submitted to him/her should so advise his/her superiors and recommend the avoidance of unfair litigation. A government Advocate in a civil action or administrative proceeding has the responsibility to seek justice and to develop a full and fair record, and he or she should not use his/her position or the economic power of the government to harass parties or to bring about unjust settlements or results.

XX. Advertising

- A. An Advocate shall not make a false or misleading communication about the Advocate or the Advocate's services, such as:
 - 1. Create an unjustified expectation about the results the Advocate can achieve or states or implies that the Advocate can achieve results by means that violate the Advocate Rule of Professional Conduct, other rules of the Community Court, or other law;
 - 2. Compares the Advocate's services with any other Advocate's services, unless the comparison can be factually substantiated.
- B. An Advocate may not directly solicit professional employment from a prospective client, with whom the Advocate has no prior professional relationship, in person or by telephone, when a motive for the Advocate's doing so is the advocate's pecuniary gain.

XXI. Advocate's Responsibilities for Assistants

With respect to an assistant or non-advocate or one employed or retained by the Advocate, the supervising Advocate shall:

1. Make all reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the Advocate; and
2. Be responsible for conduct of such a person that would be a violation of the Advocate Rules of Professional Conduct.

XXII. Advocate Duties to Judicial and Legal Officials

An Advocate shall not make a statement that the Advocate knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a Judge, adjudicatory Officer or public legal Officer, or of a candidate for election or appointment to judicial or legal office.

XXIII. Misconduct

It is professional misconduct for an Advocate to:

1. Violate or attempt to violate the Advocate Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
2. Commit a criminal act, whether convicted or not, that reflects adversely on the Advocate's honesty, trustworthiness or fitness as an Advocate in other respects; or
3. Engage in conduct involving dishonesty, fraud, deceit, misrepresentation or any other conduct that is prejudicial to the administration of justice.
4. Fail to pay a fine assessed for contempt by the Community Court, and such practitioner in addition to any other penalty provided by law, may be suspended from the practicing law.

XXIV. Reporting Professional Misconduct

An Advocate having actual knowledge that another Advocate has committed a violation of the Advocate Rules of Professional Conduct shall have the

responsibility to inform the Community Court and may inform the appropriate professional authority, such as the State Bar for Attorneys.

Advocate Discipline

XXV. Disciplinary Procedures

A. Disciplinary Jurisdiction

All Advocates licensed to practice law before the Community Court are subject to the disciplinary jurisdiction of the Community Court.

B. Filing of Ethical Complaint

An Ethical Complaint alleging a violation of these rules against an Advocate shall commence by the filing of a written, signed and dated complaint with the Chief Judge of the Community Court. The person filing the complaint shall be the Complainant, and the Advocate against whom the complaint is filed shall be known as the Respondent. The filing of a Complaint shall be deemed authorization for the Special Master to review directly related Court files consistent with the Community Court's procedures and practice.

C. Assignment to Special Master

No later than 10 days after receipt of a complaint, the Chief Judge shall assign the matter to a Special Master, a pro tempore judge acting on behalf of the Community Court, who has authority to review, investigate, and prosecute the complaint. The Special Master shall have the authority to issue subpoenas and seek enforcement with the Community Court if necessary.

D. Pre-screening process

Within 5 days of assignment, the Special Master shall review and pre-screen the complaint. Pre-screening is the process by which the Special Master determines whether the complaint as submitted contains facts which if true would constitute an ethical violation.

If not, the Special Master dismisses the Complaint and so notifies the Complainant, Respondent and Chief Judge in writing. If so, the Special Master places the Complaint into investigation status and so notifies the Complainant, Respondent and Chief Judge.

The pre-screening decision of the Special Master is final and is not subject to review or reconsideration.

E. Investigation

Investigation is the process by which the Special Master provides a copy of the complaint to the Respondent, and requests the Respondent to file a mandatory response to the complaint with the Special Master within 10 days. Once a response is filed, the Special Master provides a copy to the Complainant, and invites the Complainant to file an optional comment to the response within 5 days. If a comment is filed, the Special Master provides a copy to the Respondent, and invites the Respondent to file an optional reply within 5 days.

If the Respondent fails to file a response, the Special Master may proceed as provided in section F.

If the Complainant fails to cooperate with the Special Master, the Special Master may dismiss the complaint and so notifies the Complainant, Respondent and Chief Judge without proceeding as provided in section F.

A decision of the Special Master to dismiss is final and is not subject to any review or reconsideration.

F. Probable Cause Determination

Once the investigation is completed, the Special Master determines whether there is probable cause to file a disciplinary complaint with the Community Court. Probable cause exists where there appears to be more evidence than not that the Respondent has violated an ethical rule.

If there is no probable cause for the Special Master to file an disciplinary complaint with the Community Court, then the Special Master dismisses the complaint and so notifies the Complainant, Respondent and Chief Judge.

If there is probable cause, the Special Master issues a probable cause notice to the Respondent with a copy to the Complainant and Chief Judge.

The probable cause determination of the Special Master is final and is not subject to review or reconsideration.

G. Formal Disciplinary Complaint with the Community Court

Within 5 days of the issuance of a probable cause order, the Special Master shall file a formal disciplinary complaint with the Community Court.

Within 5 days of the filing of the disciplinary complaint, the Court shall:

1. Provide a copy of the complaint to Respondent;
2. Summons the Respondent to file an answer and a copy with the court no later than 10 days after service, and serve a copy of the answer on the Special Master; and
3. Indicate the name of Judge to whom the matter is assigned.

Section 4-26 (Change of Judge etc.) of the Code applies to the proceeding. Unless this section requires otherwise, service shall be made pursuant to section 5-13 of the Code and Rule 3 of the Rules of Civil Procedure.

If the Respondent fails to file an answer, failed to file a response as required by section E or admits the allegations, then the Court may enter a default judgment as provided in Rule 6 of the Rules of Civil Procedure and proceed with sanctions as provided in section K et seq. below, dismiss if warranted or proceed as provided in section 5-22 of the Code.

Within 2 days of the filing of the answer, the Court shall order a bench trial to be held within 15 days from the date of the filing of the answer and summons the Special Master and Respondent to appear.

No later than 5 days before bench trial, the Special Master and Respondent shall have filed a disclosure notice with the Community Court attesting each has provided a written disclosure statement containing:

1. A fair and accurate summary of the factual and legal bases for the complaint or defense as applicable; and
2. The names, addresses, and telephone numbers of all witnesses whom the disclosing party expects to call at trial with a fair description of the substance of each witness' expected testimony.

The court may enter default judgment against or shall exclude undisclosed witnesses or evidence of the party failing to properly disclose.

H. Bench Trial

The Court shall consider only relevant testimony and evidence which has been properly disclosed as required by section G. The Special Master followed by the Respondent may make an opening statement. Then, the Special Master shall present evidence and witnesses on behalf of the Community. The Respondent may cross-examine witnesses presented by the Special Master. The Respondent may then present evidence and witness testimony in defense. The Special Master may cross-examine witnesses of the Respondent. The Court may permit rebuttal witnesses upon request but shall strictly limit the scope and duration of such testimony. The Court shall require that all witnesses be sworn. Upon the conclusion of the defense, the Special Master followed by the Respondent may make closing arguments to the Court.

I. Judgment After Bench Trial

Within 10 days after the conclusion of the bench trial, the Court shall make and enter findings of fact, conclusions of law and a judgment.

If the Respondent is found not to have violated these rules, the Court shall enter judgment accordingly.

If the Respondent is found to have violated these rules, the Court shall proceed with sanctioning as provided in section K et seq. below.

J. Appeal after Judgment

The Judgment of the Court may be appealed pursuant to Section 4-31 et seq. of the Code. The Court's Judgment becomes final if no appeal is filed.

K. Sanctioning Report

No later than 5 days after final judgment, the Court shall schedule a sanctioning hearing which shall be held within 30 days of the final judgment and cause a summons to issue which orders the Special Master and Respondent to appear.

Within 5 days of final judgment, the Special Master shall file a report with the Court and provide a copy to the Respondent. The report shall address the gravity of the violation, whether the violation was willful or an error, prior record of ethical misconduct, harm to persons and property, number of years in practice without any prior record, impact of violation upon Complainant or others, level of cooperation with the Special Master, personal gain resulting from the violation and recommended sanction including restitution and rehabilitation. The Special Master shall also file a statement of reasonable costs and expenses of the disciplinary process which shall be supplemented with the Court as necessary.

L. Sanctioning Hearing

No later than 5 days before the sanctioning hearing, either side may present a written statement in aggravation or mitigation to the Court and shall provide the other side a copy. The Special Master shall present an aggravation argument to the Court. The Respondent then may present a mitigation argument to the Court.

M. Sanctioning Order

Within 10 days of the sanctioning hearing, the Court shall make and enter a sanctioning order which contains findings of fact, conclusions of law and sanctions consistent with sections N through Q below. The sanctioning order of the Court is not subject to appellate review. However, a motion for reconsideration may be filed within 5 days of receipt of the sanctioning

order by either party with a copy to the other party. The other party may file a response to the motion.

N. Disciplinary Sanctions

In determining the sanction, the Court shall consider any prior disciplinary record, the circumstances under which violation occurred, the gravity of the violation, whether the violation was intentional, whether the Respondent has made amends with persons impacted by the violation, and whether there are any mitigating circumstances.

Disciplinary sanctions include any one or a combination of sanctions listed on the following continuum which commences with a minimum sanction at "1" and ends with a maximum sanction at "8":

1. An informal oral reprimand;
2. Public censure in writing with posting in Community Court for one year;
3. Restitution to persons impacted by the violation;
4. An award of reasonable costs and expenses of the disciplinary process to be paid to the Court;
5. Rehabilitation, treatment, training and or testing;
6. Probation at least 60 days but no longer than six months, unless extended as provided in section XXVI (B) below, which may include establishment of terms and conditions such as practice restrictions (moratorium on acceptance or new cases etc.);
7. Suspension of the privilege of practicing law up to 5 years; and
8. Permanent loss of the privilege of practicing law in the Community Court.

A minimum sanction may be appropriate where:

1. The violation is minor, unintentional, or the result of an error;
2. De minimis harm results to persons or property as a result of the violation;
3. There is no prior disciplinary record;
4. There is a lack financial motive or gain; and
5. There are demonstrable mitigating factors such as but not limited to acceptance of responsibility, cooperation with disciplinary process, remorse for conduct, voluntary restitution, evidence of good character, record of community service and catastrophic, severe and extreme personal hardship in Respondent's life around the time of the violation.

On the other hand, a maximum sanction may be warranted where:

1. The violation is major;
2. There are multiple violations;
3. ~~Multiple persons are impacted by the violation;~~
4. The violation is intentional and serious in nature;
5. Irreparable harm has resulted to persons or property;
6. There is a prior disciplinary record (repeat offender);
7. The Respondent denies responsibility;
8. The Respondent lacks remorse;
9. The Respondent fails to cooperative with the disciplinary process; and

10. No mitigating factors are demonstrated.

O. Notice to Client(s)

Within ten (10) days of the final sanctioning order, the Respondent shall notify the following persons by registered or certified mail by providing a copy of the order:

1. All clients being represented in pending matters;
2. All co-Advocates in pending matters; and
3. All opposing Advocates in pending matters, or the adverse party if self-represented.

P. Return of Client's Property if Respondent is Suspended

1. The Respondent shall unconditionally surrender all papers and property to which client is entitled, and shall notify said clients of a suitable time and place where the papers and property may be obtained, calling attention to any urgency for obtaining the papers or other property.
2. The Respondent shall refund to the client any advance payment of fee that has not been earned, and provide client a final billing if applicable.
3. The Respondent shall forfeit any contingency fee which has not been earned at the time of the final sanctioning order.

Q. Compliance Affidavit

The Respondent shall file a written, signed and dated affidavit with the sanctioning Judge attesting compliance with subsections "P" & "Q" above and providing an address where the Respondent may be contacted within 10 days of the final sanctioning order and provide a

copy to the Special Master. The Respondent shall have the duty to supplement his address with the Chief Judge.

XXVI. Reinstatement

- A. Unless a sanctioning order permits otherwise, an Advocate placed on probation or non-permanent suspension status is not eligible to practice law before the Community Court until such Advocate has been reinstated to practice law as provided below.

B. After Probation

No sooner than 30 days prior to the expiration of probation status, an Advocate may file a motion for reinstatement with the sanctioning Judge or another Judge if case has been reassigned. Within 5 days the Judge shall assign a Special Master to investigate and determine whether the Advocate has complied with the sanctioning order. Within 10 days of assignment, the Special Master shall file a recommendation with the Judge in support of or opposition to reinstatement and provide a copy to the Advocate. Within 5 days of receipt of the Special Master's recommendation, the Advocate may file a reply with the Judge.

If the Judge concurs with a recommendation for reinstatement or rejects a recommendation in opposition to reinstatement, then an order shall be entered reinstating the Advocate.

Prior to the expiration of probation status and if the Judge rejects a recommendation in support of reinstatement or concurs with a recommendation in opposition to reinstatement, such Judge shall order the Advocate to show cause for failing to comply with the sanctioning order and schedule a hearing. The Judge may extend the probation status and deny reinstatement until there is satisfactory compliance with the sanctioning order.

Only orders denying reinstatement and extending probation may be appealed pursuant to section 4-31 et seq. of the Code.

C. After Suspension

An Advocate suspended from the practice of law may file a petition for reinstatement of the privilege to practice law with the Community Court 1 year following the expiration of the suspension.

The reinstatement petition shall contain the following information:

1. Name, age, residence and address of the Advocate;
2. The offense or misconduct upon which the suspension was based and the effective date of suspension;
3. The names and addresses of disciplinary complaining witnesses, sanctioning Judge and trial Judge, complaining witness and prosecuting attorney if discipline resulted from a criminal conviction;
4. A list of all civil and criminal actions to which Advocate was a party, or defendant in a criminal action, showing the forum, general nature and final disposition subsequent to sanctioning; and
5. A concise statement of facts claimed to support Advocate's readmission plus any supporting statements, documents and things.

Within 10 days from the date of filing of the petition, the Chief Judge shall assign a Special Master who shall review and investigate the merits of the petition as necessary. The Advocate shall cooperate with the Special Master, execute any necessary releases or authorizations and be available for in person interviews. If the Advocate fails to cooperate, the Chief Judge may dismiss the petition upon the request of the Special Master.

Within 120 days from the filing of the petition the Special Master shall file a report with the Chief Judge in support of or opposition to the petition, make a recommendation together with a statement of the

cost of the reinstatement investigation and provide a copy to the Advocate. Within 30 days of receipt of the report, the Advocate may file a reply with the Chief Judge and shall provide a copy to the Special Master.

The content of the report shall address the Advocate's rehabilitation status, moral character, and learning in the law. The Special Master may recommend in support of reinstatement without or with conditions such as but not limited to paying the cost of the reinstatement investigation, completion of educational or training courses, submission to bar examination etc. The Special Master may recommend in opposition to reinstatement and shall provide a concise summary of the reasons therefor.

If the Judge concurs with a recommendation in support of reinstatement or rejects a recommendation in opposition to reinstatement, then an order shall be entered reinstating the Advocate without any conditions or with conditions which must be satisfied before the reinstatement becomes effective.

If the Judge rejects a recommendation in support of reinstatement or concurs with a recommendation in opposition to reinstatement, such Judge shall enter an order denying reinstatement including findings of facts and conclusions of law.

Only orders denying reinstatement may be appealed pursuant to section 4-31 et seq. of the Code.

Section 2: Judicial Rules of Professional Conduct

I. General

- A. A Judge shall uphold the integrity and independence of the judiciary.**
- B. A Judge shall avoid impropriety and the appearance of impropriety in all of the Judge's activities.**
- C. A Judge shall perform the duties of the judicial office impartially and diligently.**
- D. A Judge shall be fair, firm, patient, dignified, professional and courteous to litigants, jurors, witnesses, lawyers, advocates and others with whom the Judge deals in an official capacity, and shall require similar conduct of lawyers, advocates, and of staff, Court Officials and others subject to the Judge's direction and control.**

II. Scope of Responsibility

- A. A Judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved.**
- B. A Judge shall not allow family, social, political or other relationships to influence the Judge's judicial conduct or judgment.**
- C. A Judge shall not lend the prestige of judicial office to advance the private interests of the Judge or others; nor shall a Judge convey or permit others to convey the impression that they are in a special position to influence the Judge.**
- D. The judicial duties of a Judge take precedence over all the Judge's other activities.**

III. Adjudicative Responsibilities

- A. A Judge shall hear and decide matters assigned to the Judge except those in which disqualification is required.**
- B. A Judge shall be faithful to the law and maintain professional competence in it. A Judge shall not be swayed by partisan interests, public clamor or fear of criticism.**
- C. A Judge shall require order and decorum in proceedings before the Judge.**
- D. A Judge shall perform judicial duties without bias or prejudice.**
- E. A Judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the Judge outside the presence of the parties concerning a pending or impending proceeding unless:**
 - 1. The Judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and**
 - 2. The Judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.**
- F. A Judge shall dispose of all judicial matters promptly, efficiently and fairly.**

IV. Administrative Responsibilities

A Judge shall diligently discharge the Judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration and should cooperate with other Judges and Court Officials in the administration of court business.

V. Disciplinary Responsibilities

- A. A Judge who has knowledge or receives reliable information that another Judge has committed a violation of these Rules shall take or initiate appropriate action.
- B. A Judge who receives information indicating a substantial likelihood that an Advocate has committed a violation of the Advocate Rules of Professional Conduct should take appropriate action.

VI. Disqualification

A Judge shall disqualify himself or herself in a proceeding in which the Judge's impartiality might reasonably be questioned, including but not limited to instances where:

- 1. The Judge has a personal bias or prejudice concerning a party or a party's advocate;
- 2. The Judge has direct knowledge of the case before them;
- 3. The Judge knows that he or she, individually or as a fiduciary, or the Judge's spouse, parent or child wherever residing, or any other member of the Judge's family residing in the Judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding or any other interest that could be substantially affected by the proceeding;
- 4. The Judge or the Judge's spouse, is related to a person as a great-grandparent, grandparent, parent, uncle, aunt, brother, sister, first cousin, child, grandchild, great-grandchild, nephew, or niece who:
 - a. Is a party to the proceeding, or an officer, director or trustee of a party;
 - b. Is acting as an advocate in the proceeding;

- c. Is known by the Judge to have an interest that could be substantially affected by the proceeding;
 - d. Is to the Judge's knowledge likely to be a material witness in the proceeding.
- 5. Valid disqualification under this section by a Judge shall override other practices or rules of the court where Judges are not to recuse themselves without cause.

VII. Extra-Judicial Activities

- A. A Judge shall conduct all of the Judge's extra-judicial activities so that they do not:
 - 1. Cast reasonable doubt on the Judge's capacity to act impartially as a Judge;
 - 2. Demean the judicial office; or
 - 3. Interfere with the proper performance of judicial duties.
- B. A full-time judge shall not engage in the practice of law in any jurisdiction.

VIII. Financial Activities

A Judge shall not engage in financial and business dealings that:

- 1. May reasonably be perceived to exploit the Judge's judicial position;
or
- 2. Involve the Judge in frequent transactions or continuing business relationships with those advocates or other persons likely to come before the court on which the Judge serves.

IX. Pro Tempore Full-Time Judge

A pro tempore full-time Judge:

1. Is subject to all the provisions of these Rules; and
2. May not engage in the practice of law during such full-time service.

X. Sanctions

Violations of these Rules may be redressed by the Tribal Council pursuant to §4-25 of the Code.