

## **Subpart E Court Officials**

### **E-1 Officers of the Courts**

Officers of the Pueblo of Pojoaque Tribal Court shall include:

- (a) Judges, Attorneys, and law clerks;
- (b) Court clerks and Court interpreters;
- (c) Police Officers, Probation Officers and other persons when carrying out orders of the Court; and
- (d) Bailiffs.

### **E-2 Court Clerk**

(a) The Clerk of the Court is charged with the duty of assisting the lawful functioning of the Courts. Such duties shall include, but not be limited to the following:

1. Drafting complaints, subpoenas, warrants, writs or other orders of the Court;
2. Maintaining records of court proceedings;
3. Administering oaths;
4. Collecting accounting for fines and other property taken into the custody of the Courts;
5. Accepting bonds; and
6. Filing notices of appeal and petitions.

(b) Assistant Clerks of the Court may be employed as necessary.

### **E-3 Representation Before the Tribal Court**

A person before the Tribal Court may represent himself or have another person or a professional attorney serve as his counsel.

### **E-4 Tribal Court Standards for Practitioners Appearing Before the Pueblo of Pojoaque Tribal Court**

(a) Limited Representation. An attorney may limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent. Limitations on the scope of representation may include drafting specific, discrete pleadings or other documents to be used in the course of representation without taking on the responsibility for

drafting all documents needed to carry the representation to completion. An attorney who agrees to prepare a discrete document under a limited representation agreement must competently prepare such a document and fully advise the client with respect to that document, which includes informing the client of any significant problems that may be associated with the limited representation arrangement. While limitations on the scope of representation are permitted under this rule, the attorney must explain the benefits and risks of such an arrangement and obtain the client's informed consent to the limited representation.

(b) Limited Entry of Appearance; Attorney's Duty. In all proceedings where an attorney appears for a client in a limited manner, that attorney shall disclose to the Court the scope of representation. The purpose of this rule is to permit attorneys to appear for clients in a limited manner and to alert the Court and opposing party of that limited role. Attorneys may give technical assistance and, when not prohibited, may prepare, without attribution, papers for filing by a self-represented litigant without violating the duty of candor. Even though an attorney's role may be limited to drafting a single document, the attorney is, however, bound by all of the rules that govern attorney conduct.

(c) Telephonic Hearing. An attorney may file a Motion for Telephonic Hearing with the Pueblo of Pojoaque Tribal Court, provided the motion is filed with the Court at least forty-eight (48) hours prior to the scheduled hearing. The decision to grant or deny the motion shall be in the sole discretion of the Court.

(d) Organization. Attorneys shall be on time, be prepared for all court appearances and have knowledge of the Pueblo of Pojoaque Law and Order Code, Court Rules, Rules of Evidence, and Rules of Procedure.

(e) Respect. Attorneys shall always be courteous and respectful to the Court and opposing parties.

(f) Compliance with Rules of Professional Conduct of Other Jurisdictions in which Attorney is Licensed to Practice. Attorneys shall be in compliance with the rules of professional conduct in all jurisdictions in which the attorney is licensed to practice.

(g) Candor Toward the Tribunal. Attorneys should be candid with the Court and should attempt to resolve, by agreement, differences relating to procedural and discovery matters. An attorney shall not knowingly:

1. Make a false statement of fact or law to the Court or fail to correct a false statement of material fact or law previously made to the Court;
2. Fail to disclose to the Court legal authority known to the attorney to be directly adverse to the position of the client and not disclosed by opposing counsel; or
3. Offer evidence that the attorney knows to be false; if an attorney, the attorney's client or witness has offered material evidence and the attorney comes to know of its falsity, the

attorney shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(h) Attorneys shall discourage and decline to participate in litigation that is without merit or is designed primarily to harass or drain the financial resources of the opposing party or the Pueblo of Pojoaque Tribal Court.

(i) Attorneys should avoid any communication, direct or indirect, about a pending case with a judge except as permitted by court rules or otherwise authorized by law.

(j) Attorneys should refrain from impugning the integrity of the judicial system, its proceedings, or its members. Failure to comply with the requirements of these rules may subject counsel to sanctions.

#### **E-5 Legal Department and Paralegal Fees**

(a) The Pueblo hereby establishes the Pueblo of Pojoaque Legal Department.

(b) The Pueblo of Pojoaque Legal Department hourly attorney fees are three hundred and fifty dollars (\$350) and hourly legal assistant fees are one hundred and seventy-five dollars (\$175).

#### **E-6 Attorney-Client Privilege**

Any Pueblo of Pojoaque General Counsel subpoenaed in any Court of Law shall assert, to the extent legally allowed, the attorney-client privilege.

#### **E-7 Public Records**

Except as otherwise provided in this Code, the Tribal Court Clerk shall keep open for inspection a record of all proceedings of each Court. Such record shall reflect the title of the case, the names and addresses of parties and witnesses, the substance of the complaint, the date of the hearing or trial by whom conducted, the finding of the Tribal Court or jury, and judgment or order entered. Unless specifically exempted by the Code, the record of the Court shall be public.

#### **E-8 Copies of Laws**

The Tribal Court shall have access to all Tribal, State and Federal Laws applicable to the conduct of persons within the exterior boundaries of the Pueblo of Pojoaque.