

**Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians
Court Rules of Ethics for Tribal Court Personnel**

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Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians Court Rules of Ethics for Tribal Court Personnel

Section 1. Purpose and Definitions

- A. **Purpose.** The purpose of this Chapter is to provide for and guide the professional conduct of court clerks, administrators and all other court staff employed within the Gun Lake Tribal Judiciary.
- B. **Definitions.** The following terms shall have the following meanings:
1. "Court" and "Tribal Court" are synonymous and mean the trial level court of the Tribe.
 2. "Court Personnel" or "Court Employee" means any personnel employed by the Court including, but not limited to, the following: court clerks, support staff, probation officers, peacemakers, and the Court Administrator. Neither of these terms includes judges who are subject to the *Court Rules of Judicial Conduct*.
 3. "Supreme Court" means the appellate level court of the Tribe.
 4. "Tribe" means the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians.
 5. "Tribal Judiciary" and "Tribal Courts" are synonymous and mean the trial level court and appellate level court of the Tribe.

Section 2. Applicability of this Chapter to Court Personnel. These *Rules* apply to Court Personnel who are employed within the Tribal Judiciary, whether such employment is on a full-time, part-time or *pro tempore* basis.

Section 3. Integrity and Independence of Court Personnel. Court Personnel must uphold the integrity and independence of the tribal judiciary and of the court offices in that an independent and honorable judiciary is indispensable to justice in the tribal community. Therefore, Court Personnel must observe and impart to other Court Personnel high standards of conduct so that the integrity and the independence of the judiciary are preserved and so that the court offices reflect a devotion to serving the public. The provisions of these *Rules* shall be construed and applied to further these objectives. The standards of these *Rules* shall not affect or preclude other standards which may be promulgated by the Tribal Courts.

Section 4. Impropriety and the Appearance of Impropriety. Court Personnel must not engage in any activity which would put into question the propriety of their conduct in carrying out the duties of the office including, but not limited to, the following:

- A. **Relationships.** Court Personnel must not allow family, social, or other relationships to influence official conduct or judgment. Court Personnel must not lend the prestige of their office to advance their interests or others, nor may Court Personnel convey, or others be permitted to convey, the impression that they are in a special position to influence the Court Personnel.

- B. **Gifts.** Court Personnel, as well as family member(s) who reside in the same household as the Court Personnel, may not accept a gift, bequest, favor, or loan from any person whose interests have come, or are likely to come, before said Court Personnel or from any other person under circumstances which might reasonably be regarded as influencing the performances of the duties of the office.
- C. **Communication.** Court Personnel must abstain from public comment about pending or impending judicial proceedings and must require similar abstention on the part of other Court Personnel.
- D. **Confidentiality.**
1. Court Personnel must not disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another.
 2. Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record and information concerning the work product of any judge, law clerk, staff attorney or other court employee including, but not limited to, notes, papers, discussions and memoranda.
 3. Confidential information that is available to specific individuals by reason of statute, court rule, court order or administrative policy, may be provided only by Court Personnel authorized to do so.
 4. Court Personnel must report confidential information to the appropriate authority when he or she reasonably believes this information is or may be evidence of a violation of law or of unethical conduct. No court employee shall be disciplined for disclosing such confidential information to the appropriate authority.
 5. Tribal judges and the Court Administrator should educate Court Personnel about what information is confidential and, where appropriate, should designate such materials as confidential.
 6. Court Personnel are not precluded from responding to inquiries concerning court procedures, but Court Personnel must not give legal advice. Standard court procedures, including, but not limited to, the method for filing an appeal or commencing an action, should be summarized in writing and available to litigants. All media requests for information should be referred to the Chief Judge.
 7. Court Personnel must not either initiate or repeat *ex parte* communications from litigants, witnesses or attorneys to judges, jury members or any other person. Court Personnel may inform the appropriate authority that such communication occurred without disclosing the substance thereof.
 8. Former Court Personnel must not disclose confidential information when disclosure by current Court Personnel would be a breach of confidentiality.

- E. **Administration.** Court Personnel must avoid favoritism and unfairness in connection with the hiring, discharge, or treatment of subordinate court staff.
- F. **Influence.** Court Personnel must never influence or attempt to influence the assignment of cases, or perform any discretionary or ministerial function of the courts in a biased manner, which improperly favors any litigant or attorney or other representative, nor imply that such court personnel is in a position to do so.
- G. **Legal Advice.** Court Personnel must not give legal advice. However, staff should give information about court procedures when such information is requested, or when it would be helpful to any individual who is attempting to understand the court process.

Section 5. Performance of Duties Impartially and Diligently. The official duties of Court Personnel take precedence over all activities. The official duties include all the duties of the court offices. In the performance of these duties, the following standards apply to both the personal and professional conduct of the Court Personnel:

- A. Court Personnel must respect and comply personally and professionally with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the tribal judiciary and the court offices.
- B. Court Personnel must be faithful to the highest standard of the profession and maintain professional competence in it.
- C. Court Personnel must be patient, dignified, courteous, and fair to all persons whom she or he has contact with in an official capacity such as litigants, jurors, witnesses, lawyers, and others, and must require similar conduct from subordinate staff and others subject to his or her direction and control.

Section 6. Improvement of the Legal System and the Administration of Justice. Court Personnel, subject to the proper performance of official duties, may engage in the following activities:

- A. Court Personnel may speak, write, lecture, teach, and participate in other activities concerning court management, the legal system, and the administration of justice.
- B. Court Personnel may promote the development of professional organizations and foster the interchange of technical information and experience with others in the profession.
- C. Court Personnel should be available to the public-at-large for speaking engagements and public appearances designed to enhance the public's knowledge of the operation of the Tribal Judiciary.

Section 7. Extra-Official Activities.

- A. **Avocational Activities.** Court Personnel may write, lecture, teach, and speak on subjects unrelated to the profession, and may engage in the arts, sports, and other social and recreational activities, provided such avocational activities do not detract from the dignity of the office, interfere with performance of official duties, or adversely reflect on the operation and dignity of the Tribal Judiciary.
- B. **Civic and Charitable Activities.** Court Personnel may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of official duties. Court personnel may serve as an officer, director, trustee, or advisor of a civic or charitable organization and solicit funds for any such organization, subject to the following limitations:
1. Court Personnel should not use or permit the use of the prestige of the court offices in the solicitation of funds;
 2. Court Personnel should not solicit subordinate staff to contribute to or participate in any civic or charitable activity, but may call attention to a general fund-raising campaign such as the United Way; and
 3. Court Personnel should not solicit funds from lawyers or persons likely to come before the court offices or the Tribal Judiciary.
- C. **Financial Activities.** Without the express permission of the Tribal Judiciary, Court Personnel may not carry on financial and business dealings, including services as a fiduciary. Such permission shall not be granted in any case where the activity would tend to reflect adversely on impartiality, interfere with the proper performance of official duties, exploit an official position, or come before the court offices or the court served.

Section 8. Outside Employment. Each full-time permanent Court Personnel's position must be the court employee's primary employment. Outside employment is permissible only if it complies with all the following criteria:

- A. The outside employment is not with an entity that regularly appears before, or conducts business with the court system, including any gaming enterprise the Tribe may develop in the future.
- B. The outside employment does not require the court employee to have frequent contact with attorneys who regularly appear before the court system.
- C. The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the employee's duties and responsibilities.
- D. The outside employment does not require or induce the court employee to disclose confidential information acquired in the course of and by reason of the employee's official duties with the court system.

- E. The outside employment shall not be within the executive or legislative branch of tribal government without the express written consent of both employers.
- F. Where conflict of interest exists or may reasonably appear to exist or where the outside employment reflects adversely on the integrity of the court system, the court employee shall inform the appropriate authority prior to accepting the employment.

Section 9. Political Activities.

- A. **No Support of a Political Position or Candidate of the Tribe.** Court Personnel must refrain from all political activities or actions that could be interpreted in the Tribal community as supporting a political position or candidate that might interfere with the performance of their duties.
- B. **No Engagement in Political Activity of the Tribe.** Unless authorized by tribal law or tradition, court personnel must not engage in any political activity of the Tribe except on behalf of measures to improve the law, the tribal justice system, or the administration of justice. Prohibited activities include, without limitation:
 1. Declaring candidacy for political office of the Tribe;
 2. Acting as a leader in any political organization of the Tribe;
 3. Publicly endorsing or publicly opposing a candidate running for a political office of the Tribe;
 4. Making speeches on behalf of any political organization of the Tribe; or
 5. Soliciting funds for or making a contribution to a political organization or candidate of the Tribe, or purchasing tickets for political party dinners or other political functions of the Tribe.
- C. **Outside Political Activity.** Court Personnel must refrain from all other political activity inappropriate to their position held within the Tribal Judiciary. Inappropriate outside political activity may include, without limitation, activity that is likely to be construed by the Tribal community as supporting a political position adverse to the political rights of the Tribe or individual members. Court Personnel may, however, engage in political activities of electoral politics at the local, state, or federal levels.

Section 10. Continuing Education Activities. Court Personnel, regardless of education and experience prior to being hired as court personnel, should seek further legal and pertinent non-legal education designed to improve their performance as court personnel.

Section 11. Enforcement of These Rules. In order to ensure compliance with these *Rules*, it is necessary to establish a means of enforcement.

- A. **Line of Authority.** These *Rules* are supplemental to the *Policy Handbook* of the Tribe and as such, any *Policy Handbook* of the Tribe or relevant Tribal Constitution provisions shall control

where there is any inconsistency between these *Rules* and the *Policy Handbook* of the Tribe or relevant Tribal Constitution provisions.

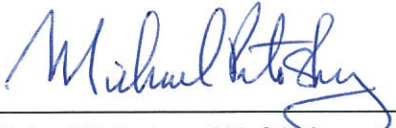
- B. **Discipline of Court Personnel.** Violation of these standards by Court Personnel may result in adverse personnel action, up to and including, termination. All discipline initiated as a result of a violation of these standards shall be conducted in accordance with applicable *Policy Handbook* provisions of the Tribe.

Section 12. Short Title and Citation Format.

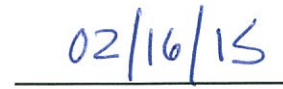
- A. **Short Title.** These *Rules* are titled "Rules of Ethics for Court Personnel."
- B. **Citation.** The official abbreviated citation form to these *Rules* is: MBPI ECP.

CERTIFICATION OF ADOPTION

The Chief Judge of the Tribal Court adopts the above Chapter of Court Rules.



Michael Petoskey, Chief Judge



Date