

**APPLICATION FOR ADMISSION OF LICENSED ATTORNEY
TO PRACTICE BEFORE THE
MASHANTUCKET PEQUOT TRIBAL COURT**



Mashantucket Pequot
Tribal Nation
Tribal Court

PLEASE TYPE OR PRINT NEATLY

NAME: <i>First</i>			<i>Middle</i>			<i>Last</i>		
OFFICE/FIRM NAME AND ADDRESS: (<i>Street</i>)								
OFFICE/FIRM NAME AND ADDRESS: (<i>Mailing – P.O. Box</i>)								
CITY/STATE/ZIP								
PHONE NUMBER: ()			FAX NUMBER: ()			E-MAIL:		
LAW SCHOOL ATTENDED AND DATES:								
ADMITTED IN CONNECTICUT?			JURIS NUMBER			YEAR ADMITTED		
OTHER JURISDICTION(S) ADMITTED TO PRACTICE:						YEAR(S) ADMITTED		

FEE FOR APPLICATION: \$125.00

PLEASE MAKE CHECK OR MONEY ORDER PAYABLE TO: MASHANTUCKET PEQUOT TRIBAL COURT

SEND APPLICATION AND FEE TO:
MASHANTUCKET PEQUOT TRIBAL COURT P.O. Box 3126 Mashantucket, CT 06338-3126

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ALL APPLICANTS MUST COMPLETE THE FOLLOWING:

1. Have you ever been convicted of a criminal charge? If so, list each conviction including the initial charges if different, and submit a copy of the arrest report and all other documents relevant to your conviction.

CONVICTED OF:	DATE OF CONVICTION:	FORUM:	INITIAL CHARGE:

2. Are there any pending criminal charges against you? If so, list each charge and submit a copy of the arrest report and all other documents relevant to the pending charge.

CHARGE:	DATE OF CHARGE:	FORUM:	INITIAL CHARGE:

3. Has any disciplinary action ever been imposed against you, including but not limited to denial, deprivation or suspension of any license to practice law? If so, explain:

4. a) Have you ever been bonded under a surety bond?
b) If so, has anyone ever sought to recover on or cancel such bond? If so, explain:

5. Have you ever been refused a fidelity or other bond? If so, explain:

ALL ATTORNEY APPLICANTS MUST COMPLETE THE FOLLOWING:

1. What percentage of your legal practice is devoted to criminal work?
2. How many criminal cases have you tried to judgment?
3. If admitted, would you like to have your name placed on a Court-maintained list of:
- a) Attorneys who may be contacted for private representation by persons accused of violating Tribal criminal law?
- b) Attorneys who may be appointed as public defenders for indigent persons accused of violating Tribal law and whose fees will be paid as allowed by Administrative Orders?

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Applicants are also required to review the statements of law and corresponding materials beginning on page 5 of this Application and return a signed Affidavit for Admission to the Mashantucket Pequot Tribal Bar to the Clerk of the Court.

There is a one-time \$125.00 application fee.

Please note that as of December 6, 2012, only non-licensed applicants are required to take a written bar examination.

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RELEASE AND CERTIFICATION

I, _____, as part of my Application for Admission to Practice Before the Mashantucket Pequot Tribal Court, consent to have an investigation made as to my application and fitness to practice before said Court. I agree to provide any further information that may be required in reference to my application. I understand that I will not be entitled to receive a copy of the investigation or to know its contents.

I understand that the foregoing information will be verified in order to process my application for admission and that the furnishing of false information in the application may result in the denial or forfeiture of admission to practice.

I hereby authorize the Mashantucket Pequot Tribal Court and the Mashantucket Pequot Tribal Police Department (hereinafter collectively, the MPTC) or their authorized representatives to conduct a criminal records check through the National Crime Information Center (NCIC) and the Federal Bureau of Investigation or the Bureau of Indian Affairs, to obtain any information from my official record concerning any arrest or conviction of whatsoever nature, or information concerning any fidelity or surety bond, and I hereby consent to and authorize the release of any such information. The results of this criminal records check will be used only to determine my suitability for my Application for Admission of Licensed Attorney to Practice Before the Mashantucket Pequot Tribal Court. I also acknowledge and agree that the Mashantucket Tribal Police Department may obtain the other information below pursuant to their Background Investigation of me for the aforesaid reason:

License and Wanted Persons Check
Driving History
Other Checks as enumerated:

I hereby release, discharge and exonerate the MPTC and its authorized representatives and any persons furnishing information authorized by this release from any and all liability of every nature and kind arising out of the furnishing of such information made by, on behalf of and to the MPTC.

I understand that except as otherwise provided above, all information solicited and received for the processing of my application is confidential and limited to official use by the MPTC and its authorized representative.

Witnesses (two required):

(1) _____

Applicant's Name / Signature

(2) _____

Applicant's Date of Birth

Date

Applicant's Social Security Number

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Please read and review the following statements of law and initial next to each statement. The citation for each referenced statute and rule is provided for further research and review.

Jurisdiction of Tribal Court

- The Tribal Court has subject matter jurisdiction over all civil causes of action and criminal matters as expressly conferred upon it by the Tribal Council through enactment of tribal laws. The Tribal Court has jurisdiction over the Tribe and tribal enterprises only where the Tribal Council has expressly and unequivocally waived its sovereign immunity from suit either in tribal law or in connection with a particular transaction or event. **1 MPTL ch. 1, § 2.**

Initials:_____

Family and Child Custody Matters

- The Tribal Court has jurisdiction over child custody proceedings involving a child who resides or is domiciled within the Mashantucket Pequot Reservation, settlement area, or trust lands, or a child who is a ward of the Court, notwithstanding the residence or domicile of the child. The Court also has jurisdiction over any adult residing in the child's home to the extent necessary to issue orders that protect the best interest of the child. **5 MPTL ch. 2.**

Initials:_____

- The Tribal Court has exclusive jurisdiction over juvenile offenders. Juvenile offenders are those under the age of 18. Juvenile offender proceedings are closed to the public, and records of the proceedings are sealed. **2 MPTL ch. 1, § 3(c).**

Initials:_____

- The Tribal Court has jurisdiction over a dissolution of marriage action or annulment provided at least one party to the action is a member of the Tribe. Both parties to a divorce action need not be Tribe members. **6 MPTL ch. 4, § 1(a).**

Initials:_____

- The Connecticut Superior Court has jurisdiction over a dissolution of marriage action brought by an individual who is not a resident of Connecticut against a member of the Mashantucket Pequot Tribal Nation who resides on the Tribe's reservation. ***Charles v. Charles*, 243 Conn. 255 (1997).**

Initials:_____

- A petition to terminate parental rights may be filed by either or both parents, the guardian of the child, the Tribal Prosecutor, or any person possessing a legitimate interest in the matter. **5 MPTL ch. 5, § 3(a).**

Initials:_____

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- When placing a child into protective or foster care the preferences for placements are as follows: (1) child's family or extended family; (2) MPTN tribal member; (3) MPTN tribally approved foster home; and (4) other Indian family. **5 MPTL ch. 3, § 8(a)**.

Initials:_____

Trials

- All actions against the Tribe or a tribal enterprise are tried by the tribal court and not by a jury. **12 MPTL ch. 1, § 5(a)**.

Initials:_____

- All trials of criminal offenses are tried by the Court without a jury unless the defendant requests a trial by jury within 30 days of arraignment. A judge will make a finding of guilty or not guilty. A defendant is entitled to a jury trial where imprisonment is a possible penalty for the offense charged. Juries are composed of six jurors with one alternate, all of whom must be members of the Mashantucket Pequot Tribe. **2 MPTL ch. 1, § 21(a)**.

Initials:_____

Criminal Matters

- For purposes of the Mashantucket Pequot Criminal Law, **2 MPTL ch. 1**, "Indian" means any person who is an enrolled member of a federally recognized tribe which is contained on the most current list of federally recognized tribes published in 65 Fed. Reg. 49.

Initials:_____

- If a Tribal Police Officer arrests a non-Indian for violation of tribal law, the officer must transfer custody or control of the non-Indian to the appropriate authorities. **2 MPTL ch. 1, § 15** provides that the officer *may* advise the non-Indian of his or her Miranda rights.

Initials:_____

- Arrest warrants and summonses may be issued by tribal judges from locations off the nation lands but they must be executed by the Tribal Police within the Nation's lands. **2 MPTL ch. 1, § 7(e)**.

Initials:_____

- The date and time of arraignment in all matters will not be more than 14 days after the date of the arrest or detention. **2 MPTL ch. 1, § 16**

Initials:_____

- The Pre-Trial Intervention Program is a rehabilitative program. Please review the guidelines and application criteria provided in **2 MPTL ch. 7, § 1**. A request to enter the PTI program must be made within 14 days of arraignment.

Initials:_____

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- It is a criminal offense to threaten a member of Tribal Council. A person convicted of this crime will be punished by incarceration for a minimum of thirty days and up to a maximum of one year. The convicted person is ineligible for the Pre-Trial Intervention Program. **2 MPTL ch. 4, § 1, 4 MPTL ch. 4, § 1.**

Initials:_____

Mashantucket Rules of Civil Procedure

- Mashantucket Rules of Civil Procedure mirror the Federal Rules of Civil Procedure.
- Oppositions to motions may be filed along with any supporting documents within 14 days after the filing of the motion, unless another time is set by the Court. Failure to request oral argument **or** to file a memorandum in opposition constitutes a waiver of all objections to the motion. Motions shall be served upon the opposing party together with a blank “Request for Argument” form. **MPRCP 7.**

Initials:_____

Initials:_____

- Only a Tribal Police Officer may serve subpoenas on Mashantucket Pequot tribal lands. Subpoenas may be served outside tribal lands by any person authorized to serve process within the jurisdiction of the person to be subpoenaed. **MPRCP 45(b)(1).**

Initials:_____

Mashantucket Pequot Civil Rights Code

- Under the Code, persons on the reservation do not have the right to bear arms. The Code provides that the Tribe shall not make or enforce laws that prohibit freedom of speech, freedom of the press, free exercise of religion, right to peacefully assemble and to petition for a redress of a grievance.

Initials:_____

Tort Claims

- The statute of limitations is **one year** from the date that the claim accrued. The accrual date is the date on which the injury was sustained. **4 MPTL ch. 1 § 5. Please note the difference between this statute and the State of Connecticut’s statute of limitations.**
- The Court may enter an award for actual damages for judgments against the Mashantucket Pequot Gaming Enterprise. In addition, the Court can enter an award for pain and suffering or mental anguish in an amount not to exceed 200% of the actual damages sustained. **4 MPTL ch. 1, § 4(a).**

Initials:_____

Initials:_____

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Employment Matters

- **8 MPTL ch. 1, § 3(f)** outlines an employee's procedural due process rights as defined by the Employee Review Code. Under this title, an employee has the right to adequate notice of the Disciplinary Action, including the basis of the action, a meaningful opportunity to be heard, including an opportunity to present and question witnesses at the Board of Review, and representation by counsel in the Board of Review, at the employee's expense.

Initials:_____

- Aggrieved Tribal employees must exhaust all tribal administrative remedies. An action pursuant to **8 MPTL ch. 1 § 2(c)** is a plaintiff's exclusive cause of action provided that he or she has exhausted all tribal administrative remedies. Notwithstanding the foregoing, if there is a Collective Bargaining Agreement in effect and it gives the Employee the option of either a Board of Review or arbitration to challenge Disciplinary Actions, Employees covered by that Collective Bargaining Agreement may select arbitration as provided under the Collective Bargaining Agreement and if an Employee selects arbitration it shall be the Employee's exclusive remedy against the Employer.

Initials:_____

- When filing an employee appeal, an employee must file a notice of appeal in Tribal Court within 30 days after the Board of Review's final decision has been personally served upon the employee.

Initials:_____

- All employee appeals are tried to the Court and not to a jury.

Initials:_____

Probate Matters

- In a probate matter, the Rule Against Perpetuities cannot invalidate a trust created by the Mashantucket Pequot Tribal Nation for the benefits of its employees. **24 MPTL ch. 7, § 21.**

Initials:_____

Contract Matters

- In any contract or agreement, the parties may stipulate upon the jurisdiction whose substantive law shall govern the instrument's interpretation and enforcement. The choice of law is not subject to revocation by one party without consent of the other, provided that the subject matter of the instrument and at least one party has some contact with the jurisdiction selected. **10 MPTL ch. 1, § 3(a).**

Initials:_____

- The Tribal Court does not have jurisdiction over any action arising from a contract, approved by the Tribal Council, to which the Tribe is a party or by which it is bound if the contract contains an express provision

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prohibiting the exercise of jurisdiction by the Tribal Court over actions arising from the contract., whether approved prior to or subsequent to the enactment of **1 MPTL ch. 1, § 2(c)**. The Tribal Court shall have jurisdiction to enforce an agreement to arbitrate or an arbitration award relating to such contract if the contract provides for such action. **12 MPTL ch. 1, § 1(d)(1)**.

Initials:_____

Mashantucket Pequot Tribal Council

- Under **Title 4, Tort Claims**, members of the Tribal Council remain immune from suit for actions taken within the scope of their duties and responsibilities as members of the Tribal Council.

Initials:_____

- **Mashantucket Pequot Rule of Evidence 508** provides that if the Mashantucket Pequot Tribal Council resolves that a matter is private, the courts of the Mashantucket Pequot Tribe must recognize the matter as privileged. Executive privilege in any matter relating to official Mashantucket Pequot tribal business is extended to: (1) present and former members of the Mashantucket Pequot Tribal Council; (2) staff members of the Mashantucket Pequot Tribal Council; (3) Mashantucket Pequot Council Committee members; (4) any employee reporting to the Mashantucket Pequot Tribal Council; (5) attorneys employed by the Mashantucket Pequot Office of Legal Counsel; (6) Mashantucket Pequot Peacemakers and their direct report staff; and (7) Mashantucket Pequot Elders Council and their direct report staff. Persons covered by the privilege cannot testify in a Tribal Court proceeding without authorization by the Mashantucket Pequot Tribal Council.

Initials:_____

Mashantucket Pequot Gaming Commission

- The Gaming Commission has the power to impose penalties for violations of the Gaming Compact, the power to bring any civil action or criminal complaint in the courts of the State or the United States to enforce the provisions of the Gaming Compact, and the power to receive complaints from aggrieved employees or members of the public. **3 MPTL ch. 1, § 7**.

Initials:_____

- The Tribal Court does not have jurisdiction to hear any appeal from a judgment of the Gaming Commission.

Initials:_____

- There is no cause of action in the Tribal Court for alleged gaming losses, the jurisdiction of which is specifically reserved for consideration by the Gaming Commission. **12 MPTL ch. 1, § 1(d)(3)**.

Initials:_____

- The Tribal Court may not issue any of the following in a tort action against the Mashantucket Pequot Gaming Enterprise: (1) a declaratory judgment or award of injunctive relief; (2) an award based upon a rule of law imposing absolute or strict liability; (3) an award for punitive or exemplary damages; and (4) an award based upon a claim of loss of consortium.

Initials:_____

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- **Title 4, Tort Claims** grants jurisdiction to the Tribal Court over tort claims against the Gaming Enterprise or arising at the Gaming Enterprise Site.

Initials: _____

Mashantucket Pequot Court of Appeals

- Notice of appeal in a civil case must be filed within 20 days of the filing of the final judgment of the Tribal Court. **MPRAP 3(a).**

Initials: _____

- Notice of appeal in a criminal case shall be filed within 20 days of the date the sentence is pronounced. **MPRAP 3(b).**

Initials: _____

- Failure to file an appeal within the prescribed time limits will result in the dismissal of the appeal.

Initials: _____

In addition to the above statements of law, applicants are required to review the following (copies of which are provided herewith):

- **Constitution**
- **Mashantucket Rules of Civil Procedure**
- **Mashantucket Rules of Evidence**
- **Mashantucket Rules of Legal Counsel Conduct**

