



* KNOW HOW THE A.I. TOOL WORKS

* OVERSEE AND VERIFY

DUTY OF COMMUNICATION (ABA RULE 1.6):

* DISCLOSE TO CLIENT AND SEEK INFORMED CLIENT CONSENT

* RESPECT CLIENT PREFERENCES

RESPECT INDIGENOUS DATA SOVEREIGNTY:

* MANY COMMERCIAL A.I. TOOLS ARE NOT

CONFIDENTIAL

BE WARY OF SHARING INDIGENOUS TEACHINGS

> DUTY OF DILIGENCE (ABA RULE 1.3):

* OVERSEE AND VERIFY

DUTY OF CANDOR TO THE TRIBUNAL (ABA RULE 3.3): * WATCH FOR A.I. HALLUCINATIONS * LAWYER ON HOOK IF CITATIONS ARE FAKE

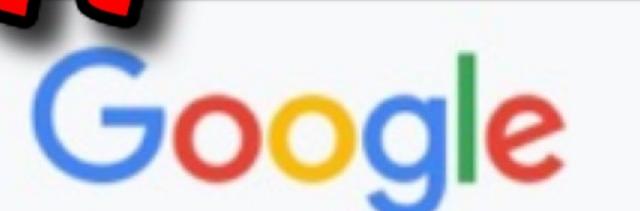
UNAUTHORIZED PRACTICE OF LAW (ABA RULE 5.5): * A.I. IS NOT A LAWYER

DUTY TO CHARGE REASONABLE FEES (ABA RULE 1.5):

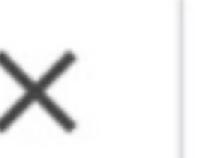
* DO NOT CHARGE CLIENTS FOR TIME SAVED BY USE

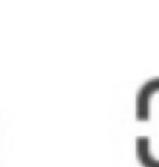
ASK "HILL HOULD FLOYD USTERIANDO?

YPO #1 -- HOOPA TRIBAL IMMUNITY



what is the tribal sovereign immunity code for the hoopa valley tribe?









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The Hoopa Valley Tribe's code regarding its sovereign immunity is not a single document but a collection of laws and ordinances, with general principles outlined in Title 52 of the Hoopa Valley Tribal Code (H.V.T.C.) which states that tribal entities are immune from suit except where immunity is expressly waived by resolution of the Tribal Council. Various other ordinances, such as the Title 80 Tort Ordinance and the Hoopa Valley Tribal Law Enforcement Authority Ordinance, contain their own specific, limited waivers of immunity or confirm the continuation of immunity for tribal entities, officers, and employees.

Key Principles

- General Immunity: The Tribe's inherent tribal sovereign immunity
 is protected unless specifically waived.
- Express Waiver: A waiver of sovereign immunity requires an express declaration by the Hoopa Valley Tribal Council, typically through a resolution, ordinance, or a written contract that explicitly provides for the waiver.
- Limited Waivers: Waivers of sovereign immunity are disfavored and must be specific in their scope, duration, and affected parties.
- Specific Ordinances: Different tribal ordinances address immunity differently:
 - Title 80 Tort Ordinance: This ordinance only waives immunity
 to the extent of insurance coverage purchased at the time of
 the claim and in accordance with its provisions.
 - Hoopa Valley Tribal Law Enforcement Authority
 Ordinance: This ordinance ensures that tribal law enforcement officers acting under the ordinance have the full benefit of the Tribe's sovereign immunity and cannot waive it themselves.
 - Employment-Related Waivers: Some ordinances, such as the one mentioned in the Hostler case, grant limited waivers of immunity for employees for specific issues like wrongful termination.

ordinance of the hoopa valley tribe

52.106. Sovereign Immunity and Waiver. (a) Sovereign Immunity of Tribal Entity. H. (b)...

Hoopa Valley Tribe :

HOSTLER v. HOOPA VALLEY TRIBE

In 1 HVTC § 1.1.04(f)4 the Tribe expressly waives its sovereign immunity from suits b...

GC General Code :

Title 80 - Tort Ordinance

- Hoopa Valley Tribe
TORT ORDINANCE-TITLE 80

(Approved 11/24/2020) 10 :...

Hoopa Valley Tribe (.gov) :

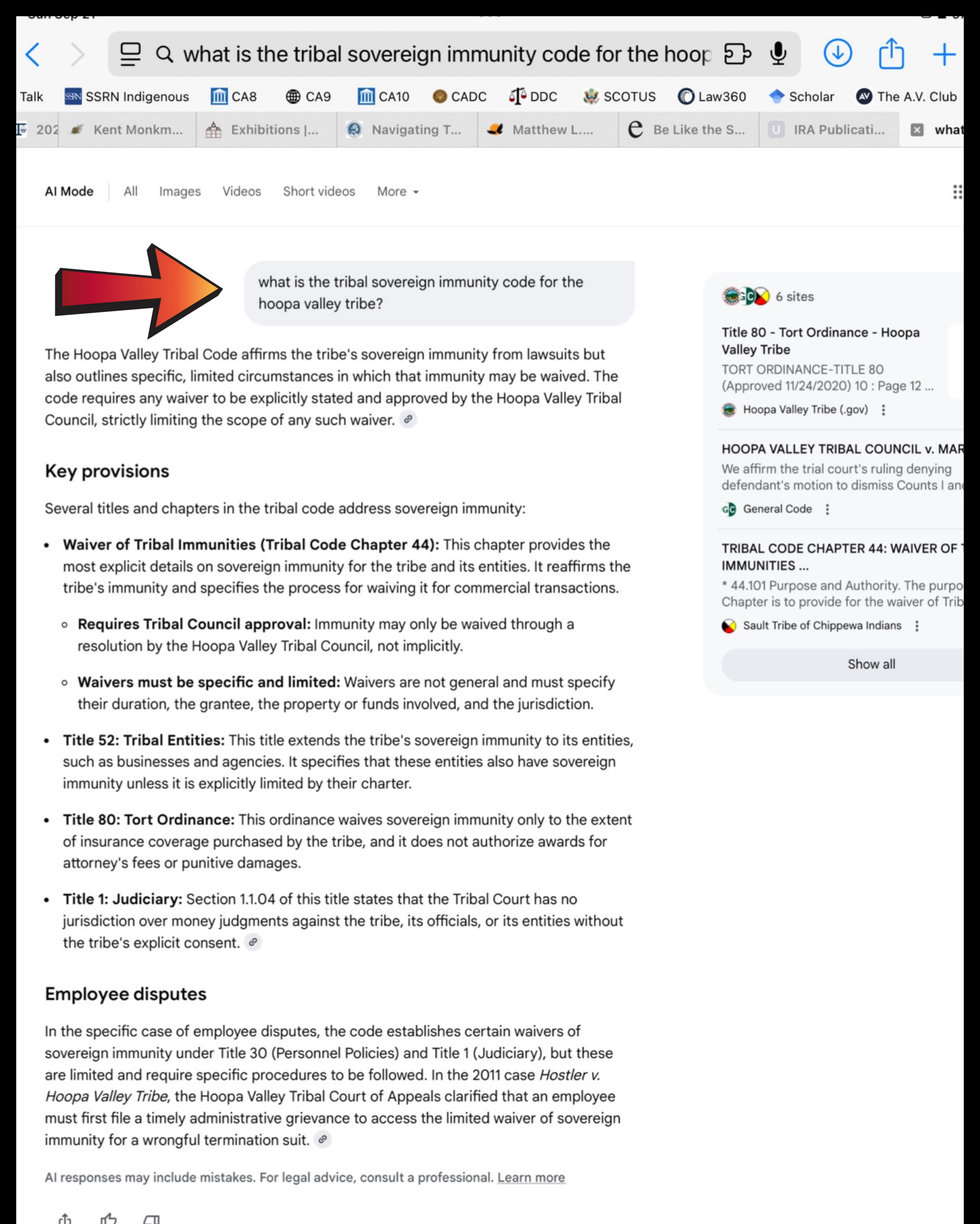
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sovereign immunity



What are the implications of the *Hostler* decision for employees?

Give an example of a situation where the Hoopa Valley Tribe might waive its

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What are the implications of the *Hostler* decision for employees?

The 2011 Hostler v. Hoopa Valley Tribe decision determined that to access the limited waiver of sovereign immunity for wrongful termination, a terminated employee must first file a timely administrative grievance according to the procedures outlined in the Hoopa Valley Tribal Code. This ruling reversed a lower court decision that had allowed an untimely claim to proceed.

The decision has several key implications for employees of the Hoopa Valley Tribe, particularly regarding the ability to pursue legal action against the tribe or its entities.

Strict adherence to procedural deadlines

The most direct implication for employees is the absolute necessity of following the tribal code's procedural rules and deadlines when filing a grievance.

- Prompt action is required: Employees must act quickly following a termination or other disciplinary action.
- Grievance first, then court: A wrongful termination complaint can only be filed in Tribal Court after the administrative grievance process has been followed and exhausted.
- Strict deadlines apply: According to Title 30 of the Hoopa Valley Tribal Code, a
 grievance must be filed within five calendar days of the disciplinary action or
 termination. Failure to meet this timeline constitutes an automatic withdrawal of the
 grievance.

Clarification of the limited waiver

The *Hostler* decision clarified the scope of the tribe's limited waiver of sovereign immunity, establishing that it is conditional, not automatic.

- Not an unlimited right to sue: The court clarified that the tribe's waiver of immunity
 for employee suits is not a broad right for employees to sue the tribe. Rather, it is a
 narrow and conditional waiver that is invoked only when the proper administrative
 procedures are followed.
- No "circumvention" allowed: The court reversed the trial court's ruling, which had suggested that filing a court suit within 30 days of termination was enough to invoke the waiver. The appellate decision corrected this, reinforcing that employees cannot bypass the administrative process to get their case heard in court.

Burden on employees

The ruling places the burden on employees to understand and correctly follow all tribal personnel procedures.

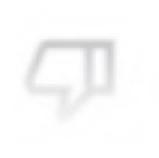
- Know the code: Employees must be familiar with the details of the Hoopa Valley Tribal
 Code, especially Title 30, regarding personnel policies and grievance procedures.
- No exceptions for procedural missteps: An employee's failure to follow the required steps, even if unintentional, can lead to their case being dismissed on sovereign immunity grounds. This outcome can prevent an employee from ever having their substantive claim heard by a court.

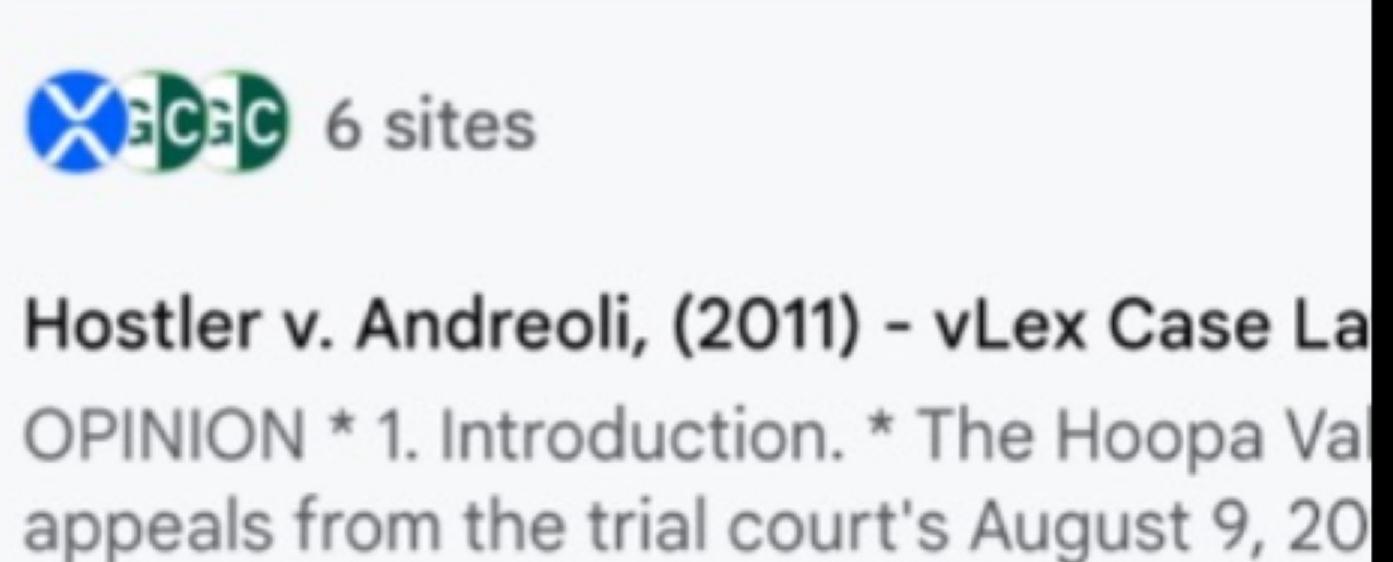
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HOSTLER v. HOOPA VALLEY TRIBE

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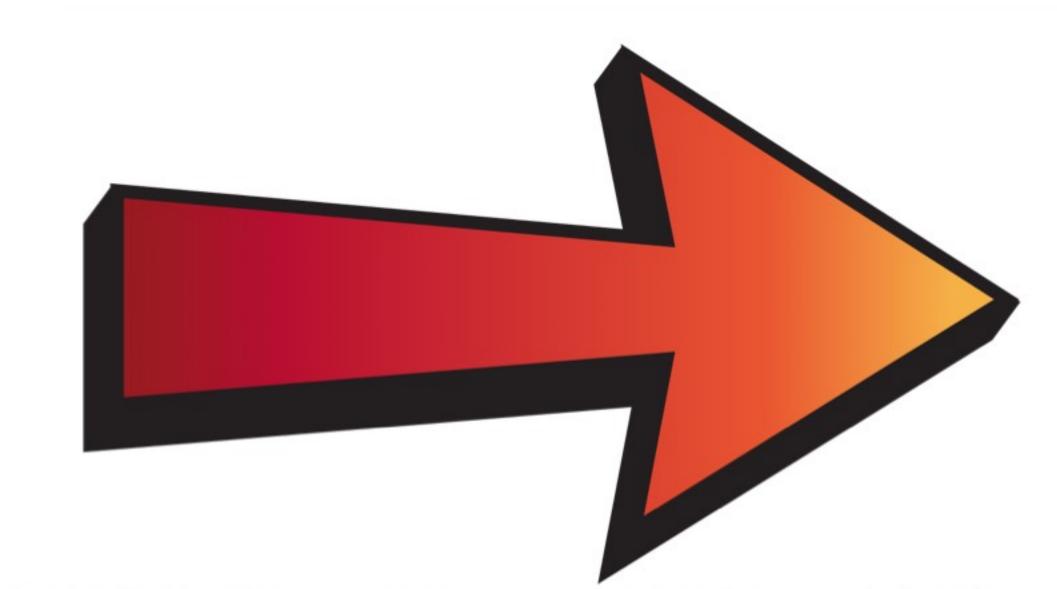
General Code :

CUMMINGS v. K'IMA:W MEDICAL CENTER

Oct 7, 2014 — The Hoopa Valley Tribe is im from suit unless it consents or waives its in

General Code :

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Has the Hoopa Valley Tribe addressed potential conflicts between the grievance process and the...

While the Hoopa Valley Tribe has not released specific code amendments to directly address potential conflicts between the grievance process and the 30-day court filing period, Tribal Court of Appeals decisions, including the 2007 case *Ferris v. Hoopa Valley*

The Ferris decision: Clarifying the start date

Tribe, have clarified the process to resolve this conflict.

In *Ferris*, the Hoopa Valley Tribal Court of Appeals addressed a case involving a terminated employee whose court filing was initially dismissed as untimely. The appeals court reversed this ruling, finding that the 30-day period for filing a wrongful termination appeal in Tribal Court does not begin until the administrative grievance process has been exhausted. This decision effectively resolves the potential conflict by making the court filing deadline dependent on the completion of the internal grievance procedure.

The *Ferris* court's interpretation established that the "date of termination" for the purpose of the 30-day filing rule is not the date the employee was originally let go, but rather the date that the employee has completed the administrative remedies provided by the tribal code.

Step-by-step procedure after Ferris

The Ferris decision, as reinforced by the 2017 case Frank v. Hoopa, clarifies the specific steps employees must take to maintain their right to file a wrongful termination suit.

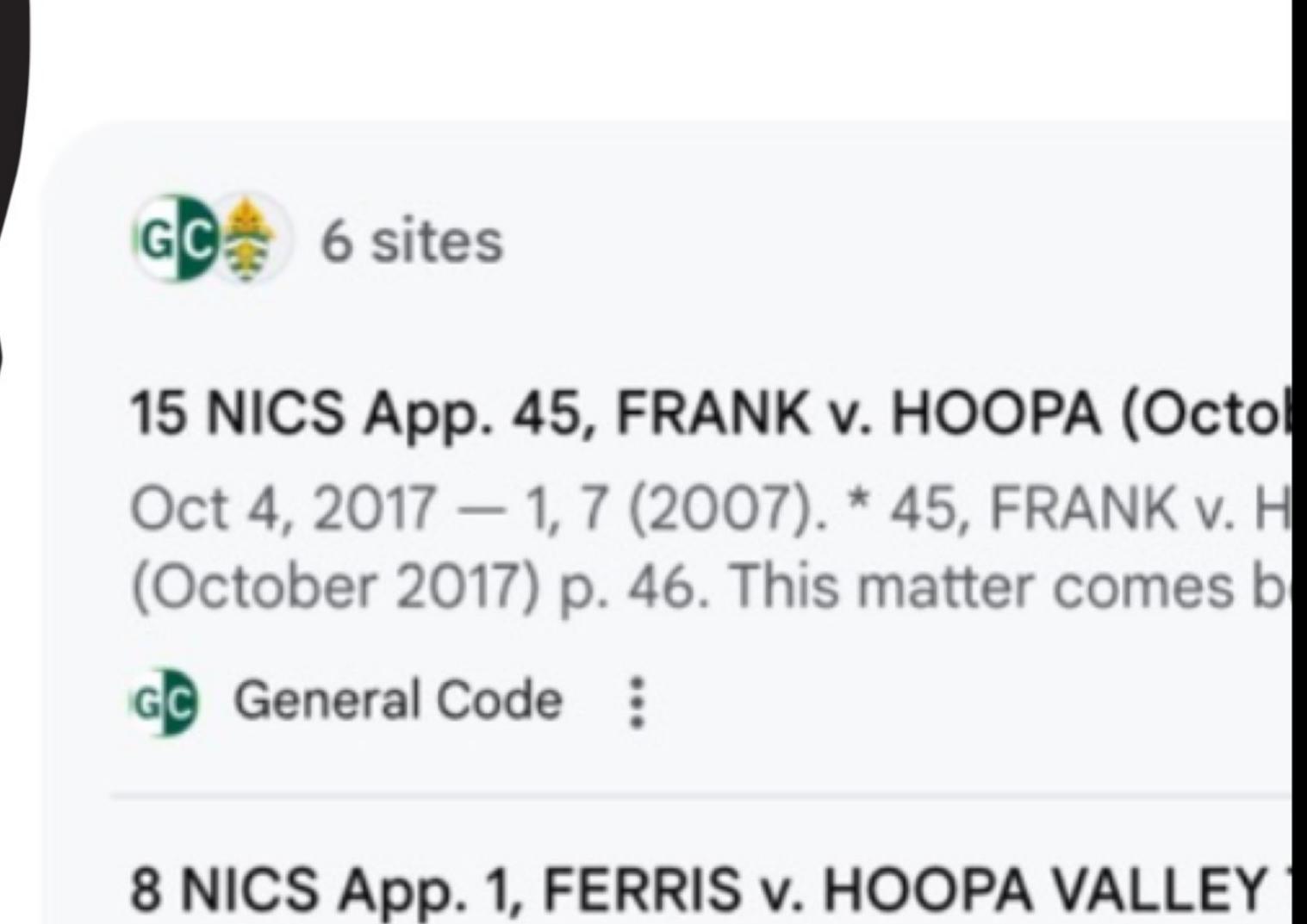
- Administrative grievance: The employee must submit a written grievance to their immediate supervisor within five calendar days of the termination or disciplinary action.
- 2. **Supervisor review:** The supervisor has a chance to resolve the grievance. If they do not, the employee moves to the next step.
- Program manager review: The employee must then submit another written grievance to their program manager within 10 calendar days after the supervisor upholds the decision.
- 4. Final administrative decision: The program manager has 10 calendar days to respond. If they do not, the termination is "deemed upheld," and the administrative process is officially exhausted.
- 5. Court appeal: It is only after this final administrative decision that the 30-day period begins for the employee to file an appeal in Tribal Court.

This multi-step, sequential process ensures that an employee's attempt to use internal grievance procedures will not cause them to miss the deadline for a court appeal.

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Has the Hoopa Valley Tribe clarified what constitutes exhaustion of administrative remedies beyond the Ferris ruling?



8 NICS App. 1, FERRIS v. HOOPA VALLEY (January 2007)

1, FERRIS v. HOOPA VALLEY TRIBE (Januar Boyd J. Ferris, Plaintiff/Appellant, v. Hoopa

General Code :

600 GRIEVANCE PROCEDURE 601 PROBL RESOLUTION - GRIEVANCE PROCEDURE

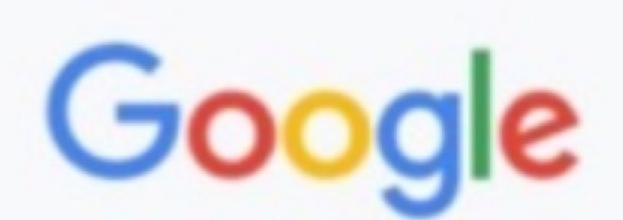
Step 1. The grievance must be presented in to the employee's immediate supervisor w

* www.diocesehelena.org









am not an Indian and I was ticketed for dumping on an Indian reservatic 🗙









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You may need to pay the ticket because the tribe may have jurisdiction over your actions if the dumping occurred on tribal land, and you are not a tribal member. Non-payment could lead to civil penalties, such as having the matter referred to collections, and you should check the specific details on your ticket for instructions on how to respond or contest it.

Understand Tribal Jurisdiction

- Tribal Lands: Indian tribes have sovereign authority within their reservation boundaries, also known as Indian country.
- Non-Members: While tribal courts historically had limited authority to try non-Indians, this is evolving. The jurisdiction can also be complicated by state and federal laws.
- Enforcement: Even if you are not a tribal member, tribal police can enforce laws for offenses committed on tribal lands, particularly those that also violate federal or state laws.

Potential Consequences of Non-Payment

- Tribal Court Action: The tribe can take civil action against you in tribal court.
- Collections: If the tribe treats the matter as a civil offense, they can send the debt to a collections agency.
- State or Federal Action: In some cases, the tribal police can refer the matter to state or federal authorities, who may then issue their own ticket or pursue charges.

What You Should Do

- 1. Review the Ticket: Read the ticket carefully for any specific instructions regarding payment or legal action.
- 2. Contact the Issuing Authority: Reach out to the police agency that issued the ticket to understand the jurisdiction and the potential consequences of your actions.
- 3. Consider Your Options: You may want to pay the ticket, or you may choose to contest it if you believe it was issued incorrectly.
- 4. Seek Legal Advice: For a complex situation like this, you may need to consult with a lawyer who specializes in tribal law or is familiar with the laws of the specific reservation where the ticket was issued.

Frequently Asked Questions | Indian Affairs - BIA.gov

On federal Indian reservations, however, only federal and tribal laws apply to members o...

Indian Affairs (.gov) :

Received ticket on an indian reservation.: r/legaladvice - Reddit

Aug 14, 2019 - Generally speaking, Native American tribes have limited legal jurisdicti...

Reddit · r/legaladvice :

Supreme Court Rules on Authority of Tribal Police to Stop Non-Indians

Jun 11, 2021 - * The Supreme Court's decision in Cooley reverses a decision of t...

Congress.gov:



Criminal jurisdiction over non-Indians



- 1978 Supreme Court ruling: The U.S. Supreme Court case Oliphant v. Suquamish Indian Tribe held that tribal courts do not have the inherent authority to prosecute non-Indians for most crimes committed on tribal lands.
- Exceptions under VAWA: Through the Violence Against Women Act (VAWA), Congress has restored some tribal authority to prosecute non-Indians for specific offenses, such as domestic violence and dating violence. Dumping is not among these exceptions.
- Tribal police authority: Tribal police can stop, search, and detain a non-Indian suspected of violating a state or federal law on the reservation. However, their authority is limited to holding the suspect until they can be turned over to the appropriate state or federal authorities for prosecution.

Potential consequences

Though the tribal court itself may lack criminal jurisdiction to force you to pay, there are other avenues for enforcement.

- State or federal charges: The tribal police who issued the ticket may have turned the case over to state or federal authorities. If so, you could face prosecution in state or federal court, where you would be required to pay.
- Civil proceedings: While tribal courts can't prosecute non-Indians for misdemeanor crimes, they may have civil jurisdiction over them. The tribe could potentially sue you in civil court to recover the costs of the cleanup.
- Exclusion from the reservation: As a sovereign nation, a tribe retains the power to exclude or ban non-Indians from their reservation for violating tribal law.

Steps to take

- 1. Examine the ticket: Carefully read the citation to see if it lists a specific tribal, state, or federal law that was violated.
- 2. Contact the tribal court (optional): You can contact the tribal court to clarify whether the ticket was issued as a civil or criminal matter. Ask what recourse is
- available to you as a non-member.

 3. Contact state authorities: Reach of the relevant law enforcement agencies to see if the case was referred to them.
- 4. Consult an attorney: Because jurisdiction in Indian country is complex, it is best to consult with a lawyer who specializes in tribal law.

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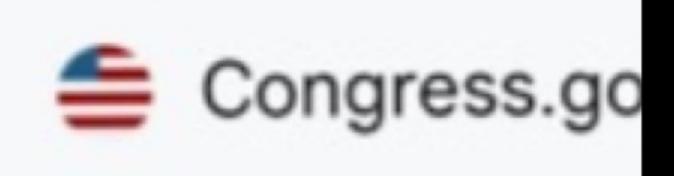






Supreme Cour Police to Stop

Jun 11, 2021 — Cooley reverse



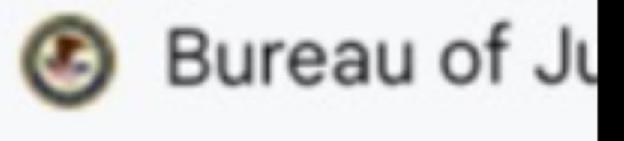
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What happens if a non-Indian doesn't pay a tribal ticket?

The direct consequences of a non-Indian not paying a tribal ticket are not clear-cut and largely depend on the tribe, the location within the reservation, and the nature of the violation. Since tribes generally lack criminal jurisdiction over non-members for misdemeanors like dumping, the tribal court cannot prosecute you or issue a warrant for your arrest. However, this does not mean there are no repercussions.

Potential consequences

- Civil judgment and recognition: If the tribal court has civil jurisdiction over the
 matter, it could issue a civil judgment against you. Whether that judgment can be
 enforced in a state or federal court depends on the law. For example, in Michigan,
 state courts may recognize and enforce tribal court judgments as long as the tribe has
 a reciprocal agreement to enforce state judgments.
- Referral to state or federal authorities: Tribal police often have the authority to
 detain non-Indians for violations of state or federal law and transfer them to the
 appropriate jurisdiction. The tribal police could refer the dumping violation to state or
 federal prosecutors, who could then charge you in their respective court systems.
- Exclusion from the reservation: Tribes, as sovereign nations, possess the power to ban or exclude non-members from their reservation for violating tribal law. If you refuse to pay the ticket, the tribe could permanently exclude you from their lands.
- Inability to participate in tribal activities: In some cases, a tribal ticket could
 prevent you from accessing certain tribal services or engaging in commerce with the
 tribe. For example, if you operate a business on tribal lands or have a commercial
 relationship with the tribe, your non-payment could affect that relationship.
- Enforcement of tribal regulations: While tribal courts generally can't prosecute non-Indians for crimes, the U.S. Supreme Court has recognized limited tribal civil authority over non-members, particularly for activities that directly affect the tribe's health and welfare. Dumping could be considered such an activity. If the case proceeds in tribal court and results in a judgment for cleanup costs, the tribe may be able to enforce that judgment through state or federal courts if there are applicable recognition agreements.

Key takeaways

- No criminal prosecution in tribal court: You do not have to worry about a criminal
 conviction in a tribal court.
- Potential for state or federal charges: The primary risk is that the tribal police could refer the matter to state or federal prosecutors.
- Civil and administrative actions: A tribe could still pursue civil actions or use its sovereign power to ban you from its territory.

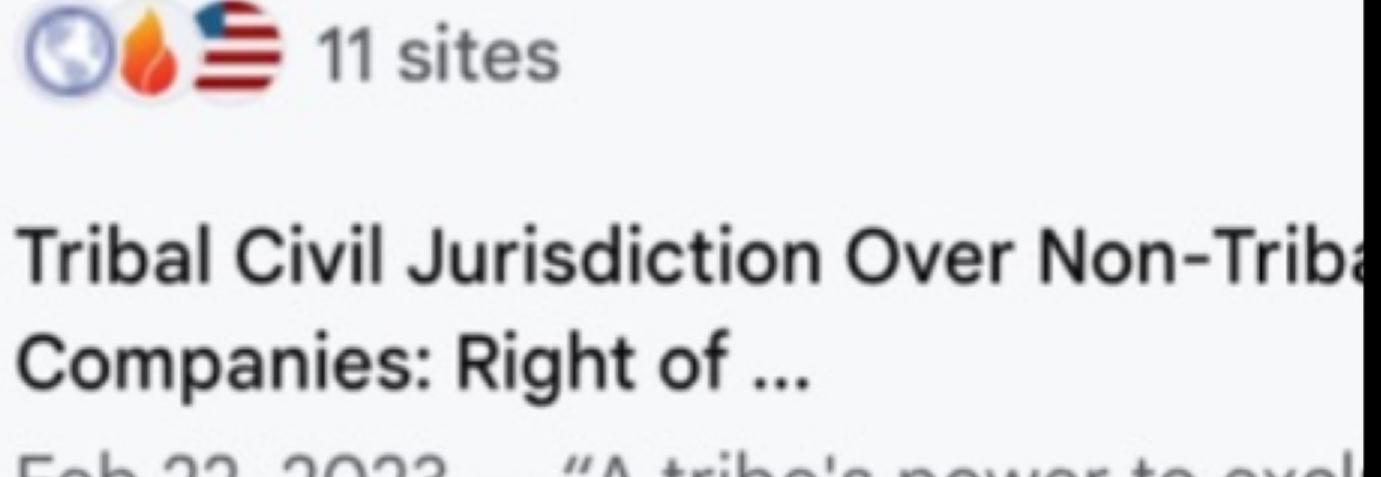
Because of the complexity of tribal, state, and federal laws, especially regarding jurisdiction on reservations, it is best to consult with an attorney to understand the specific risks associated with your ticket.

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Feb 22, 2023 — "A tribe's power to exclusion nonmembers entirely or to condition the

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Tribal Court Jurisdiction - Michigan In Legal Services

If you need additional assistance, pleas MILS at 231-947-0122. Tribal courts' aut

Michigan Indian Legal Services :

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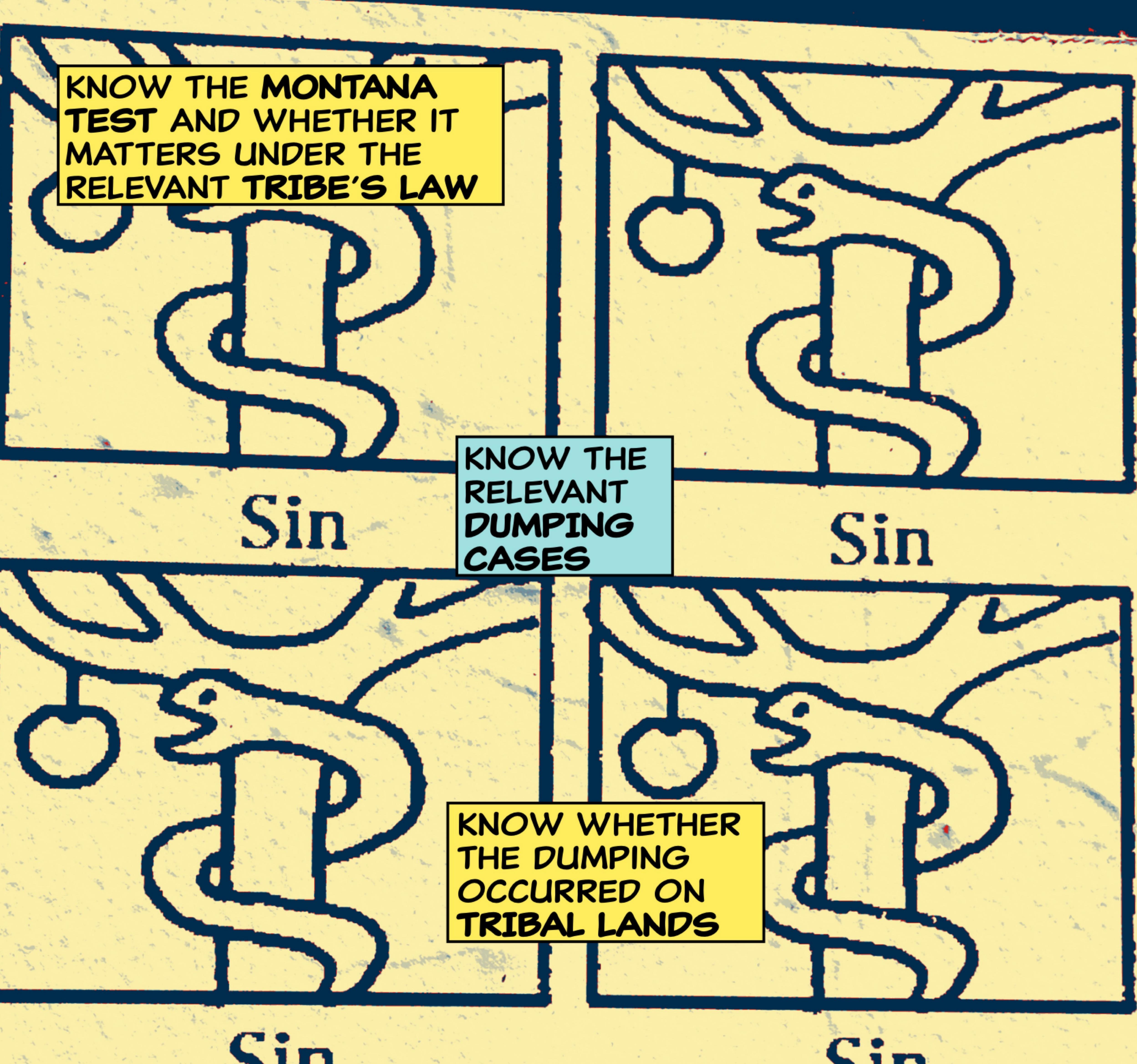
Jun 11, 2021 - * The Supreme Court's d Cooley reverses a decision of the U.S. C

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OFFENSES



KNOW THAT TRIBAL MIGHT REFER
THE MATTER TO THE FEDS OR
STATIES FOR CRIMINAL
PROSECUTION

YPO #3 -- ATTORNEY MISCONDUCT

i am licensed to practice law in Arizona. A tribal judge from the Pokagon Band of Potawatomi Indian... v

A disbarment from the Pokagon Band of Potawatomi Indians Tribal Court will not automatically disbar you from practicing law in Arizona, but it is a serious issue that you should address immediately. The Arizona State Bar may have its own rules regarding disciplinary actions in other jurisdictions, including tribal courts, which could require you to report the disbarment.

Here is what you should do:

1. Comply with Arizona State Bar rules

- Review reporting requirements. As an attorney licensed in Arizona, you have an
 obligation to notify the Arizona State Bar of disciplinary actions taken against you in
 other jurisdictions. This includes tribal court proceedings. Failure to self-report could
 lead to further disciplinary action in Arizona.
- Consult the Arizona Rules of Professional Conduct. These rules govern the ethical
 conduct of lawyers in the state. They will clarify your obligations, including what you
 need to report and how.

2. Take action to mitigate the tribal disbarment

- Understand why you were disbarred. The specifics of the tribal court's action are
 crucial. It's important to understand the violations cited in the disbarment order. For
 example, a Navajo Nation lawyer was disbarred for advising clients to ignore court
 orders, a serious offense.
- Consider appealing the decision. If you believe the tribal court's decision was unjust
 or incorrect, you may be able to appeal it within the Pokagon Band's court system.
 Successfully challenging the disbarment would likely eliminate the need for any related
 discipline in Arizona.
- Consider potential sanctions. The Arizona State Bar will evaluate the underlying conduct that led to your tribal disbarment. If the conduct violates Arizona's ethical rules, the state bar could impose its own disciplinary measures, which could include reciprocal discipline.

3. Be aware of the distinction between tribal and state bar licenses

- A license to practice in one jurisdiction, whether state or tribal, does not automatically grant the right to practice in another.
- As an Arizona-licensed attorney, you are authorized to practice law in Arizona's state courts, but that license does not automatically give you the right to practice in tribal courts. A separate license is often required.
- Conversely, a tribal court disbarment does not automatically affect your state license.
 It is the state bar's own disciplinary body that will decide if sanctions are warranted.

Disclaimer: This information is for informational purposes only and does not constitute legal advice. You should consult with an attorney who specializes in legal ethics and

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Arizona Unauthorized Practic Law Counsel

The State Bar of Arizona can ta action against an Arizona attor

Stark Law, PC:

Navajo court reinstates disba

Jan 24, 2011 — Navajo court re for attorney. ... WINDOW ROCK

G-M Charleston Gazette-Mail :

Pokagon Band of Potawatomi Appeals

May 19, 2014 — Four Winds file affirmative defenses denying the

