



NCA 12-163

CLASSIFICATION: #35. SOCIAL SERVICES/PUBLIC ASSISTANCE/DONATIONS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 35, CHAPTER 10, ENTITLED "Muscogee (Creek) Nation Legal Services Citizen Department"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. FINDINGS. The National Council finds that:

A. The Citizen Legal Services Department is a valuable service to Muscogee (Creek) Nation Citizens by providing direct legal representation for Muscogee (Creek) Citizens.

B. The budget for Legal Services has grown to approximately 1.2 million dollars and will likely continue to grow as Citizenship grows.

C. It is financially prudent and responsible to provide legal representation for limited purposes that are important to both the Citizens and the Nation in issues concerning basic elder law needs, probates, guardianship, basic estate planning, wills, deeds, durable powers of attorney, advanced directives, guardianships of minor children.

D. The National Council has had difficulties obtaining information and financial data from the Law Firm currently contracted. The amendments to this Act will provide better oversight and transparency as a component of the Attorney General's Office.

SECTION TWO. AMENDMENT. These amendments shall be codified in Title 35, Chapter 10, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the

Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION THREE. AMENDMENT. MCNCA Title 35, Chapter 10, is hereby amended to read as follows:

**CHAPTER 10. MUSCOGEE (CREEK) NATION
LEGAL SERVICES DEPARTMENT**

§10-101. Findings

The National Council finds that:

A. Many Muscogee (Creek) Citizens have limited or no access to legal assistance. Muscogee (Creek) Citizens have nowhere to turn when certain legal rights, some guaranteed by treaty, are denied.

B. There is a need for complete legal services in the following areas for citizens of the Muscogee (Creek) Nation and their families:

1. basic elder law needs such as probate and guardianship,
2. basic estate planning, such as simple wills, deeds, durable powers of attorney, advanced directives;
3. ~~basic family law, divorce and~~ guardianships of minor children;
4. ~~consumer law and collection issues;~~
5. ~~basic criminal law defense, such as misdemeanor violations and some limited felony cases, as defined by the Commission;~~
- 6-4 community education programs and presentations; and
- 7-5 regularly scheduled Chartered Community Meetings, outreach site visits to Senior Center activities, Commodity Distribution sites, Elderly Nutrition sites, Tribal towns and other Tribal social service agencies.

§10-102. Purpose

The purpose of this chapter is to create the Muscogee (Creek) Nation Citizen Legal Services Department:

The goal of the Muscogee (Creek) Nation Citizen Legal Services Department will be to provide direct legal representation for Muscogee (Creek) Citizens for limited purposes.

§10-103. Creation

There is hereby created the Muscogee (Creek) Nation Citizen Legal Services Department, which shall be established under the Attorney General's Office, an independent agency of the Tribe.

§10-104. Eligibility

All enrolled members of the Muscogee (Creek) Nation for all services provided by the Muscogee (Creek) Nation citizen Legal Services Department. In addition, the same assistance will be extended to individuals who are not enrolled members but are eligible for enrollment under the Muscogee (Creek) Constitution and Laws. No Muscogee (Creek) Nation citizen is eligible for payment of legal expenses by the Muscogee (Creek) Nation except through the Muscogee (Creek) Nation Citizen Legal Services Department or as allowed by the District Courts by indigent defense.

§10-105. Commission

~~There is hereby created a seven (7) member Commission, all to be citizens of the Muscogee (Creek) Nation living within Tribal jurisdiction boundaries, who will oversee and coordinate the operation of the Muscogee (Creek) Nation citizen Legal Services Department. The members of the Commission shall consist of the (1) Speaker of the National Council or designee, (2) one member of the Business and Governmental Committee of the National Council, (3) one Tribal citizen appointed by the Speaker of the National Council, (4) the Principal Chief or designee, (5) one Tribal citizen appointed by the Principal Chief, (6) the Second Chief or designee and (7) The District Court Judge of the Muscogee (Creek) Nation. Tribal citizen appointments cannot be an employee or an elected official of the Muscogee (Creek) Nation or entity of thereof. The Commission shall meet at a minimum of once a month. Meeting compensation for~~

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~~members who are not elected or appointed officials shall be one hundred twenty five and no/100 dollars (\$125.00) per meeting, in addition to mileage.~~

~~§10-106. Contract~~

~~A. The Commission shall negotiate and the Principal Chief shall execute a contract with licensed attorneys experienced in Federal Indian Law, Muscogee (Creek) Nation and Oklahoma Law in accordance with this chapter and containing all items of legal services set out and contained in Title 35, § 10-101. These attorneys will be independent contractors and will be responsible for the administration of the program within the parameters as set out in this chapter and in accordance with policy and procedures developed by the Commission. All contracts must follow the Tribe's procurement policy. There will be one (1) attorney who will be the managing attorney, responsible for all reporting and communications with the Commission and Court.~~

~~B. The contract shall specify payment by the Muscogee (Creek) Nation at the beginning of each month upon receipt by the District Court of an original invoice to be followed by a monthly report from the attorney contracting group as specified in Title 35, §10-113. Funds shall be appropriated to the District Court specifically for the Muscogee (Creek) Nation Citizen Legal Services Department.~~

~~§10-107. Insurance~~

~~The Muscogee (Creek) Nation Citizen Legal Services Department shall maintain legal malpractice insurance for the benefit of Muscogee (Creek) Nation Citizen clients and hold harmless the Muscogee (Creek) Nation.~~

~~§10-108. Grievance procedure and appeals process~~

~~The Muscogee (Creek) Nation Citizen Legal Services Department shall provide the Commission written policies and procedures detailing a grievance procedure and appeals process for any denials of service.~~

~~§10-1059. Interference by Tribal Officials~~

The acceptance, prioritizing and assignment of cases selected by the Muscogee (Creek) Nation Citizens Legal Services Department are to be free of interference by Tribal officials.

§10-~~106~~10. Court costs and publication fees

~~A. The Attorneys shall determine, in accordance with guidelines established by the commission, a client's eligibility for payment of court costs and publication fees from the Legal Service's Court Costs and Publication Fee Revolving Fund. A written recommendation with payee information and invoice for the services needed will be presented to the District Court Clerk for proper payment.~~

BA. The National Council hereby authorizes the District Court Clerk to expend monies from the Legal Service's Court Cost and Publication Fees Revolving Fund upon receipt of a written recommendation from the Muscogee (Creek) Nation Citizen Legal Services Department Manager or the Attorney General and presentment of a proper invoice.

GB. The Muscogee (Creek) Nation District Court may in accordance with District Court Rules ~~waive~~ court costs in cases filed by the Muscogee (Creek) Nation Citizen Legal Services Department. The Muscogee (Creek) Nation Supreme Court may in accordance with Supreme Court Rules waive court costs in cases appealed by the Muscogee (Creek) Nation Citizen Legal Services Department.

§10-~~107~~11. Accountability; quarterly and annual reports

The Managing Attorney General's Office shall submit to the ~~Commission~~ **National Council and the Principal Chief** within thirty (30) days of the close of each fiscal quarter, a quarterly activity report on the Muscogee (Creek) Nation Citizen Legal Services Department in the preceding fiscal quarter and within forty-five (45) days of the close of each fiscal year, a complete fiscal year's activity report and audit shall be submitted. ~~to the Commission.~~ The Commission **National Council and Principal Chief** shall request information at any time.

§10-~~108~~12. Muscogee (Creek) preference

A. Muscogee (Creek) Nation citizens will be given preference in both the hiring and contracting of licensed attorneys.

B. Muscogee (Creek) Nation citizens will be given hiring preference for all staff positions created to accomplish the goals of this chapter.

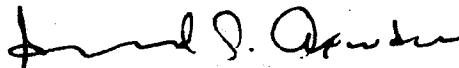
§ 10-10943. Notice to citizens

Notice to Muscogee (Creek) Nation's citizens shall be by publication in the Muscogee Nation News using both the Mvskoke Emponakv and English, informing the citizens of the Muscogee (Creek) Nation Citizen Legal Services Department, its startup date, and information concerning appointments to obtain legal services.

SECTION FOUR. EFFECTIVE DATE. This Act shall become effective October 1, 2012 at 12:00 a.m. upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution with the exception that the current Citizen Legal Services Law Firm Contractor shall not take any new cases upon enactment of this Act. All outstanding cases, including cases not covered by the new provisions of this Act, as amended, shall be transitioned to the Attorney General's Office for proper handling to conclude the case.

ENACTED by the Muscogee (Creek) National Council on this 25th day of August, 2012.


IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Samuel S. Alexander, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Eighteen members with Seventeen members attending this meeting on the 25th day of August, 2012 and that the above is in conformity with the provisions therein adopted by a vote of 13 in favor, 3 against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Sandra Denney, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 31st day of August, 2012 to the above Law, **NCA 12-163** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief
Muscogee (Creek) Nation

