

APPELLANTS' BRIEF
14-AC-018

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EXHIBITS:

Exhibits As Cited in Brief, as already submitted to the Appellate Body via the 12-31-2014 Notice of Appeal [and incorporated by reference per Judicial Code Ch. 3, Rule 13 (B) (8)]:

- A. 12-15-2014 OTJS Trial Decision - Case # 14-TC-190, Debraska et al. v OBC et al.
- B. 10-26-2014 Special GTC Meeting Action Report Draft
- C. 10-26-2014 Special GTC Meeting Minutes Draft
- D. Oneida Tribal Constitution
- E. Option B Presented at 10-26-2014 Special GTC, for an Accelerated Special Election
- F. Notice of 1-10-2015 Special Election to Fill OBC Vacancy (cited in Notice of Appeal but not in the Brief)
- G. Election Law
- H. Oneida General Tribal Council Ten Day Notice Policy
- I. Robert's Rules of Order As Used By the General Tribal Council

Exhibits Cited in Brief and Attached to this brief (not previously filed in Notice of Appeal):

- J. 10-26-2014 General Tribal Council Meeting Video
- K. 11-14-2014 Kalihwisaks OBC Forum (Column by Respondent, OBC Member Tehassi Hill)
- L. Oneida Judicial Code of Conduct, Chapter Five
- M. 1-26-2015 Notice of Representation by Patricia M. Stevens Garvey

**ONEIDA TRIBAL JUDICIAL SYSTEM
APPELLATE LEVEL**

Michael T. Debraska, Leah Sue Dodge,
Franklin Cornelius, Bradley Graham, Appellants

Case No.: 14-AC-018

v.
Oneida Business Committee, Oneida Election Board,
Oneida Law Office, Respondents

Date: February 2, 2015

APPELLANTS' BRIEF

Respondents have unlawfully scheduled an election to fill the vacancy in the Oneida Business Committee created by former Council Member Ben Vieau's 2014 Resignation

Appellants reiterate the following facts regarding the clearly erroneous decision of the Oneida Tribal Judicial System's Trial Body's December 15, 2014 Case # 14-TC-190 Decision [already submitted to this body as Exhibit A in Appellants' 12-31-2014 Notice of Appeal]¹:

1. The October 26, 2014, General Tribal Council (GTC) Meeting Action Report draft posted on the Tribe's website [Exhibit B, 12-31-2014 Notice of Appeal], the video of the October 26, 2014, GTC Meeting [Exhibit J], and the transcript of the October 26, 2014 GTC Meeting published in the January 5, 2015, GTC Meeting Packet [Exhibit C, 12-31-2014 Notice of Appeal], all prove that the legal process required for GTC to enact a Special Election to address the Oneida Business Committee (OBC) vacancy by making, seconding, and voting on a 'Motion to Adopt' any option to enact an election to address the OBC vacancy did not occur, therefore the caucus held at the October 26, 2014, GTC Meeting and any subsequently scheduled election were unlawful because the Oneida Tribal Constitution [Exhibit D, 12-31-2014 Notice of Appeal] states that only GTC may decide whether, how, and exactly when to address OBC vacancies, and nothing relinquishes or abridges GTC's right to determine if or when any Special Election to address an OBC vacancy may be held.

¹ Per Judicial Code Ch. 3, Rule 13 (B) (8), exhibits already filed to the Appellate Body in the Appellants' December 31, 2014, Notice of Appeal for this case are being incorporated by reference as noted.

2. Exhibits A, B, C (12-31-2014 Notice of Appeal) and Exhibit J from this brief all show that a ‘Motion to Adopt’ Option B [“Accelerated Special Election,” Exhibit E, 12-31-2014 Notice of Appeal] was made by Leyne Orosco and seconded by Paul Smith, yet Orosco’s ‘Motion to Adopt’ Option B failed following a vote resulting in a hand count of 539 approving, 728 opposing, and 14 abstaining, but none of the aforementioned exhibits show that any subsequent ‘Motion to Adopt’ Option B was ever made, nor seconded, nor legally voted on.
3. Those same Exhibits do show that a ‘Motion to Reconsider’ Option B – which is provably different from a ‘Motion to Adopt’ – was passed at the October 26, 2014, GTC Meeting.
4. *Robert’s Rules of Order As Used by the General Tribal Council* as posted on the Tribe’s website [Exhibit I, 12-31-2014 Notice of Appeal] clearly defines what a ‘Motion to Reconsider’ is as opposed to what a ‘Motion to Adopt’ is:

Motion to Reconsider

This motion is brought forward by a member wishing to bring a matter back before the body. The matter must be on the agenda and the membership must have received reasonable notice. The motion must be seconded, and it requires the majority vote. If the vote passes, the motion on prior action is on the floor as if the prior vote did not occur.

Hence, a ‘Motion to Reconsider’ Option B was voted on and passed which allowed GTC the opportunity to make a ‘Motion to Adopt’ Option B. Nevertheless, no secondary ‘Motion to Adopt’ Option B was ever made, nor seconded, nor voted on by GTC. Therefore, any subsequent Caucus or scheduled Special Election were unlawful, and the Trial Body has affirmed that the Appeals Commission “does have the jurisdiction to review the enactments of GTC to ensure they are in compliance with the Constitution and other applicable law” [Page 6 of Exhibit A, 12-31-2014 Notice of Appeal].

5. Interestingly, in the November 14, 2014 edition of the *Kalihwisaks*, one of the Respondents, OBC Council Member Tehassi Hill concedes that the Petitioners/Appellants are correct in his column of that issue’s *OBC Forum* [Exhibit K] by stating:

“Another irregularity was the vote to reconsider option B (election process). Normally we would have had two votes in the reconsideration process. The first vote would be to see if there is support to readdress the previous action to vote down option B. If that vote succeeded, then we would revote on option B. We only voted once and it was recognized as the actual vote for option B. I feel this action was out of order.”

Other Issues of Note

It must also be noted that during the course of this case the Respondents and Trial Body have engaged in several conflicts of interest, notably the following;

1. Oneida Election Board Chair Michele Doxtator being represented by co-Respondent and daughter Attorney Rebecca Webster;
2. Trial Body Lead Hearing Officer Jean Webster’s adjudication of this case which involves her nephew Stephen Webster’s wife, Rebecca Webster, acting as attorney for the Respondents despite Petitioners-Appellants’ request for recusal based on their conflict of interest and due to her violation of the Judicial Code of Conduct Article VI [Exhibit L];
3. The Oneida Law Office acting as representative for the Respondents [Exhibit M], under direction of Oneida Law Office Chief Counsel Jo Anne House who also functions as General Tribal Council Parliamentarian (and who also failed to correct Chairperson Tina Danforth in her errors at the October 26, 2014 GTC meeting, Exhibit J);
4. Oneida Election Board member Connie Danforth counting votes at the October 26, 2014 GTC meeting at the behest and protection of her mother, Tribal Chairperson Tina Danforth (Exhibit J).

Relief Sought

Appellants request that the current Stay remain in place on any election or actions by the Respondents to address the OBC vacancy until the matter be remanded back to a General Tribal Council meeting agenda so that GTC will be afforded the opportunity to decide how to address the vacancy in accordance with the *GTC Ten Day Notice Policy* [Exhibit H, 12-31-2014 Notice of Appeal] and *Robert’s Rules of Order as Used by the General Tribal Council* [Exhibit I,

12-31-2014 Notice of Appeal] which both require a two-thirds (2/3) majority vote in order to amend or diverge from the Election Law [Exhibit G, 12/31/2014 Notice of Appeal] as established by General Tribal Council. Specifically, the need for a primary to be held sixty (60) days prior to an election if there are sixteen (16) or more candidates for an OBC position [Section 2.12-2, Exhibit G, 12-31-2014 Notice of Appeal].

Signed this 2nd day of February, 2015,

Leah Sue Dodge, Appellant, on behalf of Co-Appellants
Michael T. Debraska, Franklin Cornelius, and Bradley Graham

c/o Leah Sue Dodge
P. O. Box 95
Oneida, WI 54155
920-321-8133



**Tehassi Hill
Councilman**

Shekoli swakwek,
Oct. 26 GTC Meeting

I am compelled to share my thoughts about the recent GTC meeting regarding the BC vacancy. Numerous weeks prior to the meeting, the Business Committee spent many hours going over all the options with the intent to provide the GTC the most information to assist in their

decision making. We recognize that it is not, nor has it ever been our role as Business Committee members to tell you, the GTC, what to do. We do however feel that it is our responsibility to research and provide the best information to you so that you, the GTC, can make well informed decisions.

The Oneida Appeals Commission ruling that Mr. Leyne Orosco cited that day at the GTC meeting, actually reaffirms that all of the options presented were viable actions that GTC could have taken. This is also in accordance to Chief Council's legal review and opinion dated October 27, 2014. Mr. Orosco's interpretation of the appeals commission ruling was inaccurate and should not have been a reason for the

motion to go with option E to be called out of order. The motion was only out of order because the individual who made the motion did not include the name of the next highest vote getter. The simple fix would have been for the Chair to ask the individual to add the name to the motion and for the seconder to concur. A GTC member did try to make that amendment, but was not allowed to.

Another irregularity was the vote to reconsider option B (election process). Normally we would have had two votes in the reconsideration process. The first vote would be to see if there is support to readress the previous action to vote down option B. If

• See 7B,
Tehassi Hill

that vote succeeded, then we would revote on option B. We only voted once and it was recognized as the actual vote for option B. I feel this action was out of order.

FY2015-2016 Budget

I would also like to speak to the budget and our budget process. We, the Business Committee, through strategic planning decided: (1) we wanted a budget that had goals; (2) we wanted a budget that was aligned to the strategic direction of the Nation; (3) we wanted a budget that gives value to our Nation; and (4) we wanted a budget that coincides with the budget constraints of our current

economy.

We have started the process of alignment for the FY 2015 budget however; we do not have time to fully implement this new process for FY2015. This means this process will then roll into FY2016.

We recognize the importance of employee input and know that we cannot align a budget without the valuable knowledge and expertise of the people within the organization. We have asked the organization to align with the strategic direction of the Nation. This is also why we have asked all areas in the organization to prioritize all the programs that are currently supported by

the Nation. We believe that the people working day in and day out throughout the organization can provide the best information to create the best efficiencies while still providing for our people, our community and our Nation. To obtain that information, management will be meeting with frontline employees to gather ideas that they feel would create efficiencies that will align with the current direction of our budget. With that being said, we ask for your patience with this new budget process.

Yaw^Ako,
**Councilman Tehassi
Hill**

Chapter Five

Judicial Code of Conduct

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Judicial Code of Conduct

Article I Policy and Purpose:

- 1-1 It is the policy of the Oneida Tribal Judicial System¹, formally known as the Oneida Appeals Commission², to promote the highest ethical conduct in all of its elected Judicial Officers³.
- 1-2 This Code is intended to create a base from which all Judicial Officers⁴ are expected to strive toward improving the health, safety and welfare of the Oneida Nation, citizens of the Nation, and persons living in and around the jurisdiction of the Oneida Nation in Wisconsin.

Article II Definitions⁵

- 2-1 Judicial Officer⁶: All persons who are elected to serve on the Oneida Tribal Judicial System^{7, 8}.
- 2-2 Part-Time Judicial Officer⁹: A Judicial Officer¹⁰ who serves on a hearing panel on a continuing basis, and participates in Oneida Tribal Judicial System business as an elected official¹¹, but is permitted to devote time to some other profession.
- 2-3 Full Time Judicial Officer(s)¹²: Are selected internally by the full Oneida Judicial System¹³

¹ Amended June 2004: changed from “Oneida Appeals Commission” to “Oneida Tribal Judicial System”
² Amended June 2004: addition of “formally known as the Oneida Appeals Commission”
³ Amended June 2004: changed from “Commissioners” to “Judicial Officers”
⁴ Amended June 2004: changed from “Commissioners” to “Judicial Officers”
⁵ Amended June 2004: deletion of the definition for “Administrative Staff”
⁶ Amended June 2004: changed from “An ‘Oneida Appeals Commissioner’ includes” to “Judicial Officer”
⁷ Amended June 2004: changed from “Oneida Appeals Commission” to “Oneida Tribal Judicial System”
⁸ Resolution 8-19-91A, Addendum, Section VI.
⁹ Amended June 2004: changed from “Commissioners” to “Judicial Officers”
¹⁰ Amended June 2004: changed from “‘Part-Time Commissioner’ is an Appeals Commissioner” to “Judicial Officer”
¹¹ Amended June 2004: addition of “and participates in Oneida Tribal Judicial System business as an elected official”
¹² Amended June 2004: changed from “Commissioners” to “Judicial Officers”
¹³ Amended June 2004: changed from “Appeals Commission” to “Oneida Judicial System”

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to work full time on Judicial System¹⁴ matters.

- 2-4 Pro-Tempore Judicial Officer: Is a judge from another tribe or is a member of the Wisconsin Tribal Judicial Association.¹⁵
- 2-5 Former Judicial Officers: Are judges who were once elected to the Oneida Judiciary and received the necessary training to hear cases. Who are eligible for recall to service on a hearing. Duties and authority are limited to the hearing to which they are assigned.¹⁶
- 2-6 Lobbying: Attempts to induce legislators to vote in a certain way or to introduce legislation.¹⁷
- 2-7 Impropriety: An act which is clearly improper and in violation of the oath to follow.¹⁸

Article III Who is Bound by this Code

- 3-1 This Code applies to all Judicial Officers, Pro-Tempore and Former Judicial Officers¹⁹.
- 3-2 The Code of Ethics shall be as set out below; recognizing that the concept of ethical conduct shall encompass action as well as inaction, and represents an area of self regulation. Provided further, that it is the policy of the Oneida Tribal Judicial System²⁰ to demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities in order to inspire public confidence and trust in the officials of the Oneida Tribal Judicial System²¹.

¹⁴ Amended June 2004: changed from "Commission" to "Judicial System"

¹⁵ Amended June 2004: changed from "Commissioner Pro-Tempore. A "Commissioner Pro-Tempore" is a person who is appointed by the Appeals Commission to act temporarily as a Commissioner."

¹⁶ Amended June 2004: changed from "Retired Appeals Commissioners. "Retired Appeals Commissioners" are eligible for recall to judicial service, but not for receiving compensation as a full-time Commissioner."

¹⁷ Amended June 2004: moved from Article V Section 5-3 to Article II Section 2-6

¹⁸ Amended June 2004: addition

¹⁹ Amended June 2004: addition of "Pro-Tempore and Former Judicial Officers"
deletion of "and Commission personnel"

²⁰ Amended June 2004: changed from "Oneida Appeals Commission" to "Oneida Tribal Judicial System"

²¹ Amended June 2004: changed from "Oneida Appeals Commission" to "Oneida Tribal Judicial System"

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Article IV Honesty and Independence²²

- 4-1 An independent and honest judicial system is the mainstay of trust. This goal should be kept in mind at all times, especially if the Oneida Tribal Judicial System²³ intends to earn the proper respect in the community. The Judicial Officers²⁴ shall always acknowledge and exhibit a good behavior as part of their role in the Oneida traditional system of justice. Serving on the Oneida Tribal Judicial System²⁵ should be regarded as highly honored and a respected position of the judicial system of the Oneida Nation²⁶. The Judicial Officers should establish and maintain a respectful standing in the community and their lifestyle, and shall²⁷ observe stringent standards of conduct at all times²⁸.
- 4-2 The Oneida people expect that those who make decisions about their lives and future will be wise and completely independent, and the Judicial Officers will decide without regard to improper influences. Influences that may arise: family, personal, or business relationships; a personal interest in a case before the Oneida Tribal Judicial System²⁹; giving in to or fearing political influence; or any consideration other than the equality of the parties and merits of the case. To that end, all Judicial Officers must remain personally impartial and independent, and act to promote and protect the independence of the Oneida Tribal³⁰ Judicial System.
- 4-3 Judicial Officers shall adhere to the laws of the tribe.³¹
- 4-4 Judicial Officers shall be patient, dignified and courteous to constituents, other officials, and others with whom the Judicial Officer³² deals in any official capacity, and require similar conduct of others in official proceedings and those persons subject to the Oneida Tribal Judicial System's³³ jurisdiction and control.³⁴
- a. Judicial Officers shall give to every person and party of interest³⁵ in action time to be

²² Amended June 2004: deletion of 4-3 from previous version

²³ Amended June 2004: changed from "Appeals Commission" to "Oneida Tribal Judicial System"

²⁴ Amended June 2004: deletion of "as well as the community" after "Judicial Officers"

²⁵ Amended June 2004: changed from "Appeals Commission" to "Oneida Tribal Judicial System"

²⁶ Amended June 2004: deletion of "and should be treated with the utmost respect"

²⁷ Amended June 2004: changed from "should" to "shall"

²⁸ Amended June 2004: deletion of "whether at home or away"

²⁹ Amended June 2004: changed from "Appeals Commission" to "Oneida Tribal Judicial System"

³⁰ Amended June 2004: addition of "Tribal"

³¹ Amended June 2004: changed from 4-4 to 4-3

³² Amended June 2004: changed from "Commissioners" to "Judicial Officers"

³³ Amended June 2004: changed from "Commissioner's" to "Oneida Tribal Judicial System's"

³⁴ Amended June 2004: changed from 4-5 to 4-4

³⁵ Amended June 2004: changed from "who is interested" to "and party of interest"

heard.

- b. Judicial Officers shall not talk to one party without the present of the other party (ex parte communication)³⁶.
- c. Judicial Officers³⁷ shall protect the privileged information to which they have access in the course of their duties. Further, they shall not use confidential information for any personal gain.

Article V Impropropriety and the Appearance of Impropropriety³⁸

- 5-1 Judicial Officers should respect and comply with the laws of Oneida and should at all times act in a manner that promotes public confidence in the integrity and impartiality of the Oneida Tribal Judicial System³⁹.
- 5-2. Judicial Officers should not allow family, social or other personal relationships to influence their judicial conduct. Judicial Officers should not attempt to use the prestige of their position to advance the private interests of themselves, nor convey the impression that anyone has special influence on them.
- 5-3⁴⁰ A Judicial Officer shall not lobby or advocate any position before a legislative or executive branch for personal gain⁴¹.
- 5-4 Once elected to the Oneida Tribal Judicial System⁴², Judicial Officers shall not serve as an Advocate for any party before any hearing body within the jurisdiction of Oneida Tribe of Indians of Wisconsin.⁴³

³⁶ Amended June 2004: changed from “Judicial Officers shall not comment to persons on any pending proceeding, session, or action unless directed to do so by the Chief Judicial Officer or the Appeals Commission.”

³⁷ Amended June 2004: changed from Oneida Appeals Commission and their Administrative staff” to “Judicial Officers”

³⁸ Amended June 2004: The definition of “impropriety” was altered and moved to Article II Section 2-7

³⁹ Amended June 2004: changed from “Appeals Commission as the Oneida Judiciary” to “Oneida Tribal Judicial System”

⁴⁰ Amended June 2004: The definition of “lobbying” was moved to Article II Section 2-6

⁴¹ Amended June 2004: addition of “for personal gain”

⁴² Amended June 2004: changed from “Oneida Appeals Commission” to “Oneida Tribal Judicial System”

⁴³ Amended August 2002: 5-4 added to prohibit a judicial officer from serving as an advocate within jurisdiction of Oneida Tribe of Indians of Wisconsin.

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Article VI Disqualification/Recusal⁴⁴

- 6-1 Judicial Officers shall disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including instances where:
- a. A Judicial Officer has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts.
 - b. A Judicial Officer has served as a lawyer, advocate or personal representative in the matter before the Appeals Commission.
 - c. A Judicial Officer's spouse⁴⁵, and any reasonably close family member in the Judicial Officer or spouse's⁴⁶ family:
 1. Is a party to the proceeding or officer, director, or trustee of a party; or
 2. Is acting as a lawyer or advocate in the proceeding; or
 3. Is known by the Judicial Officer to have an interest that could be substantially affected by the outcome of the proceeding; or
 4. Is to the Judicial Officers'⁴⁷ knowledge likely to be a material witness in a proceeding before the Oneida Tribal Judicial System⁴⁸.
- 6-2 ⁴⁹Judicial Officers shall recuse themselves in cases where some conflict of interest exists, potentially exists, or may be perceived to exist.

Article VII Alternative to Disqualification

- 7-1 A Judicial Officer who would ordinarily be disqualified may, instead of withdrawing from the proceeding, disclose on the record the basis for such possible conflict of interest. If, based on such disclosure, the parties and lawyers/advocates independently agree in writing,

⁴⁴ Amended June 2004: addition "Recusal"

⁴⁵ Amended June 2004: changed from "Judicial Officer or his/her spouse" to "Judicial Officer's spouse"

⁴⁶ Amended June 2004: changed from "husband or wife's" to "Judicial Officer or spouse's"

⁴⁷ Amended June 2004: changed from "Commissioner's" to "Judicial Officers' "

⁴⁸ Amended June 2004: changed from "the proceeding" to "a proceeding before the Oneida Tribal Judicial System"

⁴⁹ Amended June 2004: deletion of "Request for Disqualification." before Judicial Officer

or on the record⁵⁰, that the Judicial Officer's⁵¹ participation is not prejudicial, the Judicial Officer shall not be disqualified, and may participate in the proceedings. The agreement signed by all parties and advocates/lawyers shall be incorporated into the record of proceeding.

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Article VIII Adjudicative Responsibilities

- 8-1 The duties of the Judicial Officer include all official functions of the Oneida Tribal Judicial System as the judiciary of the Oneida Government.⁵² In the performance of these duties, the following standards apply:
- a. Judicial Officers should not be swayed by partisan interests, public clamor, political pressure, or fear of criticism and should resist influences on the Oneida Tribal Judicial System⁵³ by administrators or governmental officials or any others attempting to improperly influence the Judicial Officers⁵⁴ in their decisions.
 - b. Judicial Officers should give to every person holding a legal interest in a proceeding, or his/her representative, a full right to be heard. Judicial Officers should avoid all communication with officials, agents, or others concerning a pending proceeding unless all parties to the proceeding are present or represented. Judicial Officers may, however, consult a disinterested expert on federal, state, or tribal law, and traditions. Judicial Officers may review any source of law applicable to a proceeding in the case they have been assigned.
 - c. Judicial Officers shall maintain order when conducting a hearing.

Article IX Administrative Responsibilities

- 9-1 Judicial Officers shall diligently perform their administrative responsibilities without delay.
- 9-2 Judicial Officers shall⁵⁵ require the staff and other Judicial Officers⁵⁶ to observe high

⁵⁰ Amended June 2004: addition of "or on the record"

⁵¹ Amended June 2004: changed from "Officer" to "Officer's"

⁵² Amended June 2004: changed from "The duties of the Judicial Officer should take precedence over all other activities. Duties of the Judicial Officer include all official functions of the Oneida Appeals Commission as the judiciary of the Oneida Government."

⁵³ Amended June 2004: changed from "Commission" to "Oneida Tribal Judicial System"

⁵⁴ Amended June 2004: changed from "Appeals Commission" to "Judicial Officer"

⁵⁵ Amended June 2004: changed from "should" to "shall"

⁵⁶ Amended June 2004: changed from "Commissioners" to "Judicial Officers"

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standards of honesty, courtesy⁵⁷ and diligence.

- 9-3 Judicial Officers should always conduct themselves⁵⁸ in a patient and respectful manner in the performance of their duty as a Judicial Officer⁵⁹ and an administrator of justice.

Article X Extra Judicial Activities

- 10-1 Judicial Officers may engage in activities that do not cast doubt on their capability to decide impartially an issue that may come before the Oneida Tribal Judicial System⁶⁰.
- 10-2 A Judicial Officer may speak, write, lecture, teach and participate in other activities concerning the legal system of the Oneida Nation.
- 10-3 A Judicial Officer may appear at a public hearing before the executive, legislative bodies or other officials, but only in matters concerning the general administration of justice.
- 10-4 A Judicial Officer may serve as a member, officer, or director of an organization or governmental agency outside the Oneida Nation⁶¹ devoted to the improvement of law or the administration of justice. A Judicial Officer may assist such an organization in raising funds and may participate in the management and investment. The Oneida Tribal System⁶² may make recommendations to public and private fund granting agencies on projects and programs concerning Oneida law, its legal system and the administration of justice.
- 10-5 A Judicial Officer may not cross over the bounds separating the powers of government to serve as a member of the executive or legislative branches of the Oneida Government.
- 10-6 Judicial Officers may engage in⁶³ social and recreational activities, if these activities do not interfere with the performance of the Oneida Tribal Judicial System⁶⁴ responsibilities.
- 10-7 Judicial Officers may participate in civic, charitable and other activities that do not reflect upon his/her impartiality or interfere with the performance of his/her judicial duties.

⁵⁷ Amended June 2004: addition of "courtesy"

⁵⁸ Amended June 2004: changed from "behave" to "conduct themselves"

⁵⁹ Amended June 2004: changed from "Commissioner" to "Judicial Officer"

⁶⁰ Amended June 2004: changed from "Appeals Commission" to "Oneida Tribal Judicial System"

⁶¹ Amended June 2004: addition of "outside the Oneida Nation"

⁶² Amended June 2004: changed from "Commission" to "Oneida Tribal System"

⁶³ Amended June 2004: deletion of "other" after "in"

⁶⁴ Amended June 2004: changed from "Appeals Commission" to "Oneida Tribal Judicial System"

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- 10-8 Judicial Officers may participate in ceremonies that are educational, connected with traditional, cultural activities or other religious activities.⁶⁵
- 10-9 Judicial Officers shall not participate in an organization if it is likely that the organization will be involved in proceedings which would ordinarily come before the Oneida Tribal Judicial System⁶⁶.
- 10-10 In the event that a Judicial Officer is selected or recommended to serve as a member of a governmental organization or agency, other than⁶⁷ the Oneida Nation, devoted to the improvement of law or the administration of justice, the Oneida Tribal Judicial System⁶⁸ must approve of the appointment prior to the Judicial Officer commencing his/her⁶⁹ position or duties for the new position.⁷⁰
- 10-11 Judicial Officers may accept appointments to external boards, committees, and commissions outside the jurisdiction of the Oneida Nation that are not judicial in nature and whose activities are not likely to come before the Oneida Tribal Judicial System⁷¹. However, Judicial Officers must disclose all appointments within thirty (30) days of acceptance or commencement of duties for the position.⁷²

Article XI Extra Appeals Commission Appointments

- 11-1 A Judicial Officer shall not accept appointment to any Oneida governmental entity or other position whose interest is contrary to the Oneida Tribal Judicial System⁷³.

Article XII Financial Activities

- 12-1 Judicial Officers should avoid financial and business dealings that tend to reflect adversely on his/her impartiality, interfere with the performance of his/her judicial duties, exploit his/her judicial position.

⁶⁵ Amended June 2004: changed from "Judicial Officers may participate in any educational or traditional spiritual ceremonies, and ceremonies in connection with historical and cultural activities."

⁶⁶ Amended June 2004: changed from "Commission" to "Oneida Tribal Judicial System"

⁶⁷ Amended June 2004" deletion of "as part" after "other than"

⁶⁸ Amended June 2004: changed from "Oneida Appeals Commission" to "Oneida Tribal Judicial System"

⁶⁹ Amended June 2004: changed from "his or her" to "his/her"

⁷⁰ Amendment January 2002: 10-10 added.

⁷¹ Amended June 2004: changed from "Oneida Appeals Commission" to "Oneida Tribal Judicial System"

⁷² Amendment January 2002: 10-11 added.

⁷³ Amended June 2004: changed from "Appeals Commission" to "Oneida Tribal Judicial System"

12-2 Except as allowed by customs or tradition of the Oneida, a Judicial Officer shall not accept a gift⁷⁴, bequest, favor, or loan from anyone which would affect or appear to affect his/her impartiality in judicial proceedings or in the Oneida Tribal Judicial System's⁷⁵ appearance of fairness.

Article XIII Political Activities

13-1 Judicial Officers shall⁷⁶ not engage in any political activity except measures to improve the law or enhance the Oneida Judiciary⁷⁷.

13-2 A candidate, including an incumbent Judicial Officer seeking re-election, who is seeking to fill a vacant position on the Oneida Tribal Judicial System⁷⁸ by election of the Oneida Nation shall:

- a. Affirm and display the respectful integrity of a person qualified to hold a position on the Oneida Tribal Judicial System⁷⁹, and should refrain from any political activity which might interfere with the performance of his/her duties. Furthermore, a candidate should encourage members of his/her family to adhere to the same standards of political conduct that apply to him/her.
- b. ⁸⁰Not make pledges or promises of conduct as a Judicial Officer other than the faithful and impartial performance of duties as a Judicial Officer⁸¹, nor announce his/her views on any disputed legal or political issue.

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⁷⁴ Amended June 2004: changed from "neither a Judicial Officer nor a member of his/her family residing in their household should accept a gift" to " a Judicial Officer shall not accept a gift"

⁷⁵ Amended June 2004: changed from "Appeals Commission's" to "Oneida Tribal Judicial System's"

⁷⁶ Amended June 2004: changed from "should" to "shall"

⁷⁷ Amended June 2004: addition of "or enhance the Oneida Judiciary"

⁷⁸ Amended June 2004: changed from "Appeals Commission" to "Oneida Tribal Judicial System"

⁷⁹ Amended June 2004: changed from "Appeals Commission" to "Oneida Tribal Judicial System"

⁸⁰ Amended June 2004: deletion of "Shall" before "Not"

⁸¹ Amended June 2004: changed from "Commissioner" to "Judicial Officer"

This revised copy of the Code of Conduct was presented to the Oneida Tribal Judicial System at a session with a quorum present on June 7, 2004. Voted in favor of adopting the revisions: 5, votes against the revisions: 0, abstentions: 0.

Signed and dated by:

_____, Chief Judicial Officer
Winnifred L. Thomas (date)

Oneida Tribal Judicial System Seal:

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APPELLATE COURT

ONEIDA JUDICIARY
Clerk of Court:


Michael T. Debraska, Leah Sue Dodge,
Franklin Cornelius, Bradley Graham & Leah Sue Dodge

Appellants,

v.

Docket No. 14-AC-018

Oneida Business Committee,
Oneida Election Board
Oneida Law Office

Date: January 26, 2015

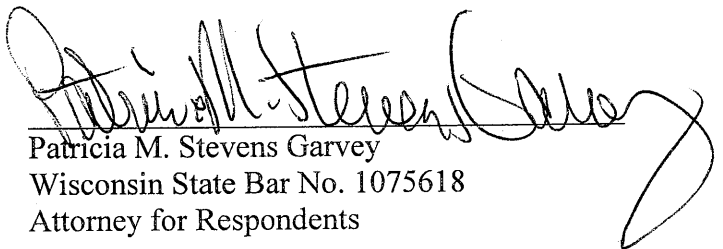
Respondents.

NOTICE OF REPRESENTATION

On behalf of the Oneida Business Committee and Oneida Election Board, the Oneida Law Office hereby gives notice that they will represent the Respondents in the above-captioned case. Any attorney in this office may represent the Respondents depending on availability.

Respectfully submitted this 26th day of January

By:


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Wisconsin State Bar No. 1075618
Attorney for Respondents

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