

MASHPEE WAMPANOAG TRIBAL COURT
MASHPEE WAMPANOAG TRIBE

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ADMINISTRATIVE ORDER #21
ADOPTION OF LAW STUDENT
POLICY ON REPRESENTING
INDIGENT PLAINTIFFS/DEFENDANTS
IN CIVIL CASES AND ADMINISTRATIVE
PROCEEDINGS

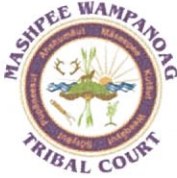
The attached Administrative Order #21 is approved and hereby adopted forthwith, and shall remain in effect until otherwise ordered.

IT IS SO ORDERED this 9th day of February 2015

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Robert F. Mills", written over a horizontal line.

Hon. Robert F. Mills, Acting Chief Justice
Mashpee Wampanoag Supreme Court



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Ordered that the Mashpee Wampanoag Tribal Court hereby adopts this Order regulating law student representation of indigent plaintiffs/defendants in civil cases and administrative proceedings which states as follows:

1. A senior law student in an accredited law school, or a law school authorized by statute of the Commonwealth of Massachusetts to grant the degree of bachelor of laws or juris doctor, who has successfully completed or is enrolled in a course for credit in evidence or trial practice, with the written approval by the dean of such school of his character, legal ability, and training, may appear without compensation in proceedings in Mashpee Wampanoag Tribal District Court, provided that the conduct of the case is under the general supervision of a member of the bar of the Commonwealth and a member of the bar of the Mashpee Wampanoag Tribal Court who is an agency counsel or law school professor, on behalf of indigent plaintiffs/defendants in civil proceedings.

2. The expression “general supervision” shall be construed to require the attendance in court of the supervising member of the bar who shall file an appearance in the case in addition to the senior student or senior law student. The term “senior student” or “senior law student” shall mean students who have completed successfully their next to the last year of law school study.
3. The written approval described in Paragraph 1 for a student or group of students shall be filed with the clerk of the Mashpee Wampanoag Tribal Court and shall be in effect, unless withdrawn earlier, until the date of the first bar examination following the student’s graduation, and as to a student taking that examination, until the announcement of the results thereof.
4. A justice of the Mashpee Wampanoag Supreme Court Department may, in his discretion, permit a senior law student, qualified and supervised as provided in Paragraphs 1–3 above, to appear without compensation on behalf indigent persons before any Tribal administrative department, provided such appearance is not inconsistent with its rules.
5. If an appearance by a senior law student is not permitted as of right by this Order, a justice of the Supreme Court may, in his discretion, permit a senior law student, qualified and supervised as provided in Paragraphs 1-3 above, to appear in the Supreme Court without compensation on behalf of indigent persons. Successful completion of or enrollment in a course for credit in appellate practice in an accredited law school, or a law school authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor, may, in the discretion of an appellate justice, be deemed a substitute for the course requirement provision of Paragraph 1 of the rule.

6. A student who has begun his next to the last year of law study in an accredited law school, or a law school authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor, qualified and supervised as provided in Paragraphs 1-3 above, may appear in civil proceedings under the same conditions as a senior law student, provided that the written approval referred to in Paragraphs 1-3 states that he is currently participating in a law school clinical instruction program.
7. Before a senior student shall act or appear for any person (client) under this Order, he shall: (a) disclose to the client his status as a law student, (b) obtain from the client a signed document in which the client acknowledges that he has been informed of the student's status and authorizing the named student to appear for an represent him in the litigation or proceedings identified in the document, (c) have the document approved by the supervising attorney, and (d) file the document and the written appearance of the supervising attorney with the court clerk or Tribal administrative agency in which the litigation or proceedings are pending.
8. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by any student acting under the provisions of this Order.
9. A student acting under this Order shall comply with the standards of professional conduct set out in Tribal Court Administrative Order #7, as well as the Commonwealth of Massachusetts Supreme Judicial Court Rules of Professional Conduct set out in S.J.C. Rules 3:07 and 3:08. Failure of an attorney supervising students to provide proper training or supervision may be grounds for disciplinary action or revocation or restriction of the program.

10. The appearance of law school students on behalf of clients in cases or proceedings pending before administrative departments or in any Tribal court shall be governed by this Order and any Orders from time to time issued by this court in implementation of this Order.
11. This Order does not require that a law student shall be approved by the dean of a law school or be a senior student in order to participate in litigation lawfully conducted by another, when the participation consists of such activities as interviewing parties or witnesses, investigating facts or law, or writing briefs or memoranda. The name of a student so participating may appear on a brief or memorandum submitted in such litigation.
12. The expression “without compensation” used in Paragraphs 1, 4, 5, 6, and 7 of this Order shall not be construed to prohibit the receipt of a fixed compensation paid regularly by a governmental agency or legal assistance program acting as the employer of a law student. It shall, however, be construed to prohibit the receipt of a fee by a law student from a client for work on a particular case.
13. The term INDIGENCY shall be defined WITHIN THE Mashpee Wampanoag Tribal Court as Indigent. (a) a person who receives public assistance under aid to families with dependent children, program of emergency aid for elderly and disabled residents or veterans’ benefits programs or who receives assistance under Title XVI of the Social Security Act or the Medicaid program, 42 U.S.C.A. 1396, et seq.; (b) a person whose income, after taxes, is 125 per cent or less of the current poverty threshold established annually by the Community Services Administration pursuant to section 625 of the Economic Opportunity Act, as amended; or (c) a person who is unable to pay the fees and

costs of the proceeding in which he is involved or is unable to do so without depriving himself or his dependents of the necessities of life, including food, shelter and clothing, but an inmate shall not be adjudged indigent pursuant to section 27C unless the inmate has complied with the procedures set forth in section 29 and the court finds that the inmate is incapable of making payments under the plans set forth in said section 29.

(Mass. Gen. Laws. Pt. III, Title VI, Ch. 261, Sec. 27A)

WAIVER OF COURT FEES
ELIGIBILITY GUIDELINES

FAMILY SIZE	MAXIMUM ALLOWED HOUSEHOLD INCOME
1	\$14,587.50
2	\$19,662.50
3	\$24,737.50
4	\$29,812.50
5	\$34,887.50
6	\$39,962.50
7	\$45,037.50
8	\$50,112.50

ADDITIONAL FAMILY MEMBERS: Families with more than Eight (8) members must increase the Maximum Allowed Household Income by \$5075 for each additional member.

14. Indigency shall be determined in the first instance by the Clerk of Courts or as otherwise delegated by the Clerk of the Courts or modified by Administrative Order.