



**PUEBLO OF ISLETA**  
P.O. BOX 1270 ISLETA, NM 87022

**RESOLUTION NO. 2002-153**

**PUEBLO OF ISLETA  
Office of the Tribal Advocate**

At a duly called meeting of the Tribal Council of the Pueblo of Isleta, the following Resolution was passed:

**WHEREAS**, the Isleta Tribal Council is the Legislative branch of the Pueblo of Isleta Tribal Government; Pueblo of Isleta Tribal Constitution, Article V;

**WHEREAS**, the Tribal Council is empowered to appoint or authorize such committees, commissions, boards, pueblo chartered organizations or corporations, officials and employees not otherwise provided for in this constitution; Pueblo of Isleta Tribal Constitution, Article V, Section 2(g).

**WHEREAS**, individuals subject to criminal prosecution within the jurisdiction of the Pueblo may have legal representation at their own expense; Pueblo of Isleta Tribal Constitution, Article III, Section 1(f).

**WHEREAS**, the Tribal Council will establish an Office of the Tribal Advocate for the purpose of providing legal representation to persons being prosecuted for criminal offenses before the Isleta Tribal Courts.

**NOW, THEREFORE BE IT RESOLVED**, that the Pueblo of Isleta Tribal Council hereby adopts and enacts the Pueblo of Isleta Office of the Tribal Advocate Ordinance, as follows:

**Tribal Advocate Ordinance**

**Section One  
Introduction**

- A. There shall be created an Office of the Tribal Advocate.

**Section Two  
Appointment of the Tribal Advocate**

- A. The Tribal Advocate shall be appointed by the Tribal Council to represent criminal defendants in the Isleta Tribal Courts pursuant to the provisions of this Ordinance.

- B. The person appointed as Tribal Advocate shall be an attorney and duly admitted to practice before the Pueblo of Isleta Tribal Courts and the Courts of New Mexico and shall meet such other qualifications as the Tribal Council shall establish from time to time in any job description, job vacancy posting or other written notice. Except as specifically described in this Resolution, the terms of compensation and employment of the Tribal Advocate shall be as determined by the Tribal Council. In the case of a person that is selected to serve as a Tribal Advocate who is not yet a licensed attorney, the Tribal Council may authorize such person to serve as the Tribal Advocate pending satisfactory licensure within a reasonable time not to exceed one year. If such person does not become licensed as agreed, the Tribal Council may remove such person from office.
- C. The Tribal Advocate is an appointed official of the Pueblo and shall serve the Pueblo of Isleta in that position unless and until removed from office with cause by majority vote of the Tribal Council.
- D. Upon appointment by the Tribal Council, the Tribal Advocate shall take an oath before the Isleta Tribal Council, to be administered by the Chief Judge of the Isleta Tribal Court, to uphold the Constitution and Laws of the Pueblo of Isleta.

**Section Three**  
**Duties of the Tribal Advocate**

- A. The Tribal Advocate shall:
  - 1. Represent criminal defendants only before the Pueblo of Isleta's Judiciary;
  - 2. Begin representation of clients no later than the initial appearance of the defendant before the Isleta Tribal Courts pursuant to the terms of this ordinance;
  - 3. Ensure that representation continues through all stages of the proceedings, including any appeal pursuant to the terms of this ordinance;
  - 4. Refrain from private legal practice while serving as the Tribal Advocate for the Pueblo of Isleta;
  - 5. Devote substantially all said person's professional time and energies to the Office of the Tribal Advocate while serving as the Tribal Advocate. Failure to comply with this provision shall be grounds for removal from office;
  - 6. Submit a written quarterly report to the Pueblo of Isleta Tribal Council and the Governor on the activities of the Office of the Tribal Advocate; including but not limited to the number, type and disposition of cases under his or her supervision; and

7. Submit a proposed budget to the Isleta Tribal Council for review and approval for the operations of the Office of the Tribal Advocate and administer said budget as approved.
- B. The Tribal Advocate shall not provide legal advice or represent persons in any civil cases. Failure to comply with this provision shall be cause for removal from office.
- C. The Tribal Advocate shall not provide legal advice or representation to persons being prosecuted for minor traffic offenses, which do not carry the possibility of imprisonment.

**Section Four  
Fees for Tribal Advocate Services**

- A. The Tribal Advocate may provide legal representation to a Defendant at the initial appearance before the Court. Thereafter, the Tribal Advocate may provide legal advice and representation to a Defendant only after the Defendant agrees to the following:
  1. The Defendant must pay a fee of \$ 300.00 in order to continue receiving legal representation from the Office of the Tribal Advocate;
  2. If the Defendant is a tribal member and does not have the resources to pay the entire fee of \$ 300.00, then such person may execute a promissory note to the Pueblo of Isleta agreeing to pay the fee. The Promissory Note shall be notarized and in the form prescribed below:

*I, \_\_\_\_\_, do hereby agree to make full payment to the Pueblo of Isleta in the amount of \$ 300.00 for legal services provided by the Office of the Tribal Advocate. I will make a monthly payment of \$ \_\_\_\_\_ until the entire balance is paid in full. If the entire amount is not paid in full before the distribution of any per capita payments, I do hereby authorize the Treasury Department for the Pueblo of Isleta to deduct any outstanding balance from my per capita distribution. If legal action becomes necessary to enforce the terms of this Note, I agree to pay any attorney fees incurred by the Pueblo. I shall submit payments directly to the Treasury Department for the Pueblo of Isleta and I shall be responsible for obtaining a receipt from the Treasury Department.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*


If the defendant(s) is a non-member Indian and does not receive per capita from the Pueblo of Isleta and cannot afford to pay the entire \$ 300.00, such person shall not be provided with legal representation by the Tribal Advocate after the initial appearance until the entire fee of \$ 300.00 is paid in its entirety.

- B. If a defendant(s) is a minor, the parent or guardian of such minor shall be responsible for payment of the fees. The parent or guardian shall also be responsible for executing a promissory note, if they are tribal members.

- C. Each defendant in a criminal case shall be obligated to pay the \$ 300.00 fee, if they want legal representation from the Tribal Advocate.
- D. The Tribal Advocate shall keep a copy of the Promissory Note on file and ensure that the original copy of the Promissory Note is filed with the Isleta Tribal Court with copies provided to the Treasury Department for the Pueblo and the Office of the Tribal Prosecutor.
- E. Any person that does not pay the entire fee or does not agree to execute the Promissory Note shall not be eligible for legal representation by the Office of the Tribal Advocate. The Tribal Advocate shall then file a Notice of Withdrawal with the Isleta Tribal Court advising the Court that the Defendant has decided not to pay the fees required by this ordinance and/or execute a promissory note.
- F. Payment of fees shall be paid directly to the Treasury Department of the Pueblo. The Treasury Department shall issue a receipt to the person making payment and notify the Tribal Advocate of all payments received.
- G. The Office of the Tribal Advocate shall not provide legal advice or representation without receiving evidence of payment of the entire fee and/or receiving a copy of an executed promissory note when the entire fee was not paid.
- H. The Pueblo of Isleta's Judiciary or any other tribal official(s) shall not require the Office of the Tribal Advocate to provide legal representation to any person that has refused to make payment of the fees prescribed herein and/or execute a promissory note to the Pueblo.

**CERTIFICATION**

We, the undersigned, tribal officials of the Pueblo of Isleta, do hereby certify that the foregoing resolution was passed at a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on the 23<sup>rd</sup> day of August, at which a quorum was present with 9 voting for, 0 opposing and 0 abstaining.

  
 Ben Lucero, President for 1 P.  
 Isleta Tribal Council

  
 Alvino Lucero, Governor  
 Pueblo of Isleta

  
 Seferino Lente, Secretary  
 Isleta Tribal Council



## PUEBLO OF ISLETA

P. O. Box 850  
ISLETA, NM 87022

### MEMORANDUM

**To:** Edward Abeita, Chief Justice  
Isleta Appellate Courts  
James Abeita, Chief Judge  
Isleta Tribal Courts  
Patricia Surovick, Tribal Prosecutor  
Betsy Salcedo, Tribal Advocate  
James Keryte, Chief of Police

**From:** Ben Lucero, President *B.L.*  
Isleta Tribal Council

**Date:** August 29, 2002

**RE:** New Resolution No: 2002-153

**CC:** Isleta Tribal Council Members (12)  
Alvino Lucero, Governor  
Pueblo of Isleta

This memo is to inform you that the Isleta Tribal Council recently enacted Tribal Council Resolution # 2002-153 entitled, "Pueblo of Isleta Office of the Tribal Advocate". Attached, you will find a copy of the new Resolution. Please inform and provide copies of the new resolution to any officials and employees within your department, so that they are aware of the new Council Resolution, which takes effect immediately.

Please submit any questions or concerns regarding the new Resolution to the Isleta Tribal Council's Office.