

WYANDOTTE NATION
TITLE 2
ATTORNEY GENERAL CODE
(APPROVED BY THE BOARD OF DIRECTORS-06/13/2023)

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**WYANDOTTE NATION
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INTRODUCTION

Section 1. Establishment.

There is hereby established the Office of Attorney General of the Wyandotte Nation. The Attorney General shall have overall responsibility for providing nonpartisan legal advice and representation to all officials, agencies, departments, divisions, enterprises and other entities of the Nation's government.

Section 2. Appointment.

The Attorney General shall be appointed by the Wyandotte Nation Board of Directors. The salary of the Attorney General shall be set by the Board of Directors. The position of Attorney General shall be a part-time appointment unless otherwise specified by the Board of Directors.

Section 3. Term.

The Attorney General shall be appointed for a term of one (1) year.

Section 4. Qualifications.

The Attorney General shall be a practicing attorney, licensed to practice in the state of Oklahoma, and admitted to practice in the State Courts of Oklahoma and the Federal District Court of the Northern District of Oklahoma.

Section 5. Personnel of the Office of Attorney General.

The Office of the Attorney General shall consist of the Attorney General of the Nation, and such Deputy or Assistant Attorneys General and other staff as the Attorney General shall determine are required from time to time, subject to the advice and consent of the Board of Directors. Assistant Attorneys General may be delegated such authority and assigned to such tasks within the Office as the Attorney General shall determine.

Section 6. Vacancies.

When by reason of absence, disability, or vacancy in office, the Board of Directors may appoint a first Assistant Attorney General to fulfill the duties of the Attorney General until such time as the absence or disability of the Attorney General no longer exists. In the case of vacancies, the Board of Directors shall appoint a new Attorney General at the earliest date possible.

Section 7. Removal.

The Attorney General may be removed by a majority vote of the Board of Directors and subject to the termination clause of the Attorney General's contract for services.

CHAPTER ONE AUTHORITY AND DUTIES

Section 101. Authority, Responsibilities and Duties.

The Attorney General shall have the following authority, responsibilities and duties:

(a) To provide non-partisan legal advice and representation as requested to the Nation, its officials, departments, agencies, offices, enterprises, branches, the Board of Directors and such other entities as the Board of Directors shall authorize the Attorney General to advise and represent;

(b) To draft in proper form ordinances and resolutions for presentation to the Board of Directors, when requested;

(c) To codify and organize all ordinances of the Wyandotte Nation and to propose the enactment of such additional laws as, in the Attorney General's opinion, are required for the orderly management of the Nation's affairs and the regulation of persons and activities within the Nation;

(d) To represent the Nation and its governmental agencies in legal matters in its dealing and relations outside the Nation, except to the extent that such representation has been delegated to other counsel by the Board of Directors;

(e) To assist in preparing proposed resolutions of the Wyandotte Nation Board of Directors, to review all resolutions proposed to be submitted to the Wyandotte Nation Board of Directors, to provide advice and recommendations thereon, and to provide legal advice and opinions to the Wyandotte Nation Board of Directors and its committees to assist them in conducting business;

(f) To investigate all matters requested by the Chief or the Board of Directors and make reports and recommendations on such matters;

(g) To represent the Wyandotte Nation and its officers in any litigation when so directed by the Chief or the Board of Directors; provided, however, that the Attorney General shall not represent the Wyandotte Nation in any claim against the United States of America in the U.S. Court of Claims, unless specifically employed by the Wyandotte Nation for that purpose, by contract duly approved by the Secretary of the Interior. Nothing in this ordinance shall be construed to employ any attorney as a claims attorney.

(h) To work with the Judicial Branch on legal matters involving action by or the involvement of the Judicial Branch, to promote cooperation and resolution of any potential

conflicts or disagreements between the governmental branches; provided, however, that such efforts shall be limited to subjects which the Attorney General is ethically permitted to discuss and shall not extend to pending cases in the Judicial Branch or other matters to the extent such discussions would be foreclosed by pertinent ethical responsibilities;

(i) At the request of any entity of the Nation, the Chief, or of the Board of Directors, or on the Attorney General's own motion, to determine whether outside counsel should be retained by the Nation for advice or representation as to any specific tasks or specialized area of the law and the justification therefore, and to make a recommendation thereon to the Board of Directors;

(j) To review and approve as to form all contracts of any type for an amount in excess of \$25,000 proposed to be entered into by or on behalf of the Nation, prior to execution thereof, and, at the request of the Chief and/or the Board of Directors, or any department, office or agency, to assist in negotiating any such contracts.

(k) Regularly, and on special request, to report to the Board of Directors and to the Chief on the legal affairs of the Nation, the particular legal matters facing the Nation and their potential consequences, and on the progress of the Attorney General in meeting the Nation's legal needs;

(l) To identify any legal issue that the Attorney General believes is of importance to the well being of the Nation, and to report such issues to the Chief and the Board of Directors as the Attorney General, in his or her sole discretion, deems appropriate;

(m) To conduct and argue suits and appeals in the Supreme Court of the Wyandotte Nation;

(n) When the Attorney General considers it in the interests of the Wyandotte Nation to personally conduct and argue any case in the District Court of the Wyandotte Nation in which the Wyandotte Nation is interested;

(o) If requested, to attend all regular and special meetings of the Board of Directors, to give legal advice and counsel on all matters pertaining to the Constitution and the business of the Board of Directors;

(p) To adopt guidelines governing the scope of the Office's representation; and

(q) To provide advice and representation in additional matters as the Board of Directors may direct.

Section 102. Ethical Requirements.

The Attorney General shall preform all of the duties and responsibilities of the Office in accordance with the highest standards of legal ethics.

CHAPTER TWO ATTORNEY GENERAL OPINIONS

Section 201. Force and Effect of Opinions of the Attorney General.

The following shall govern the force and effect given the opinions of the Attorney General:

- (a) Official opinions of the Attorney General shall be followed by other department.
- (b) In giving his or her official opinions, the actions of the Attorney General are quasi judicial and his or her opinions officially define the law unless a later decision of the Courts of the Wyandotte Nation is contrary thereto.
- (c) Administrative personnel should regard the opinions of the Attorney General as law until withdrawn by the Attorney General or overruled by the Court.
- (d) Opinions of the Attorney General should be considered as confined to specific questions therein considered and not as controlling in determining other questions not considered.
- (e) A question once fully considered and answered by one Attorney General should not be reconsidered by his successor, unless extraordinary circumstances exist.

Section 202. Publication and Distribution of Opinions.

The Attorney General, from time to time, shall cause to be edited and printed such of his or her opinions as he or she considers valuable for preservation and may prescribe the manner for the distribution of the opinions.

CHAPTER THREE LITIGATION

Section 301. Conduct and Argument of Cases.

- (a) Except when the Attorney General in a particular case directs otherwise, the Attorney General shall conduct and argue suits and appeals in the Supreme Court of the Wyandotte Nation.
- (b) When the Attorney General considers it in the interests of the Wyandotte Nation, he or she may personally conduct and argue any case in the District Court of the Wyandotte Nation in which the Nation is interested.

Section 302. Reports.

The Attorney General shall provide regular reports to the Chief and the Board of Directors of all litigation and other business of the Office of the Attorney General as requested and when the Attorney General deems such reports to be of significant consequence to the Nation's interests.