

Act 06-25

An act amending Title 15, Chapter 3 to permit non-attorney directors to serve and expand on the organization of the board for Band Member Legal Services.

The District II Representative introduced the following Bill on the 12th day of February, 2025.

BE IT ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:

Section 1. Amending Title 15, chapter 3.

§ 905. Qualifications of Directors

- (a) ~~Directors must be: attorneys licensed to practice law in the State of Minnesota, under the laws of the Band, or both. Directors shall remain in good standing with the bar of the relevant jurisdiction or jurisdictions during their term.~~
 - (1) attorneys licensed to practice law in the State of Minnesota, under the laws of the Band, or both, and in good standing with the bar of the relevant jurisdiction or jurisdictions during their term; or
 - (2) non-attorneys who have training or experience in the legal field, including former or current paralegals, legal secretaries, court staff or officials, non-attorney law school graduates, guardians ad litem, and law students.
- (b) At least three directors shall be licensed attorneys.
- (c) A candidate for the board whose professional license has ever been revoked for any reason shall disclose the revocation and the reasons for the revocation in her or his application materials. Failure to do so shall be reasonable grounds to deny an applicant membership on the board or to remove a sitting director.

§ 907. ~~Duties of the Board~~Organization of the Board.

- (a) **Duties of the Board.** The board shall have the following duties:
 - (1) to take all actions necessary and appropriate to implement the provisions of this chapter;

(1)(2) to develop standards governing the delivery of indigent defense services, including:

- (i) standards governing eligibility for indigent defense services;
- (ii) standards for maintaining and operating regional tribal public defender offices, if any regional tribal public defender offices are established;
- (iii) standards prescribing minimum experience, training, and other qualifications for tribal public defenders;
- (iv) standards for tribal public defender caseloads;
- (v) standards for the evaluation of tribal public defenders;
- (vi) standards for independent, competent, and efficient representation of clients whose cases present conflicts of interest; and
- (vii) such other standards as are necessary and appropriate to ensure the delivery of adequate indigent defense services;

(2) to establish regional tribal public defender offices, if determined to be necessary and appropriate;

(3) to adopt bylaws; ~~and~~

(4) to approve and submit to the Band Assembly a biennial budget request; and

(5) to avoid interfering with attorney-client relationships or directing legal outcomes in matters involving Band Member Legal Services attorneys or clients; and

(6) to refrain from sharing with others information obtained or learned at Band Member Legal Services board meetings or related to a Band Member Legal Services matter, except with express consent of the board. Breach of this duty constitutes good cause to remove the director from the board.

(b) Meetings.

(1) **Regular meetings.** Regular meetings of the board shall be held at least monthly/quarterly and upon written notice. The dates and forms of regular meetings shall be set by official action of the board.

(2) **Special meetings.** Special meetings of the board may be called by the chairperson with a minimum of forty-eight (48) hours written notice to the

board members, by the managing attorney with a minimum of forty-eight (48) hours written notice to the chairperson, or by a majority vote of the board with forty-eight (48) hours written notice to the chairperson.

(3) **Other.** Either regular or special meetings may be called by petition of a majority of a quorum of the board members other than the chairperson upon forty-eight (48) hours written notice to the chairperson.

(4) **Alternative meeting arrangements.** Regular or special meetings may be conducted by telephone, video or web conference, or similar means.

(5) **Notice.** The chairperson must provide the board members with forty-eight (48) hours written notice prior to convening any meeting under this subsection.

(6) **Consent presumed.** A member's participation in a meeting described herein without explicit objection will constitute consent to the manner in which such a meeting is conducted.

(c) **Quorum.** Three (3) board members shall constitute a quorum.

(d) **Voting.**

(1) All actions of the board shall be taken by majority vote.

(i) The chairperson shall vote only in the following circumstances:

(A) To break a tie; or

(B) If necessary, to constitute a quorum in the absence of other board members.

(e) **Board Officers.** The board shall have a chairperson, vice-chairperson, and secretary.

(1) **Selection.**

(i) **Chairperson.** The members shall select from among themselves, by majority vote, a chairperson. The chairperson shall serve for a period of no longer than two (2) years, unless re-appointed by the members.

(ii) **Vice-chairperson.** The members shall select from among themselves, by majority vote, a vice-chairperson. The vice-chairperson shall serve for a period of no longer than two (2) years, unless re-appointed by the members.

(iii) Secretary. The board may select a member or an employee of Band Member Legal Services to act as secretary of the board. The secretary shall serve for a period of no longer than two (2) years, unless re-appointed by the board. An employee acting as secretary at the request of the board is not a board member and has no powers of a member.

(f) Compensation. Board meetings. Members, including the chairperson, shall be compensated with four hundred dollars (\$400.00) per meeting, not to exceed eight hundred dollars (\$800.00) in one month, except that in the case of a demonstrated emergency, the chairperson may petition the Secretary-Treasurer for compensation for additional meetings. Mileage and other travel expenses will be compensated on the same terms and conditions as apply to Senior Executive Staff appointees as provided by Band law.

EFFECTIVE DATE. This bill shall take effect immediately upon signature by the Chief Executive, or lack of a veto, as provided in 3 MLBS § 17.

**Act 06-25
(Band Assembly Bill 21-03-06-25)**

Introduced to the Band Assembly on this
Twelfth day of February in the year
Two thousand twenty-five.

Passed by the Band Assembly on this
Twelfth day of February in the year
Two thousand twenty-five.


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: 2-13-25


Virgil Wind, Chief Executive

OFFICIAL SEAL OF THE BAND

