



YAKAMA NATION ADULT CRIMINAL COURT Representation Requirements & Client Guidelines

Our office is not considered “Assigned Counsel” in Tribal adult criminal court. This means representation by the YN Public Defender’s Office **is not automatically assigned to each case.**

Guidelines:

- 1) If you are seeking representation from our office you must enter a “NOT GUILTY” plea during your arraignment hearing. (The Court may set bail on your release regardless of how you plead.) If you enter a guilty plea, your sentencing hearing will likely be scheduled 2 weeks from your arraignment. Our office is unable to help you withdraw a guilty plea if you plead guilty at arraignment.
- 2) To request representation for Tribal Court criminal cases, you must complete an intake by coming-in to our office; calling us at (509) 865-5121 ext. 4576 or sending a kite from YN Corrections to request representation.
 - a) We will review the case and discuss any potential conflicts of interest that could prevent our representation;
 - b) Requests for representation must be made directly by the person charged. We cannot accept any requests for representation made from family or relatives on behalf of a defendant;
- 3) If you qualify for our representation, we will file a Notice of Appearance and Demand for Discovery with the Court. It takes up to 10 days for our office to receive

Public Defender-Legal Aid Services Program

- “Discovery” (police reports, witness/alleged victim statements and other evidence).
- 4) Because of our attorney/client privilege and confidentiality requirements, we cannot discuss your case with any family, relatives, or alleged victims, nor are we allowed to release information regarding your case without your permission.
 - 5) You are required to maintain weekly contact with your attorney or advocate. Please call (509) 865-5121 ext. 4576 to check-in weekly. You will need to report accurate/updated contact information to your attorney/advocate at all times. This will assist our office in being able to contact you about your case and upcoming hearing dates;
 - 6) You are required to appear for all court appearances. If you fail to appear for a hearing that results in a warrant for your arrest, our office may withdraw from your case.
 - 7) Because resources are limited, we may limit the number of cases we accept to three cases per year, per person.
 - 8) Attorney Jack Fiander is not a regular full-time attorney for our program and only accepts a very limited number of cases. Assignments to him through our program are made by completing the intake procedures under #2 above. This does not guarantee he can accept new clients, and you may be assigned a different attorney/advocate based upon availability. If you contact him directly, you may retain his services as a private attorney at your own expense.
 - 9) If you are charged in outside courts, we cannot provide representation to you due to limited resources. Please request services from the assigned counsel office of that court.

Public Defender-Legal Aid Services Program

**YAKAMA NATION CHILDREN'S COURT
YOUTH DELINQUENCY CASES
Representation Requirements & Client Guidelines**

Our office is considered “*Assigned Counsel*” in Tribal Children’s Court. We are automatically assigned to represent every youth who is charged with a crime/offense in Children’s Court.

- 1) Our office will assign an attorney or advocate to represent the youth before the first scheduled hearing;
- 2) *The attorney or advocate will represent the youth only.* Parents and guardians are not considered the client. Conversations between the youth and his/her attorney or advocate are confidential, and the parent may be asked to not sit in on the attorney meeting with the youth.
- 3) The youth is required to keep in weekly contact with their attorney, and keep your contact information updated at all times;
- 4) Parents and guardians – please ensure that your child is calling and/or coming to all scheduled appointments and hearings.

Public Defender-Legal Aid Services Program

**YAKAMA NATION CHILDREN'S COURT
DEPENDENCY CASES
(Cases that involve DCYF CPS/ Nak Nu We Sha)
Representation Requirements & Client Guidelines**

If your child has been removed from your care by CPS with a Dependency matter filed in Yakama Nation Children's Court, our office can provide representation as follows:

- 1) We can only represent a *Yakama enrolled* parent/guardian of the child.
- 2) Due to the potential conflict of interest between parents/guardians, we can only represent the *first* Yakama enrolled parent or guardian who requests representation.
- 3) To request representation, come-in or call our office to complete an intake. We will review and advise whether we can represent you.
- 4) If you qualify for our representation, you will be required to maintain weekly contact with your attorney/advocate and appear for all hearings.

Public Defender-Legal Aid Services Program

YAKAMA NATION CIVIL COURT
(Civil Court Cases include: Custody, Divorce,
Guardianships, Restraining Orders, & Civil Actions)

Our office does not have the staffing to provide full representation in private-civil matters. Tribal Law does not provide a right to a free lawyer in private civil matters.

- 1) If you need assistance in preparing and filling-out civil forms for Pro Se (self-representation) filing – we may be able to assist. Come-in or call for an appointment at (509) 865-5121 ext. 4576.
- 2) If you wish to complete a Power of Attorney to give authority to someone else to conduct your financial affairs or make medical decisions when you can no longer make them, we can complete these for you.
- 3) If you need Notary services, we can provide this for you as long as you bring a valid identification.
- 4) If you are an elder, we may be able to complete your Will. Contact us to request the Will intake form that you will need to complete and return to us in order for our office to draft your Will. Once drafted and finalized, you will need to schedule a time to execute the Will by signing before Witnesses and a Notary.
- 5) If you are a custodial parent/legal guardian and wish to give temporary legal custody to another individual for a limited time, we may be able to draft a Temporary Legal Custody agreement for you.

Public Defender-Legal Aid Services Program

REPRESENTATION IN OUTSIDE COURTS

Our office does not have the staff capacity to provide representation in outside court cases (Non-Tribal Court).

- 1) If you qualify for the public defender or assigned counsel in the Court in which you are charged, you should request representation from that court.
- 2) If you have been served a civil summons in State Court for an on-reservation delinquent debt, we may be able to provide a form for you to file on your own behalf.
- 3) If you have received a citation for an infraction (infractions include stop-sign violation, speeding in a school zone, headlight violation, driving without a valid driver's license, etc.) (DUI and DWSR are criminal offenses and are *not* infractions) that occurred on reservation, we may be able to provide a form for you to file on your own.
- 4) If you have been served a Summons for a Superior Court custody case, we may be able to provide a form for you to file on your own to request transfer to Tribal Court.

We recommend that you appear for all hearings when you are served notice to appear. Otherwise a default judgment may be entered against you in civil cases or a warrant for your arrest may be issued in criminal cases.