

# READ THESE INSTRUCTIONS BEFORE PROCEEDING TO THE EXAMINATION!

1. You have 3 HOURS to work and provide answers on the exam.
2. This is a CLOSED BOOK exam. You may not receive assistance from any source other than your own knowledge and reasoning during the examination.
3. If you need to use the washroom during the exam, notify the Clerk of Court. Time used to go to the washroom counts against your time to complete the exam. **DO NOT TAKE THE EXAM WITH YOU TO THE WASHROOM.**
4. If you have a question about the exam questions or believe there is a mistake, the Clerk of Court is not permitted to answer your question. Note your concern in your answer and do the best you can.
5. After the exam, please do not discuss the exam questions with anyone else. There are different versions of the exam so the next person may not have the exact same questions as you. (All exam versions are the same level of difficulty.)
6. In order to be admitted, you will need to answer 80% of the multiple choice questions correctly and answer the essay questions satisfactorily.
7. Work quickly, but carefully. **GOOD LUCK!!**

**EXAMINATION FOR ADMISSON TO PRACTICE  
BEFORE THE COURTS  
OF THE  
FOREST COUNTY POTAWATOMI**

**TRIBAL LAW**

- T F 1. Tribal law recognizes the judgments of foreign courts.
- T F 2. The Forest County Potawatomi Tribal Court does not exercise criminal jurisdiction.
3. Which item is a qualification to be a tribal judge
- A. 25 years of age or older
  - B. Tribal member
  - C. Must possess a law degree
  - D. All of the above
  - E. None of the above
4. After receipt of a final judgment, a party has how many days to file a Notice of Appeal:
- A. 5 days
  - B. 10 days
  - C. 20 days
  - D. 30 days
5. The Forest County Potawatomi General Council is composed of:
- A. Elected council members
  - B. Tribal members over the age of 18
  - C. Tribal elders only
  - D. None of the above
6. Under the Tribal Constitution, which entity has the power to enact ordinances?
- A. Tribal Court
  - B. A single tribal member
  - C. Executive Council
  - D. General Council

- T F 7. FCP Tribal child support law generally follows Wisconsin law.
8. Under tribal law, in order to be a tribal member, a person must have the following amount of Potawatomi blood quantum:  
A.  $\frac{1}{2}$   
B.  $\frac{1}{4}$   
C.  $\frac{1}{8}$   
D.  $\frac{1}{16}$
- T F 9. Tribal trial court decisions are appealable to the Tribal Court of Appeals.
- T F 10. Due process is guaranteed under the Forest County Potawatomi Tribal Constitution.
- T F 11. Tribal administrative hearing decisions are appealable to the tribal court.
12. A summons and complaint may be served:  
A. By personal service  
B. By mail  
C. By mail or personal service  
D. None of the above.
- T F 13. The Court may garnish a tribal member's tribal income in order to pay child support.
14. Under tribal law, a non-member custodial parent is subject to tribal court jurisdiction if he or she:  
A. Resided on the Reservation when the child was born.  
B. Received service of process on the Reservation.  
C. Consents to tribal court jurisdiction.  
D. All of the above.
- T F 15. The Forest County Potawatomi Child Support Agency may start a paternity action on behalf of a custodial parent even if he or she is a non-Indian.
- T F 16. Failure to obey a tribal court subpoena constitutes contempt of Court.
17. The Tribal Hunting Ordinance restricts members to three deer per hunting season.  
A. True

- B. False
  - C. Neither
  - D. There is no Tribal Hunting Ordinance
18. Tribal employees may be terminated by the Tribe:
- A. At will
  - B. For cause
  - C. Only for misconduct
  - D. None of the above
- T F 19. Tribal election law permits an ordinance to be passed by referendum.
- T F 20. Per capita payments to tribal members may be garnished by creditors.
- T F 21. The Forest County Potawatomi Tribal Court is established by the Tribal Constitution.

**GENERAL**

- T F 22. Hearsay is an out of court statement offered for the truth of the matter asserted.
- T F 23. A stipulation is an agreement by the parties.
- T F 24. After a complaint is filed in court, the defendant must file an answer within 5 days.
- T F 25. Attorney fees are always awarded to the prevailing party.
26. Evidence can take which of the following forms:
- A. Testimony
  - B. Documents
  - C. Videotape
  - D. None of the above
  - E. All of the above
27. A Guardian ad litem represents:
- A. The children
  - B. The best interest's of the children
  - C. The Court
  - D. None of the above
- T F 28. In the Teague decision, the Wisconsin Supreme Court required state courts to consult with tribal courts before asserting jurisdiction where concurrent jurisdiction exists.

29. A guardian of the estate does the following for its ward:
- A. Makes medical decisions for the ward
  - B. Makes financial decisions for the ward
  - C. Decides where the ward lives
  - D. None of the above
  - E. All of the above
30. The process of gathering facts about the other party to a law suit is called:
- A. Snooping
  - B. Affirmative defense
  - C. Discovery
  - D. None of the above
31. In order to ask questions of a party to a law suit you may:
- A. Take a deposition
  - B. Request admissions
  - C. Submit interrogatories
  - D. All of the above
32. In order to establish the foundation for a piece of evidence, the questioner must:
- A. Build a concrete slab
  - B. Identify the witness by name
  - C. Establish the evidence's admissibility
  - D. None of the above
33. *Ex parte* communication is:
- A. Talking to the judge about a pending case outside the presence of the other party.
  - B. Talking to the other party.
  - C. Talking to the judge about last night's party.
  - D. Writing to the judge about your political party.
- T F 34. *Ex parte* communication with a judge is permitted.
35. The core requirements of due process are:
- A. Right to an attorney.
  - B. Right not to be fired from your job.
  - C. Right to notice and an opportunity to be heard.
  - D. All of the above.
  - E. None of the above
36. If you want to make sure a witness will show up at a hearing you should:
- A. Ask them to be there

- B. Tell the Clerk their name and phone number
- C. Have the Court issue a subpoena to the witness
- D. Pray they'll be there

**FEDERAL LAW**

- T F 37. The Forest County Potawatomi Tribe has reassumed exclusive jurisdiction over Indian Child Welfare Act cases pursuant to 25 U.S.C. § 1918.
38. In a case in state court, the Indian Child Welfare Act permits the Tribe to:
- A. Intervene
  - B. Request a transfer of the case to tribal court
  - C. Both A & B.
  - D. None of the above.
- T F 39. Wisconsin is a Public Law 280 state.
40. Public Law 280 gives the state of Wisconsin:
- A. Exclusive criminal jurisdiction.
  - B. Concurrent criminal jurisdiction.
  - C. Neither.
- T F 41. Indian tribes are immune from suit in federal court.
- T F 42. Under the Indian Civil Rights Act, criminal defendants in tribal court have the right to a lawyer at the Tribe's expense.
- T F 43. Under the Indian Civil Rights Act, no tribe may deny an individual liberty or property without due process of law.
- T F 44. Under Public Law 280, Wisconsin law applies in Forest County Potawatomi Tribal Court.
- T F 45. The Forest County Potawatomi is organized under the Indian Civil Rights Act.
46. The current federal policy towards Indian tribes is known as:
- A. Assimilation
  - B. Allotment era
  - C. Self-determination

#### D. Termination

- T F 47. Indian tribal trial court decisions may be appealed directly to federal court for reversal on the merits.
- T F 48. Indian tribes may discriminate in favor of their own members when hiring.
- T F 49. The Indian Child Welfare Act applies to tribal court proceedings.
- T F 50. The Indian Child Welfare Act applies in divorce proceedings.

#### **ESSAY QUESTIONS (Choose two):**

(Please read questions carefully.)

1. John and Jane Smith are married and live on the Forest County Potawatomi Indian Reservation. They have 2 children together, both enrolled members. John is an FCP tribal member; Jane is a non-Indian. After 5 years of marriage, Jane seeks a divorce in Forest County Circuit Court. John is served with the state court papers at his job site off the Reservation. One week later, John files for divorce in Tribal Court. Jane is served with the tribal court divorce papers at her job site off the Reservation. Describe the issues that may arise.
2. You represent a Defendant in an FCP tribal court proceeding. The Plaintiff is a local vendor seeking to collect \$700 for two new windows that were delivered to the Defendant's house on the Reservation. The Plaintiff's advocate seeks to introduce evidence that the Defendant has in the past failed to pay other local vendors in similar circumstances. The advocate seeks to introduce uncertified copies of state court judgments and photocopies of unpaid bills. Describe the possible grounds for objecting to the introduction of the evidence.
3. Wisconsin is a Public Law 280 state. John Smith, an FCP tribal member, is driving on a tribal road on the FCP Reservation. He is pulling a small

trailer behind carrying an ice shack. A Forest County sheriff's deputy pulls John over. The trailer brake lights don't work and the deputy claims that under state law, the ice shack is exceeding the approved load for the trailer. John is given two citations, one for the brake light and one for exceeding the load of his trailer. Both offenses carry a maximum penalty of a \$500 fine. The FCP Tribe has a traffic ordinance regulating vehicle equipment, including brake lights, but does not specifically mention trailer load. What are the possible grounds for challenging state jurisdiction?

4. Mr. Steve Tribal, an FCP tribal member, comes to you seeking assistance. Mr. Tribal bought a used car from a dealer off the Reservation in Marathon County. The car was delivered to Mr. Tribal on the Reservation where he lives and where he signed the final sales contract. After a week, the car stopped running. The cost of repairs will exceed the value of the car. Mr. Tribal wants his money back. Assuming you are licensed to practice in state court and tribal court, what steps do you take to assist Mr. Tribal and why?