

Saint Regis Mohawk Tribal Court

Physical Address:

Tribal Justice Building

545 State Route 37

Akwesasne, NY 13655

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https://www.srmt-nsn.gov/tribal_court

Chief Judge Carrie E. Garrow

Associate Judge Barbara R. Potter

Associate Judge Patrick Solomon

Associate Judge Lisa Garabedian

ORDER

In Re Matter of The Community Governance Committee v. The Saint Regis Mohawk Tribe Board of Elections

It has come to the Court's attention that Hattie Hart, a member/representative of the Community Governance Committee, has raised with the Court Administrator a possible conflict of interest on the Administrator's part. Although Ms. Hart did not file a written application to have the Administrator removed from participation in the above matter, the Court will consider her oral application to said Administrator.

The Court is advised that Ms. Hart alleged to the Administrator, Mr. Barreiro, that he has a conflict of interest in this matter in that she alleged that Beverly Cook, one of the Saint Regis Mohawk Tribal Chiefs, is his aunt. She requested that he recuse himself from working on the matter.

Mr. Barreiro, as required by The Rules of Ethical Conduct for SRMT Tribal Court Employees, has advised this Judge of Ms. Hart's complaint, inasmuch as his immediate supervisor has recused herself from this matter.

Mr Barreiro has advised this Judge that Beverly Cook is his mother's first cousin, making her his first cousin once removed. SRMT Rules of Ethical Conduct for SRMT Tribal Court Employees, Section 3(B) states that:

A conflict of interest exists when the SRMT Tribal Court employee's objective ability or independence of judgment in the performance of his/her job is impaired or may reasonably appear to be impaired or when the Court employee, or the employee's immediate family or an individual the employee has a close relationship with, as defined within these Rules, or business would derive a benefit as a result of the employee's position within the Court system.

“Close relationship,” as defined by Section 1(III)(C) of said Rules of Ethical Conduct, denotes those persons who could be perceived as causing bias or prejudices against a party in a proceeding before the Court. It does not include cousins, and the Court is aware that the Administrator does not reside with Ms. Cook in any other relationship. Therefore, the Court finds no conflict on the basis of any relationship between the Court Administrator and Chief Cook.

The Court must, however, look further to determine whether there is any other conflict of interest, or reasonable appearance of impairment, in the Court Administrator's independence of judgment in the performance of his job.

SRMT Rules of Ethical Conduct for SRMT Tribal Court Employees, Section 1(III)(D) states:

“Conflict of Interest” may exist when an SRMT Tribal Court employee's personal, commercial, or financial affairs have the potential to adversely influence an employee's judgment or performance of duties at the Saint Regis Mohawk Tribal Court.

The position of SRMT Tribal Court Administrator, while supervised by the Chief Judge of the Court, is not dependent on any particular individual's being the Chief Judge of the Court. His position continues regardless of the person elected Chief Judge. Thus, he has no personal or financial interest in the outcome of the election.

Further, the Court Administrator supervises the court clerks and runs the general operation of the Court. He plays no part in determining what is presented to the Court, or in any decision-making process. Decision-making is totally within the purview of the judge handling the case at bar.

Therefore, based on the foregoing, the Court finds that no conflict of interest exists with respect to the SRMT Tribal Court Administrator, Mr. Barreiro, in the case at bar, and there is no need for him to recuse himself with respect to his job function as it relates to such case.

SO ORDERED.

Dated July 3, 2019

A handwritten signature in cursive script, reading "Barbara R. Potter", is written over a horizontal line.

Hon. Barbara R Potter
Associate Judge
SRMT Tribal Court