

BLYTHE BOAT CLUB  
10980 Catalina Drive  
Blythe, California 92225  
Telephone: (760) 922-7191  
Mobile phone: (760) 899-2038  
Fax: (760) 921-2233  
Email: [tonihawley@hotmail.com](mailto:tonihawley@hotmail.com)  
*Defendant pro se*

**IN THE TRIBAL COURT OF APPEALS  
OF THE COLORADO RIVER INDIAN TRIBES**

COLORADO RIVER INDIAN TRIBES	)	Case No. CV-CO-2010-0083
	)	
Plaintiff/Appellee,	)	
	)	
v.	)	<b>BLYTHE BOAT CLUB</b>
	)	<b>BRIEF CONCERNING</b>
BLYTH BOAT CLUB,,	)	<b><i>PRO SE</i> REPRESENTATION</b>
	)	
Defendant/Appellant.	)	

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By Order dated July 14, 2011, this Court directed the parties to provide it with briefs addressing two issues: whether the Blythe Boat Club (“BBC”) is representing itself *pro se* in this matter and whether it is allowed to even appear *pro se* in CRIT Tribal Court.

First, it is both apparent from the pleadings and affirmed here that BBC definitely is prosecuting this appeal *pro se*, just as it represented itself in the CRIT Tribal Court below. Second, BBC is unaware of any rule of law or practice prohibiting a party from representing itself in any court. Certainly, this issue was not raised by CRIT’s attorneys in the proceeding below, nor has it been raised in a number or previous Tribal Court cases of which BBC is aware in which litigants represented themselves *pro se*. The Court’s inquiry is both surprising and perhaps even unprecedented in American jurisprudence.

## I. DISCUSSION

Any litigant is guaranteed the right to due process in this country. Indeed, that right is so fundamental to our system of jurisprudence that it is guaranteed by the United States Constitution. And that includes the right to either hire legal counsel or represent oneself.

Former President Abraham Lincoln famously said, “He who represents himself has a fool for a client.” While Lincoln may have been correct in that observation, he never said that a person does not have the right to self-representation, no matter how foolish. However, Lincoln did recognize that there is fundamental right to be one’s own lawyer, and it is evident that there can be a wide variety of reasons why one would make the choice, particularly in civil matters such as this one. The most obvious is pecuniary, since not everyone can afford an attorney for civil litigation. And since CRIT has seized BBC’s property -- indeed, the very property at issue in this appeal -- the appellant has no ability to generate revenue with which to retain legal counsel. If CRIT’s courts require that defendants have legal representation in order to defend themselves, then CRIT can simply do to others what it did here: exercise self help to seize all visible assets of defendants or potential defendants and, consequently, render them financially unable to hire any defense attorneys. CRIT could insure that it would win every case by default through this outrageous activity, yet the Court’s suggestion that no litigant can appear before it *pro se* invites such irresponsible behavior.

As the members of this Court know or should know, there are countless federal and state court cases in which the rights of individuals to represent themselves have been recognized. While BBC could string-cite dozens and even hundreds of such cases, it is sufficient to call the Court’s attention to *Maroni v. Pemi-Baker Reg’l Sch. Dist.*, 346 F.3d 247 (1st Cir. 2003), in which the court reversed a lower court dismissal of litigation because of the plaintiff was

appearing *pro se*. Indeed, the appellate court declared that a “party aggrieved” can represent himself even without regard to whether the asserted rights were procedural or substantive.

## II. CONCLUSION

The question being addressed answers itself. There not only is no impediment to BBC appearing *pro se*, but due process gives BBC the right to do so. While Abraham Lincoln might tell BBC that it is being foolish, he certainly would have not have demanded that BBC hire an attorney with funds it no longer has.

**DATED** this 29th day of July 2011

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Email: [tonihawley@hotmail.com](mailto:tonihawley@hotmail.com)

*Defendant/Appellant pro se*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of July 2011, I served by first class mail, postage prepaid, upon the following persons at the addresses listed, the above entitled document:

Eric Shepard (Ariz. Bar No. 21323)  
COLORADO RIVER INDIAN TRIBES  
Office of the Attorney General  
2660 Mohave Road  
Parker, AZ 85344  
Telephone: (928) 669-1271  
Fax: (928) 669-56875  
[eric.shepard@crit-nsn.gov](mailto:eric.shepard@crit-nsn.gov)

Ellison Folk (Bar No. 149232)  
Winter King (Bar No. 237958)  
Amanda R. Garcia (Bar No. 248462)  
SHUTE, MIHALY & WEINBERGER LLP  
396 Hayes Street  
San Francisco, CA 94102  
Telephone : (415) 552-7272  
Fax : (415) 552-5816  
[Folk@smwlaw.com](mailto:Folk@smwlaw.com)  
[King@smwlaw.com](mailto:King@smwlaw.com)  
[Garcia@smwlaw.com](mailto:Garcia@smwlaw.com)

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