

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

WHEREAS, the governing body of the White Mountain Apache Tribe being duly advised by the Chief Trial Court Judge, Marvin Ethelbah, that the White Mountain Apache Tribe does not have a duly appointed Court of Appeals, and recognizes that in accordance with the White Mountain Apache Judicial Code, Section 2.9, only the Tribal Council has the authority to select the COURT OF APPEALS; and

WHEREAS, the Council recognizing the need for an appeals forum wherein appeals cases may be heard, until such time that a COURT OF APPEALS budget is developed and implemented formally; and

WHEREAS, the Council recognizes the need to provide an appeals forum on a temporary basis until a duly appointed COURT OF APPEALS can be established, and deems it in the interest of justice for all future appeal litigants; and

WHEREAS, the Council, through recommendation of the highest appointed member of the Tribal Judiciary, Marvin Ethelbah, concludes that there exists an immediate need for a temporary delegation of authority from the governing body to the Chief Trial Court Judge to select a temporary COURT OF APPEALS to hear cases as they may arise until a duly appointed COURT OF APPEALS is established.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in accordance with this immediate need of the Tribal Judiciary, it hereby delegates to Chief Trial Court Judge Marvin Ethelbah the authority to select judges for a COURT OF APPEALS on a temporary basis as needed.

The foregoing resolution was on July 14, 1989, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958,

pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Acting Alvin Hawk  
Chairman of the Tribal Council

Maridie D. Craig  
Secretary of the Tribal Council

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Fort Apache Indian Agency  
Whiteface, Arizona