

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

WHEREAS, the Tribal Council of the White Mountain Apache Tribe is advised that the Bureau of Indian Affairs has increased the Contract funding for the Tribal Courts to \$317,000 for FY 1992; and

WHEREAS, the Tribal Council recognizes the importance of improving and maintaining the Tribe's judicial capabilities at a level which will insure speedy and impartial adjudication of violations of Tribal laws and resolution of civil disputes, and that the increase in 638 Contract funding will allow the White Mountain Apache Tribe to expand and enhance the services provided by the Tribal Courts; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has considered the most urgent needs of the Tribe and has decided upon the following amendments to the Judicial Services 638 budget:

- 1) increasing Judges' salaries,
- 2) establish a Juvenile Prosecutor's Office by hiring a Juvenile Prosecutor, Investigator and legal secretary, and funding operations for that office,
- 3) establish an Office of Court Administration by hiring a Court Administrator, and funding operations for that office,
- 4) purchasing computer equipment and software for Court Administration,
- 5) setting aside funds for training of judges and court staff, and for technical assistance and consulting for the Tribal Court; and

WHEREAS, the attached amended budget, budget justification and job descriptions are proposed to the Tribal Council for its approval under the Judicial Services 638 Contract.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, that the Judicial Services 638 Contract Budget is hereby amended to provide for the above-named line items, as detailed in the attached budget incorporated by reference herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the attached amended budget be submitted to the Bureau of Indian Affairs for approval.

BE IT FURTHER RESOLVED by the Tribal Council that immediately upon receipt of an award letter from the Superintendent of the Fort Apache Agency verifying the monies budgeted herein are available at the agency level and approval of the amended budget by the Bureau of Indian Affairs, that the positions of Juvenile Prosecutor, Juvenile Investigator and Legal Secretary, and the Court Administrator be advertised, and the Tribal Chairman shall have the power to approve and appoint persons to the positions of Juvenile Prosecutor, Juvenile Investigator, Legal Secretary and Court Administrator.

The foregoing resolution was on February 13, 1992, duly adopted by a vote of eight 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 (a) (k) 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).



Chairman of the Tribal Council



Secretary of the Tribal Council

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WHITERIVER, ARIZONA

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 Judicial Services Budget FY92
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<u>Tribal Budget (Courts)</u>	CURRENT	AMENDED
Tribal Court		
Clerk Salaries	17,914.00	17,914.00
Other clerical salaries	11,310.00	11,310.00
Payroll tax & benefits	6,162.00	6,162.00
Contract Prof. Services	7,008.00	7,008.00
Emplyee Development Exp	5,004.00	5,004.00
Utilities Expense	4,656.00	4,656.00
Communications Exp	4,008.00	4,008.00
Vehicle operation exp	3,000.00	3,000.00
Op. mat'l and supplies	7,196.00	7,196.00
Travel Expense	1,504.00	1,504.00
Insurance Expense	2,676.00	2,676.00
Jury pay and travel	2,004.00	2,004.00
Capital exp - office equip	2,000.00	2,000.00
SUBTOTAL	74,442.00	74,442.00
Probation		
Salaries	10,367.00	10,367.00
Payroll tax & benefits	2,177.00	2,177.00
SUBTOTAL	12,544.00	12,544.00
Probate Court		
Clerk Salaries	9,717.00	9,717.00
Payroll tax & benefits	2,041.00	2,041.00
Contract Prof services	756.00	756.00
Office supplies & exp	576.00	576.00
SUBTOTAL	13,090.00	13,090.00
Juvenile Court		
Utittlites expense	3,756.00	0
Telephone expense	2,004.00	0
Office supplies	3,132.00	0 moved
Vehicle Operation	1,500.00	0 to 638
M & R expense	240.00	0 Contract
Lease expense	2,136.00	0 Budget
Travel expense	1,000.00	0
SUBTOTAL	13,768.00	0
TOTAL	113,844.00	100,076.00

638 Contract - Judicial Services

	CURRENT	AMENDED
Salaries		
Chief Judge	22,914.84	30,000 ¹
Assoc. Judge	19,400.68	25,000
Assoc. Judge (Juv)	19,400.68	25,000
Bailiff	12,799.28	13,695.24 ²
Chief Ct. Clerk	11,604.06	12,416.30
Court Clerk - Juv	9,678.24	10,355.80
Prob. Officer -Juv	12,796.94	13,692.73
Juvenile Prosecutor	0	32,000 *
" " Secretary	0	13,000
" " Investigator	0	18,000
Court Administrator	0	25,000 *
 SUBTOTAL	 <u>108,594.72</u>	 <u>218,160.07</u>
FRINGE at 21%	22,399.61	45,813.61
 SUBTOTAL	 <u>131,399.61</u>	 <u>263,973.68</u>
 JUVENILE COURT		
Utilities expense	0	3,756.00
Telephone expense	0	2,004.00
Office supplies	0	3,132.00
Vehicle Operation	0	1,500.00
M & R expense	0	240.00
Lease expense	0	2,136.00
Travel expense	0	1,000.00
 SUBTOTAL	 <u>0</u>	 <u>13,768.00</u>

¹ The amended salary increases for the judges were effective November 3, 1991.

² Increase of 7% for Bailiff, Chief Court Clerk, Juvenile Court Clerk were effective November, 1991; increase for Juvenile Probation officer will be effective March, 1992.

OPERATION COSTS FOR JUVENILE PROSECUTOR/STAFF		
office supplies & expenses	0	1,250
Vehicle operation & expense	0	1,500
Travel expense	0	1,000
Utilities	0	750
Telephone expense	0	850
Capital exp & office equip.	0	2,250
Profession devel & training	0	1,500
SUBTOTAL		9,100
OPERATION COSTS FOR COURT ADMINISTRATOR		
office supplies & expenses	0	1,050
capital exp & office equip	0	1,250
professional devel & training	0	1,000
equipment		
3 PC's & software	0	15,000
SUBTOTAL		18,300
TRAINING (judges & staff)	0	9,258.32
TECH ASSISTANCE & CONSULTING	0	2,600
TOTAL		317,000.00

BUDGET JUSTIFICATION

TRAINING:

Tribal Court staff and judges should have continuing education and training in order to keep up with the changes in Tribal Law and changes in other laws effecting the Tribe and the courts. The court staff needs to be apprised of new tribal law, federal law and court procedures which effect the administration of justice on the Fort Apache Indian Reservation. Without continuing education, our court will fall behind and lose the respect of Tribal members as well as that of the outside world -- and the court will lose effectiveness.

EQUIPMENT:

Currently the court dockets are maintained by hand which is time and staff intensive. With a new Court Administrator coming on board, a computerized court docketing and calendaring system will free judges from having to do as much administration management, and the computer system will be more efficient and help regularize procedures of the Tribal Courts.

TECHNICAL ASSISTANCE AND CONSULTING:

The Tribal Court needs assistance in developing the new computer system and in developing alternative funding sources to cover expenses that are not covered in this budget.

Example: The Court has applied for a Special Courts Fund Grant, which would fund training for court staff, beyond that which is budgeted here; in order to prepare that grant application, the court needed expert advise and skills.

JUVENILE PROSECUTOR AND STAFF:

Currently the Juvenile Court does not have a prosecutor, and the Tribal Prosecutor does not have the time nor resources to expend on juvenile matters. The Juvenile Court and the Tribe are in desperate need of a Juvenile Prosecutor to ensure efficient and equitable administration of justice in the areas of juvenile delinquency and child welfare. At present, no one reviews the petitions which are submitted by the Tribal Social Services, the Tribal Police Department, and individuals, for legal sufficiency and to ensure proper procedures are followed.

Also, the Tribe is in the process of revising the juvenile code, and the new code necessitates the presence of a Juvenile Prosecutor.

The Prosecutor will need staff in order to operate efficiently, and to ensure justice: a secretary and investigator.

COURT ADMINISTRATOR:

There is an immediate need to improve and maintain the Tribe's judicial capability at a level which will insure speedy and impartial adjudication of justice. The roles of tribal court personnel have become much more demanding and complex due to the increased case load and complexity of cases coming before the tribal court. Currently the Chief Judge is handling all administrative duties of the court which undermines his effectiveness in providing quality judicial services.

A Court Administrator would be able to take the burden of administration duties from the judges, and establish an effective and equitable system for tracking cases, assigning judges, scheduling hearings, and ensuring that each case before the tribal court is given fair and equitable treatment.

JOB DESCRIPTIONS

PROSECUTOR / JUVENILE PRESENTING OFFICER

QUALIFICATIONS:

Arizona licenced attorney, or willing to sit for the next scheduled Arizona Bar Exam

Experience in criminal prosecution or general criminal law; experience in the area of juvenile delinquency and child welfare.

Experience in Indian law or experience providing assistance and services to low income people - preferrably Native Americans.

DUTIES:

Represent the Tribe in Juvenile Court concerning --
- juvenile delinquency matters
- child welfare matters; child neglect and abuse

Prepare Petitions to be filed in Juvenile Court, legal memoranda, conduct research, and investigate allegations of criminal behavior, and child abuse, neglect etc.

LEGAL SECRETARY

QUALIFICATIONS:

High School graduate and combination of education and/or experience that would be equivalent to two years of college.

Ability to operate word processor, type 60 wpm, transcribe from a dictaphone, and knowledge of general office procedures.

Must have at least 3 years office experience, and one year experience in legal field; must be able to perform and supervise general office procedures proficiently and accurately.

Requires knowledge of legal profession and court proceedings,

judicial procedures and techniques of legal research.

Speak and be able to interpret Apache, and assist Attorney in communicating with Apache people.

DUTIES:

Typing and drafting correspondence and simple legal pleadings. Maintain case files; responsible for office operations; receive and screen incoming phone calls and visitors; answer inquiries or direct to attorney for proper disposition; schedule appointments and maintain calendar of court appearances; maintain confidentiality; complete special projects as needed.

INVESTIGATOR

QUALIFICATIONS:

High School graduate and combination of education and/or experience that would be equivalent to a bachelor's degree.

Experience in law enforcement, probation, legal field, or delivering social services; prefer experience working with juveniles in both criminal and social services settings.

Basic knowledge of court procedures and Tribal Law.

Speak and be able to translate efficiently Apache language.

DUTIES:

Investigator will research allegations of criminal activity by juveniles as well as accusations of child abuse and neglect. Must be able to communicate effectively with parents, law enforcement personnel, social service workers, and tribal court personnel.

Prepare reports for the Juvenile Prosecutor and the Juvenile Court as required.

COURT ADMINISTRATOR

This position and job description were previously approved by the Tribal Council, and the Judicial Code has been amended to reflect the job description. See Resolution Nos. 9-91-233 & 9-91-234 and Ordinance No. 174.