

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

WHEREAS, the Tribal Council was notified of the suspension of Associate Tribal Court Judge Faye Cody by Chief Tribal Court Judge Marjorie Grimes effective July 27, 1998; and

WHEREAS, under the Tribal Judicial Code, the Tribal Council has sole authority to consider the removal of a Tribal Court judge pursuant to the standards and procedures set forth in the Judicial Code; and

WHEREAS, the suspension of a judge warrants review by the Tribal Council to determine the basis and need for the suspension, and to determine whether a removal hearing pursuant to the Judicial Code is warranted; and

WHEREAS, on that basis the Tribal Council had directed the Tribal Law and Order Committee to investigate and make recommendations to the Tribal Council concerning the suspension; and

WHEREAS, the Tribal Council also sought review and recommendations from the Committee concerning the events which lead up to Judge Cody's suspension, particularly the conduct of the Associate Judge and Prosecution Unit employees at the Lion's Den Bar in Pinetop on the evening of July 23, 1998; and

WHEREAS, the Tribal Council recognizes the serious and sensitive nature of the allegations and complaints raised regarding this matter and intends to take prompt action consistent with the Judicial Code to ensure the integrity and stability of the Tribal Court and the Tribal justice system generally; and

WHEREAS, the Law and Order Committee has completed its assignment and the Tribal Council has this day reviewed and discussed the Committee's confidential report; and

WHEREAS, the Tribal Council accepts and agrees with the findings set forth in the report.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it accepts in full the findings and recommendations in the confidential Law and Order Committee report.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that based upon the findings and recommendations set forth in the Law and Order Committee report it accepts the stated basis for the suspension of Associate Judge Faye Cody by Chief Judge Marjorie Grimes, and for that reason, the Tribal Council

reprimands Associate Judge Cody for failing to consider the impact of her personal conduct upon her professional duties as required under the Tribal Judicial Code, Section 2.17, with regard to her conduct which was the grounds for her suspension.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in view of the Associate Judge's recognition and apology for her error in judgment, as well as the Law and Order Committee's conclusion that Judge Cody is otherwise able to serve as an effective Tribal Court judge, that Judge Cody is hereby reinstated to her position as Associate Judge of the Tribal Court of the White Mountain Apache Tribe to carry out her term of office, as set forth in the previous Council Resolution 05-98-106.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it shares the concerns raised by the Law and Order Committee about the statements made by the Chief Judge to the press concerning an ongoing case involving the Tribal Prosecutor, and it hereby reprimands and reminds the Chief Judge that the Tribal Judicial Code provides that "a judge shall make no public comment on matters pending before the court except in the course of official proceedings."

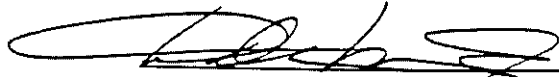
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Council also finds that the activities of certain Prosecution Unit employees, including their actions at the Lion's Den July 23, 1998, have undermined the integrity and effectiveness of the Tribal Prosecution Unit and for that reason, the Council hereby directs the Tribal Attorney to assume direct supervision over the Unit, to take immediate and appropriate personnel action to restore the Unit's integrity and effectiveness, and to report back to the Council on those actions.

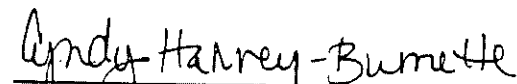
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Chairman to provide a copy of the confidential report to the Chief Judge and the Associate Judge and to convey in writing the concerns and grounds for reprimand set forth in the report and discussed at today's Tribal Council session.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby expresses its appreciation to the Law and Order Committee for its hard work in carrying out its review and recommendations in helping the Tribe respond to a serious development and challenge to the Tribe's justice system.

Resolution No. 08-98-177

The foregoing resolution was on August 11, 1998 duly adopted by a vote of four for and two against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council