

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

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WHEREAS, the White Mountain Apache Tribe through its elected Tribal Council established the Tribal Court and Tribal Judicial Code to provide a fair and independent forum to adjudicate all cases and matters arising within the jurisdiction of the White Mountain Apache Tribe; and

WHEREAS, the integrity of the judicial system rests upon the ability of the Tribal Court judge to resolve all matters before the Court with impartiality, adherence to the law, and in a manner which promotes respect for justice and the law; and

WHEREAS, the Tribe's Judicial Code affirms the high degree of trust and integrity required of any individual serving as a Tribal Court judge; and

WHEREAS, the Tribal Judicial Code establishes strict standards for the conduct of all Tribal Court judges to maintain the Tribe's fundamental guarantee of due process to the people; and

WHEREAS, in specific instances the Tribal Judicial Code mandates the removal by the Tribal Council of any Tribal Court judge whose conduct is found to violate the standards of conduct for judges; and

WHEREAS, under the Tribal Constitution it is the sole obligation of the Tribal Council to enforce and maintain those standards in the Courts of the White Mountain Apache Tribe ;and

WHEREAS, on this date the Tribal Council in executive session has reviewed and discussed allegations of misconduct pertaining to the Chief Judge, the Honorable Marjorie Grimes; and

WHEREAS, the Tribal Council received a briefing on the pending criminal prosecution of Judge Grimes stemming from her arrest in Pinetop on September 23/24, 2000; and

WHEREAS, the Tribal Council also reviewed the status of reports of misconduct concerning the Chief Judge in 1999 wherein the Council, in Resolution 05-99-109, had directed a leave of absence by the Chief Judge pending an independent evaluation into the allegations of misconduct; and

WHEREAS, The Council, in Resolution 08-99-205, subsequently returned the Chief Judge to active duty pending receipt of the independent evaluation and a final determination by the

Council; and

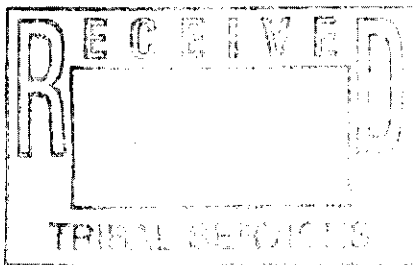
- WHEREAS,** the independent evaluation was received by the Council and it found that the Chief Judge had committed serious acts warranting corrective action by the Tribal Council; and
- WHEREAS,** as of this date, the Council has issued no final determination regarding the 1999 reports and evaluation, however the Council finds that these prior allegations and independent evaluation together with the recent conduct leading to the September 23/24 arrest and prosecution demonstrate a lack of appreciation, compliance, and respect for the law and also constitute outside activity by a judge which are inconsistent with judicial duties; and
- WHEREAS,** these events indicate potential abuse of office, neglect of duty, and gross misconduct under the standards in the Tribal Judicial Code; and
- WHEREAS,** the Tribal Council recognizes its duty and authority to uphold the laws of the Tribe and ensure the proper functioning and integrity of the Tribal Court as a third branch of government and an indispensable component of tribal sovereignty, and to take all appropriate action in response to events and to conduct which may impugn the Tribal Court and Tribal sovereignty; and
- WHEREAS,** the Tribal Council concludes that on the basis of the severity of the alleged conduct and the previous evaluation, cause exists under the Judicial Code to convene a removal hearing pursuant to Section 2.12 of the Tribal Judicial Code; and
- WHEREAS,** the Council selects November 27, 2000, at 10:00 a.m. for that purpose; and
- WHEREAS,** the Tribal Chairman's Office, with the assistance of the Tribal Attorney's Office will advise the Chief Judge in writing of the nature of the claims warranting removal pursuant to the Judicial Code, and will also advise the Chief Judge of the hearing date and time; and
- WHEREAS,** the Tribal Council is advised that the Chief Judge, is currently on voluntary leave from her duties following the September 23/24 arrest; and
- WHEREAS,** until such time as the hearing date occurs, the Council directs that the Chief Judge shall remain off the bench and cease any judicial or administration duties, and for that reason from this date shall not be entitled to a salary; and
- WHEREAS,** the Honorable Durango Fall is serving as Acting Chief Judge during this period of leave.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that a removal hearing pursuant to the Tribal Judicial Code, Section 2.12 be conducted for Chief Judge Marjorie Grimes, on November 27, 2000, at 10:00 a.m in the Tribal Council Executive Conference Room.

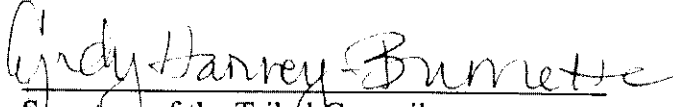
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Chairman's office, with the assistance of the Tribal Attorney's office, to notify Ms. Grimes in writing of the removal hearing and to provide a copy of the briefing documentation, referenced above, detailing the nature of the charges as required pursuant to the Tribal Judicial Code that warrant the removal hearing, such documentation to be incorporated into this Resolution as a confidential attachment which shall not be released to outside parties.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it directs that because of the serious nature of the charges raised against the Chief Judge, that she not perform any official functions as a Tribal Court Judge, and for that reason, shall be placed on administrative leave without pay pending completion of the hearing pursuant to the Tribal Judicial Code.

The foregoing resolution was on November 7, 2000 duly adopted by a vote of SEVEN for and ZERO 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).




ACTING Chairman of the Tribal Council


Secretary of the Tribal Council