



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

(Adopting Ordinance No. 239, Revising Section 2.27 A. B. C. and D. of the Judicial Code)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, pursuant to Article XV, Section 2 of the Constitution, and Section 1.6 of the White Mountain Apache Judicial Code, "All proposed ordinances of the Council shall be posted in each district at least ten days before final action by the Council," and the codes of the Tribe may be "amended by the adoption of ordinances by the Tribal Council"; and

WHEREAS, per Resolution No. 07-2009-224, a proposed amendment to Section 2.27 A. B. C. and D. of the Judicial Code was posted for ten days from July 31, 2009 to August 17, 2009; and

WHEREAS, the Office of the Tribal Council Secretary has received no public comments regarding the proposed changes; and

WHEREAS, the Tribal Council finds that it is in the best interest of the Tribe to adopt the amendments to the Judicial Code, as proposed by the Tribal Attorney, to better serve and represent the White Mountain Apache Tribe and as a means to further attract and retain qualified attorneys.

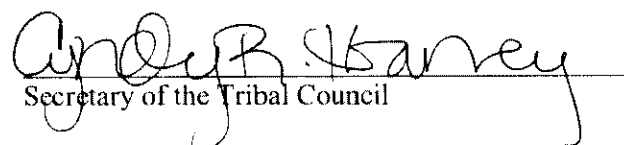
BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that Ordinance Number 239 is hereby adopted as an amendment to the Judicial Code, as attached hereto and incorporated herein, because it was found to be in the best interest of the Tribe to adopt the amendments to better serve and represent the White Mountain Apache Tribe and as a means to further attract and retain qualified attorneys.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior resolution or policy, this resolution shall govern.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this resolution.

The foregoing resolution was on AUGUST 26, 2009 duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (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

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 239, amending White Mountain Apache Judicial Code, Sections 2.27 A. B. C. and D. as follows:

**SECTION 2.27 LICENSE TO PRACTICE LAW; FEES; ROLE OF COUNSEL;
STANDARDS OF CONDUCT**

A. License Required. No person shall practice law within the Fort Apache Indian Reservation or before the courts of the White Mountain Apache Tribe except as an attorney or advocate licensed by the Court. All such persons shall be subject to the provisions of this Code, including Section 2.26, and all duly enacted Court rules, including the White Mountain Apache Tribe Rules of Professional Ethics. Failure to maintain compliance with applicable Court rules and this Code may result in the imposition of sanctions, including monetary sanctions, as well as suspension or disbarment. For the purpose of this Section, an "advocate" is a person who would be eligible to practice law pursuant to Section 2.27B, but is not a graduate of an ABA accredited law school; an "attorney" is a person who is a graduate of an ABA accredited law school with a juris doctor degree or equivalent and who would be eligible to practice law pursuant Section 2.27C.

B. Licensing Standards for Advocates.

(1) Tribal Members. Any adult member of the Tribe may apply to the Tribal Court for a license to practice law as an advocate, provided such person submits a completed application and complies with the provisions of this Code and all duly enacted Court rules.

(2) Non-Tribal Members. Any adult non-member of the Tribe who is employed by the Tribe or a public defender organization approved by the Tribe for the prosecution or defense of criminal cases, child welfare and delinquency cases, civil Game and Fish Code cases, or enforcement of other Tribal laws may apply to the Tribal Court for a license to practice law as an advocate, provided that such person submits a completed application and complies with the provisions of this Code and all duly enacted Court rules. To be eligible for licensing as an advocate, the non-member must also be licensed to practice law by, and in good standing with, at least one other tribal jurisdiction. The license issued pursuant to this paragraph shall be

restricted to the practice of law before the courts of the White Mountain Apache Tribe for the limited purpose of the performance of the advocate's employment obligations on behalf of the Tribe or public defender organization approved by the Tribe.

C. Licensing Standards for Attorneys. Any attorney who is licensed to practice law in the courts of at least one state may be licensed to practice law, provided such attorney submits a completed application and complies with the provisions of this Code and all duly enacted Court rules. Attorneys licensed by a recognized state bar association within the United States who are employed by the White Mountain Apache Tribe to act as attorneys for and on behalf of the Tribe are deemed admitted to practice before the White Mountain Apache Judicial Court and permitted to practice law on the Fort Apache Indian Reservation.

D. Exception for Law Students. Notwithstanding the provisions of Section 2.27A, a student enrolled in a juris doctor program or its equivalent at an ABA accredited law school may appear in Tribal Court for the prosecution or defense of criminal cases, child welfare and delinquency cases, civil Game and Fish Code cases, or enforcement of other Tribal laws on behalf of the Tribe or a public defender organization approved by the Tribe. Any person who has graduated from an ABA accredited law school not more than 24 months prior to the court appearance, shall upon request, be eligible to appear in Court as a law student pursuant to this Subsection. In order to appear in court a law student must:

(1) Work under the supervision of a licensed attorney;

(2) Certify in writing that he or she has read and will comply with the White Mountain Apache Tribe Rules of Professional Conduct and all applicable provisions of this Code and duly enacted Court rules; and

(3) Have successfully completed legal studies amounting to at least three semesters, or the equivalent if the school is on some basis other than a semester basis.

E. License Renewal.

(1) All licenses to practice law before the Tribal Court must be renewed annually on or before February 1 of each year.

(2) Attorneys renewing their license to practice before the White Mountain Apache Tribal Court must file with the Tribal Court a certificate certifying compliance with the Constitution, Amendments, and Law and Order Code of the White Mountain Apache Tribe and pay a fee, the amount of which shall be determined by the Court,

to the Clerk of the Tribal Court before any license to practice is renewed. Any license not renewed shall expire on February 2.

(3) Any expired license may be renewed by submitting a new application to practice before the Tribal Court and pay a fee, the amount of which shall be determined by the Court, to the Clerk of the Tribal Court.

F. The Chief Judge of the Tribal Court shall establish standards and procedures for the licensing of attorneys and lay advocates, and the granting of petitions of non-member lay advocate counsel licensed in the Courts of other Indian Tribes to appear in particular cases, and shall make the final decision as to the granting of each license or petition. Any applicant denied a license or a petition to practice before the Tribal Court may appeal to the Tribal Court of Appeals within thirty (30) days of a written order denying his or her application or petition. The order of the Tribal Court of Appeals shall be final in respect to either granting or denying the license or petition to practice in the Tribal Court thereby becomes a member of the Tribal Court Bar.

G. The Chief Judge of the Tribal Court shall establish, as part of the Rules of Court, standards of conduct and professional responsibility for legal counsel, which shall apply to all branches of the Tribal Court.

H. Every applicant for a license to practice law in the Tribal Court shall, as a pre-condition to receiving such license, demonstrate to the satisfaction of the Chief Judge of the Tribal Court a general working knowledge of the Tribal law and the Rules of Court. Each applicant shall also affirm in writing that he or she has read and agrees to be bound by the Rules of Court relating to the standards of conduct and professional responsibility for legal counsel.

I. A fee, the amount of which shall be determined by Rules of Court, shall be paid to the Clerk of the Tribal Court before any license to practice law is issued or renewed.

(1) The Clerk of the Tribal Court shall maintain a roll of attorneys and lay advocates licensed to practice before the Tribal Court.