



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Enactment of Ordinance No. 279, Amending the Rules of Appellate Procedure of the White Mountain Apache Tribe)**

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**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution, Article IV, Section 1(q) to act in all matters that concern the welfare of the Tribe, including but not limited to, the amendment of codes through the adoption of ordinances; and

**WHEREAS,** Ordinance No. 279 proposed changes to the Rules of Appellate Procedure; and

**WHEREAS,** on October 21, 2015 the Tribal Council authorized the posting of Ordinance No. 279 through Resolution No. 10-2015-211, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe and it was posted on October 27, 2015. Since that time, the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

**WHEREAS,** the Council has reviewed Ordinance No. 279 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of the amendments to the Rules of Appellate Procedure, as set forth in Ordinance No. 279 to be in the best interest of the White Mountain Apache Tribe.

**BE IT ENACTED** by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts Ordinance No. 279, attached hereto and incorporated by reference, which amends the Rules of Appellate Procedure.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

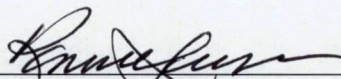
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.



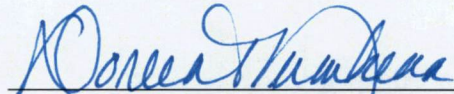
**Resolution No. 11-2015-230**

*Ordinance No. 279*

The foregoing resolution was on **NOVEMBER 12, 2015** duly adopted by a vote of **SIX** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
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Ronnie Lupe, Tribal Chairman

3/30/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Doreen T. Numkena, Tribal Secretary

3/31/2016  
\_\_\_\_\_  
Date



**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. 279, amending White Mountain Apache Rules of Appellate Procedure, Rule 12, as follows:

**RULE 12     ORAL ARGUMENT**

At any time the Court of Appeals may order oral argument upon its own initiative ~~and shall do so upon the request of a party~~. If a party wishes oral argument, the request shall be made in the caption of the appellate brief at the time the brief is filed. The Court may require a statement explaining why oral argument should, or need not, be permitted. Oral argument shall be allowed when requested by a party unless a panel of three (3) judges who have examined the briefs and record unanimously agrees that oral argument is unnecessary because the appeal is frivolous, or the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.