



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Southwest Intertribal Court of Appeals to act as the Tribal Court of Appeals for the White Mountain Apache Tribe.)

WHEREAS, Section 2.4 of the White Mountain Apache Judicial Code (the "Code") establishes the Tribal Court system, consisting of the Juvenile Court, the Trial Court, the Court of Appeals, and any other court the Tribal Council deems necessary to establish; and

WHEREAS, the Tribal Council has been made aware of the Tribal Court's lack of a functioning appellate court as well as the immediate need for an appellate court to hear appeals from the trial level of the Tribal Court; and

WHEREAS, the Southwest Intertribal Court of Appeals ("SWITCA") is an independent, voluntary court of appeals available to tribes located in Arizona, Colorado, New Mexico, and west Texas, at no cost to tribes; and

WHEREAS, SWITCA follows its own formal Rules of Appellate Procedure except in the event of inconsistency with Tribal law; and

WHEREAS, the White Mountain Apache Tribe can withdraw this authorization at any time in the future by Resolution, provided proper notice is given to SWITCA and there is no pending appeal before SWITCA; and

WHEREAS, the Tribal Council finds that it is in the best interest of the Tribe to authorize SWITCA to act as the White Mountain Apache Tribal Court of Appeals.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes SWITCA to act as the White Mountain Apache Tribal Court of Appeals in accordance with the laws and procedures of the White Mountain Apache Tribe and grants it full appellate jurisdiction with all authority as established in the Tribal Code and the SWITCA Rules of Appellate Procedure.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts the SWITCA Rules of Appellate Procedure, to the extent consistent with Tribal law, and in the event of any inconsistency, Tribal law shall govern.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Court of Appeals established under SWITCA shall comply with Chapter Two of the White Mountain Apache Judicial Code, including but not limited to the following terms: the appellate court shall be composed of a Chief Justice and two Associate Justices who shall serve a term of four (4) years pursuant to §§ 2.8 (B) and 2.9 (A) of the White Mountain Apache Judicial Code.

Resolution No. 10-2016-212

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chief Justice and the Associate Justices of the Court of Appeals set up by SWITCA must be approved for final selection by majority vote of the Tribal Council in accordance with § 2.9 (A) of the Judicial Code.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that all decisions rendered by SWITCA, on behalf of the White Mountain Apache Tribe, shall be final, binding and enforceable.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes SWITCA to publish the appellate decisions made on behalf of the White Mountain Apache Tribe in its regular report of case decisions that may be cited as authoritative precedent in any other case pending in the White Mountain Apache Tribal Court or any appeal from that Court to SWITCA.

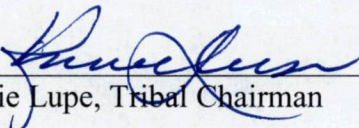
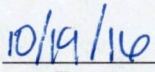
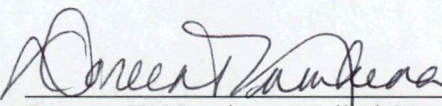
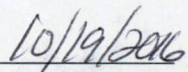
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Chairman, or in his absence the Vice-Chairman, to sign any and all documents needed to effectuate the intent of this Resolution.

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 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 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.

The foregoing resolution was on **OCTOBER 19, 2016** duly adopted by a vote of **ELEVEN** 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 | Date | Doreen T. Numkena, Tribal Secretary | Date |