



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Removing Chief Judge Carol Gatewood-Kasey pursuant to Judicial Code, Sec 2.12 and 2.17)

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- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) of the Constitution of the White Mountain Apache Tribe ("WMAT"), *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,** on February 22, 2017, members of the governing body did conduct an administrative hearing, pursuant to the Judicial Code, Sec. 2.12 and 2.17, which requires that prior to removal of a sitting Tribal Judge for cause, the WMAT must provide a hearing, along with 10 days notice prior to conducting said hearing; and
- WHEREAS,** due to the severity of the allegations, Chief Judge Carol Gatewood-Kasey was suspended immediately, with pay, in order to grant the accused an opportunity to be heard as required by the Judicial Code under Sec. 2.12, *Removals and Forfeiture of Office*; and
- WHEREAS,** prior to action by the Council and Chairman, members of the governing body were briefed. The leadership was determined to make every effort at affording the Judge all of the process due pursuant to the Judicial Code; and
- WHEREAS,** both the Tribe, represented by Attorney General Jim Palmer, and Judge Gatewood-Kasey presented their positions before the Tribal Council. The hearing occurred during a special morning session. The Chief Judge was given an opportunity to address the allegations against her and ask any questions she may have had. The Council deliberated and took action to remove Chief Judge Gatewood-Kasey based on the numerous findings in the investigative report; and
- WHEREAS,** in summary, the Attorney General for the Tribe addressed Judicial Code Sections 2.17(c)(1), (2), and (3), and argued that behavior exhibited by Chief Judge Gatewood-Kasey was in clear violation of all three sections. Only one violation is necessary to qualify a judge for removal, in this instance, there were no less than five direct violations; and
- WHEREAS,** the Tribal Council has considered various disciplinary actions related to the Chief Judge over the prior years, including a corrective action plan, mandatory training, and/or other less severe penalties; and
- WHEREAS,** after the Attorney and Judge addressed the Council, the governing body was in agreement that there must be a higher standard set for our Tribal Court Judges, commensurate with those expectations stated within the Judicial Code. Furthermore, given the severity of the findings pursuant to the investigation conducted by Steptoe and Johnson, LLP, there was sufficient cause for removal based on gross misconduct, neglect of duties, and abuse of power.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby finds that Chief Judge Carol Gatewood-Kasey did violate her duties to the Tribe as Chief Judge and shall be removed from her position, effective immediately, pursuant to Section 2.12 of the Judicial Code of the White Mountain Apache Tribe based on the evidence provided and the investigative findings provided by Steptoe & Johnson, LLP; grounds for removal include gross misconduct, neglect of duties, and abuse of power.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby declares that the Chief Judge was afforded every opportunity to be heard on this matter, that a date was scheduled more than 10 days prior to the scheduled hearing of February 22, 2017, and that the Judge had ample time to secure legal representation if desired, and plenty of time to adequately prepare for an administrative hearing. Instead of preparing for the hearing, it was revealed that the Judge privately lobbied members of the governing body for leniency, additional time, and reversal of the Council's action. Political interference and activism by a member of the Judiciary is considered highly unethical, irregular, and not becoming of a Tribal Court Chief Justice and also a direct violation of the Judicial Code.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby declares that this Resolution represents a final decision of the governing body on this matter. The Council is confident, and the Attorney General's Office agrees, that the required due process has been afforded the accused. Therefore, no waiver or request for legal review, appeal, or reconsideration shall be contemplated.

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 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.

The foregoing resolution was on **FEBRUARY 22, 2017** duly adopted by a vote of **SIX** for, **TWO** against, and **ONE** abstaining 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).

 2/22/2017
Ronnie Lupe, Tribal Chairman Date

 2/22/2017
Doreen T. Numkena, Tribal Secretary Date