

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

**WHEREAS,** the White Mountain Apache Tribal Court exercises jurisdiction to the full extent permitted by the Tribal Constitution; and

**WHEREAS,** the Tribal Court Rules allow for trial by jury when requested by the parties; and

**WHEREAS,** a recent ruling in the Tribal Court found that the jury selection procedures create an impermissible burden to the service of non-members in the jury pool; and

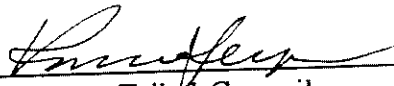
**WHEREAS,** the effect of this ruling could limit the Tribal Court's jurisdiction if the jury selection procedures are not amended; and

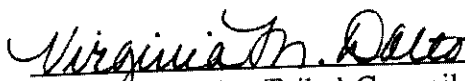
**WHEREAS,** the Chief Judge of the Tribal Court, pursuant to Section 2.18 of the Judicial Code has recommended a revision to the Rules of Civil Procedure to eliminate this barrier to non-member jury service.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the revisions to the Rules of Civil Procedure, Rule I-15, attached hereto.

**BE IT FURTHER RESOLVED** by the Tribal Council that the acts and deeds of the members of the Tribal Council necessary to carry out the intent and purpose of this Resolution be, and the same are hereby ratified, confirmed and adopted as the acts and deeds of the White Mountain Apache Tribe.

The foregoing resolution was on September 08, 1994, duly adopted by a vote of nine 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), (q), (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

RULE I-15 **JURY TRIALS**

I-15A. Jury request; fee.

A jury trial shall be held if requested by either party to the case at least ten (10) days before the trial. The party who requests a jury trial shall pay to the court a jury fee established by Rule of Court. Payment of the jury fee may be waived by the Chief Judge upon the request of a party if payment of the fee would result in severe hardship to the party. The party who requests a jury trial or a visiting judge who fails to provide at least five days notice by a written motion to continue shall be liable for the payment of jury fees and fees payable to the visiting judge at the discretion of the Judge presiding over the trial.

Rule I-15 B. Eligibility; non-members; jury list.

(1) To be eligible to serve as a juror on a civil case a person must be a tribal member or a permanent resident of the Fort Apache Indian Reservation, must be eighteen years of age or older, must never have been convicted in any court of a felony, and must not at the time the list is made, or at the time of the trial, be holding the office of tribal judge, tribal police officer, or Tribal Council Member, or employed by the Tribal Court.

(2) For the purposes of this Rule, a permanent resident of the Reservation is a person who rents or owns a dwelling place on the Reservation, and who resides in that dwelling place other than seasonally or periodically, and who receives mail on the Reservation at an on-Reservation post office box or Reservation street address, and who intends to make the Reservation his or her permanent home for the indefinite future, and who does not claim residence at any other location for any purpose.

(3) The Tribal Council Secretary shall prepare each year a list of persons eligible to serve as jurors, and shall provide the jury list to the Clerk of the Court. The list of eligible jurors shall be compiled from the Tribal census rolls of the White Mountain Apache Tribe, and from the voter registration lists of each county whose boundaries are within the Fort Apache Indian Reservation.

(4) The Clerk shall mail juror questionnaires once every six (6) months for the purpose of establishing a pool of qualified and available jurors. The mailing shall go only to eligible persons. Jurors shall be directed to respond to the juror questionnaires within fifteen (15) days from the date the juror questionnaires are mailed, and jurors shall be informed on the face of the questionnaire that failure to respond may subject the potential juror to citation for contempt of court. The juror questionnaires shall form the basis for the Clerk to issue summonses as needed for jury trials. The Clerk shall maintain the juror questionnaires and the names of jurors summoned for review by the parties.

(5) The Clerk shall prepare a ballot in the name of each eligible person and protect the ballots from access by unauthorized persons by placing the ballots in a master ballot box and securing the master ballot box in a safe.

I-15C. Selection of panel; jury summons; failure to appear; excuse from jury duty.

(1) Not less than seven days before the date set for the beginning of a jury trial, the Chief Judge shall draw from the master ballot box, at random, the number of ballots specified by Rule of Court for a civil jury trial of the type scheduled. The Clerk of the Court shall then issue and cause to be served upon each person whose ballot was drawn a Jury Summons.

(2) The Jury Summons shall notify the person being summoned to appear in Court on the date set for the beginning of the trial, one hour before the time set for the trial. Failure of a person served with a Jury Summons to appear shall constitute contempt of court and the Summons shall contain a warning to that effect. These summonses shall be served by the Apache Police, Tribal Court Civil Officer, certified mail or regular mail. Any person for whom jury service would be a severe hardship may be excused from service by a judge, but such excuse from jury duty shall be disfavored.

I-15D. Jury Selection.

On the day of the trial, the Clerk shall deposit in a ballot box ballots containing the names of each of the summoned potential jurors who have appeared by the time set for their appearance. Those persons whose names are in the ballot box shall be known as the jury panel. After the Judge calls the court to order, he or she shall draw from the jury panel ballot box, at random, the names of fourteen members of the jury panel, who shall then be seated in the jury area. The Clerk shall make a list of the names in the order in which they were called.