

**Resolution No. 05-96-103**

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

- WHEREAS,** there is at present no permanent panel of Court of Appeals Justices in the Tribal Court; and
- WHEREAS,** it is necessary to provide an appellate forum to hear cases which are appealed from the Tribal Trial Court; and
- WHEREAS,** in the absence of a permanent appellate court panel, the Tribal Judicial Code provides for the appointment of Justices *Pro Tempore* to the Tribal Court of Appeals; and
- WHEREAS,** the Tribal Judicial Code, Section 2.16(B) requires that all judges and justices *pro tempore* be attorneys licensed by the State of Arizona; and
- WHEREAS,** under the Judicial Code, the Tribal Council has the sole authority to “provide for appointment” of justices *pro tempore* to the Court of Appeals; and
- WHEREAS,** only three justices are needed at one time to hear a case in the Court of Appeals, establishing a panel of six justices *pro tempore* from which to choose three justices for each hearing is advisable to provide flexibility and adequate coverage in the event that certain panel members are unavailable; and
- WHEREAS,** the Tribal Council has reviewed a list of six capable candidates, the Honorable Violet Lui Frank, Chief Judge, Pascua Yaqui Tribal Court; the Honorable Sherry Hutt, Judge, Maricopa County Superior Court; the Honorable Jay Abbey, Judge, Navajo County Superior Court; retired; attorney Jack Barker, the Honorable Gloria Kindig, Judge, Hopi Tribal Court; and the Honorable Allen Minker, Judge, Greenlee County Superior Court; and
- WHEREAS,** the Tribal Council finds that each candidate has prior experiences as a sitting judge or judge *pro tempore* and is qualified under the Tribal Judicial Code to serve in the Justice *Pro Tempore* position; and
- WHEREAS,** the Tribal Council authorizes and delegates responsibility, as provided below, for the designation of justices *pro tempore* from within the panel to serve for each appellate hearing.

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**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby appoints the Honorable Violet Lui Frank, the Honorable Sherry Hutt, the Honorable Jay Abbey, Jack Barker, Esq., the Honorable Gloria Kindig and the Honorable Allen Minker to serve as Justices *Pro Tempore* of the Tribal Court, Court of Appeals, of the White Mountain Apache Tribe.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it delegates authority and responsibility to the Tribal Court Administrator to select at random for each Court of Appeals hearing one of the panel members to serve as the Chief Justice *Pro Tempore* for that hearing.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chief Justice *Pro Tempore* selected for each appellate hearing shall select the two Associate Justices *Pro Tempore* from the panel of appointed justices to serve for the scheduled appellate hearing.

The foregoing resolution was on May 02, 1996, duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Section 1(a), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on 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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council