

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

- WHEREAS, the Tribal Council by previous resolution had approved a contract with Southern Arizona Legal Aid, Inc., to provide public defender legal services within the Fort Apache Indian Reservation for criminal defendants in Tribal Court; and
- WHEREAS, the one year contract term is coming to a close; and
- WHEREAS, a new contract for another one year term has been prepared with a proposed increase from 1,400 hours to 1,450 hours of contract services, representing an increase in the contract amount from \$51,400.00 to \$54,000.00; and
- WHEREAS, the Law and Order Committee has met with the Legal Aid representative, Paula King, to review the performance of public defender services under the existing contract; and
- WHEREAS, the Law and Order Committee has reported to the Tribal Council on concerns it has pertaining to the contract services, including reports that the Legal Aid representative, Paula King, has given work related information which the Tribe may consider sensitive to her husband, reporter Tom King, which in turn is reported by him in a local newspaper; and
- WHEREAS, other concerns include the amount of time Ms. King may have available to perform the public defender services, given her current administrative responsibilities with Legal Aid and reports of additional proposed responsibilities she may have to the Legal Aid office in San Carlos, as well as complaints that plea bargain agreements reached with the prosecutor may not always have been made with the knowledge and consent of the client; and
- WHEREAS, the Tribal Council takes these concerns seriously, and has requested a follow-up review to the preliminary report by the Law and Order Committee; and
- WHEREAS, the Chairman of the Law and Order Committee, and the Tribal Attorney recommend to the Tribal Council that the Public Defender contract with Southern Arizona Legal Aid be authorized in order to assure continuity of legal defender services to criminal defendants during the period of follow-up review; and

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WHEREAS, in the event the review results in recommended changes to the contractual relationship with Southern Arizona Legal Aid for the performance of public defender duties, the agreement can be terminated upon 60 days prior notice; and

WHEREAS, the Tribal Council recognizes the benefit of making legal defense services available to criminal defendants in Tribal Court, even though no tribal or federal law requires the availability of such services, and, at present, no federal or private grant funding is available to pay for such services.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the renewal of the Public Defender contract with Southern Arizona Legal Aid, Inc., for an additional one year term.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it directs the Tribal Law and Order Committee to undertake a review of the reported concerns with the performance of the current Public Defender contract term, and specifically including (1) reports that the Legal Aid representative, Paula King has been sharing with her husband sensitive information stemming from her public defender representation which, in turn, is reprinted in a local newspaper, (2) concerns that the Public Defender's other administrative and proposed expanded work obligations may prevent the effective representation of criminal defendants as required under the Public Defender contract, and (3) reports that the Public Defender may have entered into plea bargain agreements without the knowledge and consent of the client.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that after the Law and Order Committee has completed its review it report back to the Tribal Council within 60 days on its findings and recommendations.

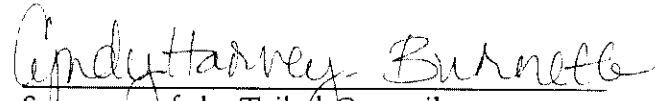
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, or in his absence the Vice Chairman, to execute any documents necessary to carry out the intent of this Resolution.

The foregoing resolution was on December 15, 1998 duly adopted by a vote of FIVE for, TWO against, and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (h), (s), (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).

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Chairman of the Tribal Council

JAN 6 1999

  
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Secretary of the Tribal Council