

SAMPLE RESOLUTION

Resolution of the _____ Tribe

(Authorizing the Southwest Intertribal Court of Appeals to act as the Tribal Court of Appeals for the _____ Tribe)

WHEREAS, pursuant to Article I, Section 1 of the Constitution of the _____ Indian Tribe, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe (cite to proper Tribal authority); and

WHEREAS, pursuant to the _____ Tribal Code (the “Code”), the Tribal Council established a tribal court system (cite to tribal law, if applicable); and

WHEREAS, the Tribal Council has determined that there is a 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; and

WHEREAS, the _____ 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 interests of the Tribe to authorize SWITCA to act as the _____ Tribal Court of Appeals.

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

BE IT FURTHER RESOLVED that the _____ Tribe 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 that all decisions rendered by SWITCA, on behalf of the _____ Tribe, shall be final, binding and enforceable.

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

BE IT FINALLY RESOLVED by the Tribal Council of the _____ 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.

The foregoing resolution was, on _____, 2008, duly adopted by a vote of ___ for and ___ against by the Tribal Council of the _____ Tribe.

Chairman of the Tribal Council

Secretary of the Tribal Council