



Southwest Intertribal Court of Appeals (SWITCA)

Purpose

AILC's Southwest Intertribal Court of Appeals (SWITCA) Program provides an appellate court forum for tribes located in New Mexico, Colorado, Arizona and West Texas. Since its inception in 1989, SWITCA has allowed tribal courts to bring cases before a panel of experienced judges to render decisions at the appellate level for those tribes that do not have the financial means or governmental infrastructure to administer a court of appeals for tribal court decisions. Appellate services are available without cost to member tribes. Additionally, SWITCA provides training, technical assistance, legal research, and support services to tribal courts, tribal judges, and tribal court staff in the region in an effort to strengthen tribal and Pueblo court systems and tribal jurisdiction.

Please call (505) 277-5462 for additional information about SWITCA.

Who is Eligible to Join?

Federally recognized Tribes and Pueblos in New Mexico, Arizona, Colorado, and west Texas may join the Court to receive impartial appellate review of lower court decisions. SWITCA's jurisdiction is defined by the participating Pueblo and tribal governments.

A Tribe may join SWITCA by tribal resolution. Each Tribe defines SWITCA's authority for itself and may create any one of a variety of uses for the Court including:

- an independent court of last resort which exercises the appellate powers of the tribe;
- an independent appellate court which issues advisory opinions, only; or,
- an independent intermediate appellate court from which any party may appeal to a higher court as defined by the joining tribe.

See sample tribal resolution available online or call our offices for an electronic PDF copy.

Court Administration

- Appellate judges appointed to tribal appellate courts are covered by the judicial immunity of the tribe and exercise only the judicial powers of the appointing tribe.
- SWITCA Rules of Appellate Procedures can be found online or by calling our offices.
- SWITCA is funded by the BIA through a "638" contract with Zuni Pueblo which, in turn, contracts with the AILC to administer the grant.
- SWITCA provides services as requested, but does not fund tribal courts directly. Offices are housed at the AILC.

Member Trainings and Meetings

Trainings on a variety of topics are held approximately four times a year in conjunction with SWITCA administrative meetings. Non-member tribes are also invited to send tribal judges and tribal court representatives to attend SWITCA trainings and meetings. Expert trainers include law professors, tribal court judges and tribal court staff, judges from state courts, and attorneys practicing in the field.



In recent years, training topics have included:

- Updates on federal and state Indian legal issues and cases
- Appellate procedures
- Comparative law: the laws of Scotland and England
- Interplay between child abuse and domestic violence
- Judicial trial practice, and the federal rules of evidence
- Full faith and credit
- Tribal employment law
- Judicial ethics
- Indian housing law
- Adjudicatory and dispositional hearings - procedures and evidentiary issues
- Contempt power
- Drug Courts
- Tribal Leadership Conference

SWITCA Reporter

The Southwest Intertribal Court of Appeals Reporter includes all cases and opinions issued by the Court beginning with its first case in 1990.

- A Complete SWITCA Reporter is available for \$75.00 each. The Reporter includes fully-tabbed, three-ring binders for each volume (year); an updated table of contents; and four indices: Alphabetical by Case Name (Index A), by Appellate Judge Author (Index B), by Court of Origin (Index C), and by Subject (Index D).
- Individual volumes are available for \$25.00 each. Individual volume purchases include the most recent table of contents and the indices. New volumes are sent to member courts each year without charge.

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