



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE

#### APPOINTMENT OF JUDGE PRO TEMPORE FOR TRIAL COURT CASE CV 13-03 AND CONDITIONAL APPOINTMENT OF SUPREME COURT JUSTICE PRO TEMPORE

##### RESOLUTION 03-19-13E

**WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation formerly known as the Wisconsin Winnebago Tribe; and

**WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian tribe, organized pursuant to the Indian Reorganization Act of 1934; and

**WHEREAS,** Article VII, Section 13 of the Constitution of the Ho-Chunk Nation requires the Legislature to appoint a Judge pro tempore to the Trial Court of the Ho-Chunk Nation to fill any vacancy due to recusal; and

**WHEREAS,** Article VII, Section 13 of the Constitution requires the Legislature to appoint a Justice Pro Tempore as a Justice for the Ho-Chunk Nation Court to fill any vacancy due to recusal; and

**WHEREAS,** Trial Court Judge Amanda Rockman notified the Legislature via letter dated March 15, 2013 of the need to appoint a pro tempore judge to the Trial Court in the above-numbered case, since the case involves an election challenge by a Supreme Court Justice and both sitting Trial Court Judges would need to recuse themselves; and

**WHEREAS,** based on the fact that the case at issue is an election challenge requiring expedited consideration, it is necessary to appoint a Pro Tempore Judge to resolve the case; and

**WHEREAS,** should the case be appealed from the Trial Court to the Nation's Supreme Court, it is likely that one or more of the sitting Supreme Court Justices would also be recused;

**NOW THEREFORE, BE IT RESOLVED** that the Legislature of the Ho-Chunk Nation, pursuant to Article VII, Section 13 of the Constitution of the Ho-Chunk Nation, hereby authorizes the Trial Court to retain Mark Butterfield, Paul Stenzel, or any other qualified outside attorney experienced in Indian law and tribal court practice, to the extent they are available, to serve as Trial Court Judge Pro Tempore in the above case; and the Trial Court is authorized to contact any of the above-listed persons to make the necessary arrangements, including compensation, for them to serve as a Judge Pro Tempore of the Ho-Chunk Nation;


##### Executive Offices

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

**BE IT FURTHER RESOLVED**, that if the above-case is appealed to the Nation's Supreme Court, and any of the sitting Supreme Court Justices are recused, the Legislature hereby authorizes the Judiciary to contact any qualified professional, familiar with Indian law and tribal court practice, to serve as a Pro Tempore Justice to hear the case; and the Judiciary is authorized to contact any such person to make the necessary arrangements, including compensation, for such person to serve.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom 11 constituting a quorum were present at the meeting duly called and convened and held on the **19th day of March, 2013**, adopted the foregoing resolution at said meeting by an affirmative vote of **11 members, 0 opposed, and 0 abstaining**, pursuant to the authority of the Article V, Section 2(a) through (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

  
\_\_\_\_\_  
Hope B. Smith, Tribal Secretary

  
\_\_\_\_\_  
Date