



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
APPOINTMENT OF JUDGE PRO TEMPORE FOR
TRIAL COURT CASES CV 13-09, CV 13-11 and CV 13-12 AND CONDITIONAL
APPOINTMENT OF SUPREME COURT JUSTICE PRO TEMPORE**

RESOLUTION 08-06-13D

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, the Trial Court notified the Legislature recently of the need to appoint a pro tempore judge to the Trial Court in the above-numbered cases, since the existing Trial Court judges have a conflict of interest under the Ho-Chunk Nation Rules of Judicial Ethics; and

WHEREAS, in order to expeditiously address the claims and issues in each case, the Legislature must appoint a Trial Court Judge pro tempore; 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, Robert Kittecon, John Wabaunsee or Kim Vele, to the extent they are available, to serve as Trial Court Judge Pro Tempore in the above cases; and the Trial Court is authorized to contact any of the above-listed persons to make the necessary arrangements, including compensation within the limits of the Judiciary's budget, for them to serve as a Judge Pro Tempore of the Ho-Chunk Nation;

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BE IT FURTHER RESOLVED, that if any of the above-cases are 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 Mark Butterfield, Paul Stenzel, Robert Kittecon, John Wabaunsee or Kim Vele, if they did not preside in the Trial Court matter, 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 within the limits of the Judiciary's budget, 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 **13** constituting a quorum were present at the meeting duly called and convened and held on the **6th day of August, 2013**, adopted the foregoing resolution at said meeting by an affirmative vote of **10 members, 2 opposed, and 1 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.

Kathyleen Lone Tree-Whiterabbit
Kathyleen Lone Tree-Whiterabbit, Tribal Secretary

8.6.13
Date