



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO APPOINT PRO TEMPORE TRIAL COURT JUDGE FOR CASES RELATED TO SEPTEMBER 23, 2011 SPECIAL ELECTION

RESOLUTION 09-20-11M

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, the Nation will be conducting a Special Election on September 23, 2011 to fill a vacancy in the Legislature, for District 3, Seat 1; and

WHEREAS, in the event any litigation is filed in the Ho-Chunk Nation Trial Court related to the September 23, 2011 Special Election, either before the Election or after the Election, the Trial Court will need to act quickly to process the case, issue any necessary orders, and hold any hearings called for under the HCN Rules of Civil Procedure, the Constitution or the Election Code; and

WHEREAS, the Legislature deems it appropriate to authorize the Trial Court to retain a Pro Tempore Trial Court Judge in the event the current Trial Court Judge recuses herself from any litigation related to the Special Election; and

WHEREAS, the Legislature deems it appropriate to adopt such a conditional resolution since the Legislature would not be able to consider another Resolution of this type until its next Regular Session on October 4, 2011;

WHEREAS, the prompt resolution of any litigation related to the September 23, 2011 Special Election may not be able to be resolved without the appointment of a Pro Tempore Judge, should the current Judge 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 John Wabaunsee, JoDeen Lowe, Mark Butterfield, Paul Stenzel or Joan Greendeer-Lee, to the extent they are available, to serve as Trial Court Judge Pro Tempore if the current Trial Court Judge is recused in any case related to the September 23, 2011 Special Election; and the Trial Court is authorized to contact any of the above-listed persons to make the necessary arrangements for either of them to serve as a Judge Pro Tempore of the Ho-Chunk Nation in the above circumstances.

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 12 constituting a quorum were present at the meeting duly called and convened and held on the **20th day of September, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **12 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