

JUDICIAL COMMITTEE
THREE AFFILIATED TRIBES
TRIBAL BUSINESS CHAMBERS

Regular Meeting
September 19, 1989

- PRESENT: Titus Hall, Secretary and Ted Lone Fight III sitting in.
- ABSENT : Austin Gillette and Ed Lone Fight (on travel).
- OTHERS : Jim Fitzsimmons, Director of Legal Services; Homer White Buffalo, BIA Criminal Investigator; Maynard Young Bear, Deputy Clerk of Court; Barbara Finley; and Judy Black Hawk, Recording Secretary.
- ITEM 1 CALL TO ORDER
Meeting called to order at 1:50 p.m. by Secretary Hall.
- ITEM 2 HIRING/APPOINTMENTS
Discussion: Edith Likes Eagle wanted to know who hires and who make appointments when a position becomes available. Titus Hall said all temporary appointments should come before the committee, but the Tribal Chairman has the authority to make temporary appointments. Titus Hall said since the Tribal Chairman made the thirty (30) day temporary appointment by hiring Vida Mann she can continue to work, until Sharon Fredericks comes back to work.
- ITEM 3 COMPUTER PURCHASE
Discussion: Edith Likes Eagle said she needs Committee approval to make a purchase order out for a down payment on their computer. (Frank Henry called into the meeting at 1:52 p.m.) Ted Lone Fight III said why do you need Committee approval since the Committee already approved the purchase of the computer? Frank Henry said you have to get the approval of the contracting officer, we do not have the all money in the budget we only have \$10,000 in the budget. Edith Likes Eagle said she only budgeted \$10,000 for a down payment and finance the rest. Frank Henry said the BIA will not let you finance. Edith Likes Eagle said the money is not coming out of BIA it is coming from Fines and Cost. Frank Henry said all you need is the contracting officer's approval. Edith Likes Eagle asked who the contracting officer was? Frank Henry said Renville. Edith Likes Eagle said Steve Francis said this was the fasts way to purchase the computer. Frank Henry said so what you need is approval for the down payment and financing through Watford City, but you need back up for the other bids. (Frank Henry left the meeting at 1:55 p.m.) Edith Likes Eagle was given permission to make a purchase order of \$10,000.
- ITEM 4 SALARY INCREASE FOR JUDGE TOM BEYER
Discussion: Edith Likes Eagle said she would like to give a \$50.00 salary increase to Judge Beyer. Titus Hall asked if she had money in the budget for an increase. Edith Likes Eagle

- ITEM 5 SALARY INCREASE FOR JUDGE TOM BEYER
said they have a carry over in Fine and Cost. Titus Hall wanted to know if she could put the carry over monies somewhere else. Edith Likes Eagle said yes we are trying to hire a process server.
- ITEM 6 TRIBAL PROSECUTOR/TOM GUNDERSON
Discussion: Edith Likes Eagle said she was getting too many complaints on the tribal prosecutor Mr. Gunderson. A meeting was held in March at Legal Services and the Tribal Prosecutor was discussed at that time. Edith Likes Eagle felt that they were not getting any services out of Mr. Gunderson and she did not think that Mr. Gunderson's consultant agreement should be renewed this year. Titus Hall asked Edith Likes Eagle if she had anything of the complaints in writing. Edith Likes Eagle said she did have some things in writing and statistic that she had gather, also other complaints from other offices. Titus Hall said bring all the complaints you have and we could meet with Mr. Gunderson on the 26th of this month. Jim Fitzsimmons asked if Edith if she had an alternative, Edith said yes we do, Dennis Johnson is the alternate prosecutor who we use when Mr. Gunderson has a conflict since Mr. Gunderson is related to everybody in Twin Buttes. Jim Fitzsimmons said Mr. Gunderson should be entitled to some kind of basic notice. Jim Fitzsimmons said the best system that worked was when Diane Johnson was the Court Administrator/Prosecutor because there was someone there forty hours a week and now you are trying to hire a prosecutor for two days out of the month and there is just no way and you can expect him to do the work of a full time prosecutor. Edith Likes Eagle said she asked Mr. Gunderson if he would help some people filled non-support, and he said no if he helped the people he would need more pay. Diane Johnson said I think we should set up a meeting and invited Mr. Gunderson letting him know that you would like to review his contract, and let him know about the complaints. Edith said she wrote to Mr. Gunderson and asked him to be at the Civic Center at 9:00 a.m. so he would have time to go over the cases. Titus Hall directed Edith to write a letter to Mr. Gunderson.
- ITEM 7 WRITS OF EXECUTION
Discussion: Jim Fitzsimmons said in 1982 or 1983 one of the Savings and Loan got bold and said you can not collect debts on these Indian Reservations' therefore we will not give loans to anyone who reside within Indian Reservations. Jim Fitzsimmons said they took this up to Washington D.C. to the Federal Loan and Bank and they in turn said the Savings and Loan Company could no longer expend and could no longer be eligible for certain things until they abolish this

ITEM 8 WRITS OF EXECUTION CON'T

policy. Jim Fitzsimmons said the BIA Police are given specific orders as to what they can do and can not do when it comes to execution of judgments and what is happening now is what those leaders back in 82/83 were alleging is happening and that was you can go out and obtain a judgment in Tribal Court but it was strictly a paper judgment. Jim Fitzsimmons said after speaking to Homer White Buffalo, Diane and Maynard Fox based on the orders Homer has from Washington and the way our system is set up here there is no way to realistically enforce Judgments. Development a Process Server/Execution of Judgment individual within the court system, the Police have been given authority to work with that person, but they can not actually do what the sheriff's can do. Jim Fitzsimmons said 85% of the people on the Reservations are judgment proof they do not have any property. The problem is if the system is not in place somebody could just sit there and say no loans to those Reservation Indians. As long as the system is in place the young people that want loans can get loans. Homer White Buffalo said cars, furniture, and farm equipment are not hard to up pick, but when you purchase gas or propane and use it up then you go to court and lose the Judges say you go out to their house and take something that is worth five hundred dollars, and when we go out to the house and try to get something most of the time we come back empty handed. Titus Hall said so what your are asking for is a system in place for the benefit of the people. Jim Fitzsimmons said as long as you the judgments returned unsatisfied it will not screw up the credit, but the judgments that are sitting on the someone's desk are doing the damage.

ITEM 9 PROCESS SERVER

Discussion: Ted Lone Fight III asked Edith if she had any money in her budget to hire a process server? Edith said she did have carry over monies, and said they were need of a process server. Homer White Buffalo said the BIA does not want to get involve with this they don't like to take the property for storage or be responsible for the stuff. Edith Likes Eagle said can we hire Clarinda Young Bird? Jim Fitzsimmons said you can hire Clarinda Young Bird since she is the CFR Judge it maybe a good idea to hire someone that is part-time. Edith Likes Eagle said she thought that Clarinda Young Bird would make a good process server. Diane Johnson said this is going to jump your travel line item up quite a bit, because if you are going to have this person serve writs and other times this person is going to be a process server. Jim Fitzsimmons said I think there is a way you can double up to serve papers. Homer White Buffalo said this is not an easy job, what happens if farm equipment has to be moved, tribal court has to pay for transportation depending on what it is. Ted Lone Fight III said you may want to get someone else, because this person may not want to serve their own family.

ITEM 10 PROCESS SERVER CON'T
Titus Hall said do we have a draft written up already. Jim Fitzsimmons said Edith will have to develop a part-time position. Edith said I have to get the right person. Homer White Buffalo said on the summons there is some revenue coming in, the process server can serve the summons and bill the outside attorney's. Jim Fitzsimmons said we do that right now we serve the people and bill the outside attorney's, Jim said this is a way for the process server to make money. Ted Lone Fight III directed Edith Likes Eagle to put all the above mention together for the next Committee meeting and for the process server and the works of work, also a budget line item. Diane Johnson said sent Mr. Gunderson a letter along with a list of the complaints. Edith Likes Eagle asked Titus Hall if he would sign the letter to Mr. Gunderson. Titus Hall said he would sign the letter.

ITEM 11 ADJOURNMENT
Meeting adjourned at 2:40 p.m.

Approved

Disapproved

Secretary, Judicial Committee

Date

Secretary, Tribal Business Council

Date

ATTEST:

Chairman, Tribal Business Council

Date