

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, The Tribal Business Council, by Resolution No. 97-229-DSB, previous adopted amendments to the Tribal Code of Laws of the Fort Berthold Reservation regarding the Tribal Court, including the establishment of a Tribal Bar Board; and

WHEREAS, Since the time of passage of those amendments, it has come to the attention of the Tribal Judicial Committee that there was a drafting error in the sections establishing a Tribal Bar Board and in the sections providing for the powers of the Tribal Bar Board, in that it was not the intention of the Tribal Business Council in adopting the Tribal Code amendments to require the participation of the Chief Tribal District Court Judge in either the selection of the Bar Board, in the development of Professional Rules of Conduct and rules for discipline of attorneys and advocates licensed to practice in Tribal Court or in the development of Tribal licensing examinations for advocates or attorneys;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby amends Title I, Chapter 2, Section 5.1 and Section 5.4 of the Fort Berthold Tribal Code to read as per the attached, effective immediately.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 17th day of February, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 17th day of February, 1998.

ATTEST:

Daylon Spotted Bull
Secretary, Tribal Business Council

[Signature]
Chairman, Tribal Business Council

Section 5 Three Affiliated Tribes Bar Board

5.1 Appointment of Board The Tribal Business Council, within 30 days after this section is adopted by the Tribal Business Council, shall appoint a three (3) member Bar Board, to be known as the Three Affiliated Tribes Bar Board. Such members so appointed shall assume their duties and begin their term as of the date of approval by the Tribal Business Council.

5.2 Qualifications of Board Members. At least two of the three Board members shall be attorneys licensed in good standing to practice law in the Fort Berthold District Court and at least two of the three Board members shall be enrolled members of the Three Affiliated Tribes. No Board member shall be employed by the Fort Berthold District Court or be a member of the Tribal Business Council. Each Board member shall satisfy any other criteria for serving on Tribal boards as have been established by the Tribal Business Council.

5.3 Term of Office. The term of a Board member shall be for three (3) years, except that the term of the first three Board members shall be one, two and three years respectively, such terms to be chosen by the Board at its first meeting by lot or by consensus.

5.4 Powers. The Board shall have the following powers:

- (1) To approve and issue all licenses to practice in the courts of the Fort Berthold Judiciary;
- (2) To cause to be investigated in a prompt manner any complaints of judicial, attorney or advocate misconduct or violation of the North Dakota Rules of Professional Conduct reported to the Board, the Tribal Business Council or to the Fort Berthold District Court, which may include the hiring of special counsel or other personnel to conduct such investigation as is necessary;
- (3) To hold such hearings and render a decision as may be necessary in any proceeding involving judicial, attorney or advocate misconduct;
- (4) To develop and approve rules and procedures for judicial, advocate and attorney discipline and hearings as may be necessary;
- (5) To develop and recommend for approval by the Tribal Business Council a Code of Professional Conduct for those who practice in the courts of the Fort Berthold Judiciary;
- (6) To establish and administer such examination for advocates to be licensed in the courts of the Fort Berthold Judiciary as may be necessary;
- (7) At the request of the Tribal Business Council, to develop for approval by the Tribal Business Council an attorney examination for licensure, otherwise known as a "bar exam";
- (8) At the request of the Chief District Judge, to develop and recommend for approval by the Chief District Judge local rules of court;

(9) To advise the court and the Tribal Business Council as requested concerning the amendment of those rules of civil and criminal procedure, rules of evidence as are adopted by the Tribal Business Council as specified in the Tribal Code of Laws, and to seek approval for such amendments from the Tribal Business Council;

(10) To advise the court and the Tribal Business Council as requested concerning the amendment of those rules as are specified in this subsection, and to seek approval for such amendments from the Chief District Judge or the Tribal Business Council as may be appropriate;

(11) In developing rules and amendments to rules not mentioned in this subsection, to seek advice from the Chief District Judge and other knowledgeable persons about such rules; and

(12) To perform such other duties not inconsistent with the Tribal Code of Laws as may be assigned from time to time to the Board by the court or the Tribal Business Council.

5.5 Removal. No Board member shall be removed except for cause, following notice and a hearing. Removal requires a two-thirds vote of the members of the Tribal Business Council. Cause shall include, but not be limited to, in the case of attorney members, suspension or disbarment from the state or federal court in which the individual is licensed to practice, other violation of the North Dakota Rules of Professional Conduct or Fort Berthold Rules of Professional Conduct which leads to discipline being imposed upon the member by the Board, unwillingness or inability to carry out the functions of the Board or interference with the duties of the Board.

5.6 Vacancies. In the case of a vacancy on the Board caused by removal, resignation, conflict of interest or otherwise, the Tribal Business Council shall appoint a new member within 30 days of the vacancy, who shall fulfill the remainder of the term of the Board member being replaced, and who shall assume his duties and begin his term as of the date of approval by the Tribal Business Council.

5.7 Compensation. Each Board member shall be compensated one hundred dollars (\$100) for each Board meeting or hearing attended, and shall be compensated for mileage to the meeting or hearing at the Tribal rate.

5.8 Appeals. Pursuant to the Tribal rules of appellate procedure, or the Federal rules of appellate procedure if such Tribal rules do not exist, any decision of the Board regarding attorney discipline may be appealed to the Northern Plains Intertribal Court of Appeals, or if the Tribe does not belong to the Northern Plains Intertribal Court of Appeals, to any other appellate court in which the Tribe belongs or which the Tribe has established.