

C. [Signature]

**SAN CARLOS APACHE TRIBE  
SAN CARLOS APACHE INDIAN RESERVATION  
SAN CARLOS, ARIZONA**

**AMENDMENT TO THE LAW & ORDER CODE. SECTION 57-1**

Establishing the San Carlos Apache Tribal Bar Association; amending Sections 1.1, 1.28, 2.1 and 2.3 of the Revised Law and Order Code of the San Carlos Apache Tribe dealing with the jurisdiction of the Tribal Courts and the practice of law; and repealing Ordinances Nos. 69-1, 80-1, 80-2, 84-04 and Resolution No. DC-93-266.

WHEREAS, the San Carlos Apache Tribe is a federally recognized Indian Tribe, organized pursuant to the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the San Carlos Apache Tribe desires to aid the Tribal Courts in the administration of justice; to define and clarify the jurisdiction of the Tribal Courts; to provide for the admission of persons seeking to engage in the practice of law; to provide for the regulation and discipline of persons engaged in the practice of law; and to foster and maintain on the part of those engaged in the practice of law high standards of integrity, learning, competence and public service; and

WHEREAS, the San Carlos Apache Tribal Council is the governing body of the San Carlos Apache Tribe, endowed by the inherent sovereignty of the San Carlos Apache Tribe, and by its Constitution and Bylaws, with the duty and authority to provide for the administration of justice, the maintenance of law and order, the establishment and maintenance of tribal courts, and the establishment and maintenance of beneficial associations within the San Carlos Apache Reservation;

NOW THEREFORE BE IT ENACTED by the San Carlos Apache Tribal Council, in its meeting assembled this 7th day of December, 2001, that there is hereby created and established an organization known as the San Carlos Apache Tribal Bar Association, which shall be a non-profit association. The Association and its members shall be governed by its Articles of Association, Bylaws, and Oath of Admission, as well as by the Constitution, Bylaws, Ordinances, Resolutions, and Rules of Court of the San Carlos Apache Tribe. The Association may sue and be sued, may enter into contracts and acquire, hold, encumber, dispose of and deal in and with real and personal property. The Association shall promote and further the aims set forth herein and in its Articles of Association, Bylaws, and Oath of Admission.

Post-it Fax Note	7671	Date	# of pages 5
To	Judge [Signature]	From	[Signature]
Co. Dept	SCAT Court	To	BIA
Phone #		Phone #	475-2255
Fax #	475-2752	Fax #	475-2753

BE IT FURTHER ENACTED that Section 1.1 of the Revised Law and Order Code of the San Carlos Apache Tribe is amended to read as follows:

Sec. 1.1 Jurisdiction.

The courts of the San Carlos Apache Tribe may exercise jurisdiction on any basis consistent with the inherent sovereignty of the Tribe and with applicable federal law. The San Carlos Apache Tribal Court shall be a court of general jurisdiction. Any other court heretofore or hereafter created by the Tribe shall have such jurisdiction as provided by law.

BE IT FURTHER ENACTED that Section 1.28 of the Revised Law and Order Code of the San Carlos Apache Tribe is amended to read as follows:

Sec. 1.28 Representation in the Tribal Courts and Regulation of the Practice of Law.

1. No natural person or other entity shall be entitled to have representation provided at the expense of the Tribe in any matter before any of the Tribal Courts.

2. Notwithstanding any provision to the contrary, and except as hereinafter provided in Subsections 3 through 5 of this Section, no natural person or other entity may represent any party in any matter in any of the Tribal Courts or otherwise practice law or perform any legal services whatsoever, or advertise or solicit for the provision of legal services, or hold themselves out as authorized or qualified to provide legal services, except active members in good standing of the San Carlos Apache Tribal Bar Association. The Association shall provide a list of active members in good standing to the Tribal Courts and the Secretary of the Tribal Council annually and whenever any changes are made in such list.

3. The Tribe may be represented in any matter by any natural person or other entity so appointed by the Council by resolution or ordinance.

4. Any natural person may represent themselves in any matter.

5. The Tribal Courts, in the exercise of sound discretion, may allow any natural person who is in good standing and actively practicing law in another jurisdiction to appear in any single matter pro hac vice, provided such person, or partner or associate of such person, has not so appeared in any of the Tribal Courts within the previous two years, and provided that such person associates with an active member in good standing of the Association, who shall be responsible for their conduct. The Tribal Court, in consultation with the Association, shall by order prescribe rules governing such appearances.

6. The Tribe, the Tribal Courts, and the Association shall enforce the Model Rules of Professional Conduct and the Model Code of Judicial Conduct issued by the American Bar Association, insofar as such Rules or such Code do not conflict with the Constitution, Bylaws, Ordinances, Resolutions, or Rules of Court of the Tribe or the Articles of Association or Bylaws of the Association.

7. Any person appearing in any matter pursuant to the provisions of Subsections 3 through 5 of this Section shall be held to the same standard of conduct, competence, ethics, and integrity as members of the Association.

8. The Tribal Court and the Association have the duty and authority to maintain the highest standards of professional competence, ethics, and integrity in the practice of law. The Association shall investigate and recommend appropriate action to the Tribal Court on all complaints received. The procedures for such investigations and the sanctions available shall be as set forth in the Articles of Association and Bylaws of the Association and rules promulgated by order of the Tribal Court and such other rules as may be promulgated under this authority. Any disciplinary action taken by the Tribal Court or the Association may be appealed to the San Carlos Apache Court of Appeals within 30 days.

9. The following persons, although otherwise qualified, shall not represent any other party in any matter in any of the Tribal Courts during their tenure in such office or such position:

A. The Chairman, Vice-Chairman, Secretary, Treasurer, or Members of the Council.

B. The actively serving judges of any of the San Carlos Apache Tribal Courts, or the courts of any other jurisdiction, whether their tenure is considered temporary or permanent, except those serving only occasionally as pro tem judges.

C. The Clerks of the Courts, Deputy and Assistant Clerks, Bailiffs and other full time court employees.

D. San Carlos Apache Tribal law enforcement officers, Federal law enforcement officers, or State of Arizona law enforcement officers, except those persons duly appointed to prosecute criminal matters.

---

BE IT FURTHER ENACTED that Section 2.1 of the Revised Law and Order Code of the San Carlos Apache Tribe is amended to read as follows:

**Sec. 2.1 Personal Jurisdiction in Civil Actions.**

The bases for personal jurisdiction in civil actions shall include, without limitation, the following, and any natural person, corporation, partnership, association, business, governmental or other entity so acting shall be deemed to have consented and stipulated to the jurisdiction of the courts of the San Carlos Apache Tribe:

1. Consent, whether express, by contract, implication or otherwise.

2. Membership in the Tribe, marriage to or adoption of a member of the Tribe, presence, domicile, residence or entering on the Reservation.

3. Appearance in a Tribal Court, other than a special appearance for the sole purpose of contesting jurisdiction.

4. Doing business or attempting to do business on the Reservation, including entering or attempting to enter into a contract for the sale, lease, or purchase of any property or services, or contracting or attempting to contract to insure any person, property, or risk.

5. Using or attempting to use, or purchasing or attempting to purchase any resource or service of the Tribe or the Reservation.

6. Ownership, use, or possession of real or personal property on the Reservation.

7. Violating any Tribal law, ordinance, resolution or regulation, or any regulation or order of any Tribal authority, commission, department, division, program or other Tribal entity or the violation on the Reservation of any applicable federal or state law or regulation.

8. Causing an act, event or effect to occur on the Reservation by an act or omission on the Reservation or elsewhere or engaging in any other act or omission on the Reservation giving rise to the action.

**BE IT FURTHER ENACTED** that Section 2.3 of the Revised Law and Order Code of the San Carlos Apache Tribe is amended to read as follows:

**Sec. 2.3 Fees and Judgments in Civil Actions.**

In all civil suits the complainant may be required to deposit with the Clerk of the Court a fee or other security in a reasonable amount to cover costs and disbursements in the case. No judgment shall be given on any suit unless the defendant has actually received notice of such suit and ample opportunity to appear in court in his defense. Evidence of the receipt of the notice shall be kept as part of the record in the case. In all civil cases, judgments may consist of an order of the court awarding money-damages to be paid to the injured party, or directing the surrender of certain property to the injured party, or performance of some other act for the benefit of the injured party.

**BE IT FURTHER ENACTED** that Ordinance No. 69-1 as adopted by the Tribal Council on January 15, 1969; Ordinance No. 80-1 as adopted by the Tribal Council on August 5, 1980; Ordinance No. 80-2 as adopted by the Tribal Council on September 5, 1980; Ordinance No. 84-04 as adopted by the Tribal Council on April 3, 1984; and Resolution No. DC-93-226 as adopted by the Tribal Council on December 7, 1993; and any other heretofore adopted enactment not consistent herewith are hereby repealed.