



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of Tribal Chairman

7500 Odawa Circle, Harbor Springs, Michigan 49740

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JUDICIAL AND PROSECUTORIAL APPOINTMENTS POLICY POL-WOS 2006-003 010712-001

- I. **Purpose.** To ensure a standard method for Tribal Council making Judicial and Prosecutorial appointments in accordance with the Constitution and Waganakising Odawak Statute 2006-003 Judicial and Prosecutorial Appointments.

- II. **Receipt of Nomination(s) from the Executive.**
 - A. The Executive Office shall submit to the Legislative Office a Nomination Form which contains the name of the qualified applicant, the position and term of office applying for. The Nomination Form shall be accompanied by a letter of interest, resume, notarized Affidavit and all documentation that verifies that the applicant is qualified based on the LTBB Constitutionally mandated requirements as follow:
 1. Judges:
 - a. Proof that the nominee has attained the age of thirty (30) years;
 - b. Proof that the nominee is at least one fourth (1/4) North American Indian;
 2. Justices:
 - a. A "Letter of Good Standing" from any state bar in the United States or a current copy of a state bar license, if the nominee is being nominated at the required licensed attorney position.
 - b. Proof that the nominee is over the age of fifty-five, if the nominee is being nominated for the Elder Justice position.
 - c. Proof that the nominee is a Tribal Citizen if the nominee is being nominated for any position other than the attorney position.

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3. Prosecutor:
 - a. A "Letter of Good Standing" from any state bar in the United States or a current copy of a state bar license.
 - b. Proof that the nominee is at least one fourth (1/4) North American Indian if the nominee has indicated such preference.

B. Criminal Background Check. All Nominees shall sign a Release Form for a criminal background check. Upon receipt of the background check, the Executive shall prepare and submit to the Legislative Office, a criminal background report that shall provide a statement as to whether a nominee has been found guilty of, or entered a plea of nolo contendere or guilty to, any misdemeanor or felonious offense, under Federal, State or Tribal Law involving crimes of: Violence, Sexual Assault, molestation, Exploitation, Contact or Prostitution, Offense Committed Against Children, Offenses Against a Person, Homicide, Assault and Reckless Endangerment, Kidnapping and Custodial Interference, Sexual Offense, Robbery, Extortion and Coercion or has been convicted of, or completed a sentence of or probation of any felony within the last 10 years, unless such conviction has been vacated or overturned.

C. Re-appointment of Officials. In the event that the Nominee is being considered for reappointment, the Nominee shall sign an affidavit that verifies that there is no material change in the criminal background of the Nominee. If it is later found that there was non-disclosure of a criminal misdemeanor or felonious offense, then the Official shall be removed by Tribal Council for misrepresentation.

III. Acceptance or Rejection.

- A. Tribal Council shall then vote to either accept or reject the nomination. This acceptance does not mean that they are appointing the person to the position, but only that Tribal Council is willing to set up an interview for the nomination.
- B. If Tribal Council accepts the nomination, then the Legislative office shall obtain additional background information in the form of a report from the Human Resources Department that contains the following information, prior to Tribal Council interviewing the nominee:
 1. Professional References: The report shall provide at least three (3) professional references as provided by the nominee.
 2. Education and Employment Verification: The Report shall ensure that

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each listed educational institution, degree(s) and employer(s) along with titles and dates of employment are verified and shall be determined to have no discrepancies.

3. Civil Court Histories and Credit Checks: The report shall determine as to whether the nominee has any outstanding civil court actions regarding debt, liabilities including judgments, garnishments, foreclosures, repossessions or bankruptcies within the last seven (7) years along with a current credit check that would affect the credibility or decision making of the nominee.
- 4 Writing Samples from the nominee, preferably a court decision if applicable.

IV. Interviews.

- A. The Legislative Office, once Tribal Council approves by motion to "accept" the nomination from, the Executive for either a Judicial or Prosecutorial appointment, shall contact the nominee and set up an interview.
- B. The interview shall be open to the public as defined in the Open Meetings Statute.
- C. A quorum of Tribal Council is not needed for an interview to be conducted.

VI. Voting.

- A. All appointments of nominees shall be by an affirmative vote of six (6) of the nine (9) members of Tribal Council in an open session by Roll Call Vote.
- B. Tribal Council members shall recuse from any discussions; abstain from any vote or otherwise participating in any matter regarding any immediate family member as defined in the Constitutionally Mandated Rules of Conduct for Officials of Tribal Government.

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CERTIFICATION

As Tribal Chairman this certifies that I approve this Judicial and Prosecutorial Appointments Policy.

Date: 1-8-12

Tribal Chairman, Dexter McNamara

This Policy was approved by Tribal Council on:

Regina Gasco Bentley, Tribal Council Secretary

1-8-12
Date

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