

JANUARY REGULAR SESSION 2019

CROW TRIBAL LEGISLATURE

LR No. 19-02

Introduced by the Judicial Committee

A Legislative Resolution Titled:

**A RESOLUTION OF THE CROW TRIBAL LEGISLATURE CONFIRMING
APPOINTMENT FOR THE UNEXPIRED TERM OF CHIEF JUDGE NOMINEE
DENNIS BEAR DON'T WALK, ESQ., IN ACCORDANCE WITH TITLE 3, CHAPTER
III, SECTION 3-3-310 FILLING VACANCIES IN TRIBAL JUDGE POSITIONS OF
THE CROW LAW AND ORDER CODE**

LEGISLATIVE FINDINGS,

WHEREAS, the Crow Tribal Legislature (“Legislature”) has the power and duty under Article V, Section 2 of the 2001 Crow Constitution to promulgate and adopt resolutions in accordance with the 2001 Constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS, the 2001 Crow Tribal Constitution provides for the election process and qualifications for the Judicial Branch Judges shall be in accordance with the Crow Law and Order Code; and

WHEREAS, the Legislature has the lawful authority to confirm Judicial Branch Judge nominees and Crow Tribal Court Judge appointees of the Crow Tribal Executive Branch Chairman and the Chief Judge of the Crow Tribal Court; and

WHEREAS, Title 3, Chapter III, Section 3-3-310 of the Crow Law and Order Code provides that vacancies in the Tribal Court Judge positions shall be filled for the unexpired term by appointment of the Chairman and confirmation by the Legislature; and

WHEREAS, The Chief Judge of the Crow Tribal Court Leroy Not Afraid was removed from office following a lawful hearing with the Judicial Ethics Board which resulted in a recommendation for removal to the Legislative Branch on October 15, 2018. A majority of senators voted for removal after review and deliberation regarding the findings of fact and conclusions of law from the Judicial Ethics Board; and

WHEREAS, if the submission of a nomination for Chief Judge vacancy is not in a Regular Session then the Legislative Branch shall call a Special Session to fill the vacancy of the Crow Tribal Court Chief Judge by nomination of the Executive Branch Chairman, on the first Monday following the 30th day after appointment. The Chairman’s appointment shall not exceed sixty days before confirmation by the Legislature.

WHEREAS, Chairman Alvin Not Afraid, Jr., appointed Dennis Bear Don't Walk as Chief Judge on November 19, 2018, temporarily implementing his authority for thirty (30) days as Chief Judge on December 10, 2018. The confirmation procedure pursuant to Legislative Branch Rules of Order, Rule 31 creates the process for confirmations of specific appointments from the Executive and Judicial Branches.

WHEREAS, Mr. Bear Don't Walk has a juris doctorate from the University of Montana School of Law and is also licensed to practice and is in good standing with State Courts of Montana, as well as Federal District Courts, and the 9th Circuit Court of Appeals. Mr. Bear Don't Walk is in good standing in the Crow Community, is an enrolled member of the Crow Tribe of Indians and successfully passed the Crow Tribal Bar Examination in 2014. He has worked in the Executive Branch Legal Office and as an Administrator for the Crow Tribal Government.

WHEREAS, a confirmation hearing was held on December 20, 2018 by Legislative Branch Committee Chairman Marlin Not Afraid, a quorum of senators was in attendance. The Judicial Committee held a secret ballot vote which resulted a recommendation for passage on the floor at the next Regular or Special Session of the Legislature

**NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE IN
REGULAR SESSION:**

By this Legislative Resolution the Legislature hereby duly confirms Dennis Bear Don't Walk as the Chief Judge for the Crow Tribal Court and shall exercise all authority vested in the Crow Tribal Court as Chief Judge in accordance with all applicable federal law and Crow tribal law upon approval of the Crow Tribal Legislative Branch, fulfilling the remainder of the four-year term and shall commence upon the administration of the oath of office by the Speaker of the House, or his designee.

BE IT FURTHER RESOLVED:

That this Resolution shall take effect immediately upon becoming duly adopted by the Legislature.

BE IT FINALLY RESOLVED:

That a certified copy of this Resolution shall be immediately delivered to the Crow Tribal Chief Judge by the Secretary of the Legislature.

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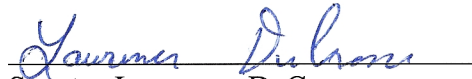
CERTIFICATION

I hereby certify that this Resolution titled **A RESOLUTION OF THE CROW TRIBAL LEGISLATURE CONFIRMING APPOINTMENT OF THE UNEXPIRED TERM FOR CHIEF JUDGE NOMINEE DENNIS BEAR DON'T WALK, ESQ., IN ACCORDANCE WITH TITLE 3, CHAPTER III, SECTION 3-3-310 FILLING VACANCIES IN TRIBAL JUDGE POSITIONS OF THE CROW LAW AND ORDER CODE** was duly approved by the Crow Tribal Legislature with a vote of 11 in favor, 4 opposed, and 1 abstained and that a quorum was present on this 10th day of January 2019.



Senator Frank White Clay
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator Lawrence DeCrane
Secretary of the House
Crow Tribal Legislature



A RESOLUTION OF THE CROW TRIBAL LEGISLATURE CONFIRMING APPOINTMENT FOR THE UNEXPIRED TERM OF CHIEF JUDGE NOMINEE DENNIS BEAR DON'T WALK, ESQ., IN ACCORDANCE WITH TITLE 3, CHAPTER III, SECTION 3-3-310 FILLING VACANCIES IN TRIBAL JUDGE POSITIONS OF THE CROW LAW AND ORDER CODE.

Bill or Resolution: LR19-02 **Introduced by:** Judicial Committee **Date of Vote:** 1/10/2019
Number

REPRESENTATIVE:	Yes	No	Abstained
M. White Clay	<u>X</u>		
D. Spotted	<u>X</u>		
L.Hogan, III		<u>X</u>	
B. Brown		<u>X</u>	
S. Real Bird		<u>X</u>	
V. Nomee			
T. Yellowtail	<u>X</u>		
T. Gros Ventre	<u>X</u>		
P. Alden, Jr.	<u>X</u>		
M. Not Afraid	<u>X</u>		
G. Bouyer	<u>X</u>		
J. Demontiney			<u>X</u>
B. Hugs			
N. Old Crow, Jr.	<u>X</u>		
B. Good Luck		<u>X</u>	
H. Male Bear-Stone, Jr.	<u>X</u>		
L. DeCrane, Secretary	<u>X</u>		
F. White Clay, Speaker	<u>X</u>		
Total:	<u>11</u>	<u>4</u>	<u>1</u>

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override

Frank White Clay 1-10-19
 Senator Frank White Clay Date
 Speaker of the House
 Crow Tribal Legislative Branch

Lawrence DeCrane 1-10-19
 Senator Lawrence DeCrane Date
 Secretary of the House
 Crow Tribal Legislative Branch