

# POKAGON BAND OF POTAWATOMI INDIANS

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## TRIBAL COUNCIL

P.O. Box 180, 58620 Sink Road, Dowagiac, MI 49047

Telephone 269-782-6323 / FAX 269-782-9625

October 5, 2009

Re: Pokagon Band Court of Appeals

Dear Pokagon Band Members:

The Tribal Council must fill one seat on the Pokagon Band Court of Appeals. The Court of Appeals is composed of three justices, two of whom must be licensed attorneys. Any non-attorney appointed to the Court of Appeals must also be an enrolled member of the Band.

Recently, the Tribal Council deferred the re-appointment of a current Appeals Court Justice in order to provide an opportunity for a qualified Pokagon Band member to be considered for appointment to the Court. The Court of Appeals is responsible for hearing all appeals arising from Pokagon Band Tribal Court decisions or proceedings. The Tribal Council is seeking letters of interest from qualified Pokagon Band members who are eligible to serve as a justice on the Court of Appeals.

A description of the Court of Appeals and the eligibility requirements are provided in the enclosed Notice of Available Judicial Appointment. If you are interested in serving on the Court of Appeals and you meet the eligibility requirements, please submit a letter of interest and resume to the attention of Jim Dybevik, Director of Human Resources, at P.O. Box 180, Dowagiac, Michigan 49047. All justices are appointed to their positions by the Tribal Council.

If you have any questions concerning the Court of Appeals, please contact the Band's General Counsel, Mike Phelan, at (269) 783-0970 or [mike.phelan@pokagon.com](mailto:mike.phelan@pokagon.com).

Sincerely,



Matt Wesaw  
Chairman

## **NOTICE OF AVAILABLE JUDICIAL APPOINTMENT**

### **OCTOBER 5, 2009**

As you may know, the Pokagon Band Constitution adopted in 2005 established a Tribal Judiciary as an independent branch of the Pokagon Band government. The Tribal Judiciary includes the Pokagon Band Tribal Court, which is a trial court with general jurisdiction to hear cases arising under tribal jurisdiction, and a Court of Appeals, which hears all appeals of Tribal Court decisions. The Court of Appeals is composed of three justices, two of whom must be licensed attorneys. Any non-attorney appointed to the Court of Appeals must also be an enrolled member of the Band.

Recently, the Tribal Council deferred the re-appointment of a current Appeals Court Justice in order to provide an opportunity for a qualified Pokagon Band member to be considered for appointment to the Court. A Pokagon Band member shall be eligible to serve on the Court of Appeals if he/she:

- (a) Is at least thirty (30) years of age;
- (b) Is not presently a candidate for, or a member of Tribal Council, the Salary Commission, the Election Board, the Ethics Board, or a member of any other board or commission of the Band or any Band enterprise or other entity controlled by or affiliated with the Band;
- (c) Is not presently an employee of the Band, or any Band enterprise or other entity controlled by or affiliated with the Band;
- (d) Has not been convicted within the last ten (10) years of a crime subject to imprisonment for a term of one (1) year or longer, excepting those crimes determined by the Election Board to relate to the furtherance of the Band's tribal sovereignty rights; and
- (e) If required to be an attorney, must not have been disbarred from practicing law in any tribal, federal, or state court, provided however, that if a person has been disbarred but later reinstated, such a person shall be eligible.

In the absence of a state license to practice law, preference will be given to Band members with a law degree or other professional or graduate level degree. In the absence of a law degree or professional or graduate level degree, preference will be given to Band members with a bachelors degree and at least 3 years of regular, full-time work experience in the legal field, judicial systems, arbitration forums or other alternative dispute resolution systems, regulatory programs, or law enforcement.

Justices on the Court of Appeals serve four-year terms of office. The estimated time commitment is approximately 3 hours per month, unless an appeal is filed. Appeals Court Justices are compensated at a fixed hourly rate for time spent in service to the Court and are eligible for reimbursement for travel expenses incurred in accordance with applicable policies.

Interested Band members should submit a résumé and a letter of interest confirming that the candidate meets all of the qualifications described above. Please send your résumé and letter of interest to:

Jim Dybevik  
Director of Human Resources  
P.O. Box 180  
Dowagiac, Michigan 49047

Submissions must be received not later than 30 days from the date of this Notice. Questions regarding this Notice and the opportunity to serve on the Pokagon Band Court of Appeals may be directed to the Pokagon Band General Counsel, who can be reached at (269) 783-0970.