

OCT 30 2014

ONEIDA TRIBAL JUDICIAL SYSTEM FILED BY: 

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**IN THE MATTER OF:** Judiciary and other Election Matters

Michael T. Debraska, Leah Sue Dodge, Franklin Cornelius,  
John G. Orié, and Bradley Graham, Appellants

v.

Docket No. 14-AC-012

Oneida Business Committee, Oneida Election Board,  
and Oneida Law Office, Respondents

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**OBJECTION TO RESPONDENTS' REQUEST TO HAVE CASE 14-AC-012  
TRANSFERRED TO THE ONEIDA JUDICIARY**

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We, as the Appellants in the above matter, hereby file this written objection to the Respondents' request to have this case (14-AC-012) transferred from the Oneida Tribal Judicial System to the Oneida Tribal Judiciary. As this case directly pertains to issues surrounding the Special Election of the Judiciary, and its possible illegitimacy due to the concerns raised by the Appellants, it is a direct and unacceptable conflict of interest for the Judiciary itself to adjudicate this matter which goes to the heart of Appellants' assertion that the Respondents don't play fair.

Given that the implementation date for the Judiciary is now January 5, 2015, as determined by the Oneida Business Committee at its October 28, 2014, meeting [Exhibit A], the decision by this Court to transfer this matter to the Judiciary would unnecessarily result in suspension of the consideration of this case until sometime after January 5, 2015, and more than likely some time well thereafter. The Respondents' actions have demonstrated their belief that nothing precludes them from delaying the implementation of the Judiciary even further.

Undeniably, the transfer of this case to the Judiciary would thereby improperly result in an avoidable and unnecessary delay of justice and appears to be little more than a stall tactic on the part of the Respondents to further delay and avoid adjudication by the Appeals Commission.

The Respondents knew or should have known that their request for transfer would result in an unnecessary and improper delay given that their Request to Have Case Transferred to the Oneida Judiciary was filed on October 21, 2014, by which time OBC Vice-Chair Melinda J. Danforth had already issued a Memorandum on October 16, 2014 [Exhibit B], requesting an OBC Meeting be held to consider a letter signed by the Chief Judges of the Judiciary (strangely) dated October 17, 2014 [Exhibit C], which asks Respondents to delay the Judiciary's implementation until January 5, 2015.

Bizarrely, the letter signed by the Chief Trial and Appellate Judges of the Judiciary includes the patently false claim that, “[t]he delays [resulting in their request to delay implementation of the Judiciary] are not the fault of the Business Committee[.]”

In reality, Respondents are directly responsible for the juggling of Judiciary Judgeships and the multiple avoidable delays of the election of the Judiciary election, given that:

- (1) Respondents failed to properly assess the anticipated caseload of the Family Court which required them to ask General Tribal Council at the June 16, 2014 GTC Special Meeting to allow for a Judge position to be eliminated from the Judiciary Trial Court and instead allow for a second Judge position be created in the Family Court so that Respondents could appoint another Judge to the Family Court [Exhibit D; Page 6; Lines 308 on.];
- (2) Respondents failed to properly monitor and object to the decisions made and publications issued by the Election Board regarding the qualifications for Judiciary all candidates, as

admitted by current OBC Vice-Chair Melinda J. Danforth on as seen in the quote from the Draft Transcript of the June 16, 2014, GTC Meeting [Exhibit D; Page 9.] at which time Respondents requested that GTC allow the Respondents to delay the election of the Judiciary from the 2014 General Election to a Special Election due to their failures of oversight:

**“Therefore,** the BC, the LRO, my staff, parts of the judiciary team that were responsible for legislation went back and looked through all the documents. ...At that time, the GTC intent was that there were 2 sets of qualifications that were distinctly different for chief judges and non-chief judges. The March 26, 2014 action by the BC was nullified this morning by the BC. However, because it would potentially, negatively impact affect the applicants and the candidates that had applied and those who may have applied, it is the recommendation that we motion to withdraw from this election all of the judges positions and that they be rescheduled to a new special election. That would be fair to all the applicants, it would be fair to the GTC and it unfortunately is a mistake and an oversight, we’ll take responsibility for that.” [Lines 464 – 473, Page 9 of Draft Transcript of June 16, 2014 GTC Meeting];

- (3) Respondents failed to properly overrule to the Election Board’s disenfranchising recommendation to exclude the Milwaukee polling site from the delayed Special Election of the Judiciary, a decision that was in clear contradiction of OBC Resolution 03-13-02-O [Exhibit E] which says, “the Oneida Constitution reflects an obvious intent to promote the widest possible participation of Oneida people in their governance” and “the use of the Milwaukee polling site is likely to increase participation in Tribal elections” and which resulted in the Stay of the already delayed Special Election, when the Respondents could and

should have instead insisted – as they subsequently did – that the Southeastern Oneida Tribal Services facility be used as a polling site for the election of Judges to the Judiciary.

The glaring bias in favor of the Respondents exhibited by the poor attempt at revisionism evidenced by the unfair and untrue claims in the letter dated October 17, 2014, as issued by the Judiciary’s Chief Judges [Exhibit C], which improperly and wrong-headedly attempts to preemptively exonerate the Respondents from any blame for the delays of the Judiciary election which they caused, only proves that the highest officials of the Judiciary cannot be trusted to treat the Appellants impartially; highlights the Judges’ lack of competency or ethics regarding their ability to render just decisions on electoral matters, especially their own; and serves as another reason why Respondents’ request to transfer this case to the Judiciary should be denied.

The one-sided, inaccurate statement by the Chief Judges of the Judiciary stands in contrast to the Oneida Tribal Judiciary Canons of Judicial Conduct, Canon 1.10: “A Judge may not, while a proceeding is pending in any court, make any public comment that may reasonably be expected to affect the outcome or impair the fairness of a matter before the Judge or before the Judiciary.”

In fact, the actions by the Respondents to delay the Judiciary’s implementation also thereby invalidates the Notice issued by Clerk of Appellate Court Vicki L. Kochan on October 9, 2014 [Exhibit F] which was presumably mailed to all parties of all ongoing cases currently before the Appeals Commission regarding the transfer of cases to the Judiciary which states, “Pursuant to GTC Resolution 01-07-13-B, the Oneida Tribe of Indians of Wisconsin has adopted a new Judiciary which will go into effect and start receiving filings on November 1, 2014.”

Obviously, the clear implication in Kochan's letter is that the Judiciary would begin scheduling hearings on cases now before the Appeals Commission starting November 1, 2014, or shortly thereafter. Thus, the very basis for the Respondents' request to the Appellate Court for this case to be transferred to the Judiciary is rendered moot by the Respondents' own decisions and actions to delay the implementation of the Judiciary until January 5, 2015, at the earliest.

Indeed, the actions taken by the Respondents during the Tuesday, October 28, 2014, OBC meeting now require the Appeals Commission to issue notice to all parties of all cases that the implications made by Kochan's October 9, 2014 Notice are no longer valid and therefore offer those who chose to transfer their cases to the Judiciary the option to rescind that decision due to the Respondents' actions taken to delay the Judiciary's implementation until January 5, 2015.

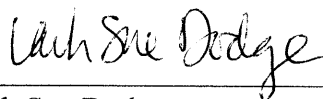
Additionally, any actions taken by the Respondents to delay implementation of the Judiciary disproves their claims in their August 29, 2014 Motion to Lift Stay on Special Election that the election of the Judiciary had to take place as soon as possible because the November 1, 2014 implementation date was "required" of them by General Tribal Council and therefore had to be treated by the Court as some kind of immutable "deadline" [Exhibit G].

Moreover, the very existence of the Respondents' ridiculous request for transfer which is rooted in the notion that it would somehow be appropriate to involve the Judiciary in deliberation regarding the validity of the election process of its own members and the validity of its own existence, is so inappropriate and absurd on its face that it clearly calls into question not only the Respondents' competence and ethics, and highlights their obvious desperation to avoid by any means conceivable the adjudication by the Appeals Commission of the serious matters involved. In sum, the Respondents don't know how or simply don't want to have to treat people fairly.

Therefore, Appellants hereby strongly object to the Respondents' request to transfer this case to the Oneida Judiciary which would create an unnecessary and avoidable delay due to the actions of the Respondents' resulting in the Judiciary not scheduling cases until January 5, 2015 at the earliest, and would create unnecessary conflicts of interest by involving members of the Judiciary in questions regarding the specific election that resulted in them being Judges.

Instead, Appellants ask that this case stay where it is within the process of the Oneida Appeals Commission for timely adjudication which will hopefully be free of the demonstrated bias of the Chief Judges of the Judiciary, as well as free of the inherent conflict of interest and unnecessary delay of a decision that would undeniably and unjustly result if the Judiciary were to be appointed with adjudication of this case.

Signed this 30th day of October, 2014, on behalf of co-Appellants Michael T. Debraska, Franklin Cornelius, John G. Orie and Bradley Graham,



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Leah Sue Dodge  
P. O. Box 95  
Oneida, WI 54155  
920-321-8133



# Oneida Business Committee

Special Meeting  
1:30 p.m. Tuesday, Oct. 28, 2014  
BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center

**EXHIBIT A**

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## Minutes – DRAFT

**Present:** Chairwoman Tina Danforth, Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members Tehassi Hill, Jenny Webster;

**Not Present:** Council members Fawn Billie, Brandon Stevens;

**Others present:** Joanne House, Jessica Wallenfang, Lynn Franzmeier, Jean Webster, Phil Wisneski, John Powless III, Layatalati Hill, Denice Beans, Danelle Wilson, Gerald L. Hill, Chad Hendricks, Fawn Cottrell, Michelle Mays, Diane House, Paul Stenzel, Sharon House

**I. Call to Order** by Chairwoman Tina Danforth at 1:30 p.m.

**II. Opening** by Councilman Tehassi Hill.

### **III. Adopt the agenda**

Motion by Lisa Summers to adopt the agenda as presented, seconded by Trish King. Motion carried unanimously:

Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Tehassi Hill, Jenny Webster;  
Not Present: Fawn Billie, Brandon Stevens;

### **IV. Unfinished Business**

#### **A. Approve adjustment to Judiciary transition timeline**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

**Excerpt from October 22, 2014:** *Melinda J. Danforth to direct the Tribal Secretary to schedule a special Business Committee meeting so the Business Committee can formally address the amendment to GTC Resolution # 01-07-13-B, which gave the Business Committee the authority to amend the transition plan, to allow for the court opening and the hearing of new cases for the new Judiciary to begin January 5, 2015 and also for the Business Committee to consider amending the effective dates of the civil rules of procedure, the appellate rules of procedure, and the rules of evidence to January 5, 2015, seconded by Trish King. Motion carried unanimously.*

Motion by Melinda J. Danforth to adopt resolution 10-28-14-A Amendment to Resolution # GTC-01-07-13-B Regarding Case Acceptance by the Oneida Appeals Commission as Authorized by the General Tribal Council with one correction: 1) Under the first resolve, add “[the remainder of the resolution remains the same]” to the end of the resolve, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Tehassi Hill, Jenny Webster;  
Not Present: Fawn Billie, Brandon Stevens;

Motion by Melinda J. Danforth to adopt resolution 10-28-14-B Amending Implementation Date in Resolution # BC-4-25-14-A Which Adopted the Rules of Civil Procedure, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Tehassi Hill, Jenny Webster;  
Not Present: Fawn Billie, Brandon Stevens;

Motion by Tehassi Hill to adopt resolution 10-28-14-C Amending Implementation Date in Resolution # BC-4-25-14-B Which Adopted the Rules of Appellate Procedure, seconded by Trish King. Motion carried unanimously:

Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Tehassi Hill, Jenny Webster;  
Not Present: Fawn Billie, Brandon Stevens;

Motion by Melinda J. Danforth to adopt resolution 10-28-14-D Amending Implementation Date in Resolution # BC-4-23-14-A Which Adopted the Rules of Evidence, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Tehassi Hill, Jenny Webster;  
Not Present: Fawn Billie, Brandon Stevens;  
For the Record: Tina Danforth stated based on these resolutions and the occurrences regarding these amendments to General Tribal Council resolution 01-07-13-B, I feel that this needs to be brought forward to General Tribal Council to make these changes around the implementation of the Judiciary, they are going forward, they were not regarding the transition to establish a Judiciary and that is my concern.

Motion by Melinda J. Danforth to direct the Judiciary Transition Team to provide a close out report to the General Tribal Council during the January 5, 2015, Annual Meeting including an introduction of all the new judges at the January 5, 2015, Annual General Tribal Council meeting, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Tehassi Hill, Jenny Webster;  
Not Present: Fawn Billie, Brandon Stevens;

## **V. Adjourn**

Motion by Tehassi Hill to adjourn at 2:28 p.m., seconded by Trish King. Motion carried unanimously:

Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Tehassi Hill, Jenny Webster;  
Not Present: Fawn Billie, Brandon Stevens;

Minutes prepared by Lisa Liggins, Executive Assistant  
Minutes approved as presented/corrected on \_\_\_\_\_.

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Lisa Summers, Tribal Secretary  
ONEIDA BUSINESS COMMITTEE

# **EXHIBIT A**

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**EXHIBIT B**

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# Memo

To: Oneida Business Committee  
From: Melinda J. Danforth, Vice-Chairwoman **MJD** (ES)  
Date: October 16, 2014  
Re: Chief Judges' Request to Adjust Judiciary Transition Timeline – Add On

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This memorandum serves as a request for the Oneida Business Committee (OBC) to accept the recommendation from the new Judiciary Chief Judges, Gerald L. Hill and Denise Beans, to adjust the Judiciary transition implementation timeline.

**Background**

On Thursday, October 16, 2014, the Tribal Secretary was briefed by the Chief Judges on the situational analysis they completed this week. Through this briefing, the Chief Judges are bringing to our attention the need to make adjustments to the transition resolution which provides the guidance for implementing the new Judiciary.

The attached correspondence from the Chief Judge(s) indicates the delay in the election of the Judges has created a ripple effect. In order to ensure a successful transition into the new system for both the incoming Judges and the community, the recommended case acceptance date is January 5, 2015.

Upon review of the remainder of the transition resolution, there are no other anticipated adjustments at this time.

**Requested Action**

1. Accept the Chief Judges requested action to adjust the Judiciary transition timeline to January 5, 2015,
2. Direct the Judiciary transition team to provide a close out report to General Tribal Council during the January 5, 2015 Annual meeting, including an introduction of all the new Judges at the January 5, 2015 Annual General Tribal Council Meeting, and
3. Direct the Judiciary Communication Sub-Team to work with the new Chief Judges to communicate the timeline adjustment to tribal members

cc: Judiciary Transition Team

## EXHIBIT C

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ONEIDA TRIBAL JUDICIARY  
Oneida Judicial Center  
P. O. Box 19  
3719 W. Mason Street  
Oneida, WI 54155

October 17, 2014

Melinda Danforth  
Vice Chairwoman  
Oneida Business Committee  
PO Box 365  
Oneida, WI 54155

**RE: Oneida Tribal Judiciary: Adjusted Date of Implementation: OBC Resolution 01-07-13-B**

Dear Vice Chairwoman Danforth:

We are writing to inform you that we have determined it is in the best interest of the Oneida Tribe and the Oneida Tribal Court to adjust the date of implementation of the new Judiciary to January 5, 2015 rather than November 1, 2014, as indicated in the OBC Resolution cited above. The adjusted date will not affect the intent of the Resolution but will allow the accommodation of unforeseen delays resulting from two delays in the election of the new judges. This in turn resulted in the need to readdress the proposed training schedule to insure that all personnel as well as the Tribal membership will be informed as to when cases may be filed. Effectively, new cases may be filed on November 1, 2014 under the new system, with the understanding that scheduling of these cases will not be heard until January 5, 2015, or under the old system to be heard by sitting Oneida Judicial Officers under the old rules. The clerks will be informed to provide this information to any inquiries. This will insure that no parties or transition schedules will be delayed by the recommended adjusted date of January 5, 2015.

The delays are not the fault of the Business Committee or the Court and, accordingly the determination to readjust the date of implementation is to accomplish the necessary training and preparations for the new Judges, the Judicial Officers, the staff and facilities, including preparation of the facilities, now expected by the end of November, as well as the physical logistics; e.g. records, hardware, furniture and personnel working arrangements.

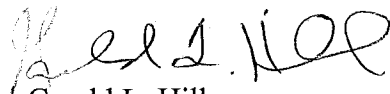
## EXHIBIT C

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Since the delays have occurred and based on our assessment of the situation over the last week, after multiple meetings with Oneida Judicial Officers, Judges, attorneys and personnel it is apparent that the Transition Plan will be a smoother and cleaner by readjusting the Judiciary implementation to January 5, 2015 as set forth above.

We have consulted with and advised existing Court staff as well as advising the new judges-elect as to recommendation to reschedule the start date to January 5, 2015. The remainder of the Resolution is intact, and the date of full implementation of the Oneida Judiciary will not be affected.

Sincerely,



Gerald L. Hill  
Chief Appellate Judge



Denice Beans  
Chief Trial Judge

215 So Frank's request for a motion at this time is out of order. Once we get the main motion voted on, if you  
216 want to make , if the group will allow you and entertain a second motion from you, you can do that but we  
217 have to work through this process first. Is that correct?  
218 John Ori: If we could vote on my amendment also, please. It is still on the floor.  
219

220 Greg Matson: It didn't get support John. We are going to the main motion. The main motion reads to  
221 approve the agenda with time limits up to 15 minutes for presentation and 3 minutes per individual for  
222 questions. I'd like to vote on that with a show of hands all those in favor of that motion, raise your right  
223 hand. Those opposed, please raise your right hand. Abstentions. Motion carries. Thank you, we have an  
224 agenda. I can see in the other room was overwhelming as well, Leyne.  
225

226 Greg Matson: First on the agenda is the judiciary transition update and the amendments. We are going  
227 to have Councilwoman Melinda Danforth give you the presentation. It is going to include the adoption  
228 resolution of the judiciary law, transition update as well as the adoption resolution for compensation for  
229 the judges.  
230

231 **New Business**

232 **5. Judiciary transition update and amendments**

233 Melinda Danforth: Good evening General Tribal Council. I apologize because we have 15 minutes for a  
234 presentation so I'm going to go over some of the history very quickly. My name is Melinda Danforth, I'm  
235 an elected Councilwoman for the Oneida Business Committee and I also currently serve as the  
236 Chairperson of the legislative operation committee which is that body as the LOC or the law making body  
237 for the tribe. This evening I'm pleased to you present to you an update on the transition from the  
238 Oneida's current judicial system also known as the Oneida Appeals Commission to the new judiciary  
239 system that the GTC passed in January 2013. I will make this as brief as possible as I only have 15  
240 minutes, we'll try to go over this presentation quickly. First, we'll briefly go over some of the key decisions  
241 that lead us to today. We're going to look over the transition process that we've been using to transition  
242 from the Appeals Commission to the new judiciary. We'll also include key progresses and seven different  
243 categories of work that our transition team has been working on. After we complete the review of the  
244 transition process, I will share with you what the projected next steps are and what the community can  
245 see and I will ask you to consider approving our requested actions. Today, we have 3 requested actions.  
246 1. Is a request to the GTC to withhold one of the trial judge positions that was approved in the judiciary in  
247 January 2013 and hire an additional family court judge. The second is to approve the resolution that  
248 would set the compensation for the judges as that item is in the judiciary law where by GTC has the sole  
249 authority to set the first compensation's for the judges. On the agenda, it is listed as 1.a. qualifications of  
250 judges, 2. Would be the withholding of the trial court judges for the family court position and item C is the  
251 compensation. We are going to go over B & C because I think item 1. A, is going to be lively discussion  
252 so we are going to try to get through these 2 agenda items first. Here is some of the background  
253 information, in 1982 the GTC directs the BC to stay out of the day to day affairs and they talked about  
254 developing a tribal court. In 1991 GTC adopted the APA that created the appeals commission. In  
255 November 2010 GTC reviewed the proposed judiciary act and determined that more information is  
256 needed and again, it tabled the proposed law in 2011. In May 2011, the presentation to the GTC on  
257 qualifications was presented for the judges. That again, was tabled. In January 2012 the GTC directed  
258 that additional work be completed on the qualification s of judges. In that mean time, sorry, I'm going  
259 back, between May 2011 and January 2012 a new BC was elected and a lot of the work that had been  
260 done on the judiciary was purposely done the former LOC Chair, Trish King. Some of the reasons for the  
261 tabling is because we asked for it to be tables so we could work on the law a little bit more. On January  
262 2013, the GTC approved the judiciary act with the following changes. These changes came right off the  
263 floor of the GTC meeting. They added judicial, paralegal or family law to the list of bachelor degrees that  
264 a perspective non chief judge must have to qualify. They added the qualification for judge cannot be  
265 mentally disabled or unstable. They eliminated the small claims division, believe that mentally stable,  
266 disabled was a hard one to implement but we did it. GTC changed the age requirements to 30 years of  
267 age and GTC also directed that members of the judiciary judges cannot attend GTC meetings. The  
268 changes that GTC had requested went into the law and was adopted with that law on January 7, 2013.  
269 Here is what the very high level structure of the new judiciary looks like. We have a court of appeals, we  
270 have a family division, which the family division will handle all family matters including, child support,

271 child custody, marriage and divorce issues. The general/civil division will handle matters such as debt,  
272 evictions, contract disputes and injunctions and a peace making / mediation division is pretty self-  
273 explanatory. Transitioning from the current appeals commission to the new judiciary required a lot of  
274 work and we developed a team approach to this and there were seven categories of teams that were  
275 developed and 15 members were a part of that entire team. We tackled areas like legislative that will  
276 deal with all legislation that necessary so that when GTC adopted the judiciary in 2013, you told us that  
277 you wanted a judicial canons of ethics, you wanted administrative procedures act to change, the  
278 legislative act needed to be enacted, the removal law had to be changed so that team focused on purely  
279 legislation. The administrative team focused purely on administrative issues such as development of  
280 court seals, proper time and attendance standards along with any policies and procedures that were  
281 necessary in order for the court to be up and running at the time. The communication team was  
282 responsible working on information pieces that will help the judiciary customers understand what  
283 changes may be taking place for things such as filing paperwork or new fee schedules. The personnel  
284 team focused on transitioning the current employees, the permanent employees like the court  
285 administrator and the clerks. GTC when they passed the resolutions said that those employees would  
286 continue to work in to the new system. We worked with HRD to try to make that smooth transition also  
287 developing job descriptions for the new judges. The budget team was being led by the Assistant Chief  
288 Financial Officer and the current judicial administrator. Both have been working hard to ensure that items  
289 that might overlap in 2014 and next year 2015 are being taken care of. Our space location team they  
290 were on task to locate a new facility for the judiciary as the current Ridgeview space is inadequate for the  
291 new judicial system. The last team is the law training, the development of a training plan for the judges  
292 as well as training for the community so there is an understanding how to utilize the new system when it  
293 is up and running. By using the team approach we've been able to be inclusive as possible of all the  
294 stakeholders and have been able to identify areas that need to be addressed before the new judges are  
295 elected. Some of the things that we did, we've been providing the BC with a regular transition update.  
296 Our first one was June 12, 2014 and have been quarterly since. Also, as needed when, as you know,  
297 implementing a new law or entity of this complexity we have a lot of issues that came forward so the BC  
298 has been kept abreast of those issues as well. The election of judges will take place; we'll talk about that  
299 today, in 2014 in July. The development of the 2015 judiciary budget which is being completed through  
300 the budget process and GTC will see that budget in August of this year. Other major aspects of the  
301 implementation of the law, the location for the new judicial system will be the former Human Resources  
302 building at the corner of West Mason and Packerland. It is projected to be opened sometime in  
303 November, middle of November. The training plan is now complete for the judges and communication  
304 efforts are being made through the tribal newspaper and tribal website on how we are transitioning the  
305 new judicial system. When GTC passed the judiciary law, there was a resolution that was attached to it  
306 that adopted the judiciary and it also gave the Business Committee directions and directives on how to  
307 go about completing the transition. The GTC also gave the BC authority to make modification that are  
308 needed in order to implement the transition smoothly as possible. The 1<sup>st</sup> decision that the GTC is going  
309 to be asked to make today is to withhold 1 trial judge position from the election and approve utilizing that  
310 position in the family court. The reason we are asking for GTC to support that is the BC received a report  
311 and you have to remember that new family court has been up and running about 6 or 7 months since  
312 October of last year. The family court judge has been providing us statistics on the number of cases he's  
313 hearing, the number of new cases that are being filed. When we looked at the family court judges case  
314 load and looked at the number of cases that were in the judicial system as a whole, a lot of the cases  
315 that are being in the judicial system right now are in family court. As we are continuing to be in cost  
316 containment we didn't want to add another judge position to the budget there fore, we are asking GTC to  
317 withhold and not elect one of the trial judges and to allow for that judge position to be in family court  
318 because that is where most of the cases are at, at this point. We also made that decision, the BC was  
319 asked to make that decision because we're looking futuristically at the case load of the family court and  
320 its totality. Right now, the family court is hearing cases, child support cases, child custody cases here in  
321 Oneida, from Brown county and Outagamie county and we are anticipating also getting the cases from  
322 Milwaukee and also the child protective board and Wes martin. I think he spoke at the judiciary adoption  
323 in January 2013, looking at taking on Indian child welfare cases. The child protective board is pushing for  
324 that so looking futuristically at what the family court is going to be handling that is also another reason for  
325 our request. Very briefly, here is a snap shot on the family court filings and hearings, the report that we  
326 received from Judge Collins. In September 2013 he had 56 new filings and 2 hearings held, 58 new

327 filings, 55 hearings, 47 new filings in November 2013 and 31 hearings and you can go on from there. As  
 328 you can see, it has been increasing for the most part in April of 2014. He had 60 new filings with 53  
 329 hearings that month and we have one judge hearing those cases. We thought we'd break down the  
 330 information a little bit further and show you exactly, I'm sorry this is not big enough for all you to see, if  
 331 you have binoculars, that'd be wonderful. What it says is if you start on the red on the upper left paternity  
 332 is 28% of his cases, custody and placement is 29%, divorce is 7%, child support is 10% and contempt is  
 333 23% and custodianship is 3% within the family court. Again, the tribal court case load, not the family  
 334 court side, but the appeals commission side, the breakdown of cases is 87 active cases for trial court and  
 335 8 active cases for appellate court. Most of the cases certainly in that room are tribal debt and  
 336 garnishments so, again, on the green part it says tribal debt 59% garnishment, 37% workers comp is 1%  
 337 of caseload and other is 3%. The second issue that we'll be talking to GTC about tonight is the  
 338 compensation of judges. When the GTC adopted the judiciary law there was a provision within the law  
 339 that states compensation for judges shall be initially established by the passage of a resolution by the  
 340 Oneida GTC, future compensation shall be in accordance with the tribal budget process. So basically  
 341 what that means is that you all get to establish the initial compensation for the judges and that all the  
 342 compensation for the judges will continue to be in the budget process for future years so you will only  
 343 see it once. As such, the team, the personnel team requested that the Human Resources Department  
 344 perform a compensation analysis for judges just like they do for any other positions within the tribal  
 345 organization. They get the information on the qualifications and they go out and do an assessment. You'll  
 346 find that recommendation from HRD on page 40. Basically HRD went out and researched what other  
 347 tribal court judges get paid, they also went and researched what local municipalities and county judges  
 348 get paid and from that analysis they came up with a figure which is in your packet as well on page 40. So  
 349 basically full time judges range from 50,000 – 80,000, chief judges 57,000 – 90,000 part time appellate  
 350 judges based on 29 hours per week is 45,000. As you can see the judiciary team has been working hard  
 351 and the next steps we want to complete the budget for fy 15 which will occur again in August. We need  
 352 to discuss the election of judges for the 2014 general elections yet and we hope to open the door to the  
 353 new judiciary in November 2014. Here are the requested actions, but we still need to talk about 1.a. how  
 354 do you want to proceed? Because I am out of time.

355  
 356 Greg Matson: Go into discussion.

357  
 358 Melinda Danforth: This is why 15 minutes isn't enough.

359  
 360 Greg Matson: We can go into discussion, Vince.

361  
 362 Vince DeLaRosa: Thank you, Mr. Chair. Melinda, I wonder if you can respond to, I know I pointed this at  
 363 the LOC level and I don't recall where we went with this. One of the things that people need to be aware  
 364 of and think about might not be able to do within the next year but, we should do it soon. The idea on  
 365 your behalf as it relates to your resources, who is prosecuting on your behalf. I think you need to think  
 366 that one through. Usually, a court system will have, as an anchor, on behalf of the people's resources.  
 367 There will be some sort of an enforcement, a district attorney, an attorney general, you name it. I think  
 368 that is critically important. I did point that out. I don't recall where our discussions went around that  
 369 particular issue but you know, within the next year or so, I think you guys will want to insist that on your  
 370 behalf there is someone prosecuting any offenses against your treasurer or whatever it may be. You  
 371 might want to think about that in the future fyi.

372  
 373 Melinda Danforth: That issue has been brought up by the LOC, as a matter of fact, my office drafted the  
 374 legislative enforcement ordinance which would give that mechanism which would require prosecutor but  
 375 since we've been kind of been in cost containment the last couple of years we have to figure how we can  
 376 free up some resources in order to fund that kind of a position for the GTC on behalf of the thing, but we  
 377 wanted to do it creatively so one of the things that the LOC and 5 of the member of the BC are on the  
 378 LOC was to create possibly an administrative hearing body that would consolidate some of the hearing  
 379 bodies in the tribe as a whole so there is a possibility we'd be able to free up some money from there.  
 380 Again, that takes time, it takes policy and it takes the ability to consolidate those entities that would fall  
 381 under that category.  
 382

383 Greg Matson: Madam Treasurer.

384  
 385 Tina Danforth: General Tribal Council I would like to clarify something for everybody's consideration.  
 386 Withholding a judge because of cost containment for hire is inaccurate. As the Treasurer for the last 6  
 387 years, any GTC mandate that has been ordered and directed of the BC, especially from a financial  
 388 standpoint has been taken care of. There was no reason to withhold a judge position of cost  
 389 containment, that is inaccurate and I did tell my peers that at the time they took action. I did not vote in  
 390 favor of withholding a judge position because of cost containment or any financial matters. GTC comes  
 391 first. Mandates comes first. We will fund them.

392  
 393 Melinda Danforth: Mr. Chairman, I guess I'd like to clarify. It wasn't an excuse to withhold the judge, it  
 394 was the fact that we looked at the data from what the court was giving us and we saw that the workload  
 395 was in family court so recognizing that the tribe is in cost containment and respecting the fact that we  
 396 needed to save dollars, we made that decision to try save GTC and the tribe dollars so that we didn't  
 397 have to go forward with judges in the trial court area and we wanted to reallocate those resources into  
 398 the family court. It wasn't an excuse, it was an actual thought out thing, where we wanted to base our  
 399 decision off of data and actually try not to spend additional resources so that would free up money for  
 400 other areas within the tribe.

401  
 402 Tina Danforth: Your clarification is contradictory because you said cost containment twice, we did not  
 403 withhold the election of a judge because of finances, because of cost containment or any other  
 404 consideration. Like I said, GTC is the governing body and they direct us, the BC to act accordingly. \\  
 405

406 Greg Matson: Thank you, both. Loretta, at the microphone.

407  
 408 Loretta Metoxen: Mr. Chairman and BC and Melinda, thank you for that update. I'm in complete  
 409 concurrence with that stuff but I have a question for you. Is there a challenge on the election roster for  
 410 any of the judges? And if so, how did the BC handle that ?

411  
 412 Melinda Danforth: That is the last item that we wanted to speak to. I was asking Greg how he wants to  
 413 handle this because we have some decisions to make on either asking GTC to withhold the one judge  
 414 also compensation and that would be the last discussion. If we can, I don't know Greg, how do you want  
 415 to do this, do you want to just try to go in order to decide on the withholding then save the discussion for  
 416 last on the qualifications?

417  
 418 Greg Matson: If we address all 3 at the ends, we can have that discussion.

419  
 420 Loretta Metoxen: Then I may have some more questions, it depends on what that report is. Thank you.

421  
 422 Melinda Danforth: The last discussion that we need to have is, so this is all great news and we've been  
 423 doing well so far but with any large project of this nature there is going to be a tendency to over sigh on  
 424 an issue and unfortunately, we do have an over sight on one issue. That is the qualifications for the  
 425 judges. I don't have it on the presentation. The BC met this morning on an emergency basis to try to  
 426 address the issue. I will try to explain the issue and then because it becomes very convoluted and very  
 427 complex but at the end we have a solution and I hope GTC will be amenable to that.

428  
 429 Greg Matson: Time.

430  
 431 Melinda Danforth: I know that is what I mean, do we have time or not.

432  
 433 Greg Matson: There again, if we can move towards the ability for discussion on this 3<sup>rd</sup> item with the new  
 434 time set then we can do that and give you 3 minutes.

435  
 436 Melinda Danforth: Is that ok with you guys, 3 minutes? No, yes? Yes? Thank you.

437  
 438 Greg Matson: Thank you.

439  
 440 Melinda Danforth: Basically, in January 7, 2013 when the GTC passed the judiciary they also passed the  
 441 qualifications for judges and at that time the qualifications for chief judges, and we're going to call them  
 442 non chief judges, so chief judges are chief judges appellate court, chief judge of trial court and also the  
 443 non-chief judges would be the trial court judges, they are not chief judges. Basically the GTC approved 2  
 444 sets of qualifications. They said that for chief judges you have to meet all of these qualifications, you  
 445 have to either have a Juris doctorate degree, a master's degree and you have to have bachelor's degree,  
 446 it didn't matter, in any kind of field. And also 3 years of experience. For the non-chief judges it was Juris  
 447 doctorate degree, a master's degree and a bachelor's degree and the GTC laid out a whole entire field  
 448 of degrees that would have to, a bachelor's degree in one of the following fields and it lists out criminal  
 449 justice, education, political science, human rights, journalism, legal studies, etc. But at the time GTC was  
 450 in discussion of January 2013 they also added provisions as you seen in the presentation off the floor.  
 451 They added in a degree in family law which you can't go get a family law degree in any accredited  
 452 institution, they added a number of other degrees. So basically, there were 2 sets of qualifications when  
 453 you passed the law in January 2013. What had transpired when our team, our judiciary team was looking  
 454 at the qualifications it was thought the GTC was intending that those bachelor's degree fields would  
 455 apply also for the chief judges. In March of this past year, the BC took emergency action, which they  
 456 have the right to do under the legislative procedures act, we have a right to change laws based on an  
 457 emergency basis and the qualifications of judges were changed to include those specific bachelor  
 458 degree for chief judges positions. When that occurred, the candidates went to go apply and after that, in  
 459 April the candidates went and applied to be a judge, this is the position I'm running for. And  
 460 unfortunately, the information that was in the candidates packet that the election board had sent out had  
 461 incorrect information on the qualifications for judges. At that time as well, we were going through the  
 462 process these last couple of weeks as well because we did receive a challenge. The election board did  
 463 receive a challenge from an applicant that thought they were qualified based upon GTC's motion in  
 464 January 2013. Therefore, the BC, the LRO, my staff, parts of the judiciary team that were responsible for  
 465 legislation went back and looked through all the documents. They went through the GTC meeting  
 466 minutes, line by line. They went through the LOC meetings to look at the intent. They went through all the  
 467 record to say what is exactly it is the intent of the GTC. At that time, the GTC intent was that there were 2  
 468 sets of qualifications that were distinctly different for chief judges and non-chief judges. The March 26,  
 469 2014 action by the BC was nullified this morning by the BC. However, because it would potentially,  
 470 negatively impact affect the applicants and the candidates that had applied and those who may have  
 471 applied, it is the recommendation that we motion to withdraw from this election all of the judges positions  
 472 and that they be rescheduled to a new special election. That would be fair to all the applicants, it would  
 473 be fair to the GTC and it unfortunately it is a mistake and an oversight, we'll take responsibility for that.  
 474  
 475 Greg Matson: Thank you, Melinda.  
 476  
 477 Loretta Metoxen: Mr. Chairman, I move that recommendation.  
 478  
 479 Greg Matson: We're going to have some discussion on that as well. Loretta, your motion is to support the  
 480 special election?  
 481  
 482 Loretta Metoxen: Pardon?  
 483  
 484 Greg Matson: Your motion is to recognize what Melinda is proposing and that is to hold a special  
 485 election?  
 486  
 487 Loretta Metoxen: Yaw<ko, and there is a second right behind me here.  
 488  
 489 Greg Matson: We have a motion by Loretta, supported by Don McLester. Discussion, Vince.  
 490  
 491 Vince DelaRosa: Loretta and all due respect Mr. McLester and Melinda, we talked about this earlier  
 492 Melinda. We really could just reopen the application process. We could simply just do that. That is all  
 493 we'd have to do is just because we have a course that is already set. All we have to do is just reopen the

494 application process. I would suggest, that is an easier course but I'll throw it back to you and we can talk  
 495 here.  
 496  
 497 Greg Matson: We have a motion with support, still in discussion. Corinne.  
 498  
 499 Corinne Robelia-Zhuckkahosee: My privileged question is, will that affect the process of, what do you  
 500 call that before, you go through the primary?  
 501  
 502 Melinda Danforth: No, it will not affect the primary because the judges did not have to go through the  
 503 primary.  
 504  
 505 Corinne Robelia-Zhuckkahosee: Oh, ok.  
 506  
 507 Melinda Danforth: Thank you.  
 508  
 509 Greg Matson: There is a privileged question, Sharon House; can you get to the microphone, Sharon?  
 510  
 511 Sharon House: Good afternoon, has anyone asked for any other ideas how to deal with this? With all  
 512 due respect, or was it just the council?  
 513  
 514 Melinda Danforth: It was just the council in discussion this morning.  
 515  
 516 Sharon House: It is my understanding that was a chief justice position that was in question? Is that  
 517 correct?  
 518  
 519 Melinda Danforth: Yes.  
 520  
 521 Sharon House: And it was the trial judge's chief judge? Is that correct?  
 522  
 523 Melinda Danforth: It would be the chief judges all together.  
 524  
 525 Sharon House: Was anyone else denied?  
 526  
 527 Melinda Danforth: I'm not sure about that.  
 528  
 529 Greg Matson: That's where we're not sure if there would have been other applicants or not.  
 530  
 531 Sharon House: Would you ask who the election board if it was denied, they are sitting there right? Was  
 532 somebody else denied, with all due respect? The suggestion is no matter what she says, just kidding, is  
 533 to just do it for that position then instead of a whole new election for everyone. To open up the  
 534 application s for that position because how much does it cost for an election?  
 535  
 536 Greg Matson: That is what we're talking about, where Vince's recommendation was to open that up.  
 537  
 538 Sharon House: I would recommend, with all due respect, dealing with just the chief judges position  
 539 because we have 4 weeks approximately. Please answer.  
 540  
 541 Lisa Liggins: There were 5 denials for eligibility, total. 1 for chief judicial judge and the rest were non chief  
 542 judges. Does that answer the question? Ok, thank you.  
 543  
 544 Greg Matson: Thank you. We have a motion with support and a call for the question.  
 545  
 546 Tina Danforth: Mr. Chairman, can you clarify the motion because it was hard to read it as she was saying  
 547 and I didn't know that was going to be the motion so I would have wrote more notes. I'm not really sure  
 548 what I'm voting on right now.  
 549

# Oneida Tribe of Indians of Wisconsin

## BUSINESS COMMITTEE

### EXHIBIT E

Page 1 of 3



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040

### Resolution # 3-13-02-O Milwaukee Polling Site

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Constitution reflects an intent to promote the widest possible participation of Oneida people in their governance; and
- WHEREAS,** there is a large community of Oneida members located in the Milwaukee area, which constitutes the largest Oneida community outside of the Green Bay area; and
- WHEREAS,** members of the Oneida community in Milwaukee have sought the establishment of a polling site in Milwaukee; and
- WHEREAS,** there is an Oneida tribal facility located in Milwaukee, the Southeastern Oneida Tribal Services ("SEOTS") Building, which qualifies as a polling site under the Oneida Election Law; and
- WHEREAS,** Oneida members serving as local police in the Milwaukee area have offered their services at the polls; and
- WHEREAS,** the use of such polling site is likely to increase participation in tribal elections;

**NOW THEREFORE BE IT RESOLVED:** that an approved facility in compliance with the Oneida Election Law, 2.8-0, Section B, located in Milwaukee, Wisconsin, is hereby designated as a second polling site for Oneida triennial elections, beginning with the July, 2002, election;

# EXHIBIT E

Resolution 3-13-02-O

Page 2 of 3

Page 2

**BE IT FURTHER RESOLVED:** that the Oneida Police Chief is hereby authorized and directed to provide two (2) Oneida Police Officers for the Milwaukee polling site in order to provide the requisite police presence at the polling site required by the Oneida Election Law, at the July, 2002 elections, and for future triennial elections;

**BE IT FURTHER RESOLVED,** that votes shall be tabulated at the location where the votes were cast and the Election Board shall arrange for the video taping of the vote tallying at the polling locations;

**BE IT FURTHER RESOLVED:** that the sum of Fifteen Thousand Dollars (\$15,000.00) is hereby appropriated from the fiscal year 2002 General Fund, to cover the costs of providing the additional personnel needed at the site, and their expenses, such expenditures to be made at the direction of the Election Board Chairman; and

**BE IT FURTHER RESOLVED:** that the Election Board Chairman and the Election Board official designated to serve at the Milwaukee polling site shall arrange a code providing for the secure telephonic or fax transmission of the Milwaukee count for release as preliminary returns at the time the reservation polling site count is released.

**NOW THEREFORE BE IT FINALLY RESOLVED:** that the Oneida Election Board will work cooperatively with the Southeastern Oneida Tribal Services (SEOTS) Board to determine the location of the Milwaukee polling site.

### Certification

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 8 members were present at a meeting duly called, noticed and held on the 13<sup>th</sup> day of March, 2002; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against; and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
Julie Barton, Tribal Secretary  
Oneida Business Committee



# EXHIBIT E

Page 3 of 3

## Statement of Effect

### **Resolution Establishing a Milwaukee Polling Site, Providing for a Police Presence, Appropriating Funds for Personnel Cost, and Providing for Transmission of Milwaukee Results**

#### Summary

This resolution is designed for the purpose of facilitating the casting of votes by members of the Oneida community in the Milwaukee area by establishing a tribal polling site in that area, beginning with the July, 2002 election. The resolution (a) designates a facility in Milwaukee be chosen in accordance with the Oneida Election Law, as a second polling site for the July, 2002 and future Oneida elections; (b) authorizes and directs Oneida Police Officer presence as required under the Oneida Election Law; (c) appropriates \$15,000 to cover the cost of election day staffing at the Milwaukee site; (d) and directs Election Board officials to devise a simple code to assure that preliminary Milwaukee returns reported by telephone or fax are authentic.

A public hearing was held on November 15, 2001. Revisions added since the public hearing include: votes shall be tabulated at the location where the votes were cast; and the Election Board shall arrange for the video taping of the vote tallying at the polling locations. Both the Tribal Election Board and Director of SEOTS have reviewed the revised resolution.

#### Conclusion

There are no legal issues which would preclude adoption of this Resolution.

LOC/sdw/mr  
3/7/02

# Oneida Tribal Judicial System

October 9, 2014

Onλyote ʔ a·ka Tsiʔ Shakotiyaʔ Tolé hte

Michael T. Debraska, Leah Sue Dodge, Franklin Cornelius, John Orié, Bradley Graham  
c/o Leah Sue Dodge  
P.O. Box 95  
Oneida, WI 54155

## EXHIBIT F

Page 1 of 2

Attorney Patricia M. Garvey  
Oneida Law Office  
P.O. Box 109  
Oneida, WI 54155

### Re: Notice

Docket #14-AC-012, Michael T. Debraska, Leah Sue Dodge, Franklin Cornelius, John Orié, Bradley Graham vs. Oneida Business Committee, Oneida Election Board, Oneida Law Office

Pursuant to GTC Resolution 01-07-13-B notice is being provided to all parties with pending cases before the Oneida Tribal Judicial System, Appellate Court. All parties have the right to request that their case be transferred to the new Oneida Nation Judiciary. Please read the enclosed Notice which contains more detailed information and instructions.

A Request to Have Case Transferred to the Oneida Judiciary form has been provided for your convenience should you choose to transfer your pending case.

Do not hesitate to contact me with any questions that you may have in this matter.

Sincerely,



Vicki L. Kochan  
Clerk of Appellate Court

enc: Notice  
Request Form  
Chapter 153 Oneida Judiciary Rules of Civil Procedure  
Chapter 154 Oneida Judiciary Rules of Appellate Procedure

c: file

**NOTICE**

**To: ALL PARTIES TO ANY CASE ON THE DOCKET  
IN THE ONEIDA TRIBAL JUDICIAL SYSTEM**

Pursuant to GTC Resolution 01-07-13-B, the Oneida Tribe of Indians of Wisconsin has adopted a new Judiciary which will go into effect and start receiving filings on November 1, 2014. Beginning November 1, 2014, the Oneida Tribal Judicial System will no longer be accepting new filings. The Oneida Tribal Judicial System will be dissolved on March 1, 2015.

You have a case pending before the Oneida Tribal Judicial System. Please be aware of the following:

1. You have the option of having your case transferred to the Oneida Judiciary.
  - a. If the parties disagree as to whether their case should be transferred, the Oneida Tribal Judicial System shall determine where the case shall be heard.
  - b. All cases transferred to the Oneida Judiciary shall be heard in accordance with the Judiciary's applicable rules of procedure (*See* Oneida Code of Laws Chapters 153 and 154).
  - c. Cases transferred in accordance with GTC Resolution 01-07-13-B shall not be subject to any transfer or filing fees.
2. If you do not request a transfer to the Oneida Judiciary, your case will remain with the Oneida Tribal Judicial System until it is concluded or until March 1, 2015, whichever occurs first.
3. If your case remains with the Oneida Tribal Judicial System and is not concluded by March 1, 2015, then the case will be dismissed without prejudice and the parties may re-file in the Oneida Judiciary, as is appropriate and if the Judiciary is authorized to hear the case. Individuals who re-file a case in accordance with GTC Resolution 01-07-13-B shall not be subject to any filing fees.
4. Although there is no deadline set by law for receiving requests to transfer, we recommend that any request for transfer be submitted as soon as possible to allow adequate time for processing.

If you wish to have your case transferred to the Oneida Judiciary, please file the enclosed Request with the court with proof that the other parties have been served on the same day or prior pursuant to Rule 3(A) of the Oneida Tribal Judicial System's Rules of Civil Procedure. Pursuant to Rule 5(C)(2), the other parties shall have fifteen (15) calendar days from the date that the Request is filed to file a written objection to the transfer with proof that the other parties have been served on the same day or prior. A contested transfer shall be decided by the Oneida Tribal Judicial System. A party's failure to file a written objection in a timely manner shall result in the transfer of the case.

For questions, you may contact the Clerk at (920) 496-5320.

Sincerely,

  
Vicki L. Kochan  
Clerk of Appellate Court

Enclosure

c: File

# EXHIBIT G

Page 1 of 5

## ONEIDA TRIBAL JUDICIAL SYSTEM

OnΛyote?a·ka Tsi? Shakotiya? Toléhte

---

### APPELLATE COURT

---

Michael T. Debraska, Leah Sue Dodge, et.al,

**Appellant,**

v.

**Docket No. 14-AC-012**

Oneida Business Committee, Oneida Election Board,  
et.al.

**Date:** August 29, 2014

**Respondent.**

---

### RESPONDENT'S MOTION TO LIFT STAY ON SPECIAL ELECTION

---

COMES NOW, Respondent, by and through their attorney, Patricia M. Stevens Garvey, and requests this Court, pursuant to Oneida Rules of Appellate Procedure, Rule 11, lift the stay on Judiciary Special Election to elect judges and states as follows:

1. A General Election for the election of Oneida Business Committee members and Tribal judges was scheduled for July 12, 2014.
2. A GTC action at the June 16, 2014 meeting withdrew the election of Tribal judges from the July 12, 2014 General Election and rescheduled the Tribal judges election to a Special Election.
3. The Special Election for Tribal judges was scheduled for August 23, 2014.
4. On August 20, 2014, the Appellant filed an "Application for a TRO & Preliminary Injunctive Relief re: the 8/23/2014 Special Election" with the Trial Court of the Oneida Tribal Judicial System.
5. On August 21, 2014, the Trial Division denied the request for an Injunction/Temporary Restraining Order.
6. On August 22, 2014, the Appellant filed a Notice of Appeal with the Appellate Court claiming the decision of the Trial Court was "arbitrary and capricious".

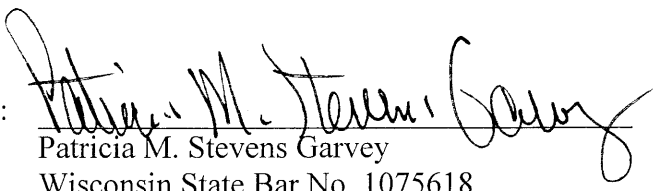
# EXHIBIT G

## Page 2 of 5

7. On August 22, 2014, the Appellate Court accepted the Appeal and ordered an Appellate Brief to be filed by September 22, 2014.
8. Although the Appellant failed to request relief, the Appellate Court, pursuant to Rule 17(B), issued a “stay on the August 23, 2014 Special Election of the Oneida Judiciary....”
9. On August 28, 2014, the Oneida Business Committee passed Resolution 08-28-14-A, “Authorizing an Exception to Conducting the Special Election to Elect Judges for New Judiciary to Include Polling Places in Both Oneida and Milwaukee.” **ATTACHMENT**
10. The Resolution provides in the second resolve, “the Oneida Business Committee finds that to maintain the transition timelines set forth in resolution #GTC-01-07-13-B, as amended by the two-thirds vote of the General Tribal Council on June 16, 2014, a Special Election is called for the Judiciary and a one-time exception to conduct the Special Election shall include polling sites in Oneida and Milwaukee.”

The Respondent requests the stay on the Special Election be lifted as the Milwaukee polling site will now be included pursuant to Resolution BC 08-28-14-A. In addition, pursuant to Rule 11(B)(1), the Respondent requests an exception to the 10 day requirement for a response as this request is a non-substantive or procedural motion which does not give either party additional substantive rights and is so minor in nature that the lead Judicial Officer can grant the motion as the granting of the motion will not bring any harm to the other parties in the case.

By:

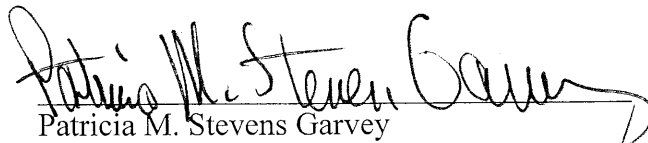
  
Patricia M. Stevens Garvey  
Wisconsin State Bar No. 1075618  
Attorney for Respondent

ONEIDA LAW OFFICE  
N7210 Seminary Road  
Post Office Box 109  
Oneida, WI 54155

Phone: 920-869-4327  
Fax: 920-869-4065  
E-mail: pgarvey@oneidanation.org

**Certificate of Service**

On August 29, 2014, the Respondent delivered, via certified mail, return receipt requested, to Leah S. Dodge, P.O. Box 95, Oneida, WI 54155 a copy of the Motion to lift stay of Special Election.

  
Patricia M. Stevens Garvey

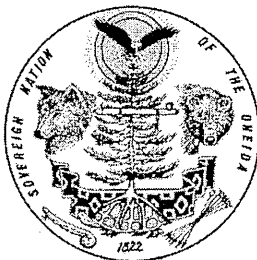
**EXHIBIT G**

**Page 3 of 5**

# Oneida Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



## EXHIBIT G

Page 4 of 5



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

### BC Resolution 08-28-14-A

#### Authorizing an Exception to Conducting the Special Election to Elect Judges for new Judiciary To Include Polling Places in Both Oneida and Milwaukee

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian Government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the General Tribal Council as adopted an Election Ordinance which identifies General Elections to be held every three years and Special Elections that would be held in the intervening years; and
- WHEREAS,** Resolution # BC-03-13-02-O designated Milwaukee as a second polling site for Oneida Triennial (General Elections) only, not for Special Elections; and
- WHEREAS,** the General Tribal Council adopted Resolution # GTC-01-07-13-B which requires the new Judiciary to officially open as of November 1, 2014 and requires the newly elected Judges to have sixty (60) hours of training; and
- WHEREAS,** GTC action at the June 16, 2014 meeting, by two-thirds vote, amended the directives in Resolution # GTC-01-07-13-B by withdrawing the election of the Judges from the 2014 general election and rescheduled it to a Special Election; and
- WHEREAS,** a request for an Injunction to stop the election of judges on August 23, 2014 was filed on August 20, 2014, denied by the Trial Court of the Oneida Appeals Commission, but granted on appeal on August 22, 2014 by the Appellate Court of the Oneida Appeals Commission; and
- WHEREAS,** the Appellate Court is not expediting the appeal and has scheduled the appellants to submit a brief in support of their complaint by September 22, 2014 after which the Tribe will be scheduled to submit response briefs thus causing an undue delay to the implementation of the Judiciary as directed by the General Tribal Council; and
- WHEREAS,** further delay of elections for the new Judiciary until the Appellate Court of the Oneida Appeals Commission rules on the merits of the case would make it impossible to train new Judges and have them ready by the November 1, 2014 deadline; and
- WHEREAS,** it is the intent of the Oneida Business Committee to support the Judiciary and be proactive by approving an exception to the rule that Special Elections are held only in Oneida and that a Milwaukee polling site be included.

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee finds that having the election take place in Milwaukee is not required by Resolution # BC-03-13-02-O nor the GTC action that took place on June 16, 2014;

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee finds that to maintain the transition timelines set forth in resolution # GTC-01-07-13-B, as amended by the two-thirds vote of the General Tribal Council on June 16, 2014, a Special Election is called for the Judiciary and a one-time exception to the conduct of the Special Election shall include polling sites in Oneida and Milwaukee.

## CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 28<sup>th</sup> day of August, 2014; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Tribal Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."

## EXHIBIT G

Page 5 of 5