

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Attorney has advised the Tribal Council that the Attorney Contract and Addendum thereto between the White Mountain Apache Tribe and Anthony R. Cohen, Attorney at Law, was disapproved by the Bureau of Indian Affairs Area Office in Phoenix because it did not contain certain provisions which the Bureau of Indian Affairs alleges are required by law to be included; and
- WHEREAS, the Tribal Council is further advised by the Tribal Attorney that he has contacted the Area Office of the Bureau of Indian Affairs who has advised him that other Tribes are contesting similiar provisions which were left out of the Cohen Contract, to wit, requirements that vouchers be submitted by the Tribe to the Secretary of the Interior or his representative for approval prior to payment by the Tribe, and other provisions which grant certain powers to the Secretary of the Interior thereby interfering with the attorney-client relationship of the Tribe and Attorneys who it employs pursuant to powers granted to it by 25 U.S.C. §476, the Indian Reorganization Act of 1938; and
- WHEREAS, the Tribal Attorney advises the Council that he has drafted an amendment to the Cohen Contract and addendum thereto in order to satisfy the requirements of the Bureau of Indian Affairs but requests permission from the Tribal Council to challenge the provision which requires that the Tribe submit vouchers to the Secretary of the Interior or his representative for approval prior to payment by the Tribe as an unwarranted interference with the attorney-client privilege and efficient administration of the various attorneys' duties to the Tribe and further that there is no statutory authority pursuant to which the Secretary of the Interior or his authorized representative can enforce such a provision; and
- WHEREAS, the Tribal Attorney advises that the Tribal Council should approve an amendment to the Cohen Contract incorporating the required provisions so as not to jeopardize the Attorney Contract or Addendum thereto of Anthony R. Cohen, which in turn would interrupt legal service to the Tribe, which to date have been performed loyally and responsibly by Anthony R. Cohen with full and detailed reports of all legal services rendered to date as verified by the Tribal Attorney and Tribal Administrative Office prior to payment to Mr. Cohen.

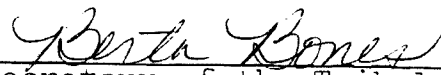
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Amendment to the Attorney Contract and Addendum thereto between the White Mountain Apache Tribe and Anthony R. Cohen for the purposes and requirements set forth herein.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman to execute the Amendment to the Attorney Contract and Addendum thereto in the form attached to this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Attorney to pursue a means by which the Tribe will not be required to submit vouchers to the Secretary of the Interior or his representative for approval prior to payment by the Tribe of Attorneys it has employed pursuant to other provisions whereby the Secretary of the Interior has or is claiming authority over attorneys employed by the Tribe.

The foregoing resolution was on November 3, 1983, duly adopted by a vote of 8 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (d) of the Amended Constitution and By-Laws of the Tribe ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 948).


Chairman, of the Tribal Council


ACTING Secretary of the Tribal Council

RECEIVED

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FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

Resolution No. 83-325

AMENDMENT TO ATTORNEY CONTRACT
AND ADDENDUM THERETO

BETWEEN
THE WHITE MOUNTAIN APACHE TRIBE
AND
ANTHONY R. COHEN, ATTORNEY AT LAW

This is an Amendment to the Attorney Contract and Addendum thereto, entered into between the White Mountain Apache Tribe (TRIBE) and Anthony R. Cohen, Attorney at Law, (ATTORNEY) respectively, on June 3, 1982 and January 7, 1982.

This Amendment shall relate back to May 1, 1982, the commencement date of the Attorney Contract and January 7, 1983, the date of the Addendum to said Attorney Contract, as follows:

(1) This Contract may also be terminated for cause by the Secretary of the Interior after a hearing on reasonable notice. If the Secretary finds that the interest of the TRIBE shall require, he may suspend the contract and the payment of all compensation due or accruing to the ATTORNEY thereunder, pending a hearing which shall be held without unreasonable delay.

(2) No assignment of the obligations of this Contract, in whole or in part, shall be made without the consent, previously obtained from the Tribal Council and the Approval of the Secretary of the Interior or his authorized representative, nor shall any assignment or encumbrance be made of

any interest of the ATTORNEY in the compensation to be paid under this contract, without such consent; provided that if such assignment of the obligations of this contract or assignment or encumbrance of any interest in the compensation to be paid is made in violation of the provisions of this paragraph, the contract shall be terminated at the option of the Secretary of the Interior or the TRIBE, and no attorney having any interest in the Contract or in the fee provided herein shall be entitled to any compensation whatever for any services rendered or expenses incurred subsequent to the date of such termination.

(3) Any expenses reimbursed pursuant to this Contract and Addendum to the ATTORNEY excluding attorney's fees shall not exceed \$5,000.00 per annum, unless additional amounts are authorized by the Tribal Council and approved by the Secretary of the Interior or his authorized representative. Except in emergency situations, advance approval shall be obtained for such additional amounts. Payment of compensation and reimbursement of expenses shall be made only upon submission of proper vouchers to the TRIBE; reimbursement of expenses shall also be made only upon approval of the Secretary of the Interior or his duly authorized representative. Expenses shall be itemized and verified by the ATTORNEY and shall be approved by the Tribe.

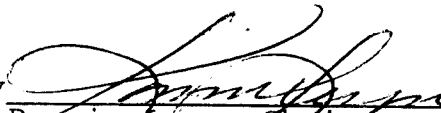
(4) The ATTORNEY shall render to the TRIBE and General Counsel for the TRIBE and the Secretary of the Interior or his authorized representative, a written report of the

services rendered to the TRIBE not less frequently than annually and at such times as may be requested by the TRIBE or the Secretary of the Interior or his authorized representative.

This Amendment is authorized by Tribal Council Resolution No. 83- , attached hereto.

EXECUTED this 2nd day of November, 1983.


WHITE MOUNTAIN APACHE TRIBE

By 
Ronnie Lupe, Chairman
White Mountain Apache Tribal Council

ATTORNEY:

Anthony R. Cohen

ATTEST:


Robert C. Brauchli, Tribal Attorney
White Mountain Apache Tribe

Mary C. Endfield, Secretary
White Mountain Apache Tribal Council

APPROVED:
SECRETARY OF THE INTERIOR

By

Area Director,
Bureau of Indian Affairs