

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

WHEREAS, the Tribal Attorney advises the Tribal Council that the proposed amendment to Mr. William H. Veeder's claims attorney contract to settle IBIA Appeal 85-27-A which was approved by the Tribal Council on July 14, 1986 by Resolution No. 86-238 has been rejected by the BIA Area Office for reasons enumerated below; and

WHEREAS, the Tribal Council is further advised that the Area Director will not give final approval of the amendment unless it contains the following contract provisions which is construed as a counter offer of settlement by the Tribal Council:

- 1) A provision requiring vouchers be approved by the Tribe and Secretary before payment;
- 2) Payment of fees and expenses shall be subject to availability of funds;
- 3) Contract must cite Resolution No. 86-238 as the authorizing resolution;
- 4) A provision stating: "It is understood by all concerned that attorneys' fees will not exceed 10% of what is awarded if the tribe is successful with their suit. Any attorneys' fees paid by the tribe in excess of the 10% limitation will be refunded to the tribe. Also, in the event that case is lost, all previously paid attorney fees will be refunded to the tribe.";
- 5) Page, 2 paragraph 2 of the amendment to be reworded to state: "Attorney waives any further or additional claim . . ." instead of "Attorney further waives any claim . . . ."; and

WHEREAS, Paragraph 13 of the July 14, 1986 amendment provided that, subject to the approval of the Secretary, the contract would be effective for three years, commencing October 5, 1983 and terminating September 30, 1986 . . . ; and

WHEREAS, the Tribal Attorney recommends that Paragraph 13 be amended to read that the ". . . contract shall be effective for five (5) years, commencing October 5, 1983, and shall continue until September 30, 1988 . . .", because the Docket 22-H case has not yet been completed; and

WHEREAS, the Amendment to the Claims Attorney Contract has been rewritten to accommodate the foregoing provisions, except for wording which is superfluous and except for the requirement that the Secretary approve the vouchers prior to payment as that requirement impermissibly intrudes upon the attorney-client relationship since the Secretary, his attorneys and employees are actively engaged in opposing the Tribe's claims in 22-H and related pending claims in the other courts, and except for a correction of the resolution number from 86-238 to the number of this resolution.

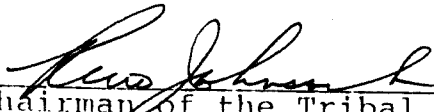
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Amendment to the Claims Attorney Contract between the White Mountain Apache Tribe and William H. Veeder, Attorney at Law, Symbol H50C1420; Contract No. 4134, in the form attached to this resolution which is incorporated by reference herein.

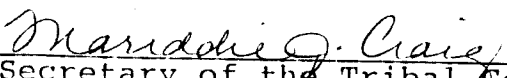
BE IT FURTHER RESOLVED that it hereby directs that the effective date of this Amendment shall commence October 5, 1983 and terminate to September 30, 1988, and that the contract shall be subject to renewal at the option of the Tribal Council and an agreement of the contract renewal terms between the Tribe and Mr. Veeder.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Chairman, or his authorized representative, to execute the amendment to the Claims Attorney Contract in the form attached to this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that this amendment is a counter to the counter offer proposed by the Bureau of Indian Affairs and is made in good faith to settle IBIA Appeal 85-27-A.

The foregoing resolution was on November 14, 1986, duly adopted by a vote of 11 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 Bylaws 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. 984).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

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FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ.