

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

- WHEREAS, the Tribal Council by previous resolution approved a limited three month attorney contract for Robert C. Brauchli, which will expire December 10, 1987, and
- WHEREAS, said contract authorized Mr. Brauchli to perform legal services for the White Mountain Apache Tribe in respect to the proposed multi-family housing bond issue, an administrative appeal before the Interior Board of Indian Appeals involving William H. Veeder's Claims Attorney Contract and to represent the tribe in the 9th Circuit Court of Appeals in the case entitled, White Mountain Apache Tribe v. Smith Plumbing, in the Gila County Superior Court; and
- WHEREAS, said contract limited attorneys fees to \$10,000 plus \$2,000 for expenses; and
- WHEREAS, Mr. Brauchli has completed the foregoing legal services but has exceeded the \$10,000 legal fee limit in the amount of \$1,348.75; and
- WHEREAS, Mr. Brauchli has not been paid this sum and request that the Tribal Council approve a line item transfer of funds from the expense account set aside in the contract in the amount of \$2,000; and
- WHEREAS, Mr. Brauchli has advised the Tribal Council that a line item transfer cannot be executed without a Tribal Council resolution; and
- WHEREAS, Mr. Brauchli further advises the Tribal Council that he performed legal services for the tribe on November 23, 1987, and November 24, 1987, but waives any charge for legal services therefore; and
- WHEREAS, the Tribal Council concludes that a line item transfer of \$1,348.75 should be authorized from the expense account set forth in the Special Council Contract.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the line item transfer of \$1,348.75 from the Special Council Expense Account to the legal services line item and further authorizes the Tribal Treasurer and the Controller to tender the sum of \$1,348.75 to Mr. Brauchli for legal services rendered in the foregoing three matters.

The foregoing resolution was on January 6, 1988, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) 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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FEB 05 1988

Fort Apache Indian Agency
Whiteriver, Arizona

White Mountain Apache Tribe
P.O. Box 700
Whiteriver, AZ 85941

Statement Date: November 17, 1987

S T A T E M E N T

<u>DATE</u>	<u>LEGAL SERVICES PERFORMED</u>	<u>TIME</u> (Hr./Min.)
10/27/87	Telephone call to Dick Mitchell (5 minutes); Telephone call from Tom Elin (1 hour); Discussed with Tom Elin and Dick Mitchell bond issue legislation cash flow projections formula, meeting for Friday and Saturday, October 30-31, 1987; telecon to Solicitor's Office; telephone call from Wayne Nordwall, Solicitor, (40 minutes), in respect to credit revolving fund and 221(d)(3) program; telecon from Glen Feldman, attorney, (10 minutes); report on lobbying effort to keep amendment to Indian Tax Status Act out of the Senate (15 minutes); telecon to Bill Veeder (15 minutes) regarding his contract and the Solicitor's response to the Tribe's Supplemental Brief; Review Solicitor's Response to Brief (15 Minutes); Telcon to and from Duard Barnes, Solicitor, and Solicitor's secretary in respect to failure of Solicitor to file a response (15 minutes).	2 hrs/35 mins
10/28/87	Telephone call to Tom Elin and Dick Mitchell on bond issue; discussion of transition rule language and lobbying efforts in Congress to obtain transition rule and defeat the proposed Gibbon's Amendment to the Indian Tax Status Act; Telephone call from Ed Ianowski, SCC Attorney, regarding Transition rule (2 hours).	2 hrs.

10-29-87 Telephone call to Tom Elin regarding bond issue; Telecon to Dick Mitchell; Telecon to Laura Sedlmeyer, DeConcini's Office; Telecon to Ben Barnett, Legislative Assistant to Morris Udall; Telephone call to Tom Tureen, Attorney, regarding lobbying efforts to defeat Gibbon's Amendment to Indian Tax Status Act; Dictate notes of telephone conversations to bond file.

2 hrs.

10-30-87 Telephone call to Udall's Office regarding Indian Tax Status Act (20 minutes); Conference call to Tom Elin, Fred Fielder and Dick Mitchell (20 minutes); Telecon from Feldman and Elin (20 minutes); Dictate letter to Ben Barnett, Udall's Legislative Aide (30 minutes); Research cases for Ninth Circuit brief, Smith Plumbing case (5 hours).

6 hrs/10 mins

11-11-87 Letter to Congressional Delegation and attorneys regarding amendment to the Indian Tax Status Act; Rewrite and re-draft bond issue (40 minutes); Research regarding Smith Plumbing Ninth Circuit appeal; Review file, case research (2 hours, 15 minutes).

2 hrs/55 mins

11-04-87 Telecon to Tom Elin, discussed lobbying efforts on Indian Tax Status Act and proposed amendment (15 minutes); Research Smith Plumbing brief (4 hours); Research Veeder brief (1.5 hours).

5 hrs/45 mins

11-05-87 Telecon to Tom Elin; Telecon from Dick Mitchell; Revision of letter to Congressional Delegation (1.5 hours); Research Smith Plumbing brief (1 hour); Research on Veeder Contract Administrative Appeal and dictate Reply Brief (6.5 hours).

9 hours

11-06-87	Draft and sign all letters to bond attorneys with copy of letters distributed to Congressional Delegation and other key Congressional leaders on finance tax and Indian Affairs committees; Memorandum to Tribal Council with attachments (1.5 hours); Veeder Contract Administrative Appeal, draft letter to Kathy Wilson, Special Assistant to Ross Swimmer, requesting intervention (15 minutes); Draft Reply brief (4.5 hours); Smith Plumbing Brief review rules for cover sheets, Ninth Circuit and Federal Rules of Appellate Procedure (15 minutes).	6.5 hrs
11-07-87	Proofread and make corrections to Veeder Reply Brief (30 minutes).	.5 hrs
11-08-87	Research cases, dictate research regarding Smith Plumbing appeal (2 hours); Final review of Reply brief and Veeder Contract Administrative Appeal (15 minutes).	2 hrs/15 mins
11-09-87	Research Smith Plumbing Brief; Prepare Supplemental Excerpts of Record; Cross Designation Sheet, Research Federal Rules of Appellate Procedure, local rules and new Ninth Circuit rules (3 hours).	3 hrs.
11-10-87	Research Smith Plumbing Brief, Shepardize cases, Final preparation Supplemental Excerpts of Record, Research Federal Rules of Appellate Procedure 10(3), Prepare addendum.	5 hrs.
11-11-87	Research Smith Appeal, prepare first draft of brief.	5.5 hrs.

11-12-87	Telecon from Bruce Davies, Staff member, House Ways & Means Committee; discussed proposed amendment to Indian Tax Status Act (1 hour); Telecon to Udall and DeConcini and Tom Tureen, left messages (no time); Research Smith Appellate brief (10.5 hours).	11.5 hrs.
11-13-87	Telecon from Laurie Sedlmeyer, DeConcini Legislative Aide, regarding amendment to Indian Tax Status Act (15 minutes); Draft Smith Plumbing brief, legal arguments; Proofread two drafts, research (11 hours).	11 hrs/15 mins
11-14-87	Smith Plumbing appeal: instructions to Secretary regarding corrections to brief; travel to Whiteriver.	15 mins.

TOTAL HOURS: 75 hrs./30 mins. x \$95.00 per hour

TOTAL FEES: \$7,172.50

MISCELLANEOUS EXPENSES:

Cloth tape to bind Supplemental Excerpts of Record and Appellee's Brief (receipt attached):	\$4.59
Blank covers (red and tan) for Appellee's Brief (receipt attached):	7.70
100 sheets of 8½x11 white index paper for Supplemental Excerpts of Record dividers for Smith Appellee's Brief (receipt attached):	8.56

TOTAL MISCELLANEOUS EXPENSES: \$20.85

TELEPHONE CALLS FROM PERSONAL TELEPHONE:
(phone records attached)

TOTAL TELEPHONE CALLS: \$45.10

GRAND TOTAL: \$7,238.45
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FEEs PAID TO DATE PURSUANT TO SPECIAL
COUNSEL CONTRACT:

Legal Fees: \$3,776.25
Travel Time: 400.00
Per Diem: 250.00
Mileage: 332.80

TOTAL: \$4,759.05

PREBUDGETED MONIES AVAILABLE FOR
LEGAL FEES PURSUANT TO SPECIAL
COUNSEL CONTRACT: \$10,000.00

\$10,000.00
Less 3,776.25
6,223.75
Less 400.00 (travel time)
5,823.75 (AVAILABLE IN CONTRACT FOR LEGAL FEES).

The present Billing is \$7,172.50 for legal services. Subtracting the remaining monies in the account for legal services in the amount of \$5,823.75 from the present billing results in a shortfall to the attorney in the amount of \$1,348.75.

Total expenses incurred to date total \$598.75. \$2,000.00 is set aside in the contract for expenses, leaving a surplus in the amount of \$1,401.25.

The maximum legal fees that can be paid pursuant to the contract, unless special permission is granted by the Chairman's office, is \$5,823.75 although legal services performed total \$7,172.50. It is requested that the difference in the amount of \$1,348.75 be paid out of the expense account which has a surplus of \$1,401.25 after the present expense billing in the amount of \$65.95 (telephone calls and supply purchases), are deducted from the expense account.

Date

Robert C. Brauchli

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