

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving an Attorney Contract for FY2011 with Wilmer Cutler Pickering Hale  
and Dorr LLP for Representation before the United States Supreme Court)**

**RESOLUTION NO. 10-428**

1 **WHEREAS, the Tohono O'odham Nation's trust mismanagement litigation in the United States**  
2 **Court of Federal Claims has been appealed by the United States to the United States**  
3 **Supreme Court as Case No. 09-846; and**

4 **WHEREAS, by Resolution No. 10-234, the Legislative Council approved a FY2010 attorney**  
5 **contract with the Wilmer Cutler Pickering Hale and Dorr LLP ("Wilmer Hale") law**  
6 **firm to represent the Nation in the Supreme Court appeal; and**

7 **WHEREAS, the FY2010 attorney contract provided for a flat fee of \$100,000.00 for**  
8 **representation, and provided for payment of additional actual and reasonable**  
9 **expenses incurred in connection with the representation; and**

10 **WHEREAS, while the flat fee provided by the FY2010 attorney contract has been paid, the actual**  
11 **and reasonable expenses incurred by the attorneys during the FY2010 and the**  
12 **FY2011 time periods will be paid from the FY2011 attorney contract; and**

13 **WHEREAS, the Attorney General has negotiated a FY2011 attorney contract with the Wilmer**  
14 **Hale law firm which has been reviewed by the Domestic Affairs and the Budget and**  
15 **Finance Committees, which recommend approval by the Legislative Council; and**

16 **WHEREAS, the term of the attorney contract is from October 1, 2010 to September 30, 2011, and**  
17 **the budget for the contract is \$20,000.00, to be funded by the FY 2011 operating**  
18 **budget of the Office of Attorney General.**

19 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
20 **attorney contract with the Wilmer Hale law firm in the amount of \$20,000.00 for**  
21 **actual and reasonable expenses incurred in FY2010 and FY2011, for the contract**  
22 **period from October 1, 2010 to September 30, 2011, substantially in the form**  
23 **attached hereto, and authorizes the Chairman of the Nation to execute it.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup> Day**  
25 **of OCTOBER, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**  
26 **AGAINST;-0-NOT VOTING; and[03] ABSENT, pursuant to the powers vested in the Council by Article**  
27 **VI, Section 2 (a) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**  
28 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
29 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
30 **Stat. 984).**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Felicia Munoz Jr  
Verlon M. Jose, Legislative Chairman

21<sup>st</sup> day of October, 2010

**ATTEST:**

Evonne Wilson  
Evonne Wilson, Legislative Secretary

21 day of October, 2010.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21<sup>st</sup> day of October, 2010 at 2:39 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Felicia Munoz Jr  
Verlon M. Jose, Legislative Chairman

APPROVED on the 22 day of October, 2010

DISAPPROVED at 11:45 o'clock, A.M.

Ned Norris Jr  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of October, 2010, at 12:15 o'clock, P.M.

Evonne Wilson  
Evonne Wilson, Legislative Secretary

**ACTION: APPROVING AN ATTORNEY CONTRACT FOR FY2011 WITH WILMER CUTLER PICKERING HALE AND DORR LLP FOR REPRESENTATION BEFORE THE UNITED STATES SUPREME COURT**

**MOVED: COUNCILWOMAN EVELYN JUAN MANUEL**

**SECOND: COUNCILMAN TIMOTHY JOAQUIN**

**DATE: OCTOBER 14, 2010**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK 198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS 449.6</b>	1. KIMBERLY LISTO ( )	224.80	X			
	2. EVELYN B. JUAN MANUEL ( )	224.80	X			
<b>SCHUK TOAK 159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER 204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
<b>SAN LUCY 187.1</b>	1. LORRAINE EILER ( )	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO 184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN 174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			X
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO 206.3</b>	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
<b>GU ACHI 230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL ( <i>Absent</i> ) (Louis J. Johnson)( <i>Present</i> )	115.05	X			
<b>CHUKUT KUK 277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			X
<b>BABOQUIVARI 324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE ( <i>Absent</i> ) (Vernon Smith) ( <i>Present</i> )	162.0	X			X
<b>TOTAL</b>		<b>2,595.50</b>	<b>2,595.50</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>