

RESOLUTION 2021-03

**A RESOLUTION AUTHORIZING BAND MEMBER LEGAL SERVICES TO
CONTINUE OPERATIONS BASED ON ITS FORMER STANDARDS UNTIL
DIRECTED OTHERWISE AND DIRECTING THE MANAGING ATTORNEY TO
PREPARE AND SUBMIT ANNUAL REPORT NOT LATER THAN NOVEMBER 30,
2021**

- WHEREAS, pursuant to 24 MLBS 1337, the Board of Directors ("Board") has a duty to develop "standards governing the delivery of indigent defense services[;]" and
- WHEREAS, those standards include "standards governing eligibility" for services; and
- WHEREAS, those standards include "standards prescribing minimum experience, training, and other qualifications" for attorneys employed as tribal public defenders; and
- WHEREAS, those standards include "standards for . . . caseloads" of tribal public defenders; and
- WHEREAS, those standards include "standards for the evaluation" of tribal public defenders; and
- WHEREAS, those standards include "standards for independent, competent, and efficient representation of clients whose cases present conflicts of interest[;]" and
- WHEREAS, those standards include "such other standards as are necessary and appropriate to ensure the deliver of adequate indigent defense services[;]" and
- WHEREAS, the managing attorney has a duty "to assist the [B]oard in developing [said] standards[;]" and
- WHEREAS, the managing attorney was appointed on 2 September 2021, which does not give enough time for the managing attorney fully to provide the information required for the Board to make informed decisions on policy; and
- WHEREAS, the managing attorney is required "to prepare and submit to the [B]oard an annual report containing pertinent data on the operations, needs, and costs of Band Member Legal Services and any other information that the [B]oard may require[;]" and
- WHEREAS, the Board has only come into existence on August 30, 2021; and
- WHEREAS, the Board has an ethical duty to make informed decisions on the policies and procedures of Band Member Legal Services.
- NOW, THEREFORE, BE IT RESOLVED, that the Board authorizes Kerri Johnson ("Ms. Johnson"), the managing attorney, to continue use of any existing written policies of Band Member Legal Services or any ongoing practices not inconsistent with Band law on an interim basis until the Board has reviewed and approved, adopted, revoked, suspended, or otherwise acted on each policy implicated by the statute.

BE IT FURTHER RESOLVED, that the Board requests that Ms. Johnson prepare and submit to the Board the annual report for the year 2021 as soon as is practicable, but not later than November 30, 2021.


BE IT FURTHER RESOLVED, that the Board requests that Ms. Johnson include in the annual report copies of all currently existing written standards under which Band Member Legal Services operates.

BE IT FURTHER AND FINALLY RESOLVED, that the Board requests that Ms. Johnson provides advance notice to the Board when the reports mentioned herein are nearing completion so that the Board may convene at the earliest possible date to review and discuss the reports.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular meeting of the Board, a quorum of directors being present on the 2nd day of September, 2021, at Nayahshing by a vote of:

FOR:	<u>3</u>
AGAINST:	<u>0</u>
ABSTAINING:	<u>0</u>

IN WITNESS WHEREOF, we, the Board of Directors, hereunto cause to have affixed to this resolution the signatures of the members of the Board of Directors.


Syngen Kanassatega
Chairperson of the Board


Joseph Jensen
Vice-Chairperson & Secretary


Adam Candler