

## Act 15-23

An Act amending Section 910 of Chapter 3 of Title 15 to expand the service area of Band Member Legal Services for child custody proceedings and child protection matters. It will also enact a new section to allow Band Member Legal Services to reserve the right to assign a different attorney if an attorney declines or terminates representation.

The District I Representative introduced the following Bill on the 15th day of March, 2023.

**BE IT ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:**

### **Section 1. Amending Section 910 of Chapter 3 (Band Member Legal Services) of Title 15 (Independent Agencies).**

Section 910 is amended as follows:

#### **§ 910. Service Area of Band Member Legal Services.**

- (a) **General.** Band Member Legal Services shall have a service area including the counties of Aitkin, Crow Wing, Hennepin, Mille Lacs, Morrison, Pine, and Ramsey.
- (a)(b) **Child custody proceedings.** Band Member Legal Services shall have a service area including all counties in Minnesota for child custody proceedings as defined by 25 U.S.C § 1903 and child protection matters as stated in Title 8, Chapter 13 – Child Protection.

### **Section 2. Enacting Section 912 of Chapter 3 (Band Member Legal Services) of Title 15 (Independent Agencies).**


#### **§ 912. Declination or Termination of Representation.**

If an attorney declines or terminates representation of a client per the Minnesota Rules of Professional Conduct, Band Member Legal Services shall assign a different attorney to the client. Band Member Legal Services reserves the right to limit the amount of times it is required to assign different attorneys to a client.

**Act 15-23  
(Band Assembly Bill 20-03-15-23)**

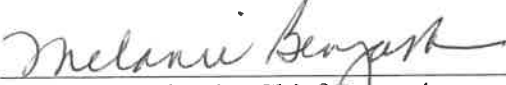
Introduced to the Band Assembly on this  
Fifteenth day of March in the year  
Two thousand twenty-three.

Passed by the Band Assembly on this  
Fifteenth day of March in the year  
Two thousand twenty-three.

  
Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: March 28, 2023  
Veto

  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**



# MILLE LACS BAND OF OJIBWE

*Executive Branch of Tribal Government*

March 22, 2023

Band Assembly  
Non-Removable Mille Lacs Band of Ojibwe  
43408 Oodena Drive  
Onamia, MN 56359

**Re: Veto of Bill 20-03-15-23 (Act 15-23)**

**Dear Honorable Members of the Band Assembly:**

By the powers vested in me by the Mille Lacs Band Statutes, I veto Bill 20-03-15-23 (Act 15-23). The proposed amendment adding § 912 is overly broad and should be clarified.

I propose the following language:

“(a) Band Member Legal Services may decline or terminate representation of a client to the extent permissible under:

- (1) § 911 of this Chapter; or
- (2) the Minnesota Rules of Professional Conduct.

“(b) If Band Member Legal Services declines or terminates representation pursuant to Paragraph (2) of this Section, the Director must, in a manner consistent with the Minnesota Rules of Professional Conduct, assign another attorney to provide representation. Band Member Legal Services’ capacity to maintain provision of competent legal representation and its availability of attorneys is subject to availability of funds and appropriation by the Band Assembly.”

I look forward to discussing how to clarify this language at the compromise hearing.

Sincerely,

Melanie Benjamin  
Chief Executive

cc: Darcie Big Bear, Parliamentarian  
Enc: Vetoed Bill 20-03-15-23 (Act 15-23)

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