

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof, including management of the economic affairs of the Tribe; and

WHEREAS, The United States has a continuing responsibility, derived from Treaties, statutes and expressed policy, to provide in perpetuity for the health care of its American Indian citizens; and

WHEREAS, It is well documented that the health status of American Indians is far lower than that of the rest of the population of the United States, as measured, among other things, by life expectancy, and that expenditures by the Federal government on an annual basis for health care for its American Indian citizens, provided through the Indian Health Service (IHS) and other agencies of the Federal government represent less than one-third of the average expenditures made by all Americans for their individual health care; and

WHEREAS, It is well documented that the IHS is woefully under funded given the needs for health care services by American Indians throughout the United States and that the United States has completely failed to live up to its trust responsibilities to provide adequate health care for its American Indian citizens; and

WHEREAS, On the basis of research and the experience of its attorney litigators, Greenberg Traurig, an 800 attorney member law firm with its principal offices in Miami, Florida, and a principal office in Washington, D.C., has determined that a strong cause of action exists against the United States for failure to live up to its trust responsibility to provide adequate health care to American Indians under the laws and treaties of the United States; and

WHEREAS, Greenberg Traurig is willing to handle on a partly contingency fee basis a multi-tribe lawsuit against the Federal government for breach of the governments trust responsibility to provide adequate health care for the members of Federally recognized Indian Tribes, provided a sufficient number of Tribes have committed to using Greenberg as their lead counsel in this case; and

WHEREAS, Greenberg Traurig has determined that provided that a sufficient number of Tribes have committed to going forward with the lawsuit and use Greenberg Traurig as their lead counsel, estimated to be a minimum of 30 tribes, the cost of litigation to the tribes would be not greater than \$15,000 per year, inclusive of some attorney's fees, or such amount as may be negotiated by the parties; and

WHEREAS, Greenberg Traurig also recognizes the importance of working legislatively through Congress to achieve the results desired by filing the breach of trust lawsuit described above, and has pledged to coordinate the legislative effort along with the litigation effort in Federal court; and

WHEREAS, The estimated recovery for lack of provision of health care services to tribal members, if most tribes were to join in this lawsuit could be several billion dollars or more, depending on how far back in time the court is willing to hold the United States responsible for provision of health care; and

WHEREAS, The anticipated duration of this lawsuit will depend on the efforts made legislatively and legally to reach a settlement of all issues relating to provision of adequate health care to tribal members to the satisfaction of the tribes who are part of the lawsuit, but is estimated to be from 1 to 10 years; and

WHEREAS, The Tribal Business Council desires to limit the percentage of the attorney's fees to no greater than ten (10) percent of the total award;

NOW THEREFORE BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Chairman, Vice-Chairman or the Treasurer to negotiate with Greenberg Traurig an agreement between the Tribe and Greenberg Traurig authorizing the commencement of a lawsuit alleging breach of the Federal Government's trust responsibility to provide adequate health care to the members of the Three Affiliated Tribes under all applicable laws and treaties, with the understanding that any such agreement negotiated will not be effective, and no funds will be required to be tendered to Greenberg Traurig for expenses, unless and until a sufficient number of Tribes have agreed to have Greenberg Traurig as lead counsel, such that the litigation costs and attorney's fees will be capped at an amount agreed upon by the parties and that the contingent fee for the attorneys will be no greater than ten (10) percent of the total award to the Tribe; and

NOW THEREFORE BE IT FURTHER RESOLVED that provided an sufficient number of Tribes have agreed to have Greenberg Traurig as lead counsel in the above described breach of trust lawsuit, the Tribal Business Council hereby authorizes an amount to be agreed upon, up to \$15,000 annually, to be spent on such lawsuit for costs associated with the litigation, provided that the final agreement

negotiated between the Tribe and Greenberg Traurig is subject to approval by the Tribal Business Council.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 21st day of August, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 21st day of August, 2000.

Daylon Spotted Bear
Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Tex G. Hall
Chairman, Tribal Business Council