



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE WISCONSIN JUDICARE, INC.

RESOLUTION 06-04-13L

- WHEREAS**, on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation, formerly, known as the Wisconsin Winnebago Business Committee; and
- WHEREAS**, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, the Legislature of the Ho-Chunk Nation ("Legislature") is the duly constituted governing body of the Ho-Chunk Nation pursuant to the Constitution of the Nation; and
- WHEREAS**, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") authorizes the Legislature to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS**, Article V, Section 2(x) of the Constitution authorizes the Legislature to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers; and
- WHEREAS**, Article V, Section 2(i) of the Constitution authorizes the Legislature to negotiate and enter into contracts and agreement with other organizations and individuals; and
- WHEREAS**, Article V, Section 2(r) of the Constitution authorizes the Legislature to protect and foster Ho-Chunk religious freedom, culture, language, and tradition by appropriating funds for legal assistance to low income tribal members throughout the State of Wisconsin; and
- WHEREAS**, Article V, Section 2(s) of the Constitution authorizes the Legislature to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; and
- WHEREAS**, the Ho-Chunk Nation and Wisconsin Judicare, Inc. have entered into an Agreement for Judicare to expand its service area so as to provide low income legal services to Ho-Chunk Nation members living in Wisconsin, but outside of the normal Judicare service area.

Executive Offices

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WHEREAS, the Ho-Chunk Nation and Wisconsin Judicare, Inc. have determined that it is necessary for expansion of the legal assistance Judicare provides for low-income tribal members to include divorce coverage.

NOW, THEREFORE, BE IT RESOLVED, that the Legislature acting as the duly constituted legislative body of the Ho-Chunk Nation, expand the coverage for low-income tribal members and include the following paragraphs in the Agreement between the Ho-Chunk Nation and the Wisconsin Judicare, Inc.:

Page 3, Paragraph 10. New Clause.

“Judicare may expend funds from this Agreement up to the amount of \$3,000.00 to cover expenses of recruiting and training private attorneys and lay advocates within the affected counties.” In the past three years our program has lost a number of long-term participating attorneys especially those who work in tribal court. We are intending to use these funds to conduct a board outreach of attorneys in areas where significant numbers of Ho-Chunk Tribal members live and conduct one continuing legal education program in 2014 and one in 2015 to attract new attorneys.

Page 3, Paragraph 13. Add.

“When Judicare anticipates that the deposited funds have either been spent or committed in ongoing cases within the fiscal year, Judicare shall notify the Nation of this fact.” In an effort to ease burden on the Legislature and ensure services continue from year to year we have added this section so that the Nation has ample advanced notice of renewal beginning within this contract period.

Page 4, Paragraph 17. New Clause.

“Judicare may provide legal services to the Ho-Chunk Nation not covered under this Agreement, including act as outside counsel for departments of the Nation or to the Ho-Chunk Nation Tribal Court. All such services shall be paid for from the respective Department or Agency’s budget with the approval of the Attorney General and the costs for such services shall not be taken out of the funds available under this Agreement for direct services to Tribal Members.” From time to time departments and units of the Nation requests Judicare’s assistance with particular projects. Given that our attorney costs are far lower than a standard law firm’s there is a financial savings to the Nation on these projects. The intent of this paragraph is to permit Judicare to undertake that work without the need of legislative approval for relatively small contracts.

Page 5, Paragraph 19(D). Add to Employment Cases.

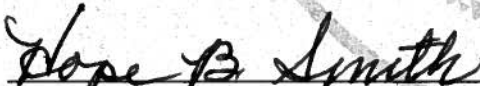
“This shall include appeals of cases from the Grievance Review Board, but not representation before the Board itself.” Under previous versions of this contract Judicare covered all cases in tribal forums. Since the intention of creating of the Grievance Review Board was to minimize the need for attorneys in employment proceedings involving the Nation providing representation before that Board has been determined to be unnecessary and antithetical to the process.

Page 5, Paragraph 19(E). Add “Visitation” to Custody Disputes.

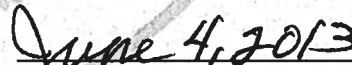
While the terms are often used interchangeable, legally they are distinct concepts and it is understood that the intention of the Agreement was to cover these cases at all time. Additionally language has been added that “If there is credible corroboration of domestic violence or prior abuse representation shall only be available to the non-abusing party.” To comply with Judicare’s standing rules of not representing abusers.

CERTIFICATION

I, the undersigned, as Secretary of the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom **9** constituting a quorum were present at a meeting duly called and convened and held on the **4th day of June, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section (a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.



Hope B. Smith, Tribal Secretary



Date