



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659

RESOLUTION NO. 2021-24

TRIBAL LEGAL SERVICES

- WHEREAS,** the Paiute Indian Tribe of Utah (“Tribe”) is a federally recognized Indian tribe under 25 U.S.C. § 761, et seq., organized under the Tribe’s Constitution, as ratified by the Tribe on June 11, 1991, and approved by the Secretary of the Interior on July 15, 1991, and amended by the Tribe on August 12, 1997, and approved by the Secretary of the Interior on September 30, 1997, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and
- WHEREAS,** the Tribe’s status as a federally recognized Indian tribe was restored on April 3, 1980 pursuant to Public Law 96-227, codified at 25 U.S.C. § 761, et seq.; and
- WHEREAS,** pursuant to Article IV and Article V of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council is the official governing body of the Tribe; and
- WHEREAS,** pursuant to Article V, Section 1 of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council is vested with all executive and legislative powers of the Tribe, including the power to make and implement laws; and
- WHEREAS,** pursuant to its inherent sovereignty as an Indian Tribe and Article V, Section 1 of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the Tribal Council is disappointed in the advice and services given by Geoffrey Strommer and his firm Hobbs Straus Dean & Walker in relation to the Tribal Appellate Court case Paiute Indian Tribe of Utah Tribal Council v. Carmen Clark, Corrina Bow, and Delvern Pikyavit, APP-2019-01 (PITU Ct. App., 2020), wherein it was determined that the removals of the Band representatives was unlawful; and
- WHEREAS,** the Tribal Council is further disappointed in the advice and services given by Geoffrey Strommer and his firm Hobbs Straus Dean & Walker in relation to the federal court case Shivwits Band of Paiute Indians and Kanosh Band of Paiute Indians v. Tamra Borchardt-Slayton, 4:20-CV-00009-DN-PK (2021), Doc. 41, wherein the Tribal attorneys lost a motion to dismiss, failed to preserve claims against Tamra Borchardt-Slayton for acts outside the scope of her authority, and the Court determined that Tamra Borchardt-Slayton was not then immune from suit; the Tribe is not a necessary or indispensable party; Tamra Borchardt-Slayton cannot on her own assert a position of the Tribe; exhaustion of Tribal or BIA administrative remedies is not required; and Tamra Borchardt-Slayton is required to answer and participate in discovery; all of which subjects the Tribe to undue litigation expense, potential liability and constitutes a ruling adverse to the Tribe’s interests and harmed the Tribe’s relationships with its various Bands; and

WHEREAS, the cost of legal services for Geoffrey Strommer and his firm Hobbs Straus Dean & Walker has been extensive, unproductive, and adversely impacts the financial standing of the Tribe; and

WHEREAS, the newly elected Tribal Council has lost confidence in the legal services provided by Geoffrey Strommer and his firm Hobbs Straus Dean & Walker; and

NOW THEREFORE BE IT RESOLVED the Tribal Council hereby terminates the services, engagement, and representation by Geoffrey Strommer and his firm Hobbs Straus Dean & Walker; and

BE IT FURTHER RESOLVED the Tribal Council desires to know how much in Tribal funds has been spent defending the actions Councilwoman Tamra Borchardt-Slayton associated with the removals of Band representatives, her complaints, the appeals, and the federal court lawsuit against Tamra Borchardt-Slayton for her actions, so it now hereby directs Tribal Administration to provide a report within 10 days to Tribal Council members for disclosure to their Band Councils showing the amount of funds (excluding any time reports showing work done) charged by attorneys of the firm Hobbs Straus Dean & Walker and Tsosie Law PLLC on the removal complaints, hearing preparations, hearings, tribal court establishment, drafting supplemental rules and hearing procedures, participating in the Tribal Appellate Court proceedings, and the federal court case, and all actions of the attorneys associated therewith in any way; and

BE IT FURTHER RESOLVED that Geoffrey Strommer and his associate attorneys are directed to provide to the Tribal Council a copy of all correspondence with Councilwoman Tamra Borchardt-Slayton that did not contain all members of the Tribal Council; and

BE IT FINALLY RESOLVED THAT that the Chairperson is authorized to immediately issue a Request for Proposals seeking attorneys and firms interested in representing the Paiute Indian Tribe of Utah.

CERTIFICATION

I hereby certify that the foregoing Resolution was fully considered by the Tribal Council and was passed by the quorum of the Tribal Council by a vote of 4 in favor, 1 opposed, 0 abstained, and 0 absent this 24th day of May, 2021.

ATTEST:

Carol Garcia

Carol Garcia (May 25, 2021 15:11 MDT)

Carol Garcia, Tribal Council Secretary

Corrina Bow

Corrina Bow (May 25, 2021 15:00 MDT)

Corrina Bow, Chairperson