



INTERIOR BOARD OF INDIAN APPEALS

Gover, Stetson, Williams & West, P.C. v. Billings Area Director,  
Bureau of Indian Affairs

17 IBIA 304 (09/22/1989)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

GOVER, STETSON, WILLIAMS	:	Order Docketing and Dismissing
& WEST, P.C.,	:	Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 89-96-A
BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	September 22, 1989

On September 21, 1989, the Board of Indian Appeals (Board) received a notice of appeal from the law firm of Gover, Stetson, Williams & West, P.C. (appellant), through Susan M. Williams, Esq., Albuquerque, New Mexico. Appellant seeks review of an August 23, 1989, decision of the Billings Area Director, Bureau of Indian Affairs (appellee), disapproving a proposed general counsel contract between appellant and the Crow Tribe (tribe).

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter. The Board finds, however, that the circumstances of this case require that the appeal be dismissed.

In Welch v. Minneapolis Area Director, 17 IBIA 56 (1989), the Board examined its authority to review an Area Director's decision approving, disapproving, or conditionally approving a tribal attorney contract in light of 25 CFR 88.1(c), which states: "Any action of the authorized representative of the Secretary of the Interior which approves, disapproves or conditionally approves a contract pursuant to paragraph (a) or (b) of this section shall be final." Paragraph (a) concerns attorney contracts entered into by tribes organized under the Indian Reorganization Act of 1934, 25 U.S.C. §§ 461-479 (1982), and paragraph (b) deals with attorney contracts entered into by tribes not organized under that act. After considering the regulatory history of section 88.1, the Board concluded that the regulation was intended to make the decisions of Area Directors approving, disapproving, or conditionally approving a tribal attorney contract final for the Department of the Interior. Accordingly, the Board held that it lacked jurisdiction to review such decisions.

The present appeal raises the same situation. Appellee here disapproved appellant's proposed attorney contract with the tribe. Under 25 CFR 88.1(c) and Welch, that decision is final for the Department.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from, the Billings Area Director's August 23, 1989, decision is dismissed.

\_\_\_\_\_  
//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Anita Vogt  
Administrative Judge