

Oneida Tribal Law Office

P. O. BOX 129 • ONEIDA, WISCONSIN 54155

PHONE 414 / 869-2724

MEMORANDUM

TO: Oneida Business Committee

FROM: Francis R. Skenandore *F.R.S.*
Attorney

DATE: November 4, 1983

RE: Oneida Indian Nation of Wisconsin v. State of New York
Attorney Robert T. Coulter - Appeal of Disqualification

Attorney Robert T. Coulter, for the Oneida of the Thames Band has appealed to the United States Court of Appeals for the Second Circuit, seeking to reverse the Federal District Court decision order:

- (1) Disqualifying Attorney Coulter as counsel for the Oneida of the Thames Band because of a conflict of interest.
- (2) Denying a motion by Attorney Coulter requesting Attorney Arlinda Locklear to turn over certain historical and legal files pertaining to the Oneida case to Attorney Coulter as counsel for the Oneida of the Thames Band.

Attorney Coulter is arguing to the Second Circuit that the interests of the Houdenosaunee and the Oneida of the Thames Band are not adverse (different) and the representation of both does not violate the Code of Professional Responsibility.

We cannot agree with Attorney Coulter's argument inasmuch as the Oneida of the Thames Band have not amended/dismissed their complaint under the legal theory, the Oneidas own title to the land, not the Houdenosaunee. If the Oneida of the Thames Band withdraw their present complaint or amend it to be consistent with the Houdenosaunee complaint and legal theory, we would no longer have any objection to Attorney Coulter's representation of the Oneida of the Thames Band, because there would no longer be a conflict of interest and the issue of the files would be moot and no longer of any use to the Oneida of the Thames Band prosecuting the case under the Houdenosaunee legal theory.

Memorandum
Oneida Business Committee
-2-

We hope to know by November 9, 1983 whether the Oneida of the Thames Band will amend/withdraw their complaint.

Please feel free to call this office, if you have any further questions. Thank you for your time and attention in this matter.

FRS/psm