



**U.S. Department of the Interior  
Bureau of Indian Affairs  
25 C.F.R. Part 89  
Application Checklist**

**Region:** \_\_\_\_\_

**Tribe:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Request Type:**      **Attorney's Fees**       **Litigation Support**

<b>PART 1 – REQUIRED CONTENTS</b>		
<b>A. GENERAL INFORMATION</b>	<b>YES</b>	<b>NO</b>
1. Nature of fee request: <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Attorney's Fees <input type="checkbox"/></span> <span>Litigation Support <input type="checkbox"/></span> </div>	<input type="checkbox"/>	<input type="checkbox"/>
2. Historical or other relevant/general background information regarding events leading to the current situation.	<input type="checkbox"/>	<input type="checkbox"/>
3. Tribal resolution authorizing fund request.	<input type="checkbox"/>	<input type="checkbox"/>
4. Current financial statement sufficient to show Tribe's capacity to pay for all or part of the legal services.	<input type="checkbox"/>	<input type="checkbox"/>
5. Statement that Tribe does not possess sufficient tribal funds or assets to pay for all or a part of the services sought.	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. REQUESTS FOR ATTORNEY'S FEES</b>	<b>YES</b>	<b>NO</b>
1. Exceptions identified under 25 CFR § 89.41: <div style="display: flex; justify-content: space-around; width: 100%;"> <span>(a) <input type="checkbox"/></span> <span>(b) <input type="checkbox"/></span> <span>(c) <input type="checkbox"/></span> <span>(d) <input type="checkbox"/></span> <span>(e) <input type="checkbox"/></span> </div>	<input type="checkbox"/>	<input type="checkbox"/>
b. Description of how request fully meets each identified exception.	<input type="checkbox"/>	<input type="checkbox"/>
2. Statement why matter must be handled by a private attorney as opposed to attorneys from the Department of Justice or Department of Interior.	<input type="checkbox"/>	<input type="checkbox"/>
3. Concise description of issue and scope of work for which attorney fee funds are requested.	<input type="checkbox"/>	<input type="checkbox"/>
a. Includes approximate court dates and/or time frames for negotiations, litigation, etc.	<input type="checkbox"/>	<input type="checkbox"/>
4. Provide a detailed breakdown of the services for which funds are sought, including:	<input type="checkbox"/>	<input type="checkbox"/>
a. costs of services;	<input type="checkbox"/>	<input type="checkbox"/>
b. number of attorney hours; and	<input type="checkbox"/>	<input type="checkbox"/>
c. attorney hourly rates.	<input type="checkbox"/>	<input type="checkbox"/>
5. Copies of relevant legal counsel contracts.	<input type="checkbox"/>	<input type="checkbox"/>
6. Bar certificates or statements of good standing for each attorney for whom fees sought.	<input type="checkbox"/>	<input type="checkbox"/>

<b>C. REQUESTS FOR LITIGATION SUPPORT</b>	<b>YES</b>	<b>NO</b>
1. Detailed breakdown of services for which litigation support funds sought, including:	<input type="checkbox"/>	<input type="checkbox"/>
a. costs of services;	<input type="checkbox"/>	<input type="checkbox"/>
b. number of hours; and	<input type="checkbox"/>	<input type="checkbox"/>
c. hourly rates.	<input type="checkbox"/>	<input type="checkbox"/>

**Proceed to Part 2 if application is complete.**

<b>PART 2 – FACTORS TO BE CONSIDERED (25 CFR § 89.42)</b>		
<b>A. BIA PROGRAM STAFF REVIEW</b>	<b>YES</b>	<b>NO</b>
1. Tribe’s ability to pay its expenses out of its own funds.	<input type="checkbox"/>	<input type="checkbox"/>
2. Merits of tribe’s legal arguments. Particularly meritorious <input type="checkbox"/> Relatively weak <input type="checkbox"/> Other <input type="checkbox"/> (explain)	<input type="checkbox"/>	<input type="checkbox"/>
3. Is issue being litigated in another case by another tribe?	<input type="checkbox"/>	<input type="checkbox"/>
4. As a matter of strategy, could the issue be more satisfactorily resolved in another forum, in a different factual context, or at a different time?	<input type="checkbox"/>	<input type="checkbox"/>
5. Should the issue be litigated at all in preference to a legislative or other solution?	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. FIELD SOLICITOR REVIEW</b>	<input type="checkbox"/>	<input type="checkbox"/>
1. Merits of tribe’s legal arguments. Particularly meritorious <input type="checkbox"/> Relatively weak <input type="checkbox"/> Other <input type="checkbox"/> (explain)	<input type="checkbox"/>	<input type="checkbox"/>
2. Is issue being litigated in another case by another tribe?	<input type="checkbox"/>	<input type="checkbox"/>
3. As a matter of strategy, could the issue be more satisfactorily resolved in another forum, in a different factual context, or at a different time?	<input type="checkbox"/>	<input type="checkbox"/>
4. Should the issue be litigated at all in preference to a legislative or other solution?	<input type="checkbox"/>	<input type="checkbox"/>
5. Information lacking in application.	<input type="checkbox"/>	<input type="checkbox"/>
6. Concern for information in application.	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. REGIONAL DIRECTOR REVIEW</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PART 3 – OTS/COMMITTEE REVIEWS</b>		
<b>1. BIA Program Staff Review &amp; Endorsement</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Field Solicitor Review</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Regional Director Review &amp; Endorsement</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. OTS/AFRC Review</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. ASIA Review</b>	<input type="checkbox"/>	<input type="checkbox"/>