

RAS 3408

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Subject: Hydro Resources Settlement

DOCKETED
USNRC

September 18, 2001 (3:05PM)

TO: Mike Farrar, Settlement Judge
 FR: Ed Dobson, Counsel for Intervenors Marilyn Morris and Grace Sam
 DT: September 7, 2001
 RE: Representation
 CC: All others per docket

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Judge Farrar:

Intervenors Marilyn Morris and Grace Sam, who live in the Church Rock - Pinedale area, are represented by DNA - People's Legal Services, Inc., which operates under the Legal Services Corporation Act as amended, 42 U.S.C. section 2996, and 45 C.F.R. 1600 et seq.

45 C.F.R. 1611.3 provides for the establishment of income eligibility based on 125% of the current official Federal Poverty Income Guidelines.

DNA has learned that our clients' income level has improved to the point that they are well above the ceiling adopted by DNA. For them as litigants in this matter this could be a mixed blessing. 45 C.F.R. 1611.9 requires DNA to discontinue representation "if the change in circumstance is sufficiently likely to continue for the client to afford private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities."

To satisfy the review of the parent Legal Services Corporation, the DNA clients' ability to afford private legal assistance must be considered in the light their relation to the organization Intervenor, Eastern Navajo Dine' Against Uranium Mining (ENDAUM). ENDAUM is well-represented by New Mexico Environmental Law Center. DNA would be hard pressed to explain to Legal Services Corporation what expenses our clients must incur to forward their case-in-chief when their case-in-chief is well-represented through their organization as Intervenor.

Therefore, DNA Executive Director Wilson Yellowhair has made a preliminary determination that DNA should prepare to withdraw from representation of Marilyn Morris and Grace Sam in this matter. DNA's withdrawal does not immediately appear to be inconsistent with my professional responsibilities. A final determination should be forthcoming within perhaps thirty (30) days.

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SECY-02