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TO : Chairman Carlos Camacho

FAX : 064-4769 TOTAL PAGES: 6

FROM : Michael W Dotts DATE: April 3, 1985

SUBJECT : Legal Services for third Constitutional
Convention

Please contact Quent, at (670) 235-5686 if all pages of this facsimile are not received properly. Thank you. For replies, our facsimile number is (670) 234-5683.

Special Instructions/Comments:

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April 3, 1995

DELIVERED BY FAX

Chairman Carlos Camacho
Chairman, Pre-Convention Committee
Third CNMI Constitutional Convention
Second Floor, Joeten Dandan Commercial Center
Saipan, MP 96950
Fax No. (670) 664-4759

Re: Legal Services for Third Constitutional Convention

Dear Chairman Camacho:

By this letter, the Law Office of Robert J. O'Connor formally seeks to serve as counsel to the Third Constitutional Convention. In the opinion of this Office, the legal service needs of the Convention should be satisfied by the hiring of both a "general counsel" to serve the Convention as a whole, and by hiring committee counsel to devote particular attention to individual committees on an as needed basis.

The general counsel will answer to the Convention President, and will devote most of his/her time to procedural issues. The general counsel will also coordinate with the committee counsel to make sure all proposals are timely submitted to the Convention. The general counsel can also assist less active committees that do not desire to retain their own counsel.

The committee counsel will answer to the committee chairman of the particular committee the attorney assists. The committee counsel will advise on the drafting of the amendments proposed by the committees and will do the issue specific legal research and writing needed by the committees. Not all committees will need counsel, and the hiring of committee counsel can be left up to the individual committees.

This Office would like to be considered as either general counsel for the Convention, or as counsel to any one or several committees that may desire our services.

In response to the Notification of Proposed Action with Respect to Retaining Counsel, the following information is provided

to you:

1. Name of the lawyer or lawyers responsible for directing the legal services to be provided to the Pre-Convention Committee and the Convention.

Michael W. Dotts will primarily be responsible for providing services to the Convention. However, other counsel will be available as needed. Mr. Dotts has had experience in the area of constitutional law. Recently, he prevailed in the case of Bechesserak v. Koror State, in determining that the Koror State Constitution was undemocratic. As an outcome of the victory in that case, Koror State has been ordered to hold a Constitutional Convention within the next six months.

Robert J. O'Connor, Gregory Koebel, David Banes, and Steve Pixley will work with Mr. Dotts. Robert J. O'Connor served as Assistant Attorney General to the Commonwealth and is a long time resident of the Commonwealth. David Banes has experience in statutory construction. In the area of taxation, few people understand our tax system as well as Gregory Koebel, an LL.M. in tax law. Steven Pixley was an Assistant Attorney General in the Criminal Division and brings with him a refined understanding of criminal law and civil rights.

If selected as general counsel, there are a number of attorneys from the Saipan community who have expressed interest in serving as committee counsel and working with this Office. These attorneys include John Lizama, a delegate to the Second Constitutional Convention, Eric Smith, counsel to the Second Constitutional Convention, and David Wiseman, a long time and seasoned experienced attorney of the Commonwealth.

2. Statement as to how the requirements of the Convention would be staffed during:

a) the Pre-Convention period from April 6, 1995 possibly through June 5, 1995, which is the last date for convening the Convention;

One attorney will be assigned during the Pre-Convention period, plus one secretary and one paralegal from the Robert O'Connor Law Office. Other attorneys will be assigned as needed.

b) the convention period from June 5, 1995 possibly through August 19, 1995, which is the last date authorized for Convention proceedings.

One attorney to serve as coordinating counsel, and one attorney per committee as needed by the Convention. Again, the most efficient means to meet the legal needs of the Convention is for each committee chairman to have their own attorney to focus exclusively on the needs of the committee. The Law Office of Robert J. O'Connor will recruit counsel from the community to serve as committee counsel.

The Law Office of Robert J. O'Connor can provide all legal support staff for the Convention.

3. The total dollar amount to be paid in compensation for lawyer services for:

a) the Pre-Convention period

An hourly rate of \$ 130.00 per hour for all attorney time. No further charges for secretarial staff will be made. The \$130.00 per hour rate is all inclusive.

There are seven weeks roughly in the Pre-Convention period. Legal work during this period will probably not exceed 15 hours per week. The committee should budget approximately \$ 14,000.00 for the Pre-Convention legal work.

b) the Convention period

The Committee should anticipate that the Convention will run for the full 75 days. Attorney time will probably average 8 hours per day but may be a great deal more if there are a number of active committees. This will mean a total legal bill of at least \$ 78,000.00 should be anticipated and budgeted for. The total could exceed \$ 100,000.00 if there are several active committees.

4. Description of possible requirements for experts to augment the legal team from time to time during the convention and estimate of cost for these options.

All the necessary legal expertise is readily available from the community. However, if expert advice on Constitutional issues is desirable, the Law Office of Donnici, Kerwin, Phillips & Donnici

is available. Peter J. Donnici is a former Constitutional Law Professor at the University of San Francisco Law School. The legal fees of Peter Donnici for the Convention will be \$ 150.00 per hour.

5. Description of possible requirements for non-lawyer staff (researchers, paralegals, secretaries, clerks, messengers) to support the legal team during the Convention and estimate of cost if this staff support is not available through government or volunteer services arranged by the Pre-Convention Committee.

The Law Office of Robert J. O'Connor currently has two court stenographers who can handle typing, and one paralegal. Another paralegal is being recruited from the Philippines and might be available to assist with the Convention. Other attorneys on Saipan have adequate staff if there services are utilized as committee counsel.

6. Description of equipment required to support the legal team during the convention and estimate of cost if this equipment is not available through government or volunteer sources arranged by the Pre-Convention Committee.

All equipment necessary for legal support is already owned by the Law Office of Robert J. O'Connor and used in the daily practice of law. No additional equipment will be required by the Convention for the legal work.

CONCLUSION

The attorneys who live and practice law in the Commonwealth, and daily argue the fine points of our Constitution to our courts are the best men and woman for the job of assisting the Convention. The task of Convention counsel is beyond the abilities of even the largest firms on Saipan. Any suggestion that all the legal work can be performed by a single law office could lead to a disastrous Convention.

It is our hope that the Pre-Convention Committee will favorably consider the structure for legal services proposed above. There should be a general counsel to coordinate and advise the convention as a whole and separate committee counsel for at least the most critical committees to draft the specific amendments the committees desire. It would be our pleasure to serve the convention and the Commonwealth either as general counsel or as committee counsel to one or more committees.

If you have any questions do not hesitate to call.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Dotts", written in a cursive style.

MICHAEL W. DOTTS