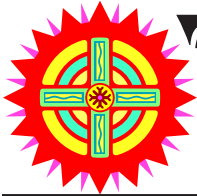


# INDIAN LAW TIMES



**The Newsletter of the  
Indian Law Section of the  
State Bar of New Mexico  
Winter 2003**

Welcome to the Winter 2003 Newsletter of the Indian Law Section of the State Bar of New Mexico! A lot is happening, both in our section and in the world of Indian law, and we hope this will update you on important developments in both realms.

## A Message from the Chair Season's Greetings

On behalf of the Boards of Directors for the Indian Law Section (ILS) and for the New Mexico Indian Bar Association (NMIBA), it is our honor to send greetings to all of our members and readers. As the Chairperson and President, we both take great pride in the accomplishments of these two professional organizations. This year has proven to be filled with changes, both politically and legally, for tribes and for native people. Our membership has met the challenges and maximized on the opportunities.

We are truly indebted to our fellow Board members for their generous donation of time, creativity and energy this past year. Through their efforts, the ILS and NMIBA have accomplished most of our stated objectives for the year. While we have laid some solid foundations, we still need the support and commitment of our members. Please let us know what it is that you would like to see in 2004.

Our sincere appreciation to Maggie Coffey-Pilcher and Lynn Slade for soliciting ideas, gathering information, and bringing together this second newsletter for the mutual benefit of our membership. We believe you will find its contents to be informative and timely. We welcome your comments for future publications and will solicit both volunteers and articles on an on-going basis. Please contact either Lynn Slade, Maggie Coffey-Pilcher, or any ILS or NMIBA Board Member. Our best wishes to each of you for a safe and happy holiday season.

*Steffani A. Cochran*

*Chairperson, Indian Law Section*

*Rosemary Maestas-Swazo*

*President, New Mexico Indian Bar Association*

## Recent Court Developments

### UNITED STATES SUPREME COURT

#### District Attorney's Seizure of Casino Personnel Records Does Not Qualify for §1983 Action

In *Bishop Paiute Tribe v. County of Inyo*, 291 F.3d 549 (9th Cir. 2002), the Ninth Circuit Court of Appeals held that an Inyo County, California, district attorney's seizure of personnel records from the Paiute Palace Casino, considered an arm of the Bishop Paiute Tribe, was in violation of the Tribe's right to make its own laws and be ruled by them. The appeals court also decided that the Tribe could bring its claim against the district attorney under 42 U.S.C. § 1983 because a tribe could be a "person" entitled to sue under the statute and Inyo County's actions amounted to an unlawful search and seizure.

In *Inyo County v. Paiute-Shoshone Indians*, 123 S.Ct. 1887 (2003), the Supreme Court vacated that decision and held that a tribe may not sue under § 1983 because it does not qualify as a "person" under § 1983 requirements. Justice Ginsburg's opinion for the Supreme Court relied on cases holding that a State is not a "person" that can be sued under § 1983, see *Will v. Michigan Dept. of State Police*, 491 U.S. 58, 67 (1989), and concluded that the statute was "designed to secure private rights against government encroachment. . ." *Inyo County* at 1894. As evidence that the Tribe advanced governmental interests, the majority observed that there was no assertion that the district attorney's warrant lacked probable cause or was otherwise defective – the Tribe was asserting its "sovereign's prerogative." *Id.* The Court then remanded the case for focused consideration and resolution of the Tribe's claim of sovereign immunity and

continued on page 2

whether the “federal common law of Indian Affairs” establishes that a tribe has a right to be free from the state’s criminal process. Justice Stevens concurred in the judgment of the Court; he would hold that a tribe is a “person” entitled to sue under § 1983, but that the “infringement of the Tribe’s sovereign prerogatives did not deprive the Tribe of ‘rights, privileges, or immunities secured by the Constitution and laws’ within the meaning of § 1983.” *Id.* He would “not accord” the judge-developed doctrine of tribal immunity “the same status as the ‘laws’ referenced in § 1983.” *Id.*

### Supreme Court to Decide Whether Congress has the Authority to Define Tribes’ Power

The United States Supreme Court granted certiorari to review the decision in *United States v. Lara*, 324 F.3d 635 (8th Cir. 2003), on September 30, 2003, in response to a petition filed July 22, 2003, by the U.S. Solicitor General. The U.S. seeks to have the en banc panel of the Eighth Circuit Court of Appeals reversed. The en banc panel addressed the “Duro-fix,” which was Congress’ attempt to “restore” Indian tribes’ inherent power to prosecute non-member Indians through an amendment to the Indian Civil Rights Act (ICRA), 25 U.S.C. § 1301, *et seq.*, in response to the Supreme Court’s decision in *Duro v. Reina*, 495 U.S. 676 (1990). In *Duro*, the Court held that tribes no longer had an inherent sovereign power to enforce their criminal laws against non-member Indians. Congress then amended the ICRA to extend tribes’ criminal jurisdiction over *all* Indians. 25 U.S.C. §1301(2).

The resolution of *Lara* depends upon the Court’s determination of whether a tribe exercises an *inherent* sovereign authority when it prosecutes non-members, as the Ninth Circuit held in *United States v. Enas*, 255 F.3d 662 (2001) (*en banc*), *cert. denied*, 534 U.S. 1115 (2002), or whether a tribe exercises a *delegated* authority when it prosecutes non-members, which is how the Eight Circuit had ruled in this case. The Eighth Circuit held that any authority exercised by a tribe over non-member Indians consists only of powers delegated by Congress, meaning the tribe acts as an instrumentality of the United States when prosecut-

ing non-member Indians; consequently, successive prosecutions of a non-member by a tribe and the U.S. violate the non-member’s right not to be exposed to double-jeopardy.

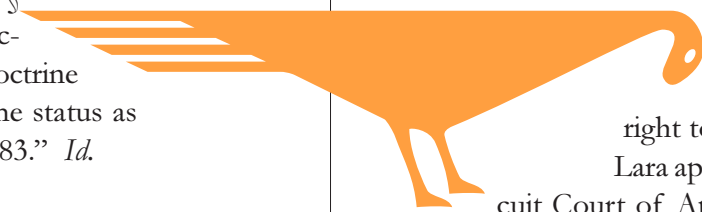
Billy Jo Lara, Turtle Mountain Band of Chippewa, was convicted by the Spirit Lake Nation Reservation Tribal Court for assaulting a BIA police officer. After his conviction by Spirit Lake Nation, he was indicted on federal charges of assaulting a federal officer. Lara sought to have the indictment dismissed on double jeopardy grounds. The district court refused and Lara entered a conditional plea of guilty, reserving his right to appeal.

Lara appealed to the Eighth Circuit Court of Appeals. A panel of that court affirmed the district court’s denial of the motion to dismiss finding that, since the Tribe did not receive its authority from Congress, it was a separate sovereign and therefore the Double Jeopardy Clause did not apply. The Eighth Circuit granted Lara’s petition for rehearing *en banc*.

The *en banc* panel of the Eighth Circuit reasoned that whether a tribe has inherent or delegated powers of authority is a decision for the Supreme Court – not the legislature. This reasoning allowed the court to dismiss the idea that the amendments to the ICRA restored tribes’ inherent power and to conclude that if a sovereign’s power is taken away, as the tribes’ power over non-members was, then there can no longer be any *inherent* power. Any power “restored” by Congress is merely a delegation of power. Therefore, when the Tribe prosecuted Lara, it was acting pursuant to delegated federal power and any federal prosecution would expose Lara to double jeopardy.

This decision conflicts with the Ninth Circuit’s decision in *United States v. Enas*, 225 F.3d 662 (2001). In *Enas*, sitting *en banc*, the court unanimously held that Congress could define a tribe’s inherent sovereign power and that the prosecution of an Indian by the United States and by a tribe other than his own for the same criminal act did not constitute a violation of double jeopardy.

The Supreme Court’s decision regarding a tribe’s powers over non-member Indians will ultimately depend on its determination regarding the *Duro* fix – does Congress have the authority to determine tribes’ inherent powers or is it a question for the Supreme



Court? The decision in this case will not only affect the future of tribal jurisdiction, but could also subject many federal convictions to double jeopardy challenges.

The case is set for oral argument before the Supreme Court on Wednesday, January 21, 2004. New Mexico has joined the State of Washington, and others, in filing an amici curiae brief with the Court.

## TENTH CIRCUIT

### Tenth Circuit Upholds District Court's Stay of Kansas' Criminal Proceedings Against Winnebagos

In *Winnebago Tribe of Nebraska v. Stovall*, 341 F.3d 1202 (10th Cir. 2003), the Tenth Circuit Court of Appeals affirmed the granting of a temporary restraining order by the District Court for the District of Kansas and a preliminary injunction against the State of Kansas to halt its seizure of Winnebago tribal property. The State was seizing Winnebago property because of the Tribe's refusal to pay a state-imposed fuel tax. Kansas appealed the decision, claiming that the court should have abstained from hearing the case, under the doctrine of *Younger v. Harris*, 401 U.S. 37 (1971), because state criminal proceedings were already in motion.

The Tenth Circuit in an opinion by Judge Seymour, agreed with the district court's determination that the "central and threshold" issues were questions of federal law that should be addressed in federal court, "rather than as defenses in state court where not all aspects of the issues could be properly heard." *Stovall*, 341 F.3d at 1205. The state prosecutions are based on "allegations that assume" that the state could assess a fuel tax against the Tribe. *Id.*

Now, it is up to the Kansas District Court to determine whether the state can tax the out-of-state tribes' sale of fuel to Kansas tribes.

### Santa Clara Tribal Council Did Not Violate Couple's Rights Under ICRA (Unpublished 10th Circuit Opinion)

The plaintiffs, Edward Kennedy (Blackfeet) and Catherine Singer (Santa Clara), both live at Santa Clara Pueblo. In 1996, the plaintiffs filed suit in Santa Clara Tribal Court against Chief Judge Silva and members of the Santa Clara Tribal Council. The couple claimed

that their civil rights were violated when the Chief Judge incarcerated Kennedy and seized Singer's property. Attorney Richard Hughes was retained to defend Judge Silva and the Tribal Council. The defendants filed a motion to dismiss, which was granted. The plaintiffs appealed to the Santa Clara Pueblo Tribal Court of Appeals, which reversed the dismissal and remanded the case to the Tribal Court for further proceedings. This case is still pending on remand.

At issue in the appeal was whether the Pueblo's sovereign immunity with respect to civil rights actions had been waived in Santa Clara Pueblo's Law and Order Code. After the appeals court remanded the case, attorney Hughes advised the Tribal Council that whether there had been a waiver of sovereign immunity was unclear and suggested a resolution reaffirming the Pueblo's sovereign immunity. The suggested resolution was passed in November 1998 as Resolution No. 98-29.

The plaintiffs filed a second action in Tribal Court against Hughes and the members of the Tribal Council who voted in favor of Resolution No. 98-29 claiming that the resolution violated their rights to due process and equal protection under the Santa Clara Pueblo Constitution and the U.S. Constitution as protected by the ICRA. Defendants' motion to dismiss was granted. The plaintiffs did not appeal the tribal court's decision.

In October 2001, Kennedy and Singer filed this suit, *Kennedy v. Hughes*, 60 Fed. Appx. 734 (2003) (Unpublished 10th Cir. Opinion), *cert. denied*, \_\_ U.S. \_\_ (Oct. 6, 2003), in federal district court in October 2001 against Hughes and several tribal officials. Plaintiffs made substantially the same arguments as they did in their second suit in Tribal Court – that by passing Resolution 98-29, the Council and Hughes violated Kennedy's and Singer's constitutional rights as protected by the ICRA 25 U.S.C. §1302 (A tribe exercising its powers of self-government shall not deny any person equal protection of the law or their "liberty or property without due process of law"). The U.S. District Court for the District of New Mexico dismissed the action for failure to state a claim.

The Tenth Circuit Court of Appeals considered whether the dismissal was proper. The court first addressed whether a private cause of action against a tribe or its officers may be brought to enforce due process and equal protection rights under the under

the ICRA. The court began its analysis with *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978), which held that the only ICRA provision authorizing a private cause of action is 25 U.S.C. § 1303, the habeas corpus provision. The court then discussed the very limited exception to *Santa Clara* – the *Dry Creek* exception, which was the result of *Dry Creek Lodge, Inc. v. Arapahoe and Shoshone Tribes*, 623 F.2d 682 (10th Cir. 1980). Plaintiffs argued that their claim fell within this exception.

In *Dry Creek*, the plaintiffs were non-Indians involved in a dispute with two tribes and had no remedies available to them. The absence of a remedy drove the court to allow a private cause of action against a tribe or its officers, despite there being no such express provision. The *Dry Creek* exception applies when “the dispute involves a non-Indian party; a tribal forum is not available; and the dispute involves an issue falling outside internal tribal affairs.” The court has limited the exception somewhat by clarifying that it must be interpreted narrowly to avoid conflicting with the Supreme Court’s holding in *Santa Clara*. See *White v. Pueblo of San Juan*, 728 F.2d 1307, 1312 (10th Cir. 1984).

The district court decided that the plaintiffs did not fit within the *Dry Creek* exception because they failed to satisfy the last two requirements (no available tribal forum and dispute involves an issue falling outside of internal tribal affairs). The Tenth Circuit agreed. The appeals court pointed out that Santa Clara courts were available to resolve such disputes and that the tribal court judge had upheld subject matter and personal jurisdiction over the claims but, in an “extensive written opinion,” found that their complaint failed to state a claim for relief under the ICRA. The

plaintiffs did not appeal that order. The court quoted *Santa Clara*, 436 U.S. at 65: “Tribal forums are available to vindicate rights created by the ICRA . . . . Tribal courts have repeatedly been recognized as appropriate forums for the exclusive adjudication of disputes affecting important personal and property interests of both Indians and non-Indians.”

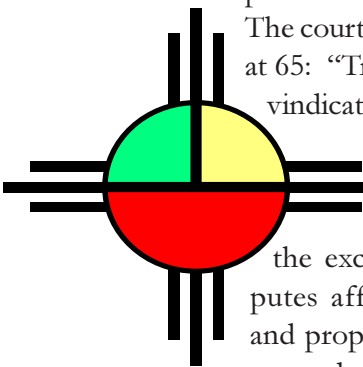
Since the plaintiffs had a tribal forum available to them, they failed to meet the second requirement for the *Dry Creek* exception. Consequently, the court ruled that the plaintiffs have no ICRA claim cognizable in federal court against the Santa Clara Pueblo officials and Hughes. The court did not address the question of whether a non-member Indian qualifies as a non-Indian under the *Dry Creek* analysis. A petition for a writ of certiorari to the U.S. Supreme Court was denied on October 6, 2003.

## Native American Medicine Men Hold Confessional Privilege

A federal judge in the U.S. District Court for the District of Colorado ruled that Native American Medicine Men qualify as clergy for the purposes of the common-law clergy-communicant privilege. *U.S. v. Herrera*, Docket No. 03-CR-439. In order for the privilege to apply, Judge Marcia S. Krieger said that statements made to a medicine man must be made for the purposes of receiving spiritual guidance and with the expectation of confidentiality.

Carlos Herrera, a member of the Southern Ute Tribe, is charged with second degree murder for the beating death of his ex-lover, Brenda Chavez. Herrera’s attorney asked the court to suppress the statements about the beating that Herrera made to Robert Cervantes, a medicine man of the Jicarilla Apache Tribe.

After recognizing that the confessional privilege does exist for medicine men, Judge Krieger ruled that the privilege did not apply to Herrera and his confession to Cervantes. This ruling was based, in part, on the lack of evidence that a ceremony or blessing was held regarding Herrera’s misdeed. Such evidence of a ceremony would be, for example, that Herrera requested a blessing, gave tobacco to the medicine man, requested forgiveness, or asked for advice on how to return to a state of spiritual harmony. The judge also pointed out that Cervantes revealed the confession to a third party who was not bound by an obligation of confidentiality. Such a revelation runs counter to the underlying purpose of the clergy-communicant privilege. Herrera’s comments to the medicine man, along with a taped confession to police, will be allowed.



## COURT OF APPEALS FOR THE FEDERAL CIRCUIT

### Remand of *Navajo Nation v. United States*

The Spring 2003 issue of the Newsletter reported on the Supreme Court's rejection of the Navajo Nation's claim for money damages on grounds that the United States breached trust duties to the Nation in its actions regarding 1987 amendments to a coal lease between the Nation and Peabody Coal Company. The claim may live to fight another day. On October 24, 2003, the Court of Appeals for the Federal Circuit ruled on remand that it is unclear whether there remains a claim for breach of a trust duty based upon the "network" of relevant statutes, treaties, and regulations, notwithstanding the Supreme Court's holding that the Indian Mineral Leasing Act of 1938, 25 USC §§396a-396g and other statutes do not impose compensable trust duties. The court remanded to the Court of Federal Claims to address the issue. Judge Newman dissented.

## NEW MEXICO SUPREME COURT

### Allotment Lands Bordering Navajo Nation are "Indian Country"

In *Tempest Recovery Services, Inc. v. Belone*, 2003-NMSC-19, 74 P.3d 67 (2003), the New Mexico Supreme Court held that Navajo Nation jurisdiction extends to allotted Indian lands outside the reservation boundaries pursuant to 18 U.S.C. § 1151, thereby overruling its holding in *General Motors Acceptance Corp. v. Chischilly*, 96 N.M. 113, 628 P.2d 683 (1981) (Navajo Nation territorial jurisdiction was limited to land within the reservation boundaries). The decision in *Tempest* followed the U.S. Supreme Court's statement in *Alaska v. Native Village of Venetie Tribal Govt*, 522 U.S. 520, 527 (1998), that the definition of "Indian country" in 18 U.S.C. § 1151, which "by its terms relates only to federal criminal jurisdiction, . . . also generally applies to questions of civil jurisdiction. . . ." *Tempest*, 2003-NMSC-19, ¶ 11.

Tempest Recovery Services filed suit in state district court against Leonard Belone, a Navajo Nation tribal member, for breach of a retail installment contract. Belone filed a counterclaim that Tempest had breached the peace when it entered Belone's allotment in McKinley County and repossessed Belone's car. He alleged that Tempest was in violation of Title 7 of

the Navajo Nation Code because it did not get Belone's written consent or a Navajo Tribal Court order to repossess the car. Belone also sought damages under the Navajo Nation Code.

Tempest's contract with Belone contained an Arizona choice-of-law provision but also stated that "if Property is repossessed, then the law of the state where the property is repossessed will govern the repossession." Tempest argued that this provision placed the repossession under New Mexico state law, giving it the right to self-help repossession. The McKinley County District Court, in accordance with *Chischilly*, granted Tempest's motion for summary judgment and denied Belone's motion for summary judgment. Belone appealed and the New Mexico Court of Appeals certified the case to the New Mexico Supreme Court to determine whether *Chischilly* was still good law.

In rendering its decision, the New Mexico Supreme Court explained that, at the time *Chischilly* was decided, federal law on the subject was sparse, but since then, "the Supreme Court and the Tenth Circuit have consistently held that § 1151 defines tribal territorial jurisdiction for both criminal *and civil* matters." *Tempest*, 2003-NMSC-19, ¶ 10. The court cited the Supreme Court's decision in *Oklahoma Tax Commission v. Chickasaw Nation*, 515 U.S. 450, 453 (1995), and the Tenth Circuit's decisions in *Mustang Products Co. v. Harrison*, 94 F.3d 1382, 1385-86 (10th Cir. 1996), *Pittsburg & Midway Coal Mining Co. v. Watchman*, 52 F.3d 1531, 1540 (10th Cir. 1995), and *Texaco, Inc. v. Zah*, 5 F.3d 1374, 1377 n.3 (10th Cir. 1993). Concluding that, under these cases and *Venetie*, federal law is now clear on the issue, the New Mexico Supreme Court overruled *Chischilly* and held that "the allotted Indian lands from which Tempest repossessed Belone's car was [sic] Indian Country pursuant to § 1151."

The court did not address a footnote in *Atkinson Trading Co., Inc. v. Shirley*, 523 U.S. 645, 653, n. 5 (2001), which suggests §1151 does not apply to some civil questions. ("Although §1151 has been relied upon to demarcate state, federal and tribal jurisdiction over criminal and civil matters, . . . we do not here deal with a claim of statutorily conferred power. Section 1151 simply does not address an Indian tribe's inherent or retained sovereignty over nonmembers on non-Indian fee land.") The repossession in *Tempest* occurred on allotted trust lands.

Although the court concluded that the civil jurisdiction of the Navajo Nation Tribal Court extends to

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Indian allotments, it also concluded that the tribal court does not have exclusive jurisdiction under the facts and procedure of this particular case. The court determined, according to the “infringement test” of *Williams v. Lee*, 358 U.S. 217 (1959), that litigating this claim in state court will not infringe upon Navajo Nation sovereignty and that New Mexico has concurrent jurisdiction over both claims. Although Belone’s claim clearly arose in Indian Country, the court found concurrent jurisdiction because he chose to raise his counterclaim in state court (a compulsory counterclaim) rather than filing a separate suit in tribal court and “an Indian generally has the right to invoke” state court jurisdiction under the rationale of *Three Affiliated Tribes of the Fort Berthold Reservation v. Wold Engineering, P.C.*, 467 U.S. 138, 148-49 (1984).

The court remanded the case to district court to conduct further proceedings applying New Mexico choice-of-law rules to determine whether Navajo Nation law or New Mexico state law applies to Belone’s counterclaim.

## NINTH CIRCUIT

### U.S. District Court for Arizona Recognizes Tribal Court’s Jurisdiction

On July 15, 2003, the U.S. District Court for the District of Arizona issued an opinion recognizing the jurisdiction of tribal courts in *Wide Ruins Community School, Inc. v. Stago*, No. CV-02-1958, Slip Op. (D. Ariz. July 15, 2003). The court held that claims by a tribal member against a tribal school operating under the Indian Self Determination and Education Act (“ISDA”) – other than a cause of action meeting the strict standards of the Federal Tort Claims Act (“FTCA”) – are subject to tribal law and should be prosecuted in tribal court.

Litigation between Dr. Lula Mae Stago and Wide Ruins Community School began in early 1998. Dr. Stago was the school’s principal when it was under the BIA. The school chose not to rehire Dr. Stago as the school’s executive director after its conversion to a tribally controlled school under the ISDA.

Dr. Stago filed a complaint with the Navajo Nation Labor Commission alleging the school had violated the Navajo Preference in Employment Act by not hiring the best qualified Navajo for the job. The Labor Commission agreed with Dr. Stago and awarded her \$36,333.47. The Commission also ordered Wide Ruins to re-announce the position.

The school then appealed to the Navajo Nation Supreme Court arguing that the Navajo Nation Labor Commission did not have jurisdiction over the matter because of Public Law 101-512, § 314, 104 Stat. 1959-60, codified as amended at 25 U.S.C. § 450f, Historical and Statutory Notes (“PL 101-512”). In the first go around, the Navajo Nation Supreme Court agreed with the school, holding that Dr. Stago’s claims against Wide Ruins were not within tribal law jurisdiction. See *Stago v. Wide Ruins Community School, Inc.*, No. SC-CV-63-99, decided May 4, 2001. The Court then reversed itself on reconsideration and held that the claim against Wide Ruins was subject to tribal law, thereby reinstating the \$36,333.47 judgment against Wide Ruins. See *Stago v. Wide Ruins Community School, Inc.*, No. SC-CV-63-99, decided August 29, 2002.

Having exhausted its remedies in tribal court, Wide Ruins Community School brought an action against Dr. Stago in the U.S. District Court for Arizona. The district court’s decision pivoted on the interpretation of a portion of P.L. 101-512 stating that any civil action brought against schools functioning under ISDA shall be considered an action against the United States, defended as such by the Attorney General, and afforded the full protection of the FTCA.

Wide Ruins argued that P.L. 101-512 granted the school immunity from tribal jurisdiction because any and all civil actions against the school must be brought against the United States under the FTCA. The school’s argument was based on the language within P.L. 101-512 stating “any civil action” brought against ISDA schools “shall be deemed to be an action against the United States and will be defended by the Attorney General and be afforded the full protection and coverage of the Federal Tort Claims Act.”

Dr. Stago argued that Wide Ruins’ interpretation of P.L. 101-512 was not what Congress intended – that Congress only intended tort claims against ISDA schools to be claims against the United States. Strengthening Dr. Stago’s argument, the United States filed an *Amicus* brief arguing that Congress intended P.L. 101-512 simply to relieve tribes of the high cost of liability insurance for tort claims.

The District Court agreed with Dr. Stago’s and the United States’ interpretation. The court held that the only claims against ISDA schools subject to federal law are those claims falling within the narrow scope of the Federal Tort Claims Act. “In all other respects, the school is a tribal school fully subject to tribal law.”

The parties have since settled and as such, the case will not be appealed.

## Tell Us What You Think

Dear N.M. State Bar Indian Law Section and N.M. Indian Bar Association Members:

In an effort to provide more direct benefits to the members of the New Mexico Indian Bar Association (NMIBA) and the New Mexico State Bar Indian Law Section (NMSBILS), the Boards of Directors of both organizations have authorized a membership survey to gather information. Enclosed you will find a survey developed to give you an opportunity to provide input and suggestions so that we have a better sense of what activities are useful to you as a member.

Please take this opportunity to express your opinions and needs about the NMIBA and the NMSBILS. Take a few minutes to complete and **return the survey below by January 30, 2004, to Tony Horvat (e-mail: [thorvat@nmbar.org](mailto:thorvat@nmbar.org)) at the State Bar of New Mexico, P.O. Box 92860, Albuquerque, NM 87199, or you may return the form to any NMIBA or NMSBILS Board member.**

*Respectfully yours,*

*Steffani A. Cochran, Chair  
Indian Law Section*

*Rosemary Maestas-Swazo, President  
Indian Bar Association*

# N.M. State Bar Indian Law Section and N.M. Indian Bar Association MEMBERSHIP SURVEY

1. **What kind of activities would you like the NMSBILS and NMIBA to focus its efforts on?**

- CLE Programs
  - Social Events (e.g., reception held during the Federal Indian Bar Conference)
  - Newsletter
  - Donations (e.g., NALSA Golf Tournament, Pre-Law Summer Institute)
  - Other (please specify)
- 

2. **What format of CLE programs would be most beneficial to you?**

- 1-day seminars
- 1/2 (half-day) seminars
- 2-day seminars

3. **What level of CLE programs would be most beneficial to you?**

- Beginning
- Intermediate
- Advanced

4 a. **What kind of subjects would you like to see covered in the CLE programs?**

- General Jurisdiction and Sovereignty Issues
  - Child & Family Matters (e.g., Domestic Violence, child abuse, divorce, custody, etc.)
  - Law Enforcement Matters (e.g., jurisdiction, collaboration, etc.)
  - Economic Development in Indian Country
  - Other (please specify)
-

**b. What kind of speakers are you interested in hearing from?**

- Tribal Court judges and/or personnel
  - State/Federal judges and/or personnel
  - Practitioners
  - Law professors
  - Government personnel (e.g., elected leadership, agency personnel, etc.)
  - Other (please specify)
- 

**5. Would you like to have more social functions & gatherings?**

- Yes       No  
If yes, what kind? (please specify)
- 

**6. Would you attend CLE and social activities/functions/gatherings if held at the following places:**

- Albuquerque       Santa Fe       Farmington  
 Gallup       Other (please specify)
- 

**7. Which of the following legal organization(s) do you belong to?**

- New Mexico Indian Bar Association
  - New Mexico State Bar Indian Law Section
  - National Native American Bar Association
  - Federal Bar Association Indian Law Section
  - Other (please specify)
- 

**8. Do you feel you can distinguish between the services/programs/activities provided by the organizations listed above in # 7 of which you are member?**

- Yes       No

**9. What services or information do you NOT get from the organizations listed above in # 7 which NMSBILS or NMIBA could provide (please specify)?**

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## Section Developments

### THE SECTION'S INDIAN LAW LINKS OF THE QUARTER:

<b>Tribal Court Clearinghouse</b>	<a href="http://www.tribal-institute.org">http://www.tribal-institute.org</a>
<b>USDOJ Office of Tribal Justice</b>	<a href="http://www.usdoj.gov/otj/">http://www.usdoj.gov/otj/</a>
<b>Indian Law Resource Center</b>	<a href="http://www.indianlaw.org/">http://www.indianlaw.org/</a>
<b>Cornell Law Library – Indian Law</b>	<a href="http://www.law.cornell.edu/topics/indian.html">http://www.law.cornell.edu/topics/indian.html</a>
<b>Interior Board of Indian Appeals Decisions (searchable through Google):</b>	<a href="http://www.ibiadecisions.com/#subject">http://www.ibiadecisions.com/#subject</a>
<b>NativeWeb – News Digest</b>	<a href="http://nativelaw.nativeweb.org/newsdigest/">http://nativelaw.nativeweb.org/newsdigest/</a>

*(Be sure to use the exact webpage address above to view latest news stories)*

*File these in your browser, and please forward links you find useful to Indian law practitioners to Lynn Slade at [lslade@modrall.com](mailto:lslade@modrall.com) for inclusion in future newsletters.*

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## Non-Lawyer Members

The By-Laws of the Section allow membership by non-lawyers, in the capacity of Associate Members. The Board believes the Indian Law Section can serve needs of non-lawyer tribal court personnel, Navajo Nation advocates, and non-lawyer participants in federal administrative agencies. Please forward your thoughts about the best ways for the Section to serve non-lawyers in the Indian law field to the incoming Section Chair, Pam Ray.

## What Can The Section Do To Serve You?

Please forward your suggestions for CLE topics, information or publication, or services the Section could provide to the people in communities involved with Indian law. We look forward to your comments and suggestions.

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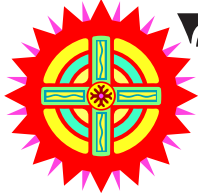
## Your Section Leadership

	<b>TELEPHONE</b>	<b>E-MAIL</b>	<b>TERM</b>
Steffani Cochran, Chair	(505) 827-6907	<a href="mailto:scochran@ago.state.nm.us">scochran@ago.state.nm.us</a>	2001-2003
Pamela Ray, Chair-elect	(505) 986-4600	<a href="mailto:Pamela.Ray@state.nm.us">Pamela.Ray@state.nm.us</a>	2001-2003
Joan Kozon, Secretary	(505) 980-4900	<a href="mailto:jekozon@hotmail.com">jekozon@hotmail.com</a>	2002-2004
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## **Have you considered joining the NM Indian Bar Association?**

The New Mexico Indian Bar Association (NMIBA) is an active and diverse organization. Whether you are interested in civil rights issues, judicial appointments, networking, or community service, the NMIBA has members who share your interests, and sponsors events and activities for all of its diverse members. We encourage you to become a member. As a member, you will be supporting a voluntary bar association that has been in existence since 1985. Members represent exceptional and talented legal professionals that practice law at the local, tribal, state and national levels.

Membership is open to all members of the legal profession. Among the many activities, the NMIBA provides its organizational members with continuing legal education courses, social activities, newsletters, contributions to worthy groups and organizations that compliment the goals of the NMIBA, and opportunities for our members to serve as mentors to UNM law students, both native and non-native.

If you have any questions or would like more information about becoming a member of the NMIBA, please contact Rosemary Maestas-Swazo, NMIBA President at (505) 855-6465. Annual membership dues are \$20, and can be paid on your State Bar of New Mexico Annual License Dues or online at [www.nmbar.org](http://www.nmbar.org).