



# INDIAN LAW TIMES

## A MESSAGE FROM THE CHAIR

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### SAVE THE DATE!

#### INDIAN LAW SECTION CLE

Professional Roles of Lawyers in Commercial Ventures in Indian Country

Date: Thursday, Nov. 8, 2007  
Time: 8:00 am – 12:00 pm  
Place: New Mexico State Bar Ctr.

See page 2 for details



Welcome to the Fall 2007 issue of Indian Law Times, the newsletter of the Indian Law Section of the State Bar of New Mexico. We hope that you will find this issue both entertaining and interesting, and that it will prove useful to you in your practice.

This has been a busy and productive year for the Section, and I encourage you to attend our annual meeting on November 8 at the State Bar Center to learn more about what we have been doing. The annual meeting will be preceded by a Continuing Legal Education seminar exploring the intricacies of structuring commercial transactions in Indian Country, lunch featuring a variety of Native foods, and the presentation of the Section’s annual bar preparation law student scholarships.

You will find details of all these events in this issue of Indian Law Times, as well as stories about the Section’s activities this year and timely articles analyzing recent developments in Indian Law.

As my term as chair draws to a close, I want to extend my heartfelt appreciation to our hard-working board of directors and to the many Section members who have devoted countless hours to this year’s projects.

From our two well-attended Section mixers (hosted by the board’s Outreach Committee, chaired by Georgene Louis, State Gaming Representative to the New Mexico Gaming Control Board); to the outstanding CLE session on Pueblo jurisdiction at the State Bar’s annual meeting in Mescalero (organized by the CLE

Committee chaired by Melanie Patten Fritzsche, CEO of Aurora Publishing, and Helen Padilla, Director of the American Indian Law Center); to this year’s outstanding newsletters and updated webpage on the State Bar’s website (managed by the Media Committee, co-chaired by Aaron Frankland of the Office of the Solicitor and Cynthia Aragon Stanaland of American Indian Development Associates); to the successful fundraising effort for the bar preparation scholarships (organized by the Scholarship Committee, chaired by YLD representative Mark Baker of Long, Pound & Komer in Santa Fe) – this has truly been a remarkable year.

Finally, I want to welcome our two newest board members who will serve through next May as representatives of the UNM School of Law, third year law students Christina Kracher and Laura Oropeza. They have been active volunteers in the Section’s activities, and we really appreciate their willingness to take time from their busy schedules to contribute to the Section’s work.

On behalf of the board of directors, we hope you enjoy this issue of the newsletter and that we will see you at the annual meeting and CLE on November 8. In the meantime, if you have questions, suggestions or concerns about the Section, please feel free to contact me in Albuquerque at Luebben Johnson & Barnhouse LLP, (505) 842-6123, ext. 403, or by email at [kjohnson@luebbenlaw.org](mailto:kjohnson@luebbenlaw.org).

**Karl E. Johnson, Chair**  
**State Bar of New Mexico Indian Law Section**

### ASK LARRY

**QUESTION:** “OUR OFFICE OFTEN IS APPROACHED BY FAMILY MEMBERS OF AN ELDER MEMBER OF THE TRIBE/ PUEBLO OR TRIBAL/ PUEBLO “CASEWORKERS” OR SOCIAL WORKERS WHO ARE DEALING WITH A SITUATION IN WHICH THE ELDER HAS – OR APPEARS TO HAVE – SOME SIGNIFICANT LIMITATIONS IN TAKING CARE OF HIM/ HERSELF. WHAT ADVICE CAN YOU OFFER?”

**ANSWER:** With an aging population in many Indian Nations, this is an issue that lawyers must deal with more frequently than in the past. Unfortunately, the legal guardianship law that the practitioner encounters may be quite old and offer little guidance—such as the provisions of **25 CFR § 11.610 Appointment of Guardians** (or the Tribal/Pueblo equivalent):

The court shall have the jurisdiction to appoint or remove legal guardians for minors and for persons who are incapable of managing their own affairs under terms and conditions to be prescribed by the court.

I suggest that practitioners learn whether the particular Tribe/Pueblo has some traditional law or practice which addresses guardianship. Such a law or practice may not involve the court system. An issue for practitioners is how to get whatever documentation outside entities (banks; BIA, IHS, et al.) may require as proof of guardianship. Perhaps in Tribes/ Pueblos that have such traditional laws or practices their court system may grant recognition to such traditional guardianship so that an appropriate document may be obtained.

In some Tribes/ Pueblos there are “elder protection programs,” funded at least in part from the Older Americans Act (See 42 U.S.C. §§ 3001 et seq.). Such a program may be able to offer guidance on the Tribal/ Pueblo’s approach to the guardianship issue.

Modern guardianship law does not look on adult guardianship as an “all or nothing” issue. It promotes alternatives to guardianship, often involving family members, and encourages limited guardianship when some form of guardianship is needed. (Guardianship only with respect to those matters in which the elder cannot protect his or own interests or health.) Modern guardianship law also looks to court appointment of some person to protect the interests of the elder in the guardianship proceeding and sometimes requiring or permitting appointed counsel for the elder.

A major issue for families, practitioners and Tribes/ Pueblos is protecting the income or assets of the elder—especially from persons whose only motive in seeking guardianship is control (and often use) of the elder’s income or assets. Thus some limits on use of the elder’s income or assets are usually appropriate as is some regular reporting to the Courts.

Ultimately, there is no single answer to this difficult issue. For ideas, practitioners may want to review the *Uniform Guardianship and Protective Proceedings Act* (1997): <http://www.law.upenn.edu/bll/archives/ulc/fnact99/1990s/ugppa97.htm> .

**Ask Larry** is authored by **Lawrence Ruzow**. Mr. Ruzow is in private practice in Window Rock, Arizona (Navajo Nation). Mr. Ruzow’s opinions are his own and do not necessarily reflect those of the State Bar of New Mexico or the Indian Law Section. If you have questions concerning the law in Indian country, please direct your inquiries to Lawrence Ruzow at [laruzow@citlink.net](mailto:laruzow@citlink.net).

## **CLE: Professional Roles of Lawyers in Commercial Ventures in Indian Country**

### **What Is Economic Development in Indian Country?**

Tribes conduct commercial transactions operating as a tribe or utilizing various entities. This CLE will cover how tribes across the country conduct business. Presenters will discuss the applicability of the UCC and lending options in Indian Country, as well as the unique challenges and responsibilities faced by lawyers representing tribes and their business entities. **Attendees receive 2.0 general and 1.0 professionalism credits.**

The CLE training will be at the New Mexico State Bar Center on Thursday, November 8, 2007, from 8:00 am to 12:00 pm, with registration from 8:00 to 8:30 am.

Following the CLE training, from 12:00 to 1:00 pm, a luncheon of traditional Native American food is scheduled with a guest speaker to speak on alternative lending in Indian Country (no CLE credit).

At 1:00 pm, the Indian Law Section will hold its Annual Meeting, followed by Indian Law Section Board of Directors Meeting. All activities take place at the New Mexico State Bar Center.

For more information, please contact Indian Law Section Directors Melanie Patten Fritzsche, [runner\\_mel@hotmail.com](mailto:runner_mel@hotmail.com) or Helen Padilla, [padilla@law.unm.edu](mailto:padilla@law.unm.edu). We hope to see you there.

## NLRB Asserts Jurisdiction in Indian Country

### Part II

By Danny W. Jarrett and James L. Cook, attorneys  
at Noeding & Jarrett, a Professional Corporation

#### **Introduction.**

On February 9, 2007, the D.C. Circuit Court of Appeals issued its opinion<sup>FN1</sup> denying San Manuel Indian Bingo and Casino’s (San Manuel) petition for review and granting the NLRB’s cross application for enforcement of the NLRB’s order for San Manuel to (1) cease and desist from differential treatment of unions desiring to organize its employees and (2) take affirmative action as ordered.<sup>FN2</sup> San Manuel’s petition for rehearing and rehearing *en banc* were denied on June 8, 2007.

Previously, on May 28, 2004 in a 3-to-1 decision, the National Labor Relations Board (NLRB or Board) held that the NLRB had discretionary jurisdiction over “commercial enterprises” owned and operated by Indian tribes even when the commercial enterprise was located on a reservation.<sup>FN3</sup> The Board’s decision overruled 28 years of NLRB precedent. The petition for review by San Manuel arose from the subsequent September 30, 2005, decision by the NLRB holding that the Board had jurisdiction over the complaint issued against the Respondent, San Manuel Indian Bingo and Casino (San Manuel); granted summary judgment against San Manuel; and issued the above referenced order against San Manuel.

The *San Manuel* case clearly opens the door to union organizing efforts in Tribal casinos as well as other Tribal commercial enterprises. The *San Manuel* case may also have a significant impact on the sovereignty of Tribes with regard to the general applicability of most federal employment laws on Tribal employers as well as other laws of “general applicability”. Finally, the *San Manuel* case contains an interesting confluence of Indian law and labor law. This article briefly reviews the Court’s opinion and some of the arguments made by the parties and amici.<sup>FN4</sup>

A key factor in the case was the commercial versus governmental character of the San Manuel<sup>FN5</sup> Tribe’s casino. So, it’s worth looking at some of the economic factors that lie below the surface of this case. The table below shows some selected data for Tribal Gaming Revenue over the period 1998 through 2006.<sup>FN6</sup> Clearly, these revenue levels attracted and heightened the interest of both organized labor and tribal management.

The original unfair labor practice charges were filed on January 8, 1998 and March 29, 1999. Thus, between the filing of the first unfair labor practice charge and the Court’s order granting

enforcement of the NLRB’s order, Indian gaming revenue increased by \$16.6B or almost 200%.

In 2006, the top 23 operations (5.9%) produced \$11.2B in revenue (44.7%) and the top 63 operations (16.2%) produced \$17.9B in revenue (71.5%).<sup>FN7</sup> Thus, a small number of operations are responsible for the majority of tribal gaming revenue. Naturally, proximity to dense population centers is a key factor in the size of any individual operation’s revenue generation potential.

The San Manuel Tribe’s casino is located on its reservation outside of Highland, California, which is about 7 miles from San Bernardino, California and about 67 miles from downtown Los Angeles. Approximately 1.8 million people live within 25 miles of the casino.<sup>FN8</sup>

The Tribe’s casino “includes a 2300-seat bingo hall and over a thousand slot machines.”<sup>FN9</sup> The record did not provide the “Casino’s gross annual revenues, but HERE<sup>FN10</sup> submitted a declaration indicating that, as of February 8, 2000, the Casino’s website was advertising in regard to its bingo operation ‘Over 1 BILLION Dollars in Cash and Prizes awarded since July 24th, 1986.’”<sup>FN11</sup> As such, the Tribe’s casino is likely to be one of the larger gaming operations in the country.

The Tribe however, is relatively small. “[A]s of the 2000 census, there were less than 500 ‘Serrano’ Indians in the United States.”<sup>FN12</sup> The Court stated that the record did not provide the size of the Tribe but noted that the Tribe was likely to be relatively small because the Tribe’s Articles of Association called for monthly meetings of the General Council, which included all Tribal members over the age of 21.<sup>FN13</sup>

#### **Issues Before the Court.**

San Manuel presented the issue before the Court as:

“Did the Board err in holding that the Act [NLRA<sup>FN14</sup>] applies to, and grants the Board jurisdiction over, a federally recognized Indian tribal government acting as the sole owner, operator and employer at a *governmental gaming project* located on the Tribe’s trust Reservation land under the Indian Gaming Regulatory Act?”<sup>FN15</sup> cont. on page 4 ...

	1998	1999	2000	2001	2002	2003	2004	2005	2006
Revenue	\$8.5B	\$9.8B	\$11.0B	\$12.8B	\$14.7B	\$16.8B	\$19.5B	\$22.6B	\$25.1B
No. of Operations	297	310	311	329	349	359	375	392	387

## NLRB Asserts Jurisdiction in Indian Country

### Part II continued

The NLRB presented the issue before the Court as:

“Whether the Board reasonably concluded that a *commercial enterprise*, located on an Indian tribe’s reservation and wholly owned and operated by that tribe, is an employer within the meaning of Section 2(2) of the Act [NLRA].<sup>FN16</sup>

The Court analyzed the case in two parts:

“(1) Would application of the NLRA to San Manuel’s casino violate federal Indian law by impinging upon protected tribal sovereignty? and (2) Assuming the preceding question is answered in the negative, does the term “employer” in the NLRA reasonably encompass Indian tribal governments operating *commercial enterprises*?<sup>FN17</sup>

The Court recited several of the above mentioned facts concerning the casino operations and also noted that the casino had markedly improved the governmental infrastructure and services that could be provided to Tribe members. However, the Court also noted that “according to the Tribe’s evidence, the Tribal government is authorized to make direct per capita payments of Casino revenues to Tribe members, suggesting that improved government services are not the only way Tribe members might benefit from the Casino.”<sup>FN18</sup> Additionally, the Court’s statement of the questions before it indicates that the Court presumed that the casino was a commercial enterprise.

#### **Does Application of the NLRA Impinge on Tribal Sovereignty?**

The Court started its analysis by stating that it found the “relevant principles to be, *superficially at least*, in conflict.”<sup>FN19</sup> The first principle stated by the Court was that “a general statute in terms applying to all persons includes Indians and their property interests.”<sup>FN20</sup> The Court further noted that *Tuscarora’s* statement is of uncertain significance, and possibly dictum, given the particulars<sup>FN21</sup> of that case.<sup>FN22</sup> Thus, the principle stated as the basis for supporting application of the NLRA was portrayed by the Court as a weak statement.

The opposing principles stated by the Court were “that (1) ambiguities in a federal statute must be resolved in favor of Indians, and (2) a clear expression of Congressional intent is necessary before a court may construe a federal statute so as to impair tribal sovereignty.”<sup>FN23</sup> As stated, these principles appear to be a strong basis for denying application of the NLRA. However, the Court noted that the pro-Indian construction was only applied to statutes “enacted specifically for the benefit of Indians or for the regulation of Indian affairs” and that Court had found “no case in

which the Supreme Court applied this principle of pro-Indian construction when resolving an ambiguity in a statute of general application.”<sup>FN24</sup> There is however, at least one case<sup>FN25</sup> cited in the Board’s May 28, 2004 opinion by the majority and the dissent as well as in briefs submitted to the Court in which the Supreme Court applied the canons to a general federal law not specifically focused on Indian affairs.

The Court observed that “the Board steered its way between these various rules by following the Ninth Circuit’s lead in *Coeur d’Alene*, which identified three exceptions to *Tuscarora’s* general statement.” By focusing on whether the facts of the case fell under the exceptions to *Tuscarora’s* general statement<sup>FN26</sup> rather than whether the rule itself applied, the Board and the Court transformed a weak statement of a principle supporting jurisdiction into a strong statement supporting jurisdiction.

With regard to the second principle relied on by San Manuel – “a clear statement of Congressional intent is necessary before a court can construe a statute to limit tribal sovereignty” – the Court stated that it “can reconcile this principle with *Tuscarora* by recognizing that, in some cases at least, a statute of general application can constrain the actions of a tribal government without at the same time impairing tribal sovereignty.”<sup>FN27</sup> The Court then noted that “tribal sovereignty is far from absolute” and analyzed sovereignty as a continuum from strongest to weakest.<sup>FN28</sup> The Court concluded that the “determinative consideration appears to be the extent to which application of the general law will constrain the tribe with respect to its governmental functions. If such constraint will occur, then tribal sovereignty is at risk and a clear expression of Congressional intent is necessary. Conversely, if the general law relates only to the extra-governmental activities of the tribe, and in particular activities involving non-Indians, then application of the law might not impinge on tribal sovereignty.”<sup>FN29</sup> The court then noted that it used “the term ‘governmental’ in a restrictive sense to distinguish between the traditional acts governments perform and collateral activities that, though perhaps in some way related to the foregoing, lie outside their scope.”<sup>FN30</sup> The Court concluded its analysis of the law regarding sovereignty by stating that the Supreme Court’s concern for tribal sovereignty focused “on acts of governance as the measure of tribal sovereignty” and that “tribal sovereignty is not absolute autonomy, permitting a tribe to operate in a commercial capacity without legal constraint.”<sup>FN31</sup>

The Court acknowledged that “in establishing and operating the Casino, San Manuel has not acted solely in a commercial capacity” noting the Tribe’s enactment of a labor ordinance; negotiating and executing a gaming compact with California; and that “application of the NLRA would impinge, to some extent on these governmental activities.”<sup>FN32</sup> However, the Court concluded that impairment of tribal sovereignty was negligible “as the Tribe’s activity was primarily commercial and its enactment of labor legislation and its execution of a gaming compact were

## NLRB Asserts Jurisdiction in Indian Country

### Part II continued

ancillary to that commercial activity.”<sup>FN33</sup> Thus, the Court concluded that it did not have to choose between the *Tuscarora* statement regarding laws of general applicability or *Santa Clara Pueblo*’s<sup>FN34</sup> statement regarding a clear indication of Congressional intent required to impinge on tribal sovereignty. The Court concluded that “the NLRA did not impinge on the Tribe’s sovereignty enough to construe the statute narrowly,” and thus held that “applying the NLRA to San Manuel’s Casino would not impair tribal sovereignty, [and] federal Indian law does not prevent the Board from exercising jurisdiction.”<sup>FN35</sup>

#### **Is an Indian Tribal Government Operating a Commercial Enterprise an Employer Under the NLRA?**

Unlike the tribal sovereignty question, which the Court stated that it reviewed *de novo* because the Board had no expertise in Indian law, the Court started its analysis of the employer question with a statement that if the “Board’s interpretation is a permissible construction of the statute [NLRA], we must give that interpretation controlling weight.”<sup>FN36</sup> The Court noted San Manuel’s argument for a governmental exemption claiming that it fell within the exception to the NLRA’s definition of employer for “any State or political subdivision thereof.”<sup>FN37</sup> The Court concluded that San Manuel’s argument was plausible but that the Board’s more restrictive reading of the exception was a permissible construction of the NLRA.

San Manuel also argued that nothing in the legislative history of the NLRA indicated a Congressional intent to apply the NLRA to tribal governments. The Court dismissed this argument as “irrelevant in light of our conclusion above that the NLRA does not impinge on the Tribe’s sovereignty.”<sup>FN38</sup>

The Court also addressed San Manuel’s argument that the Indian Gaming Regulatory Act (IGRA)<sup>FN39</sup> gave tribes and states a primary role in regulating tribal gaming activities, including labor relations, and thus foreclosed application of the NLRA. The Court stated that San Manuel read too much into IGRA because there was “no indication that Congress intended to limit the scope of the NLRA when it enacted IGRA.”<sup>FN40</sup>

The Court summed up its decision by stating “that the Board has given the NLRA a natural interpretation that falls within the range of interpretations the NLRA permits, and regardless of whether we think the Board’s decision wise, we are without authority to reject it.”<sup>FN41</sup>

#### **Conclusion.**

The Court’s summation of its decision clearly demonstrates that the commercial versus governmental characterization of San Manuel’s casino was a dominant if not the primary factor in its decision as well as the Board’s decision.

“Given that application of the NLRA to the San Manuel Casino would not significantly

impair tribal sovereignty, and therefore federal Indian law does not preclude the Board from applying the NLRA, and given that the Board’s decision as to the scope of the term ‘employer’ in the NLRA constitutes ‘a permissible construction of the statute,’ we uphold the Board’s conclusion finding the NLRA applicable. In some regards our analysis has differed slightly from that of the Board. These differences do not, however, constitute an improper usurpation of the Board’s decision-making prerogative, because the Board, in reaching its ultimate conclusion, relied on the same factors we rely upon; specifically, that the Casino is a purely ‘commercial enterprise,’ that employs ‘significant numbers of non-Indians and . . . caters to a non-Indian clientele’ who live off the reservation. Moreover, the differences between our analysis and that of the Board relate to the application of federal Indian law, not to the Board’s interpretation of the scope of the term ‘employer’ in the NLRA. Because Congress has not delegated questions of federal Indian law to the Board, and because we agree with the Board’s ultimate conclusion that federal Indian law poses no obstacle here, we need not remand the matter.”

Of most import for tribal employers, is the Court’s statement that the application of the NLRA, a law of general applicability concerning labor relations, does not infringe upon tribal sovereignty when tribes operate “commercial establishments.” Since all federal employment laws, except the Americans with Disability Act and Title VII of the Civil Rights Act, do not mention Indian tribes, it is reasonable to presume that tribal employers may have to address the merits of claims under virtually all federal employment laws in the future.

#### **About the Authors:**

**Danny W. Jarrett** is president and managing shareholder of Noeding & Jarrett and an elected member of the Board of Bar Commissioners of the State Bar of New Mexico. Mr. Jarrett’s legal practice focuses on counseling and representing employers and government entities regarding labor and employment disputes.

**James L. Cook** is an associate attorney at Noeding & Jarrett. In addition to practicing law, Mr. Cook has extensive experience as a business executive responsible for hiring, firing, training, negotiations, policymaking, and managing diverse groups of employees.

Mr. Jarrett’s and Mr. Cook’s views are their own and do not necessarily reflect those of the State Bar of New Mexico or the Indian Law Section. **References are located on page 6.**

## NLRB Asserts Jurisdiction in Indian Country

### Part II continued

#### References

- FN1 *San Manuel Indian Bingo and Casino*, 475 F.3d 1306 (February 9, 2007)
- FN2 *San Manuel Indian Bingo and Casino*, 345 NLRB No. 79 (September 30, 2005).
- FN3 *San Manuel Indian Bingo and Casino*, 341 NLRB 1055 (May 28, 2004). See also Danny W. Jarrett & Jim Cook, *NLRB Asserts Jurisdiction in Indian Country*, New Mexico State Bar Indian Law Section, Current Legal Issues (October 2005).
- FN4 An indication of the importance of this case is the fact that there were at least 31 parties, intervenors, and *amici* who appeared before the NLRB or the court.
- FN5 The tribe is the San Manuel Band of Serrano Mission Indians.
- FN6 Source: *National Indian Gaming Commission Gaming Revenue Reports* available at: <http://www.nigc.gov/Default.aspx?tabid=67> last visited October 3, 2007.
- FN7 *Id.*
- FN8 *Brief of Intervenor UNITE HERE! International Union*, in support of NLRB, p. 2.
- FN9 *San Manuel*, 475 F.3d at 1308.
- FN10 Hotel Employees & Restaurant Employees International Union.
- FN11 *San Manuel*, 475 F.3d at 1308.
- FN12 *Brief of Intervenor UNITE HERE! International Union*, in support of NLRB, p. 1.
- FN13 *San Manuel*, 475 F.3d at 1308.
- FN14 National Labor Relations Act, 29 U.S.C. §§ 151-169.
- FN15 *Petitioner's Opening Brief*, p.2-3 (emphasis added).
- FN16 *Brief for the National Labor Relations Board*, p. 3 (emphasis added).
- FN17 *San Manuel*, 475 F.3d at 1311 (emphasis added).
- FN18 *Id.* at 1308-09.
- FN19 *Id.* (emphasis added).
- FN20 *Id.* (citing to *Federal Power Commission v. Tuscarora Indian Nation*, 362 U.S. 99, 116 (1960)).
- FN21 The statute in *Tuscarora* was the Federal Power Act, which did not overlook or exclude Indians or lands owned by them.
- FN22 *San Manuel*, 475 F.3d at 1311.
- FN23 *Id.*
- FN24 *Id.* at 1312.
- FN25 See *Iowa Mutual Ins. Co. v. LaPlante*, 480 U.S. 9, 17 (1987) (dismissing the argument that “the statutory grant of diversity jurisdiction overrides the federal policy of deference to tribal courts”).
- FN26 *San Manuel*, 475 F.3d at 1311 (citing to *Donoxan v. Coeur d'Alene*, 751 F.2d 1113 (9th Cir. 1985)).
- FN27 *Id.* at 1312.
- FN28 *Id.*
- FN29 *Id.* at 1313 (internal quotations and citations omitted).
- FN30 *Id.*
- FN31 *Id.* at 1314.
- FN32 *Id.* at 1314-15.
- FN33 *Id.* at 1315.
- FN34 *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978).
- FN35 *San Manuel*, 475 F.3d at 1315.
- FN36 *Id.* at 1316.
- FN37 *Id.* at 1316 (citing to 29 U.S.C. § 152(2)).
- FN38 *Id.* at 1317.
- FN39 25 U.S.C. §§ 2701 *et seq.*
- FN40 *San Manuel*, 475 F.3d at 1318.
- FN41 *Id.*



## LAST WORD: NOMINATING COMMITTEE BOARD MEMBER NOMINATIONS

On October 15, 2007, the 2007 Nominating Committee of the Indian Law Section submitted to the Chair is nominations for the four (4) positions being vacated at this year's end.

- Position 1 (2007-2009 Term):** Zackeree Kelin
- Position 2 (2008-2010 Term):** Robert Gruenig\*
- Position 3 (2008-2010 Term):** Danny Jarrett
- Position 4 (2008-2010 Term):** Helen Padilla

However, please note that pursuant to the Bylaws of the Indian Law Section, Section 7.4:

One (1) or more additional nominations may be made for any office by petition signed by not less than ten (10) members whose Section membership began at least thirty (30) days prior to the commencement of the annual election. The petition should state that the member nominated has agreed to the nomination. The petition must be sent to the Executive Director of the State Bar and must be received in the State Bar office not later than October

ber 31st. Any nomination made by petition shall be made known immediately to the nominating committee, the other candidates, the Board, and the Chair of the Section.

In the event that there is more than one nominee per available seat, an election will be held. Otherwise, a nominee will be deemed elected by acclamation. See Sec. 7.4 of the Indian Law Section Bylaws for further details.

**Aaron C. Frankland, Chair**  
2007 Nominating Committee



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### Media Subcommittee

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Cynthia Aragon Stanaland, Chair  
Maggie Coffey-Pilcher, Director  
Pablo Padilla, Director

### INDIAN LAW SECTION BOARD OF DIRECTORS

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### A MESSAGE FROM THE EDITOR

The Newsletter serves as a tool to inform you of various developments in Indian Law within the State of New Mexico. Take advantage of it. I encourage you to send contributions, including editorials, summaries of opinions, or other information you deem to be of value to your fellow Indian Law practitioners. This may even include humorous anecdotes, cartoons, or photographs. I will be vacating my seat at the end of this term, and will pass the responsibility of putting together the newsletter to another. Submissions should be directed to Cynthia Aragon Stanaland at [cindyaragon1@gmail.com](mailto:cindyaragon1@gmail.com). Please include your name, where you work, and contact information. It has been a pleasure serving you. Thank you.

**Aaron C. Frankland, Editor**