

December 5, 2003

Colin C. Alcott, President
Board of Bar Commissioners
State Bar of New Mexico
5121 Masthead NE
Albuquerque, NM 87125

Dear President Alcott,

On behalf of the Board of Directors for the Indian Law Section (“ILS” or Section) I submit the following 2003 Annual Report for your consideration. The 2003 Board of Directors included the following persons:

<u>Board Member</u>	<u>Organization</u>	<u>City</u>
Steffani Cochran	N.M. Attorney General’s Office	Santa Fe, NM
Pam Ray	N.M. Legislative Council Service	Santa Fe, NM
Larry Ruzow	Lawrence A. Ruzow Law Office	Window Rock, AZ
Joan Kozon	Law Offices of Joan E. Kozon	Bernalillo, NM
Kevin Washburn	Univ. of Minnesota School of Law	Minneapolis, MN
Doug Nash	Holland & Hart	Greencreek, ID
Rosemary Maestas-Swazo	PNM of New Mexico	Santa Fe, NM
Lynn Slade	Modrall, Sperling, Roehl, Harris & Sisk, PA	Albuquerque, NM

The Board of Directors reflected a diverse range of experience, knowledge and talents that both complimented and promoted the State Bar’s commitments to support the needs of all members, and to foster and maintain high ideals of integrity, learning, competence and public service. As the retiring chairperson, I am honored to have served with this Board.

To use efficiently the volunteer time and efforts of its members, the Board created committees that reflect the various activities within the jurisdiction of the ILS. Board members were appointed to chair the following committees: (1) Continuing Legal Education Programs; (2) Webpage; (3) Newsletter; (4) Writing Competition; and (5) Annual Meeting. Each committee worked cooperatively

with other board members and volunteer section members to accomplish its defined objectives, with great success I believe. The Board selected activities for the year that would serve the Section's stated purposes and below you will find a brief description of the work accomplished by the subcommittees.

- (1) Student Writing Competition: The Board sponsored its Annual Indian law Student Writing Competition and tasked Board Member Kevin Washburn with overseeing the event. Entries had to relate to an Indian law issue of national interest. Ten students from various law schools submitted papers. A volunteer panel of judges deemed an article by Stephen Osborne, a student at Northwestern School of Law, Lewis & Clark College, as the best entry. His article, titled *Chevron Deference, the Indian Canons, and the Role of Interpretation in Federal Indian Law* was judged to merit the top award of \$500.00 based on topical relevancy and legal sufficiency. His article is on the Section's web page.
- (2) Annual Membership Meeting: This year the Board co-sponsored the Section's Annual Membership Meeting with the New Mexico Indian Bar Association ("NMIBA"). Board Members Joan Kozon and Rosemary Maestas-Swazo volunteered a tremendous amount of time and energy to coordinate and plan the reception on April 10, 2003 during the Federal Bar Association's 28th Annual Indian Law Conference. Their creativity and attention to detail were evident throughout. Despite obstacles in getting the invitations out to our membership in a timely manner, we estimate that between 60 and 75 people attended the reception. Based on the positive feedback of members who attended, I hope that the 2004 Board will continue this event.
- (3) Newsletter: The Board completed and published a Spring 2003 Newsletter and expects to complete a Winter 2003 edition by the end of the year. The newsletter, captioned the *Indian Law Times*, reflects the collective efforts of board members. Board Member Lynn Slade worked with the State Bar publication's staff to bring the final product together for the spring edition. I believe its contents were informative and timely and expect nothing less from the next edition. While we are very pleased with the final products, this type of project requires extensive time commitments. Because we received such a positive response from our membership, again I hope that the 2004 Board will continue this member service but I encourage the new Board to recruit additional volunteer support.
- (4) Website: The Section has a new web page through the State Bar Center's main website. My sincere gratitude to Pam Ray, Chair-Elect, who has worked closely with the State Bar's webmaster to bring this together for the Section's membership. We hope to make this web page as beneficial to the members as possible and expect to have additional information available in the future including Board agendas and minutes, a message board, and useful links.
- (5) Tribal Court Handbook: In working with the State Bar Center's Webmaster, Board Member Pam Ray was able to get the *New Mexico Indian Tribal Court Handbook* on-line through the Section's web page. The ILS first published the Handbook in 1991 and updated it in 2001. The Handbook is designed to educate citizens and attorneys about how to approach and handle legal matters and disputes involving Indian land, tribal courts, or Indian individuals. The Board believes this is a key resource for our section

members and the general public and that the importance of this handbook is that it helps take some of the mystery out of practicing in tribal courts. The Center for Legal Education published the Handbook in 2001 and the Board anticipates that it will continue working with the Center and with the University of New Mexico Law School to update the existing information and to explore avenues that would increase its availability.

A couple of issues were brought before the Board this year requiring action. In February, the Board considered a request from the UNM Law School to sign onto an amicus brief filed with the United States Supreme Court in *Grutter v. Bollinger* and its companion case *Gratz v. Bollinger*. We took the request and position paper to the membership but the timeframe for action was too short for the Board to comply with its own Bylaws which require that we obtain not only the input of our membership but the prior approval of the Board of Bar Commissioners to make any statement or take any position publicly with regard to any issue, legislation, controversy, or other matter. The Board nonetheless found that the law school's efforts complimented the obligation of the ILS to participate in various judicial processes by informing our members about relevant issues affecting tribal individuals and communities. We also recognized that the UNM Law School has among the most diverse faculty and students in the country and has provided a quality legal education to many Section members and to Native students throughout the country. Therefore, the Board approved a \$500.00 cash donation to offset the production costs associated with the Admissions Policy Project and in the *Grutter/Gratz* cases.

In May, the Board was asked to comment in proposed Indian Law Specialty Standards. While we did not take an official position on the proposed standards, members did individually comment directly to the committee that is working on the standards. In June, the Board received a memorandum from the State Bar Center asking for input from Board of Directors as to section dues and a proposal before the State Bar on law student membership. After a lengthy dialogue among its members, the Board gave permission to the State Bar Center to waive our section membership fee for UNM law students and to amend Art. II of the Section's Bylaws to reflect the waiver.

In October, the New Mexico Tribal-State Judicial Consortium held its 4th Annual Tribal/State Judicial Exchange. This year's Exchange provided an opportunity for participants of the four corners' states to share models and resources, and to discuss common issues and concerns regarding tribal-state jurisdiction, child support enforcement, child welfare, and other topics affecting Native children and families. The Board determined that the Exchange met the obligation of the ILS to sponsor events that provide a forum to analyze how the laws of the different jurisdictions interrelate and to encourage communication and analysis of the issues, and solutions to jurisdictional and other problems facing tribal and non-tribal communities. We therefore approved a \$250.00 donation to offset the costs associated with hosting the Exchange.

The Board is involved with several on-going activities that will carry-over into the 2004 calendar year. Included in those activities are:

- (1) Membership Survey: In an effort to provide more direct benefits to the members of the NMIBA and the ILS, the Boards of Directors authorized a membership survey to gather information. The NMIBA sent the co-sponsored membership survey directly to each member of its organization. We will collectively send the survey to ILS members

through the Winter 2003 Newsletter. The survey is designed to give members an opportunity to provide direct input and suggestions on bar events so that the Boards have a better sense of what activities are most useful to our members (particularly our collective membership).

- (2) Continuing Legal Education Program: The Board has agreed to sponsor a CLE Program in partnership with the Indian Bar Association. While a topic has not been agreed upon to-date, the Board seeks a program that will encourage communication, and allow its participants to analyze the issues and solutions to jurisdictional and other problems facing tribal and non-tribal communities in a global effort to upgrade the quality of administration of justice in Indian country, for Indian and non-Indian citizens alike.

The Board's focus this year was upon promoting the values of the legal profession such as our commitment to the public good; to help members keep current in this practice area; to set a high standard of professional conduct for others to follow; to respect and protect the image of the legal profession; and to remain committed to our responsibilities to public service and to the improvement of administration of justice. I believe that I can confidently represent that each Board Member enjoyed serving our membership this year. We again extend an invitation to the Board of Bar Commissioners to participate in our activities whenever time permits. If you have any questions, please call me at (505) 827-6907. On behalf of the ILS Board of Directors, may you have a safe and enjoyable holiday season.

Respectfully Submitted,

Steffani A. Cochran

Cc: ILS Board Members
Joe Conte, Executive Director, State Bar of New Mexico
Chris Halter Morganti, Dir. of Member and Public Resources, State Bar of New Mexico
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