

Indian Law Section
Board of Directors Meeting Minutes for December 9, 2005

Meeting Attendees: 7 Board members: Levon Henry (Chair), Karl Johnson, Larry Ruzow, Bob Gruenig, Helen Padilla, Pam Ray, Gloria Valencia-Weber, Aaron Frankland. Next Year's Board members present: Lucy Fivekiller Beals, Cindy Aragon. State Bar Staff Advisor: Tony Horvat. Guests: Georgene Louis, Dan Rosenfeld, Janis Hawk.

Meeting called to order at 10:50 am.

- I. Agenda reviewed, amended to add Report regarding NM Legal Aid Board, Agenda approved. Motion: Karl; Seconded: Pam; All in favor.
- II. Minutes from September 1, 2005 reviewed. Minutes approved. Motion: Pam; Seconded: Helen; All in favor.
- III. Budget Report: Larry explained that the Section has not spent much money and that there is \$1326.00 available above the \$2500.00 amount. Pam asked whether there are outstanding expenses that the Section has not yet paid. It appears that all expenses have been paid for by the Section. Karl asked if the Board could specify that the excess go to the 2006 Scholarship, Annual Meeting and CLE.

Motion: Karl- Requesting funds over the \$2500 amount to go to the event scheduled for Oct. 2006 (Scholarship, Annual Meeting and CLE); Seconded: Larry; All in favor.

- IV. Committee Chair Reports:
 - a. Bar Bulletin Insert-Aaron deserves much credit for the end result.
 - Larry suggested that for the future, the Section should try to have a more visible presence in the Bar Bulletin, perhaps on a monthly/bi-monthly basis; we should have a list of ideas, a snap shot of different issues to motivate members to join the Section.
 - Pam suggested a newsletter and explained that the health law section does it and it is quite valuable, perhaps collecting important information relevant to the Section and emailing it to the members.
 - Levon asked how that would work. Tony explained that it could be submitted to the webmaster. John Bannerman has done it for the health law section. Gloria suggested that someone who has staff support to assist is best to do it. Tony said he could help with the layout. Pam volunteered to help find someone to do it. Karl stated that we need Section members to help because the Board is small. Tony suggested a Section News update to announce the new board members, announce the Chair-elect, other things related to Indian law.

-The discussion shifted to the Wagon v. Potawatomi case recently decided by the US Supreme Court. Board members suggested discussing the possible ramifications here in NM, perhaps discussing tax sharing agreements, dual taxes, diesel fuel taxes, or “Where are we now in NM”. Larry discussed §2514-Duty of the Secretary, natural resource development, the role of neighbors, cooperation, and suggested that we agree on a theme.

Motion: Helen- the topic to be gasoline taxes and the impact of the Wagon decision in NM; Seconded: Bob; All in favor.

Tony reminded Board that if the Section is lobbying, then we must follow the by-laws that require formal notice and a comment period. The Board decided that it would be informational only, not lobbying. The document should be newspaper-style, pdf link, that could be pulled up, not an attachment.

Aaron, Levon, Helen, and Pam will work on it, probably before the next NM Legislative Session, as soon as Aaron talks to Marcie and Amy Alderman then we will know the time frame.

b. Bar Scholarship- Karl explained that the outline has been cleaned up. The committee will put together the fundraising materials for contacting businesses and organizations. Karl asked who will send out the letter and follow-up and who will the Board members solicit and names of other Section members who will also solicit? Discussed that an annual amount (pledge) would be better than having to solicit every year. Within the next couple of weeks, Karl wants to know who each Board member will be willing to contact and the names of other Section members that can participate.

-Gloria explained that she needs guidance as to what is a reasonable ball park figure to ask for, given cultural differences. Also the issue of raising funds from gaming tribes who often request that the funds go to their tribal members. Also, the repeated patterns of certain students not being able to pass the bar exam. Gloria, Bob and Pam are on the Scholarship committee. Gloria asked for a presentation/product to help explain the need for the scholarship funds. The fundraising will be kicked off during the 1st quarter of 2006, written materials and final process will be discussed at next Board meeting.

c. 2006 CLE Program: Santa Clara v. Martinez revisited. Gloria gave background of what CLE will cover, perhaps practitioners panel, how they use the case, the disparity of impacts on different tribes, the impact at Santa Clara Pueblo. The members of the CLE Committee are Gloria, Helen, Aaron, Marte Lightstone, and new 2006 Board member, Lucy volunteered to chair the committee. Aaron will find other Section members to be committee members.

d. Website: Karl asked members to look at the website and explained that the Bar is good at getting things posted when needed. Karl wants to step

down as chair. Aaron will talk to new members. Discussed what material could be available, perhaps new Indian law cases, a link to navajolaw.com (Tom Murphy), the tribal courts handbook (law school working on update).

- e. NM Legal Aid Board: Larry explained the changes that have occurred at Legal Aid. Fernando Macias selected as new director, potential move to Las Cruces, lost Fair Housing grant, LFC will be deciding on budget today, stated that AccessNM has not made its mark in NM Indian Country. Gloria indicated that the demands for services at SILC, maybe we could talk to Christine Zuni-Cruz and Cindy about demographics to find out where the calls are coming from. Indicated that Cindy is on the Board of AccessNM.

V. New Business:

- a. Independent Public Defender Commission- NM Coalition for Justice (new organization) is looking to approach the Governor and Legislature to change public defender laws, current system does not provide adequate services to indigents, asking for IL Section support of their petition. This would be considered lobbying if the Section decides to support it. Invite Tova to next meeting to discuss the issues. Lucy will help Levon find some practitioners (public defenders of Native Americans in criminal justice system) to attend meeting.
- b. NM Bar Exam Committee- Raymond Hamilton, Asst. U.S. Attorney, Chair of Black Lawyers Association, who is on the Bar Exam Committee, notified Levon that there is no Indian Law Section member on the committee. Dan Rosenfeld is willing to research the duties of this position. Levon will look into this matter further.
- c. State Bar Leadership Training Institute- Tony explained that Chris Becker is State Bar contact. State Bar provides leadership training, need more applicants, Jan. 20th is deadline.
- d. ILS Vision for 2006- Items include the newsletter, Bar Bulletin column, CLE, Scholarship, Website (Tony will arrange info for next meeting). Gloria noted that we are already very committed to these items, no need for more.

VI. Other Items:

- a. Today is Pam Ray's last meeting, all thanked her for hard work, dedication and support.
- b. Regular meetings will be the third Friday of every other month, starting on January 20, 2006 at 9am in Albuquerque.

- c. Gratitude to Levon for accepting Chair position and thanks to Rosemary Maestas for her work.

Adjourned 12:53pm. Motion: Pam; Second: Karl, All in favor.