

## FBA's Indian Law Section: High-Octane Scholarship and Cutting-Edge Issues

**Wow! THE ASSOCIATION'S Indian Law Section has gone through incredible changes—moving from the longtime stewardship and leadership provided by Lawrence Baca, the “godfather” of the FBA's Indian Law Section for decades (and deputy director of the Office of Tribal Justice at the U.S. Department of Justice), to newly established bylaws that call for broad-based, energized committees and delegated leadership. Let me summarize the upcoming exciting events, scholarship, and work of the leaders and members of the Indian Law Section.**

In this issue, you will find some of the most comprehensive and scholarly discussions of Indian law issues ever published by *The Federal Lawyer*: an article on equitable defenses by Kathryn Fort; point and counterpoint articles regarding the *Oliphant* ruling and its progeny by Hon. Troy A. Eid and Professor Elizabeth Ann Kronk (more about her many roles later); an article about methamphetamine, homeland security, and Indian tribes again by Elizabeth Kronk as well as Heather Dawn Thompson (the section's deputy chair and president-elect of the National Native American Bar Association); and, finally, Professor Gloria Valencia-Weber's article about including questions on Indian law on state bar exams. We are fortunate to have such tremendous scholarship and debate on important issues in federal Indian law. Special thanks go to Jennifer Weddle (an annual Indian Law Conference co-chair) for serving as the “marshal” for these contributions.

### **32nd Annual FBA Indian Law Conference, April 19–20, 2007: “The Real World: Indian Country”**

I am excited about the captivating topics and speakers we have assembled for the 32nd Annual Indian Law Conference, the largest conference on Indian law in the country, held again this year in Albuquerque. Titles of presentations on timely and cutting-edge

topics include “Federal Issues Impacting Tribal Governance”; “Tribal-State Cooperation and Agreement: Foundational Principles/Legal Basis for Cooperative Agreements”; “Trust Reform in the 21st Century”; “Commercial Litigation and Non-Indians in Indian Country”; “Expanding and Realizing Indigenous Property Rights”; “Climate Change, Indian Country, and the Future”; “Ethics Panel—Conflicted Out: Federal, Tribal, and Private Lawyers in the Real World of Indian Law”; and, finally, “The Freedmen Cases: Tribal Sovereignty at the Tipping Point.”

I think you will agree that this conference will engage attendees and continue the high-quality tradition of scholarship and camaraderie that has made our Indian Law Conference famous and a homecoming for so many. The National Native American Bar Association and the National Native American Law Students' Association continue to convene their national meetings as a part of our annual conference. Together, we call this conference “home.” The section is grateful to lead chair, Professor Matthew Fletcher of Michigan State University Law School; and his co-chairs, Jennifer Weddle of Holland and Hart in Denver, Professor Dale Laverdue, tribal lawyer for the Crow Nation, and John Wernett, legal counsel to the governor of Michigan, for their hard work in coordinating this conference.

We all owe a debt of gratitude to tribal lawyer and bar leader Gabe Galanda for his path-breaking work on efforts to have Indian law placed as a topic on state bar exams. Through his advocacy and leadership, the state of Washington has included Indian law as part of the bar exam. Other states, including New Mexico and South Dakota, have followed to varying degrees; and recently Oklahoma has added one question on the topic on its bar exam. Professor Valencia-Weber, whose excellent article on the topic appears in this issue, chairs a special committee of the Indian Law Section that coordinates and promotes testing knowledge of Indian law on state bar exams. She has engaged in in-depth scholarship in this area.

Please consider staying after the conference and joining me on April 21 for the University of Mexico School of Law's Pre-law Summer Institute's 40th Anniversary Symposium and Celebration. We owe a deep debt of gratitude to Sam Deloria not only for educating and mentoring many Native American students

and encouraging them to pursue careers in Indian law scholarship but also for serving tribal governments through the Pre-law Summer Institute (PLSI). For four decades the program has given an invaluable head start to future Native American lawyers by training them on ways to succeed in law school. The FBA's Indian Law Section continues to contribute to the program every year. I encourage you to consider including PLSI in your giving plans as well.

### **Washington, D.C., Fall Indian Law Conferences: Past and Present**

On Oct. 20, 2006, the Indian Law Section held the Annual D.C. Indian Law Conference, entitled "New Challenges in Indian Country: Obstacles or Opportunities?" We are grateful to Elizabeth Kronk, a law professor at the University of Montana with two articles in this issue, who chaired the conference. Elizabeth is an incredible dynamo who also serves as secretary of the section and editor in chief of our section's newsletter, *Federal Indian Law*, which is on track to feature four issues this year. Danna R. Jackson of the Akin Gump law firm in Washington, D.C., and co-chair, Ed Gehres of the Patton Boggs law firm also in Washington, D.C., will plan and organize the fall 2007 Indian Law Conference in Washington, D.C. They plan to focus on topics related to Indian lands. Please mark your calendar for October 19, 2007, for the conference.

### **New Energized Section Committees**

Our new bylaws provide an excellent structure for tackling important issues in Indian country. Other section officers, including committee chairs, also provide valuable services and deserve to be introduced. Allie Greenleaf Maldonado, assistant general counsel for the Little Traverse Bay Bands of Odawa Indians in Michigan, serves as the section's treasurer and was the chair of the past annual conference. Professor Kevin Gover of Arizona State University's Sandra Day O'Connor College of Law, former assistant secretary of the interior for Indian affairs, chairs the section's Committee on the Development of Federal Indian Law, a think tank committee that monitors critical developments in Indian law. Denette "Dennie" Mouser, chief justice of the Muscogee (Creek) Nation Supreme Court, a board member of the National Judicial College, and a lawyer for Wal-Mart, chairs the Committee on Public Education, which is responsible for keeping tabs on current events and will develop statements to be made in the name of the section and potentially the association, when appropriate, addressing public misperceptions of Indian law and other issues involving Native Americans. The Committee on Public Education will also help ensure we have excellent content for *The Federal Lawyer* on issues related to Indian law.

Four other committees are part of the Indian Law Section. The Committee on Tribal Justice will work with the National Native American Bar Association to develop programs to aid in the improvement of tribal

justice systems. Professor Frank Pommersheim of the University of South Dakota School of Law and justice of the Mississippi Choctaw Supreme Court has agreed to serve on the committee. Elizabeth Homer of Homer Law, chartered in Washington, D.C., will chair the Committee on Legislation. She has compiled a list of Washington, D.C. heavy hitters and other all-stars to assist in this effort. O. Joseph Williams, a lawyer with Pitchlynn & Associates in Norman, Okla., will chair the section's Membership Committee. Professor Gloria Valencia-Weber is the chair of the Committee on Indian Law on State Bar Exams. Finally, Lawrence Baca, who was instrumental in drafting the section's new bylaws, chairs the Nominations and Elections Committee together with deputy chair, Heather Dawn Thompson.

I hope readers will consider deeper involvement with the association's Indian Law Section. Feel free to contact any of us if you would like to participate in or contribute to an area of interest to you. I am honored to serve as the FBA's Indian Law Section chair. Mvdo!

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*D. Michael McBride III is chair of the FBA Indian Law Section and also serves as an FBA Vice President for the Tenth Circuit. He is chair of the Indian Law and Gaming Practice Group at Crowe & Dunlevy in Tulsa, Okla. McBride is recognized by peers in Best Lawyers in America for Native American Law, as an "Oklahoma Super Lawyer," as reported in Oklahoma Today and Law and Politics Magazine for Political, Business, and Indian Gaming Law. He is one of two Oklahoma general members of the International Masters of Gaming Law. He can be reached at mike.mcbride@crowedunlevy.com or (918) 592-9824.*

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