

# The 33rd Annual Indian Law Conference



## Identity in Flux: Challenging Outsider Definitions of Tribalism

Federal institutions actively shape many aspects of modern Indian identity in a variety of ways, such as defining tribal actions as “governmental” or “commercial” in nature or by connecting tribal jurisdiction with the extent to which tribal institutions mirror the practices of non-Indian institutions. The 2008 Federal Bar Association Indian Law Conference will examine these issues through discussions on tribal finance, labor concerns in Indian country, tribal courts, Indian energy policy, and the future of plenary power in the legislative arena, for example, recognition of Native Hawaiians. On the other hand, federal inaction also shapes Indian identity and impacts how tribal people define themselves. In that vein, the 2008 conference will offer discussions on the loss of traditional homelands due to rapid climate change impacts on Alaskan Native lands and on tribal fisheries, as well as international efforts on behalf of indigenous peoples, including analysis of the adoption of the Declaration on the Rights of Indigenous Peoples. The conference also will feature a historical review of major Indian law decisions and legislation, “The Federal Government Giveth and It Taketh Away,” marking the 30th, 40th, and 100th anniversaries (*Oliphant*, *Santa Clara Pueblo*, *Wheeler*, *ICWA*, *ICRA*, *IGRA*, *Winters*), as well as forecasts for the continuing future impact of the doctrines they espouse. A conference ethics panel will address ethical issues surrounding lobbying and federal legislative efforts impacting Indian tribes.

APRIL 10-11, 2008

The Albuquerque Marriott, Albuquerque, N.M.

A limited number of rooms at the Albuquerque Marriott have been set aside for conference participants at a special rate of \$135/single/double. To secure this special rate, call Marriott Reservations at (800) 334-2086 or go to [www.marriott.com/abqnm](http://www.marriott.com/abqnm) and use code FBAFBAA. Please be sure to mention the Federal Bar Association 2008 Indian Law Conference. The cut-off date for reservations is March 14, 2008 unless rooms sell out earlier.



MCCKONKIE RANCH SITE, VERNAL, UTAH. PHOTO BY LAWRENCE BACA.

The National Native American Bar Association will sponsor a reception for conference participants and tribal leaders at the Albuquerque Marriott from 6–8 p.m. on Wednesday, April 9.

There will be a National Native American Bar Association meeting. Details of the meeting are TBA. For updated details, visit [www.fedbar.org/calendar.html#indianlaw](http://www.fedbar.org/calendar.html#indianlaw).

The American Indian Law Center and the Univ. of New Mexico School of Law will have a symposium on the 60th Anniversary of the Indian Country Statute on Saturday, April 12, 2008. Please contact Claire Conrad at (505) 277-0080 or [Conrad@law.unm.edu](mailto:Conrad@law.unm.edu) for registration information.

The National Native American Law Students Association's annual meeting will take place in Albuquerque, New Mexico, on April 9-11, 2008. This year's meeting will feature an Awards Banquet on the evening of Wednesday, April 9. Founded in 1970 to promote the study of federal Indian law and to support Native American students in law school, the National NALSA strives to reach out to Native people to pursue legal education, and educate the legal community about Native issues. For a complete meeting schedule and to purchase tickets for this year's banquet, please visit [www.nationalnalsa.org](http://www.nationalnalsa.org).

### Conference Chairs

**D. MICHAEL McBRIDE III**  
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**JENNIFER HARVEY WEDDLE**  
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# Schedule of Events

## WEDNESDAY, APRIL 9, 2008

Registration Desk Open . . . . . 4–6 P.M.

## THURSDAY, APRIL 10, 2008

Registration Desk Open . . . . . 7 A.M.

**Welcome Remarks/Conference Opening** . . . . . 8–8:30 A.M.

**D. MICHAEL MCBRIDE III**, FBA Indian Law Section Chair  
**JACK LOCKRIDGE**, FBA Executive Director  
**JAMES S. RICHARDSON SR.**, FBA President  
**JENNIFER HARVEY WEDDLE**, FBA Indian Law Conference Chair

**Use What Your Ancestors Gave You: Tribal Court Judges' Reflections on Modern Indian Identity** . . . . . 8:30–10 A.M.

**NATALIE LANDRETH**, Native American Rights Fund (moderator)  
**JUDGE JOSEPH FLIES-AWAY**, Hualapai Tribal Court  
**MIKE JACKSON**, Keeper of the Circle, Organized Village of Kake  
**CHIEF JUDGE EUGENE WHITE-FISH**, Forest County Potawatomi Tribal Court; National American Indian Court Judges Association  
**CHIEF JUSTICE HERB YAZZIE**, Navajo Nation Supreme Court

**Sovereignty as an Asset: Redefining Tribal Identity Through Economic Development** . . . . . 10:15–11:45 A.M.

**PATRICE KUNESH**, Univ. of South Dakota School of Law (moderator)  
**ROBERT GIPS**, Drummond, Woodsum & MacMahon  
**MARK JARBOE**, Dorsey & Whitney LLP  
**STEVE MCSLOY**, Hughes Hubbard & Reed LLP

**Luncheon Program: The Federal Government Giveth and It Taketh Away: The Indian Law Super Heroes Hall of Justice Take on the Anniversaries of Significant Indian Law Cases and Legislation** . . . . . 12:15–1:30 P.M.

**JENNIFER HARVEY WEDDLE**, Holland & Hart LLP (moderator)  
**LAWRENCE BACA**, U.S. Department of Justice (retired); Howard Univ. Law School  
**ROBERT CLINTON**, Arizona State Univ. School of Law  
**JUDGE ANITA FINEDAY**, White Earth Tribal Court  
**GLORIA VALENCIA-WEBER**, Univ. of New Mexico School of Law  
**KEVIN WASHBURN**, Univ. of Minnesota School of Law/Visiting Professor, Harvard Law School  
**CHARLES WILKINSON**, Univ. of Colorado School of Law (invited)  
**SUSAN WILLIAMS**, Williams & Works

**Innovations in Tribal Commercial Law** . . . . . 2–3:30 P.M.

**MATTHEW FLETCHER**, Michigan State Univ. College of Law (moderator)  
**TERRY L. ANDERSON**, Property & Environment Research Center  
**ROBERT ODAWI PORTER**, Syracuse Univ. School of Law; Attorney General for the Seneca Nation  
**WENONA SINGEL**, Michigan State Univ. College of Law

**Governmental, Commerical, or Political: What's the Right Label for Tribal Labor & Employment Issues?** . . . . . 3:45–5:15 P.M.

**D. MICHAEL MCBRIDE III**, Crowe & Dunlevy P.C. (moderator)  
**DAWN BAUM**, Native American Rights Fund  
**PETER C. SCHAMBER**, National Labor Relations Board (invited)  
**PHILLIP B. WILSON**, Labor Relations Institute, Inc.

**Dinner at the Indian Pueblo Cultural Center** . . . . . 6:30 P.M.  
*Transportation provided*

## FRIDAY, APRIL 11, 2008

Registration Desk Open . . . . . 7 A.M.

**Facing the Consequences of Climate Change in the Absence of Governmental Action** . . . . . 8:30–10 A.M.

**NATALIE LANDRETH**, Native American Rights Fund (moderator)

**ALASKA NATIVE TRIBAL REPRESENTATIVE**  
**BILLY FRANK**, Northwest Indian Fisheries Commission, Nisqually Tribe  
**HEATHER KENDALL MILLER**, Native American Rights Fund  
**DR. DANIEL WILDCAT**, American Indian and Alaskan Native Climate Change Working Group (invited)

**The Importance of What Lies Beneath: The Push for Tribal Energy** . . . . . 10:15–11:45 A.M.

**JENNIFER HARVEY WEDDLE**, Holland & Hart LLP (moderator)  
**SCOT ANDERSON**, Davis Graham & Stubbs LLP  
**CURTIS CESSPOOCH**, Ute Indian Tribe of the Uintah and Ouray Reservation (invited)  
**ROBERT MIDDLETON**, U.S. Department of the Interior  
**STEVEN MORELLO**, U.S. Department of Energy

**Concurrent Focus Group Sessions:** . . . . . 10:15–11:45 A.M.  
**Group A: Indian Probate Resources in a World of Ever-Changing Regulations: What Does AIPRA Mean This Month?**

**DOUG NASH**, Institute for Indian Estate Planning and Probate, Seattle Univ. School of Law (moderator)  
**CECILIA BURKE**, U.S. Department of Justice, Environment and Natural Resources Division  
**PATRICIA McDONALD-DAN**, U.S. Department of the Interior  
**MICHELLE SINGER**, U.S. Department of the Interior  
**CHIEF JUDGE EARL WAIT**, U.S. Department of the Interior

**Group B: What Tribes Need to Do Now On Labor to Protect Their Jurisdiction**

**DAWN BAUM**, Native American Rights Fund (moderator)  
**KAIGHN SMITH**, Drummond, Woodsum, & MacMahon

**Group C: Indian Child Welfare Act: 30 Year Update**

**MATTHEW FLETCHER**, Michigan State Univ. College of Law (moderator)  
**CHIEF JUSTICE B.J. JONES**, Turtle Mountain Tribal Court of Appeals; Judge of various tribal courts, Univ. of North Dakota School of Law  
**JUDGE MICHAEL PETOSKEY**, Little Traverse Bay Bands of Odawa Indians and Grand Traverse Band of Ottawa and Chippewa Indians  
**JILL TOMPKINS**, American Indian Law Clinic, Univ. of Colorado School of Law

**Group D: Fundamentals of Tribal Finance: Lawyers' Edition**

**GAVIN CLARKSON** Univ. of Michigan School of Information and School of Law  
**TOWNSEND HYATT**, Orrick, Herrington & Sutcliffe LLP  
**WAYNE SHAMMEL**, Cow Creek Bank of Umpqua Indians (invited)

**Luncheon Program** . . . . . 12:15–1:30 P.M.

**A) The Outlook for Use of International Legal Tools in U.S. Federal Courts**

**S. JAMES ANAYA**, Univ. of Arizona Rogers College of Law

**B) The Outlook for Federal Positions on Indian Law Issues**

**DIANE HUMETEWA**, U.S. Attorney for Arizona (invited)

**C) Presentation of Awards**

**D. MICHAEL MCBRIDE III**, FBA Indian Law Section Chair

**Ethical Considerations of Using Plenary Power in the Legislative Arena** . . . . . 2–3:30 P.M.

**PATRICE KUNESH**, Univ. of South Dakota School of Law (moderator)  
**SHENAN ATCITY**, Holland & Knight LLP  
**MONA BERNARDINO**, Office of Hawaiian Affairs  
**ALLISON BINNEY**, U.S. Senate Committee on Indian Affairs  
**WILSON PIPESTEM**, Ietan Consulting, LLC  
**PATRICIA ZELL**, Zell and Cox Law, P.C.

**Revisiting Civil Rights in Indian Country Four Decades After the Indian Civil Rights Act.** . . . . . 3:45 – 5:15 P.M.

**MATTHEW FLETCHER**, Michigan State Univ. College of Law (moderator)  
**DENNIS CHAPPABITTY**, Attorney at Law  
**RICHARD HUGHES**, Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg & Bienvenu LLP  
**TOVA INDRITZ**, Tova Indritz Law Firm  
**ANGELA RILEY**, Southwestern Law School

Return to: Indian Law Conference, FBA, 1220 North Fillmore Street, Suite 444, Arlington, VA 22201 or fax (571) 481-9090.

**REGISTER ONLINE AT [WWW.FEDBAR.ORG](http://WWW.FEDBAR.ORG)**

**Enrollment and Fees**

Enrollment in the conference is open to all persons with an interest in Native American legal issues. The deadline for registration by mail or fax is April 7. If you plan to register in person, please contact the conference office at (571) 481-9100 at least 48 hours in advance to confirm that space is available.

The registration fee for FBA members is \$375 and \$525 for nonmembers. The rate for law students is \$150 with valid student I.D. For Attendees registering prior to March 17, the FBA members rate is \$325, \$475 for nonmembers, and \$120 for law students with valid student I.D.

The fee includes one ticket to each of the luncheons and a ticket to the Thursday dinner at the Indian Pueblo Cultural Center as well as one set of the course materials as provided by the speakers. Register by mail by filling out and returning the registration form included in this brochure, fax your registration to (571) 481-9090, or register online at [www.fedbar.org](http://www.fedbar.org).

Registration fees paid to the Federal Bar Association are not tax deductible as charitable contributions for federal income tax purposes. However, such fees may be deductible under other provisions of the IRS Code, such as ordinary and necessary business expenses.

**Scholarships**

We are offering a limited number of partial scholarships to individuals from public interest and other organizations unable to allocate funds for the full registration fee. Scholarships are awarded on a space available basis and applications must be in writing on letterhead (company, organization, etc.) addressed to the Manager of Meetings and Education at the FBA address shown on the registration form. Letters must be received no later than March 24. Applicants will be informed of the status of their requests within three business days. Registration and payment must be received by the April 7 registration deadline. (Scholarships cannot be given to those eligible for the student rate.)

**Cancellation Policy**

A registrant whose cancellation is received on or before March 24 will receive a full refund. Thereafter, a \$95 cancellation charge will be levied. No refunds will be made for cancellations received after the close of business April 7. No-shows will be billed. Substitutions may be made at any time upon written notification to the conference office. All requests for refunds must be made in writing and be addressed to the Indian Law Conference, Federal Bar Association, 1220 North Fillmore Street, Suite 444, Arlington, VA 22201. For more information regarding refund, complaint and/or program cancellation policies, please contact Erin Liberatore at [eliberatore@fedbar.org](mailto:eliberatore@fedbar.org).

**Hotel**

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First Name and Middle Initial

Last Name

Firm/Agency

Street

City/State/Zip

Phone

Fax

E-mail

Special needs? (Indicate vegetarian lunch preference here to ensure availability)

This is a permanent change of address. Please update my membership records to reflect the change.

**Check Appropriate Option**

**EARLY REGISTRATION (BY 3/17/08)**

**REGISTRATION (AFTER 3/17/08)**

\$325 FBA Member

\$375 FBA Member

\$475 Non-member

\$525 Non-member

\$120 FBA Law Student

\$150 FBA Law Student

I would like to receive the discounted member rate. Attached is my membership application and fee.

I wish to order an additional set of conference materials, available after the conference. (One set is included with registration.)

\$70 FBA Member       \$105 Nonmember

I wish to order additional luncheon or dinner tickets.

(Indicate number of tickets.)

\_\_\_\_x \$30 Thursday luncheon      \_\_\_\_x \$30 Friday luncheon

\_\_\_\_x \$30 Thursday dinner at the Indian Pueblo Cultural Center

**Method of Payment: (Check One)**

Registrations without payment will not be processed.

Check Payable to FBA

Gov't PO

Visa

Mastercard

Diners Club

American Express

Card# and Expiration Date

Cardholder Signature

JOIN THE FBA NOW AND  
RECEIVE \$150 OFF THE  
NONMEMBER CONFERENCE FEE!

VISIT [WWW.FEDBAR.ORG](http://WWW.FEDBAR.ORG) TO JOIN ONLINE