

# 37th Annual Federal Bar Association Indian Law Conference



## “Mapping Indian Law & Policy”

April 19–20, 2012

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**Hilton Santa Fe at Buffalo Thunder**  
Located on the Pueblo of Pojoaque



# “Mapping Indian Law & Policy”

## Conference Overview

Maps serve as geographic, environmental, historic, ethnographic, political, and legal tools. This year’s conference examines the various purposes, goals, and objectives that maps have played and continue to play in Indian affairs. Maps define places, demarcate boundaries, delineate jurisdiction, and determine rights, benefits, and privileges. Maps also are employed to report and record personal and sacred information. This year’s conference focuses on the role of mapping Indian Country, the role, first of all, of federal government. Some of the themes to be explored at this year’s conference include *digital mapping*, cyber casinos and the use of GIS data to secure sacred sites and target crime; *boundary mapping*, res-

ervation boundaries and inter-governmental disputes; and *identity mapping*, defining membership, the reservation as a place, and the impacts of a mobile society. As we will see, the rubric of legal cartography has no bounds; it yields many different lenses through which the history of federal Indian law and policy may be viewed, symbolized, and transformed. A special program will honor David Getches, former dean of the University of Colorado School of Law, pioneer of federal Indian law and water law, and humanitarian. We hope you will join us for a fascinating exploration of these and many more issues as we plot the course of Indian Country toward a flourishing future.

## Indian Law Section Leadership

CHAIR:	JENNIFER HARVEY WEDDLE, <i>SHAREHOLDER AND AMERICAN INDIAN PRACTICE GROUP</i> CO-CHAIR, <i>GREENBERG TRAURIG LLP</i>
DEPUTY CHAIR:	MATTHEW L.M. FLETCHER, <i>ASSOCIATE PROFESSOR, MICHIGAN STATE UNIV. COLLEGE OF LAW</i>
SECRETARY:	KRISTEN A. CARPENTER, <i>ASSOCIATE PROFESSOR, UNIV. OF COLORADO LAW SCHOOL</i>
TREASURER:	ANDREW ADAMS III, <i>ASSOCIATE, JACOBSON, BUFFALO, MAGNUSON, ANDERSON &amp; HOGEN, P.C.</i>
IMMEDIATE PAST CHAIR:	ELIZABETH KRONK, <i>ASSISTANT PROFESSOR OF LAW, TEXAS TECH UNIVERSITY SCHOOL OF LAW</i>
CHAIR EMERITUS:	LAWRENCE R. BACA
CONFERENCE CHAIRS:	PATRICE H. KUNESH, <i>DEPUTY SOLICITOR-INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR</i> ANDREW ADAMS III MATTHEW L.M. FLETCHER VENUS MCGHEE PRINCE, <i>ATTORNEY GENERAL, POARCH BAND OF CREEK INDIANS</i>



## Schedule at a Glance

### Wednesday April 18, 2012

1:00–5:00 P.M.	NNABA ANNUAL MEETING
4:00–6:00 P.M.	CONFERENCE REGISTRATION
6:00–8:00 P.M.	WELCOME RECEPTION

### Thursday April 19, 2012

7:00 A.M.	CONFERENCE REGISTRATION
7:00 A.M.–5:00 P.M.	CAREER TABLES, EXHIBITS, AND VENDORS
8:00–8:15 A.M.	WELCOMING REMARKS
8:30–10:00 A.M.	PLENARY 1: MAPPING INDIAN LAW & POLICY
9:00 A.M.–1:00 P.M.	NNALSA ANNUAL MEETING
10:15–11:45 A.M.	PLENARY 2: IDENTITY MAPPING: THE SHIFTING BOUNDARIES OF TRIBAL IDENTITY
12:00–1:30 P.M.	LUNCHEON PROGRAM: SUPREME COURT UPDATE: A PRACTITIONER'S PERSPECTIVE
1:45–3:15 P.M.	PLENARY 3: TRANS-BOUNDARY RESOLUTIONS: THE SAGINAW CHIPPEWA MODEL FOR INTER-GOVERNMENTAL JURISDICTIONAL AGREEMENTS
3:30–5:00 P.M.	PLENARY 4: CABAZON AT 25: ORIGINS, LEGACIES, & TRAJECTORIES
3:30–5:00 P.M.	BREAKOUT 1: WORKSHOP ON FEDERAL COURT NOMINATIONS
6:30 P.M.	DINNER RECEPTION

### Friday April 20, 2012

7:00 A.M.	CONFERENCE REGISTRATION
7:00 A.M.–5:00 P.M.	CAREER TABLES, EXHIBITS, AND VENDORS
8:30–10:00 A.M.	PLENARY 5: CARTOGRAPHY OF INDIAN COUNTRY: LAND & PEOPLE
9:00 A.M.–12:00 P.M.	NNALSA ELECTIONS
10:15–11:45 A.M.	PLENARY 6: TRAVERSING TRANSPORTATION ISSUES IN INDIAN COUNTRY
10:15–11:45 A.M.	BREAKOUT 2: EXPANDING THE JURISDICTIONAL MAP: TLOA AND PL 280 AND MEETING OF TLOA COMMISSION
10:15–11:45 A.M.	BREAKOUT 3: THE GEOGRAPHY OF ICWA: CODIFICATION INTO STATE LAW
12:00–1:30 P.M.	LUNCHEON PROGRAM
1:45–3:15 P.M.	PLENARY 7: THE METES AND BOUNDS OF LACHES: BEYOND THE NEW YORK LAND CLAIMS
1:45–3:15 P.M.	BREAKOUT 4: DIGITAL MAPPING—INTERNET GAMING
3:30–5:00 P.M.	PLENARY 8: NAVIGATING THE ETHICAL LANDSCAPE IN PURSUIT OF FEDERAL JUSTICE

# "Mapping Indian Law & Policy"

## Full Schedule of Events

### Wednesday April 18, 2012

1:00–5:00 P.M.	NNABA ANNUAL MEETING .....	MESA A-B
4:00–6:00 P.M.	CONFERENCE REGISTRATION .....	OUTSIDE PUEBLO BALLROOM
6:00–8:00 P.M.	WELCOME RECEPTION .....	FIFTH FLOOR EXECUTIVE LOUNGE

### Thursday April 19, 2012

7:00 A.M.	CONFERENCE REGISTRATION .....	OUTSIDE PUEBLO BALLROOM
7:00 A.M.–5:00 P.M.	CAREER TABLES, EXHIBITS, AND VENDORS .....	TEWA/PUEBLO FOYER
8:00–8:15 A.M.	WELCOMING REMARKS .....	TEWA BALLROOM
	Governor George Rivera, <i>Pueblo of Pojoaque</i> Fern C. Bomchill, <i>President, Federal Bar Association</i> Jennifer Harvey Weddle, <i>Chair, Federal Bar Association Indian Law Section</i> Jack Lockridge, <i>Executive Director, Federal Bar Association</i>	
8:30–10:00 A.M.	PLENARY 1: MAPPING INDIAN LAW & POLICY .....	TEWA BALLROOM
Moderator:	Patrice Kunesh, <i>2012 Indian Law Conference Co-Chair</i>	
Panelist:	Daniel G. Cole, <i>GIS Coordinator, GISP, Smithsonian Institution</i>	
9:00 A.M.–1:00 P.M.	NNALSA ANNUAL MEETING .....	BARRANCA B
10:00–10:15 A.M.	BREAK .....	TEWA/PUEBLO FOYER
10:15–11:45 A.M.	PLENARY 2: IDENTITY MAPPING: THE SHIFTING BOUNDARIES OF TRIBAL IDENTITY.....	TEWA BALLROOM
Moderator:	Venus McGhee Prince, <i>2012 Indian Law Conference Co-Chair</i>	
Panelists:	Wenona Singel, <i>Assistant Professor, Michigan State University College of Law</i> Stacy Leeds, <i>Dean, University of Arkansas School of Law</i> Robert Rosette, <i>Partner, Rosette, LLP</i>	
11:45 A.M.–12:00 P.M.	BREAK .....	TEWA/PUEBLO FOYER
12:00–1:30 P.M.	LUNCHEON PROGRAM: SUPREME COURT UPDATE: A PRACTITIONER'S PERSPECTIVE.....	PUEBLO BALLROOM
Speaker:	Patricia Millett, <i>Partner, Akin Gump Strauss Hauer &amp; Feld, LLP</i>	
1:30–1:45 P.M.	BREAK .....	TEWA/PUEBLO FOYER
1:45–3:15 P.M.	PLENARY 3: TRANS-BOUNDARY RESOLUTIONS: THE SAGINAW CHIPPEWA MODEL FOR INTER-GOVERNMENTAL JURISDICTIONAL AGREEMENTS.....	TEWA BALLROOM
Moderator:	Andrew Adams III, <i>2012 Indian Law Conference Co-Chair</i>	
Panelists:	Sean Reed, <i>General Counsel, Saginaw Chippewa Indian Tribe</i> William Sotkowski, <i>Shareholder, Jacobson, Buffalo, Magnuson, Anderson &amp; Hogen, P.C.</i> Patti Miller, <i>Trial Attorney, U.S. Department of Justice</i>	
3:15–3:30 P.M.	BREAK .....	TEWA/PUEBLO FOYER
3:30–5:00 P.M.	PLENARY 4: CABAZON AT 25: ORIGINS, LEGACIES, & TRAJECTORIES .....	TEWA BALLROOM
Moderator:	Matthew L.M. Fletcher, <i>2012 Indian Law Conference Co-Chair</i>	
Panelists:	Alexander Skibine, <i>S.J. Quinney Professor of Law, University of Utah</i> Glenn Feldman, <i>Shareholder, Mariscal, Weeks, McIntyre &amp; Friedlander, P.A.</i> Harold Monteau, <i>Former Chairman, National Indian Gaming Commission</i>	
3:30–5:00 P.M.	BREAKOUT 1: WORKSHOP ON FEDERAL COURT NOMINATIONS .....	VISTA
Moderator:	Katy Jackman, <i>Staff Attorney, National Congress of American Indians</i>	
Speaker:	Mary Kathryn Nagle, <i>Attorney, Quinn Emanuel Urquhart &amp; Sullivan</i>	
6:30 P.M.	DINNER RECEPTION .....	PUEBLO BALLROOM

### Friday April 20, 2012

7:00 A.M.	CONFERENCE REGISTRATION .....	OUTSIDE TEWA BALLROOM
7:00 A.M.–5:00 P.M.	CAREER TABLES, EXHIBITS, AND VENDORS .....	TEWA/PUEBLO FOYER
8:30–10:00 A.M.	PLENARY 5: CARTOGRAPHY OF INDIAN COUNTRY: LAND & PEOPLE .....	TEWA BALLROOM
Moderator:	Patrice Kunesh, <i>2012 Indian Law Conference Co-Chair</i>	
Panelists:	Jim Enote, <i>Director, A:shiwí A:wan Museum and Heritage Center of Zuni Pueblo</i>	

Duane Champagne, *Professor of Sociology, University of California–Los Angeles*  
 Joe Bryan, *Assistant Professor of Geography, University of Colorado–Boulder*

9:00 A.M.–12:00 P.M.	NNALSA ELECTIONS.....TEWA/PUEBLO FOYER
10:00–10:15 A.M.	BREAK .....TEWA/PUEBLO FOYER
10:15–11:45 A.M. Moderator:	PLENARY 6: TRAVERSING TRANSPORTATION ISSUES IN INDIAN COUNTRY .....TEWA BALLROOM Venus McGhee Prince, <i>2012 Indian Law Conference Co-Chair</i> Ron Hall, <i>Director, Tribal Technical Assistance Program, Colorado State University College of Business</i> Keith Harper, <i>Partner, Kilpatrick, Townsend &amp; Stockton, LLP</i> Matthew Jaffe, <i>Partner, Sonosky, Chambers, Sachse, Endreson &amp; Perry, LLP</i>
10:15–11:45 A.M. Moderator:	BREAKOUT 2: EXPANDING THE JURISDICTIONAL MAP: TLOA AND PL 280 AND MEETING OF TLOA COMMISSION .....VISTA Troy Eid, <i>Chair, Indian Law and Order Commission</i>
10:15–11:45 A.M. Moderators:	BREAKOUT 3: THE GEOGRAPHY OF ICWA: CODIFICATION INTO STATE LAW .....MESA Hon. Michael D. Petoskey, <i>Chief Judge, Pokagon Band of Potawatomi Indians</i> Matthew L.M. Fletcher, <i>2012 Indian Law Conference Co-Chair</i> Kathryn E. Fort, <i>Adjunct Professor, Michigan State University College of Law</i> Hon. Tom Tremaine, <i>Presiding Judge, Kalispel Tribe</i> Leroy (J.R.) LaPlante, <i>Secretary, Department of Tribal Relations, State of South Dakota</i> Kris Goodwill, <i>Attorney, Lac Courte Oreilles Band of Ojibwe</i>
11:45 A.M.–12:00 P.M.	BREAK .....TEWA/PUEBLO FOYER
12:00–1:30 P.M.	LUNCHEON PROGRAM..... PUEBLO BALLROOM David Getches Tribute: Introduction by Secretary of the Interior Ken Salazar (Invited) Presentation of Section Awards: Jennifer Harvey Weddle, <i>Chair, FBA Indian Law Section</i> Poetry Reading by Frank Pommersheim, <i>University of South Dakota School of Law</i> Report from National Native American Law Students Association
1:30–1:45 P.M.	BREAK .....TEWA/PUEBLO FOYER
1:45–3:15 P.M. Moderator: Panelists:	PLENARY 7: THE METES AND BOUNDS OF LACHES: BEYOND THE NEW YORK LAND CLAIMS.....TEWA BALLROOM Matthew L.M. Fletcher, <i>2012 Indian Law Conference Co-Chair</i> Carrie E. Garrow, <i>Executive Director, Center for Indigenous Law, Governance &amp; Citizenship</i> Kristen A. Carpenter, <i>Associate Professor and Associate Dean for Faculty Development,</i> <i>University of Colorado Law School</i> Curtis Berkey, <i>Partner, Alexander, Berkey, Williams &amp; Weathers</i>
1:45–3:15 P.M. Moderator: Panelists:	BREAKOUT 4: DIGITAL MAPPING—INTERNET GAMING ..... VISTA Andrew Adams III, <i>2012 Indian Law Conference Co-Chair</i> Mary Pavel, <i>Partner, Sonosky, Chambers, Sachse, Endreson &amp; Perry, LLP</i> G. William Rice, <i>Associate Professor of Law &amp; Co-Director of the Native American Law Center,</i> <i>University of Tulsa College of Law</i> Kevin Washburn, <i>Professor of Law, Dean of University of New Mexico School of Law</i>
3:15–3:30 P.M.	BREAK .....TEWA/PUEBLO FOYER
3:30–5:00 P.M. Moderator: Panelists:	PLENARY 8: NAVIGATING THE ETHICAL LANDSCAPE IN PURSUIT OF JUSTICE .....TEWA BALLROOM Venus McGhee Prince, <i>2012 Indian Law Conference Co-Chair</i> Michael Berrigan, <i>Associate Solicitor, U.S. Department of the Interior</i> Doreen N. McPaul, <i>Assistant Attorney General, Tohono O'odham Nation</i> Gregory Smith, <i>Partner, Hobbs Straus Dean &amp; Walker, LLP</i>

# Conference Registration

**THREE WAYS TO REGISTER:** By email to Kate Faenza at [kfaenza@fedbar.org](mailto:kfaenza@fedbar.org); by mail to Federal Bar Association, 37th Annual Indian Law Conference, 1220 North Fillmore St., Suite 444, Arlington, VA 22201; or by fax to (571) 481-9090. Registration is also available online at [www.fedbar.org](http://www.fedbar.org). **REGISTRATION DEADLINE: APRIL 6, 2012.**

## REGISTRANT INFORMATION

Name

Firm/Agency

Address

City State Zip

Phone Fax

E-mail Address

Indicate if you have any special needs requiring assistance, including dietary.

## CONFERENCE FEES

**EARLY REGISTRATION**  
(BY 5:00 P.M. EST ON 3/15/12)

\$435 FBA Member

\$525 NEW FBA Member

**REGISTRATION**  
(AFTER 5:00 P.M. EST ON 3/15/12)

\$495 FBA Member

\$585 NEW FBA Member

**New Member Opportunity: Join the Federal Bar Association now and save up to \$80!** For the early registration fee of \$525, you will receive conference registration, a full 1 year membership in the FBA, and a full 1 year membership in the Indian Law Section of the FBA. After 5:00 p.m. on March 15, 2012, you still receive the savings, but the fee goes up to \$585. You must complete **both** the registration form and membership application and submit these together to the FBA in order to receive the savings.

**This total package is only being offered to the 2012 Indian Law Conference attendees, so take advantage of this one-time offer today!**

**PLEASE BE SURE TO COMPLETE THE CONFERENCE REGISTRATION FORM AND THE MEMBER APPLICATION ON THE OPPOSITE PAGE!**

\$555 Nonmember

\$175 Law Student

\$615 Non-Member

\$195 Law Student

## METHOD OF PAYMENT

Check, made payable to the "Federal Bar Association," is enclosed.

Credit card:  Visa  MasterCard  American Express

Account Number Exp. Date

Signature

## 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 6, 2012. The conference fee includes one ticket to each luncheon and one ticket to the Thursday night reception as well as one set of course materials as provided by the speakers. 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. Letters must be received no later than March 26, 2012. Applicants will be informed of the status of their requests within three business days. Registration and payment must be received by the April 6, 2012, registration deadline. (Scholarships cannot be given to those eligible for the student rate.) For more information, please contact Kate Faenza at [kfaenza@fedbar.org](mailto:kfaenza@fedbar.org).

## Cancellation Policy

No refunds will be made for cancellations received after the close of business on April 6, 2012. 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 Federal Bar Association, 37th Annual Indian Law Conference, 1220 North Fillmore Street, Suite 444, Arlington, VA 22201. For more information regarding refund, complaint and/or program cancellation policies, please contact Kate Faenza at [kfaenza@fedbar.org](mailto:kfaenza@fedbar.org).

## Hotel

A limited number of rooms at Buffalo Thunder have been set aside for conference participants at a special rate of \$148/single/double. To secure this special rate, call Hilton Reservations at (800) 445-8667. Please be sure to mention the Federal Bar Association 2012 Indian Law Conference. The cut-off date for reservations is March 26, 2012, unless rooms sell out earlier.

## Transportation

### Sandia Shuttle Express

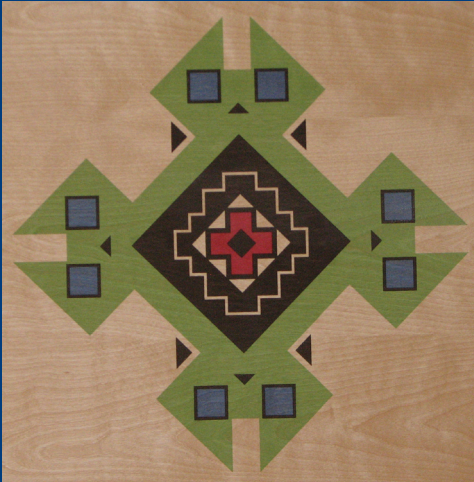
The shuttle picks up from the Albuquerque Airport every hour on the 0:45 and drops off at the Santa Fe rail station. (A Hilton shuttle will transport from the station to the hotel—please check with the hotel for their schedule.) Reservations are required and may be made no more than 30 days in advance by calling 1-888-775-5696 and mentioning the Federal Bar Association. Schedules and other information are available at [www.sandiashuttle.com](http://www.sandiashuttle.com).

### New Mexico Rail Runner

Airport Express Bus—Route 350 picks up from the Albuquerque Airport and transports to the Albuquerque Downtown train station. Once in Santa Fe, a complimentary shuttle provided by Hilton will transport you from the train station to the hotel. (Please check with the hotel for their shuttle schedule.) For more information and to pre-purchase rail tickets, please visit [www.nmrailrunner.com](http://www.nmrailrunner.com).

### AVIS Rent-a-Car

AVIS, FBA's preferred rental car company, has one of the newest and largest fleets in the car rental industry. AVIS has more than 4,800 convenient rental locations in 140 countries. FBA members can receive up to a 20% discount. To make your reservation call 1-800-698-5685 and give your code: AWD# A974600.



**Nonmembers: Complete both the form below and the registration form on the opposite page to join the FBA today—and receive a discount on your conference registration fees as well as the many year-round benefits!**

## 2012 Indian Law Conference New Member Application

INDLAW-CONF 12

### 1. PLEASE TELL US ABOUT YOURSELF (Please Print)

First Name \_\_\_\_\_ M.I. \_\_\_\_\_ Last Name \_\_\_\_\_

Title \_\_\_\_\_

Male  Female Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

**Please supply both your business and home addresses below.**

**My preferred mailing address is**  Business  Home

#### Business Address

Firm/Agency \_\_\_\_\_

Address \_\_\_\_\_

Suite/Floor \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

( ) ( )  
Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

#### Home Address

Address \_\_\_\_\_ Apt. # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

( ) ( )  
Phone \_\_\_\_\_ Fax \_\_\_\_\_

### 1. PRACTICE TYPE

(based on primary employment)

#### Private Sector

- Private Practice
- Corporate/In-House

#### Public Sector

- Government
- Judiciary
- University/College
- Military
- Non-profit
- Association Counsel

**Please provide information regarding bar admission:**

Court of Record for Admission \_\_\_\_\_ State/District \_\_\_\_\_

Original Admission Date (MM/DD/YYYY) \_\_\_\_\_

**If you practice before a tribal court, please complete:**

Tribal Court of Record \_\_\_\_\_

State/District \_\_\_\_\_ Admission Date \_\_\_\_\_

*By signing this application, I hereby apply for membership in the Federal Bar Association and agree to conform to its Constitution and Bylaws and to the rules and regulations prescribed by its Board of Directors. I declare that the information contained herein is true and complete. I understand that any false statements made on this application will lead to rejection of my application and/or the immediate termination of my membership. I also understand that by providing my fax number and e-mail address, I hereby consent to receive faxes and e-mail messages sent by or on behalf of the Federal Bar Association, the Foundation of the Federal Bar Association, and the Federal Bar Building Corporation. Contributions and dues to the FBA may be deductible by members under provisions of the IRS Code, such as an ordinary and necessary business expense, except 4.5% which is used for congressional lobbying and is not deductible.*

X  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

### 2. FBA MEMBERSHIP CATEGORIES

#### 2A. ACTIVE MEMBERSHIP

Please choose one.

	PRIVATE SECTOR MEMBER	PUBLIC SECTOR MEMBER
<b>Member</b> Admitted to practice <b>0-5 years</b>	<input type="radio"/>	<input type="radio"/>
<b>Member</b> Admitted to practice <b>6-10 years</b>	<input type="radio"/>	<input type="radio"/>
<b>Member</b> Admitted to practice <b>11 years or more</b>	<input type="radio"/>	<input type="radio"/>
<b>Retired</b> (fully retired from the practice of law)	<input type="radio"/>	<input type="radio"/>

**Please complete and return with Conference Registration to:**



**Federal Bar Association**

1220 North Fillmore St., Suite 444  
Arlington, VA 22201



**37th Annual Federal Bar Association Indian Law Conference**  
**“Mapping Indian Law & Policy”**



**April 19–20, 2012**

**For information about exhibiting, please visit us on the web at**  
**[www.fedbar.org/IL2012#exhibit](http://www.fedbar.org/IL2012#exhibit)**