

INDIAN LEGAL PROGRAM

August 2000

Arizona State
University
College of Law
FORUM is
published for
alumni, students,
faculty and friends.

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A Message from the Executive Director

Last year, we celebrated the 10th Anniversary of the Indian Legal Program and acknowledged our success in recruiting Native law students and in training them for positions in the law, in the judiciary, and in government practice. We celebrated the birth of our new Certificate Program and we thanked the members of our Advisory Council and the Law School's ILP Committee for their guidance and efforts.

The ILP has entered the year 2000 with a new vision. We are developing proposals for community partnerships and projects that will provide legal support for tribal communities. We are also providing valuable opportunities for our students to work directly with tribal communities, and we are focusing on assisting the growth and development of tribal courts and providing legal support for the protection of cultural resources.

One of our partnerships is with ASU's new American Indian Studies Program, which is headed by Dr. Carol Lujan, who is also a member of the ILP's Advisory Council. The ILP and the AIS Program will be cosponsoring a Symposium this spring on "Cultural Sovereignty: Native Rights in the 21st Century." The Symposium will respond to the idea that Native peoples' sovereignty must be defined within Native communities according to the norms and values of those distinctive cultures.

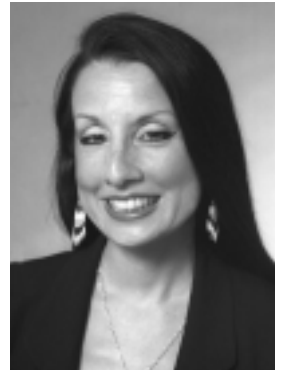
The Symposium will explore intersections of political and cultural sovereignty for Native people, and will present panels on such diverse topics as nation-building, protecting tribal wisdom, healing Native families and communities, and Native people and American justice. We believe it will follow the tradition established by our last two Symposia by generating a new body of scholarship.

The Indian Legal Program enjoys a vibrant student body, the support of leaders in the legal and tribal communities, and the support of a

University community dedicated to partnerships with American Indian communities. At the conclusion of the year, we celebrated the graduation of 10 Native students and two non-Native students who were participants in Native American Law Students' Association and ASU's Indian Legal Program.

The NALSA graduation is always inspirational and reminds us of the struggles and sacrifices that many Native people undertake in the service of their communities. Members of the law faculty presented Pendleton blankets to the graduates, which were donated by David Montiel, owner of the Aun-Auk-Mor stores on the Salt River Pima Maricopa Community's reservation. The graduates spoke about their experiences as law students, and many of their family members also spoke about the students' achievements and the challenges that they had overcome.

The Indian Legal Program is committed to serving the legal needs of Native people throughout the country, and it is in that spirit that we actively recruit and train Native students from a variety of tribal backgrounds. We are especially fortunate, however, to be located in a state that is home to 21 different tribes, who maintain ownership and jurisdiction of over 25 per cent of the land within Arizona. The 21 tribes in Arizona possess strong cultural traditions and active governmental institutions. These are the qualities that are essential for building strong Indian Nations in the 21st century. We value our partnerships with these Indian Nations and look forward to the continued growth and development of the Indian Legal Program.



Rebecca Tsosie
Executive Director, ILP

Rebecca Tsosie

**INDIAN LEGAL
PROGRAM
ADMINISTRATION**

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Executive Director

KATHLENE ROSIER
Associate Director

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Indian Legal Program

The Indian Legal Program was established in 1988 to provide legal education, scholarship, and public service to tribal governments. Designed to train Indian lawyers and promote an understanding of the differences between the legal systems of Indian Nations and the United States, the Program has become one of the best in the nation.

Currently, there are 37 students representing 24 tribal nations, making the Program one of the largest in the country. Additionally, the Program has more than 55 alumni. The Program's alumni work in positions including private firms, non-profit organizations, tribal communities, federal agencies, state offices, and the Senate Committee on Indian Affairs. Some alumni serve as Superior Court and Tribal Court Judges.

The Indian Legal Program offers a Certificate in Federal Indian Law that allows a student to establish a specialization. To obtain the Certificate, a student must take classes relevant to the practice of Indian law, write a substantial paper on an Indian law topic, and complete work experience with a tribe, federal agency, or private firm that practices Indian law.

The course offerings for the Certificate include specialized topics in Indian law such as Indian Cultural Property, Tribal Environmental Policy,

Indian Water Law and Tribal Law, as well as foundational courses such as Federal Indian Law, Employment Law, Tax, and Federal Courts. The Certificate is designed to help educate students in areas that are an increasing concern for tribal communities.

The Indian Legal Program recently celebrated its 10th anniversary. The Program and its participants look forward to continuing to develop, to expand, and to provide even more resources for its students and the tribal communities. With support from Arizona State University and the College of Law, the success of the Indian Legal Program is insured.

New Associate Director Hired for ILP

Kathlene "Kate" Rosier brings many assets to her new job as Associate Director of the Indian Legal Program.

"Her greatest qualities are her enthusiasm and her ability to relate to students," said Rebecca Tsosie, Director of the ILP. "She also brings experience to the position and understands the issues of Native Americans."

Rosier, a Comanche, received her J.D. from the University of Utah in 1998 and served as vice president of the National Native American Law Student Association and secretary of the Utah NALSA. Her undergraduate degree from Capital University in Columbus, Ohio is in business management with an emphasis in finance.

Prior to attending law school, Rosier worked for the Bureau of Indian Affairs' Eastern Area office in the trust division and attended the pre-law Summer Institute for Native Americans.

Since graduating from law school, Rosier has served as a Tribal Court Advocate at Four Rivers Indian Legal Services and as a prosecutor in children's court for the Gila River Indian Community.

"Seeing the kids do a turnaround was the most rewarding part of my job," she said. "With children there is still the ability to make a difference and have a positive impact on their lives."

As Associate Director, Rosier will be involved with student recruitment and retention and tribal outreach. She plans to work with tribal judges to strengthen the partnership between the tribal courts and the law school. Rosier also wants to set up workshops for tribal judges and establish judicial clerkships for students.

"This is a wonderful time to be a part of the Indian Legal Program," she said. "A lot of exciting things will be happening. I'm energetic, ready to work and excited to be here."

Married to Ron Rosier, an attorney with the Ft. McDowell Indian Tribe and an alumnus of the Indian Legal Program, Rosier enjoys hiking, reading and shopping in her spare time.



ILP Student Profiles

Allison Binney

Recent graduate Allison Binney was the program coordinator for the Indian Legal Program from January to June. It kept her busy assisting in the recruitment of Native American students for ASU.

Binney also worked with local tribes, assisting in the placement of Native American students in externships and internships.

Practicing law has been in Binney's blood as long as she can remember. "I have always known that I would be connected with my tribe and I always knew I would practice law and specialize in Indian Law," Binney said. "The Indian Legal Program and its reputation are what made me decide to come to ASU."

Binney was originally planning to attend another law school near her Pomo tribe in northern California, but was so impressed with ASU's Indian Legal Program, that she decided to move to Tempe.

"ASU's Indian Legal Program is such a strong program for Native Americans," she said. "I feel it is one of ASU's biggest assets."

Binney took the California bar exam in July and plans on taking the Arizona exam in February. Meanwhile, she has accepted a position as an associate in the Washington, D.C. office of Hobbs, Straus, Dean & Walker.

Kim Dutcher

Relocating a husband and three children to Boulder, Colorado is not an easy task – but 3L Kim Dutcher didn't mind. Not only did Dutcher look forward

to spending the summer in the cool pines of Boulder, she enjoyed her position as a law clerk with the Native American Rights Fund, an advocacy rights group for Native Americans.

"I am really excited. I'm thrilled about the position," said Dutcher, a member of the Navajo Nation. "It will be great to be working with some of the pioneers in the field of Indian Law."

With one more year to go at ASU, Dutcher is looking forward to the future where she eventually hopes to share a practice with her husband, who has spent 13 years practicing Indian Law.

Kerry Jimerson

3L Kerry Jimerson spent a busy summer working at a joint clerkship with Quarles Brady Streich Lang LLP and the Gila River Indian Community.

Jimerson hopes to gain enough experience with her clerkship to decide whether the future will find her working directly for a tribe or in a larger firm that services many tribes. She can see the benefits of both.

"With a tribe, you can see issues directly through and get a lot of personal satisfaction from that," Jimerson said. "But with a firm, you get the experience of working with several tribes, which I find interesting also."

Experience with new tribes is one of the things Kerry has enjoyed since moving to Phoenix from her tribe in Seneca, NY, which is about 30 miles south of Buffalo.

"It has been really interesting to see other tribes out here and to be able to get experience working with them while

in the Indian Legal Program," she said.

It was Jimerson's desire to serve Native Americans that prompted her to enter law school. "I have always wanted to serve the native people," she said. "I'm just not sure in what capacity yet. I'm hoping this summer I will get a strong feeling one way or the other."

Jimerson says ASU's Indian Legal Program is an "excellent" program for Native Americans wanting to go to law school. "The support mechanism of the program is great and all the other Native American students in the program are very helpful," she said.

According to Jimerson, the Indian Legal Program has a real gem in its Director, Rebecca Tsosie.

"Professor Tsosie is great; she really makes the program," Jimerson said. "She is unbelievably supportive and even takes time out of her personal schedule to help students in need. Her support is so valuable."

Darren Pete

Recent graduate Darren Pete is a three year veteran of the Indian Legal Program and like many Native American students, it was the Program that lured him from his home on the Navajo Reservation in northern Arizona.

"I had heard about the program and I always knew I wanted to practice Indian Law," said Pete. "I see so many big issues in the future facing Native Americans. I want to be in on the ground level in the development of those issues."

Pete is leaning towards a career in a firm, where he can immerse himself in the issues

he feels are hot topics for Native Americans; economic development and tax.

Pete's future plans will take him in a much different direction than the summer after his first year, when he studied in Dublin, Ireland. While preparing to take the February bar exam, Pete has accepted a position as an associate with the firm of Monteau & Peebles.

John Kevin Tanaka

Kevin Tanaka, who graduated in May, is headed to Washington D.C. where he will work for the Department of Interior, Office of the Solicitor, in the Solicitor's honors program. Kevin is a member of the Chukchansi tribe located in southern California.

His interest in environmental law and Indian issues led him to pursue his legal education at ASU. He took the New Mexico bar exam in July and is looking forward to working for the Department of Interior where he can further develop his legal interests.

While in law school, Kevin was active in the Indian Legal Program and the Environmental Law Society. He served as a law clerk for the Ft. McDowell Yavapai-Apache Indian Community and the Department of Interior Solicitor's office in Billings, Montana. Ron Rosier, one of Kevin's supervising attorneys at Ft. McDowell, was impressed with Kevin's work.

"Kevin was an excellent law clerk, one of the best we've ever had. We were very pleased with the knowledge of Indian law that he acquired at ASU. I am confident he will do well wherever he goes."

Indian Gaming Opens New Door

Although he only graduated from the Indian Legal Program in 1996, Robert Rosette has already made impressive career gains. In July, he was made a partner at Monteau & Peebles, the fastest any associate has made partner in the firm's history.

After law school, Rosette became the office manager in charge of all administrative tasks at the Washington, D.C. branch of Monteau & Peebles, which also has offices in Omaha and Sacramento. With an MBA and J.D., Rosette did lobbying for numerous tribal governments on issues of financing and tax during his stint in the D.C. office. His clients included the Santee Sioux tribe, the Lacvieux Desert Band of Lake Superior Chippewa tribe and the Gun Lake Pottawatomi tribe.

"I've accomplished two major things since I started work for Monteau & Peebles," said Rosette. "First my clients successfully defeated the tobacco litigation two years ago, which means tribes are allowed to manufacture cigarettes on reservations tax free. The other is that my clients defeated the Internet gambling prohibition act for the last two years and I hope we'll continue to be successful next year."

In January, anticipating California would pass

Proposition 1A, which would legalize Indian gaming, the firm decided to put Rosette in charge of opening and managing a new branch in Sacramento. The move proved prophetic because in March the proposition passed.

Rosette is now concentrating on financing new casinos, tribal courts and housing developments. He works with Wall Street and major corporations to secure the necessary funding.

"These are huge projects," he says. "Dollar amounts can run up to \$180 million."

Rosette is proud of the \$70 million in financing he helped secure for the Santa Rosa Rancheria Tachi tribe, which opened their first casino on July 19, a mere four months after the passage of Prop. 1A.

According to Rosette, when he was in law school, he couldn't really imagine putting in the long hours necessary to work as a lawyer. But taking Professor Rebecca Tsosie's classes "inspired" him. Tsosie also taught him he could use his degree to enhance Indian communities upon graduation.

"I love what I'm doing," said Rosette. "I look forward to coming to work every day. I really owe so much to Professor Tsosie. She's the reason I'm where I'm at today."

ILP COMMITTEE MEMBERS

REBECCA TSOSIE
Chair

BOB BARTELS

PAUL BENDER
(Fall)

JOHN BORROWS
ex officio

BETSY GREY

ALAN MATHESON

KATE ROSIER
ex officio

INDIAN LEGAL PROGRAM ALUMNI

The College of Law has graduated several Indian students who have gone on to distinguished careers. Here is an update on what some of the alumni are doing.

Rick Armstrong ('96) is an attorney with the U.S. Marine Corps Judge Advocate General.

Shana Arnold ('94) is an attorney for the U.S. Environmental Protection Agency.

Claudeen Bates Arthur ('74), Herb Yazzie ('75), and Michael Upshaw ('82) have all held the position of Attorney General for the Navajo Nation.

Bradley Bledsoe-Downes ('94) is an Associate with the firm Dorsey & Whitney.

Ann Marie Bledsoe-Downes ('94) is President of Little Priest Tribal College, in Winnebago, Nebraska.

Deborah Gee ('94) is Tribal Counsel with the U.S. Department of Justice.

Jennifer Giff ('95) is an attorney for the Gila River Indian Community.

Benjamin Hanley ('71) has served 10 terms as a representative in the Arizona State Legislature.

Diane Humetewa ('93) former deputy majority counsel for the U.S.

Senate Committee on Indian Affairs, is now an Assistant U.S. Attorney in Arizona.

Brad Jolly ('97) is an associate at Blue Dog, Olson and Small, P.L.L.P., specializing in Indian law.

Gloria Kindig ('89) is a Navajo County Superior Court Judge, the first Native American to hold a state judgeship in Arizona.

Roric Massey ('94) is an assistant city prosecutor for the City of Scottsdale.

Robert Rosette ('96) is a partner for the firm Monteau Peebles, LLP, specializing in Indian law.

Ronald Rosier ('94) is an assistant tribal attorney for the Ft. McDowell Yavapai Nation.

Edward Roybal ('94) is Tribal Attorney for the Ft. McDowell Yavapai Nation.

Anita Shifflett ('91) and Theresa Rosier ('98) are Majority Counsel for the Senate Committee on Indian Affairs under Senator Ben Nighthorse Campbell.

Keith C. Smith ('97) is the Senior Director of the American Indian College Fund.

Steve Titla ('83) is General Counsel for the San Carlos Apache Nation.

Catherine Tufts ('96) is a staff attorney for the Siletz Indian Tribe in Oregon.

Lyndee Wells ('89), is a partner with the firm of Dorsey and Whitney, and represents Indian Nations before Congress and federal agencies.



Diane Humetewa speaking to Indian law students.

Visiting Scholars

The Arizona State University College of Law is pleased to announce that two of North America's best known Indian legal scholars will be teaching in the Indian Legal Program this year.

John Borrows, a law professor with the University of Toronto, will be a visiting professor for the 2000-2001 academic year. A Canadian citizen, he is also a member of the Anishinabe, Chippewa of the Nawash First Nation. He received his J.D. from the Osgood Hall Law

School of York University and his LL.M. from the University of Toronto.

Borrows will teach a course on Federal Indian Law in the Fall 2000 and a seminar on International Indigenous Rights during the Spring 2001 semester. He has authored numerous articles and chapters in



John Borrows

books on Aboriginal and First Nations law.

In addition to teaching courses, Borrows will serve as the Acting Executive Director of the Indian Legal Program during the absence of Rebecca Tsosie, who will be on sabbatical during the Spring semester.

Robert Clinton will be a visiting professor during the Spring 2001 semester. He teaches at the University



Robert Clinton

of Iowa, where he is the Wiley B. Rutledge Professor of Law. He also serves as Chief Justice of the Winnebago Supreme Court for the Winnebago Tribe of Nebraska.

Clinton received his J.D. from the University of Chicago in 1971, where he ranked first in his class. He earned his B.A. from the University of Michigan in 1968 with high distinction and is licensed to practice law in Illinois and Iowa.

Clinton will teach Federal Indian Law II and a seminar on Tribal Courts. He is co-author of a leading casebook, *American Indian Law*, as well as the author of numerous articles and essays.

ADVISORY COUNCIL (Continued)

JOHN LEWIS
Executive Director of the Inter Tribal Council of Arizona

HONORABLE VIOLET LUI-FRANK
Chief Judge, San Carlos Apache Tribe

DR. CAROL LUJAN
Director of the American Indian Studies Program at ASU and Professor at the School of Justice Studies

FAITH R. ROESSEL, ESQ.

LEE STOREY
Moyes and Storey Ltd.

STEVE TITLA
General Counsel, San Carlos Apache Tribe

HONORABLE CAREY VICENTE
Chief Judge, Saginaw-Chippewa Court of Appeals, and Professor at Ft. Lewis College, Colorado

PETERSON ZAH
Advisor to the President of ASU on Indian Affairs

Scholarly Events

Wallace Coffey, former chairman of the Comanche Nation of Oklahoma, spoke on "Cultural Sovereignty." In his speech, Coffey talked about the distinctiveness of Native American cultures, the need to preserve them and how Indian tribes should be the ones who oversee this preservation process.

In early February, the Executive Board for the **Native American Rights Fund (NARF)** held their semi-annual meeting at the College of Law. NARF is a non-profit organization that provides legal representation and assistance to Indian tribes and individuals nationwide. During the meeting, John Echohawk, Executive Director of NARF, was honored for his contributions in providing legal leadership to Indian people across the nation.

Keith Harper, an attorney with the Native American Rights Fund and counsel on the Cobell v. Babbitt case, spoke on "The Trust Responsibility: Important Lessons from Cobell v. Babbitt." The case, a class action suit on behalf of 500,000 individual Indians against the United States, alleges that the government failed to properly manage the Indians' trust funds. The case gained national recognition when Secretary of Interior Bruce Babbitt, along with others, were held in contempt of court in January 1999. Harper talked about his experience working on the case and some strategic insights into the future development of Indian law.

In April, the Program leadership and 12 participants attended the **Federal Bar Association's 25th Annual Indian Law Conference** in Albuquerque, New Mexico. The theme for this year's conference was *Tribal Sovereignty in the 21st Century*. Participants attended seminars ranging from Tribal Governmental Reform to Tribal Governance Over Education to Management of Tribal Resources. Rebecca Tsosie, Executive Director of the ILP and Professor of Law, participated in a roundtable discussion on the future of tribal sovereignty.

The Indian Legal Program and the College of Law hosted an **Alumni Breakfast** at the Indian Law Conference this year. The breakfast was held in order to stay in touch with ILP alumni and to strengthen relationships between the Program and individuals and organizations involved in Indian law. The ILP and College of Law hope to continue the breakfast as a yearly event.

In April, the Indian Legal Program and the Native American Law Student Association hosted a **Tribal Court Judges Panel** entitled, "Issues from the Tribal Bench." A group of tribal court judges and justices spoke on issues currently confronting tribal courts. The issues included tribal court jurisdiction, child custody matters, comity issues with state courts and tribal sovereign immunity. The panel discussion was held in conjunction with the University's American Indian Culture Week.

Calendar of Events

Fall

August 21, 2000

Law Classes Begin

August 25, 2000

Welcoming Dinner

hosted by Dean Patricia White

September 2000

Indian Legal Program's

Advisory Council Meeting

October 13, 2000

Arizona Tribal Judges Meeting

October 27, 2000

Tribal Judges Lecture

Series Begins

October 28, 2000

National Indian Education

Association's Annual Conference

Sioux Falls, South Dakota

November 9, 2000

American Indian Science

& Engineering Society's

Annual Conference

Portland, Oregon

Spring

March 2001

Cultural Sovereignty Symposium

co-sponsored by the

Indian Legal Program & the

American Indian Studies Program

April 2001

Federal Indian Bar Conference

Albuquerque, New Mexico

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Every effort has been
made to ensure that
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