

# MEMORANDUM

**TO:** Dave Savage, WSBA BOG President  
Dick Manning, Past WSBA BOG President/Chair of Professional Development Committee  
Ron Ward, WSBA BOG President-elect  
M. Janice Michels, WSBA Executive Director  
Fawn Sharp, WSBA BOG Member  
Leona Colegrove, WSBA Diversity Committee Co-Chair  
Tonie Doane, WSBA Sections Liaison

**FROM:** Gabriel S. Galanda, WSBA Indian Law Section Chair

**CC:** WSBA Indian Law Section Executive Board, 2002-03  
WSBA Indian Law Section Executive Board, 2003-04  
WSBA Indian Law Section Listserv

**DATE:** September 25, 2003

**RE:** 2002-03 WSBA Indian Law Section Annual Report  
Examination of Indian Law on Washington State Bar Exam

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Since the summer of 2002, the WSBA Indian Law Section, in collaboration with the Northwest Indian Bar Association (NIBA), have engaged in an informal dialogue with the WSBA Board of Governors (BOG) and bar leadership with regard to testing Indian law on the bar examination, as in the State of New Mexico.

In July 2002, members of the Section and NIBA joined the BOG at the Quinault Beach Resort in Ocean Shores to discuss the unique nature of Indian law and tribal-court practice. Through a dynamic question-and-answer presentation, the tribal attorneys and judges highlighted the relevance of issues of federal Indian law and tribal law not only to reservation advocates, but to general practitioners, in-house corporate counsel and public lawyers in Washington. The synergy present at Quinault amongst Indian practitioners and BOG members fueled a collaborative effort to educate the WSBA at-large about the significance of Indian law and tribal practice in this State.

By November 2002, members of the Section and NIBA sponsored an entire edition of *Bar News*, titled "Indian Law In The Era Of Self-Determination." The Indian law articles, written entirely by Native attorneys, demonstrated that Washington State is witnessing firsthand the tremendous rise in Indian economic development and, in turn, an array of business dealings and litigation matters arising between Washington citizens and tribes. Section members observed that with *Fortune* 500 companies increasingly doing business on reservation, and non-Indians flocking to the reservation for employment or recreation, Indian law has been transformed from a niche practice to a body of law intersecting every area of practice in Washington and engaging attorneys and clients of all types. Notwithstanding, Indian law defies

boilerplate contract language, standard business negotiations, and common understandings of civil procedure and jurisdiction in. For these reasons, it is vital that every lawyer in this state has some understanding of basic Indian law.

In February 2003, Gabe Galanda (Nomlaki/Concow), an associate with Seattle's Williams, Kastner & Gibbs, PLLC, Chair-elect of the Indian Law Section and two-term NIBA President, addressed the WSBA Diversity Committee and bar leadership in Seattle, explaining the need to have Indian law examined by every attorney licensed in this state before they practice law. Gabe reiterated that message on behalf of the Section on March 19, 2003, in an Indian law presentation to the WSBA's staff of paralegals, observing that the subject must be tested to prevent situations where attorneys fail to "spot" pertinent Indian law issues, whether in contract or litigation, and thereby jeopardize their client's legal rights and committing malpractice.

Most recently, at the Access to Justice Conference in Wenatchee on June 7, 2003, Gabe addressed the Washington State Supreme Court and BOG, on behalf of the Section and NIBA, on the topic of the expansion of full faith and credit for tribal court decisions under CR 82.5 and, again, the examination of Indian law on the state bar exam. WSBA BOG President Dick Manning advised the bar leadership that a Professional Development Committee, appointed by the BOG, would consider whether Washington should become the second state to test Indian law on its attorney-licensing exam. The Indian Law Section and NIBA look forward to working with the BOG and the Professional Development Committee to see that Indian law is tested on the bar exam, hopefully by 2005.

In May 2003, the Section sponsored an all-day CLE titled, "Tribal Land and Wealth Management." The CLE was organized in large part by Section Chair Tara Blair (Inupiaq), Assistant Washington State Attorney General in Olympia; Secretary-Treasurer Richard DuBey of the Short Cressman & Burgess law firm in Seattle; and Trustee Bernice Delorme (Turtle Mountain Chippewa), counsel with the Puyallup Tribe. The Section, through the efforts of Rob Smith of the Morisset, Schlosser, Jozwiak & McGaw firm, hosted a free brown-bag CLE on the topic of "Similarities and Differences Between the Acquisition of Native Title in the U.S. & Australia," in August 2003. The Section also bestowed \$1,000 scholarships to two local Native law students attending the University of Washington, Lael Echohawk (Pawnee) and Andrea Arnold (Colville).

In September 2003, the Section elected five new leaders to its Executive Committee: Professor Robert Anderson (Minnesota Chippewa (Bois Forte Band)), Director of the Native American Law Center at University of Washington Law School; Christina Entrekin (Oneida), counsel with the Northwest Justice Project; Millie Kennedy (Tsimpshean), Reservation Attorney for the Nooksack Tribe; Tom Schlosser, partner with the Morisset law firm; and Joe Caldwell, counsel for the Spokane Tribe. The Section looks forward to another productive year in 2004!