



# Indian Law Newsletter



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## Message from the Chair



By Lael R. Echo-Hawk

Welcome to Spring 2008! 2008 is shaping up to be an eventful year, both locally and nationally. On the local front, I am so excited to announce the opening of the Urban Indian Legal Clinic ("UILC") in Seattle!

On February 28, 2008, the Indian Law Section co-sponsored a training CLE for the UILC. The response to the CLE was so overwhelming, we had to stop taking registrations and are planning another CLE for the fall. The training is the final step before the UILC opens its doors at the Chief Seattle Club on March 18, 2008. The UILC has long been a goal of the Northwest Indian Bar Association, and thanks to the dedication and hard work of many people, the UILC is now a reality.

The UILC will provide free legal services to any Native American in need of legal assistance. Under the umbrella of the King County Bar Association's Neighborhood Legal Clinic program, the Clinic will be staffed by attorneys offering their services on a pro bono basis. Additionally, two law firms, Garvey Schubert Barer and Foster Pepper, have graciously agreed to provide administrative and logistic support for the next 12 months. While I cannot name everyone who participated in developing the program, I do want to acknowledge the following people who led the charge to make the UILC a reality: Ruth Kennedy, Sevilla Claydon, Marjorie James, Joanna Plichta, Trent Crable and Millie Kennedy. Thank you so much for your hard work and dedication. *(continued on page 3)*

## Plain and Simple: The Supreme Court Could Foreclose Tribal Court Civil Jurisdiction Over Non-Indians



By Julio V.A. Carranza & Anthony S. Broadman

This term the United States Supreme Court appears poised to write another chapter in its troubled history with tribal sovereignty. The Supreme Court recently agreed to review the Eighth Circuit's decision in *Plains Commerce Bank v. Long Family Land & Cattle Co., Inc.*,<sup>1</sup> which affirmed the Cheyenne River Sioux Tribal Court's jurisdiction over a civil dispute arising out of commercial loans by a non-member lender to tribal members.<sup>2</sup> Non-member Plains Commerce Bank has asked the Court to retreat to an *Oliphant*-esque<sup>3</sup> rule under which non-members will seldom, if ever, find themselves subject to tribal court civil jurisdiction.<sup>4</sup>

The Supreme Court granted review despite what appear to be clear facts and a straightforward application of the first prong of the "Montana rule" that preserves Indian tribes' civil jurisdiction over disputes arising from consensual contractual agreements between members and non-members.<sup>5</sup> Tribal advocates fear that Chief Justice John Roberts and friends could answer questions left open by the Court's 2001 decision *Nevada v. Hicks*<sup>6</sup> - i.e., whether tribal courts have *any* jurisdiction over non-member de-

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## ANNOUNCEMENTS

### NIBA Honors Alan Parker & Judy Bush



On March 13, 2008, at its 2nd Annual Dinner, the Northwest Indian Bar Association honored two Northwest Indian lawyers, each for over 30 years of service to Indian Country – Alan Parker (Chippewa Cree) and Judy Bush. NIBA President Naomi

Stacy presented Alan with the *Native Justice Award* and Judy with the *President's Award*.

Alan Parker is the Director of the Northwest Indian Applied Research Institute at The Evergreen State College where he also has served as a member of the faculty since September of 1997. Alan graduated from the UCLA School of Law in 1972 and practiced law in Washington, DC for over twenty years before joining the Evergreen College faculty in 1997. While in Washington, DC, he directed research on tribal governments for the American Indian Policy Review Commission and was the first Native American to serve as Chief Counsel to the US Senate Committee on Indian Affairs.

Judy Bush is Reservation Attorney for the Lummi Nation. She has practiced law on reservation for the Lummi Nation for over twelve years. Her work for Lummi includes a historic groundwater settlement and federal litigation over the destruction of the ancient Semiahmah Village. Prior to her service at Lummi, Judy served as the Managing Attorney at Alaska Legal Services in Fairbanks for 15 years. She began her legal career with Evergreen Legal Services in the 1970s. Judy graduated from the UCLA School of Law in 1971.

### Debora Juarez & Gabe Galanda Elected Members



Debora Juarez (Blackfeet) and Gabe Galanda (Round Valley) were recently elevated to member (partner) status at Williams Kastner.

Debora is chair of the firm's Tribal Practice Team. She has two decades of experience providing legal, political and financial counsel to tribal governments and businesses in the areas of economic development and diversification, gaming, debt financing, corporate structure, and natural and cultural resource protection. Debora is a former King County Superior Court judge. She also served as tribal advisor to Washington State Governors Mike Lowry and Gary Locke. Debora is a founding member of the Northwest Indian Bar Association.

Gabe founded the Tribal Practice Team in 2002. He has extensive experience in complex, multi-party Indian law



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### Newsletter

Gabriel S. Galanda, Editor

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and gaming litigation. He also has significant expertise in assisting tribal governments and corporations with economic development and diversification initiatives. Gabe serves as chair of the ABA Business Law Section's Gaming Law Committee and is past NIBA president (two terms) and past WSBA Indian Law Section chair.

### Gyasi Ross Named White House Fellows Finalist



Gyasi Ross (Blackfeet), associate general counsel for the Suquamish Tribe's Port Madison Enterprises, was recently named to the "short list" of Regional Finalists for the White House Fellows Program, one of the most prestigious programs for leadership and public service in the United States.

The 2008-09 Class of White House Fellows will be selected by the end of this summer. Gyasi received his juris doctorate from Columbia University Law School and is a frequent author regarding tribal social justice issues.

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Got an Indian Legal Announcement?

If so, email Indian Law Newsletter Editor  
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