

American Indian Law Committee  
Teleconference Minutes, August 22, 2008 at 9:30 a.m.

Jurisdiction: Shall review issues of American Indian law, focusing on the relationship between tribal courts, state courts, and federal courts, and on the promotion of positive relationships between the lawyers of Michigan and the American Indian Community.

1. Call to Order & Welcome. Present: S. Gaskell, C. Koop, J. Keedy, M. Petoskey, D. Winters

2. Agenda Adoption

3. Approval of Minutes of June 14, 2008 meeting

4. Reports

a. Child support, custody & guardianship issues – The subcommittee working on recommended revisions to the 2006 edition of the Michigan Family Law Benchbook for submission / consideration by ICLE, re: Federal Indian Law / Tribal law / procedures, is seeking guidance from ICLE concerning format for ICWA provisions, and the project has been placed on hold pending feedback.

b. Tribal/State/Federal Judges Forum: ICWA Forum is scheduled for Oct. 6-7, 2008 at the Mt. Pleasant Soaring Eagle Inn and Committee members are invited to participate at the Forum and in planning the event. Planners include SCAO and the SBM DV Committee. W. Gregory is liaison to planners on behalf of the AIL Committee.

c. Michigan Court Rule 3.980. Working group shared most recent draft of proposed amendments to the Rule with Committee for review / comment. Draft refers to full hearing within 7-days. Discussion included observation that 7-days is not sufficient time to retain experts and hold a full hearing; general consensus is that at least 14-days is needed. Draft also refers to "imminent physical danger or harm," which is terminology that is found in ICWA, but not common in Michigan where term "injury" is more common. Suggestion was made that note to Rule include clarification of this terminology.

5. Other

a. Discussion about inclusion of tribal prosecutors within PAAM. A PAAM conference is scheduled for January of 2009. Interested persons may wish to request that this topic be revisited in some manner at that event.

6. Adjournment.