

American Indian Law Committee
Meeting Minutes, June 14, 2008 at 1:30p
Gerald Ford Room, Grand Hotel, Mackinac Island

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: C. Crowley, D. Duncan, S. Gaskell, W. Gregory, H. Powless, P. Shannon, K. Tierney, J. Wernet
2. Agenda Adoption
3. Approval of Minutes of Apr. 25 2008 meeting
4. Reports

a. Child support, custody & guardianship issues – The subcommittee continues work 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. All interested members are encouraged to participate. A working group met briefly before today's meeting to go over the draft distributed to all Committee members with notice of today's meeting (the working group's most recent meetings were April 25 and May 13). Efforts will continue on the project, as schedules permit. H. Powless & P. Shannon will review the Benchbook and provide suggestions for revisions in addition to those already under consideration with Aug. 31 as the target date for feedback to the working group.

b. Tribal/State/Federal Judges Forum: An 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 agreed to act as liaison on behalf of the AIL Committee and to work with C. Crowley & the other individuals & organizations involved in planning.

c. Michigan Court Rule 3.980 involves transfers of Indian children to tribal court in protective proceedings. See 4/28/06 memo sent by J. Keedy of Michigan Indian Legal Services to Committee members. A working group has been gathering information and drafting proposed amendments to the Rule to present to the full Committee so that it might consider endorsing a proposed amendment to MCR 3.980. Work continues on this initiative. Discussion also included mention of efforts within the Michigan DHS to review its Policy Handbook, which may include revisions related to this rule.

d. MCL 551.7 (Persons Authorized to Solemnize Marriage); as a follow-up to previous discussions on this topic, the Committee contacted the Michigan Indian Judicial Association so that it might consider the issue at its May 16 meeting (e.g., tribal judges or other tribal officials are not included among the many persons authorized to solemnize marriage under Michigan law). The Committee also contacted Chief Judge Dakota of the Keweenaw Bay Indian Community regarding this issue, which he raised with a Committee member earlier this year. It was the general consensus of the Committee that the best approach to this issue would be for tribal governments themselves to initiate action for an amendment to

the act, should they deem it appropriate. At that time, the AIL Committee could offer its support for such an action.

5. Other

a. Discussion of proposed federal legislation intended to provide new tools to address public safety concerns facing Indian Country (e.g., Indian Law and Order Bill of 2008 aka Tribal Justice Improvement Act of 2008). W. Gregory will provide S. Gaskell with information he was sent seeking comment on the proposed legislation for distribution to Committee members following today's meeting. Members were encouraged to share the information with all interested persons and W. Gregory welcomed feedback as well. The materials distributed with the draft bill included an invitation to all interested persons to submit comments directly to the United States Senate Committee on Indian Affairs.

b. J. Wernet shared with Committee his participation in a June 13 summit with Tribal Chairpersons / representatives.

c. Discussion of inclusion of tribal prosecutors within PAAM, similar to the process used for AUSAs; P. Shannon will contact C. Koop to further explore this issue.

6. Adjournment.