

American Indian Law Committee
Teleconference Minutes, November 14, 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: B. Brooks; T. Dinehart, M. Phelan, J. Keedy, Z. Fletcher, C. Koop, C. Tierney, D. McNulty.
2. Agenda Adoption
3. Approval of Minutes of August 22, 2008 meeting
4. Reports/Updates from Ongoing Activities.

a. Child support, custody & guardianship issues – C. Tierney brought the committee members up to speed on the history of this project. The compiled comments from participants was distributed to the committee. The subcommittee will attempt to complete its review and comments to forward to ICLE. The following persons expressed interest in working on this effort: Denise McNulty, Jim Keedy, Zeke Fletcher, Candy Tierney, and Bill Brooks. The goal will be to get all comments to ICLE in early 2009.

b. SCAO ICWA Guidebook – discussed the fact that this project overlapped somewhat with work the committee is engaged in. Discussed whether the committee should seek involvement in this effort. There appeared to be agreement that committee members were well represented in this effort.

c. Michigan Court Rule 3.980. Discussed the status of this subcommittee's work and how to proceed with completing a draft to recommend to the State Bar. Discussed the process of submitting a draft to the State Bar to recommend for adoption. Also discussed the overlap between the efforts of this subcommittee and the SCAO Guidebook and related efforts. Bill Brooks was to circulate the most recent drafts prepared by Prof. VanderVort and J. Keedy, as well as comments prepared by C. Koop for discussion on a December 5th conference call. The subcommittee members to work on this effort are: B. Brooks, C. Tierney, Z. Fletcher, A. Voice, J. Keedy, C. Koop, D. McNulty, B. Gregory, F. Vandervort and S. Gaskell. A question was asked if the SCAO had any data on the number of cases involving on and off-reservation children. B. Brooks will contact A. Voice or SCAO to see if that data is available.

5. Announcements/Information of Interest from Participants.

a. Discussion about a meeting at the Governor's Conference Room on 11/19 to discuss issues relating to certification of tribal law enforcement officers and related issues. J. Wernet indicated that nothing is off the table.

b. J. Keedy mentioned that MILS newsletter will be distributed in the near future.

c. B. Gregory mentioned that there was a 12/1 conference call set to discuss Adam-Walsh implementation by Tribes, including agreements between states and tribes for development of registries.

6. Other future agenda items.
 - a. Interest in programs? C. Koop suggested possible collaboration with the Prosecuting Attorneys Assoc. of MI Program late-Jan/early Feb. to include discussion of Adam-Walsh and/or ICWA.
 - b. Bar Articles – Z. Fletcher and others have done preliminary exploration with Bar officials regarding a future theme issue dealing with Indian law issues. Members are encouraged to submit articles for possible inclusion in future theme issues that are listed on the State Bar website.
7. Next conference call set for 11/12 at 10:00 a.m.
8. Adjournment.