

STATE BAR of MICHIGAN

2005-2006 Annual Report
Standing /Special Committee
on American Indian Law

Committee Name: Standing/Special Committee on American Indian Law.

Jurisdictional Statement: 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.

Officers and Membership:

Chair: 45743 Sheila H. Gaskell

Members:

Term Expires 9/30/2006

57750 James M. Kinney, Hastings
43349 Joseph P. O'Leary, Lanse
53974 Kandra K. Robbins, Sault Sainte Marie
28930 Patrick M. Shannon, Brimley
20859 Judd R. Spray, Marquette
24837 Kathryn L. Tierney, Brimley

Term Expires 9/30/2007

62901 LaRonna Williams Harris, East Lansing
27699 James A. Keedy, Traverse City
66141 Mary K. Mansfield, Detroit
48137 Michael G. Phelan, Dowagiac

Term Expires 9/30/2008

54114 Jeff Davis, Grand Rapids
40026 Dawn S. Duncan, Wilson
37386 Michael D. Petoskey, Traverse City
58350 Katherine J. Scotta, Peshawbestown

Supreme Court Representative

34792 Anne-Marie H. Voice, Lansing

Commissioner Liaison

17503 Richard D. McLellan, Lansing

State Bar Liaison

42091 Janet Welch, Lansing

Associate Members:

Elizabeth Ollgaard, Law Student, University of Detroit Mercy School of Law

2005-06 Meeting Schedule (date and location):

Teleconferences: January 27, 2006, February 17, 2006, March 24, 2006, April 28, 2006, May 26, 2006, June 23, 2006, July 28, 2006, August 25, 2006, September 14, 2006 (to be scheduled in conjunction with SBM Annual Meeting).

Committee Activities:

Regular meetings and formation of two subcommittees in furtherance of goals consistent with jurisdictional statement (see future goals and activities section, below); research, networking and outreach activities in conjunction with efforts to achieve identified goals.

Pursuant to Article VI, Section 6 - Reports: *“no later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity”*.

Resources Provided by the State Bar of Michigan in Support of Committee Work:

Assistance in developing member roster, coordinating teleconferences and September meeting to be held in conjunction with SMB annual meeting, identifying available research resources and training opportunities such as the June 2006 Leadership Forum.

Future Goals and Activities:

In November of 2005, S. Gaskell was appointed Chair of the American Indian Law Committee and shortly thereafter she learned that the Committee had been inactive during the prior term and did not have a established member roster for the 2005-2006 term. SBM staff assisted in creation of a roster and appointment letters were issued on January 18, 2006. The first teleconference of the Committee occurred on January 27, 2006, and at that meeting and all future meetings there have been ongoing discussions on a variety of issues that fall within the jurisdictional statement of the Committee. As summarized below, these issues are significant and members of the Committee are working towards solutions. Primary among the Committee’s identified areas of focus for in the coming months are these items:

1. Issues related to enforcement of tribal court orders concerning child support, custody and guardianship across jurisdictional lines. In particular, determining how effective MCR 2.615, Enforcement of Tribal Judgments, has been in this area since its adoption by the Michigan Supreme Court in May of 1996, and identifying solutions to improve cross-jurisdictional enforcement efforts consistent with State, Tribal and Federal laws, including the Federal Full Faith & Credit for Child Support Orders Act of 1994. A subcommittee has been formed and efforts are underway to gather the information needed to make specific recommendations for improvements in this very important area. Most recently, the subcommittee has been in communication with the Michigan Judicial Institute, the Michigan Department of Human Services, representatives of various Michigan tribes, and the Office of the Governor’s Deputy Legal Counsel in an effort to future define this issue and possible solutions to enforcement difficulties. S. Gaskell, on behalf of the Committee, plans to attend a meeting to be hosted by

the DHS in May 2006 that will include as an addenda item the issue of FFC of custody orders.

2. Issues related to the Indian Child Welfare Act concerning transfers of Indian children to tribal courts. In particular, determining the need for improvement in procedures related to emergency removals under MCR 3.980, Special Proceedings and Actions Involving American Indian Children. A subcommittee has been formed and efforts are underway to gather the information needed to make specific recommendations for improvements in this very important area.
3. Creating opportunities for communication among State and Tribal judges and court staff for training, to explore cross-jurisdictional issues, and to promote positive relations. The Committee has been in contact with both the Michigan Judicial Institute and the Michigan Indian Judicial Institute in an effort to identify future opportunities for meetings/training programs.

Summary and Recommendations: The American Indian Law Committee has been asked by the State Bar of Michigan to make a recommendation as to whether the Committee should continue, and if so, whether the Committee's existing jurisdictional statement needs any changes. The Committee strongly recommends that the State Bar of Michigan continue to recognize the American Indian Law Committee for these reasons: (a) The Committee has a demonstrated history of achieving results that have promoted positive relations among the lawyers of Michigan and the American Indian Community such as adoption of MCR 2.615; (b) the Committee has identified important work that has yet to be completed that clearly falls within its jurisdictional statement; (c) the Committee and its members are uniquely qualified to perform the identified work; and (d) Committee members have a demonstrated commitment to work towards achieving the recently identified goals set forth in items 1-3, above. No changes to the jurisdictional statement are recommended at this time.

Consistent with the existing jurisdictional statement, the Committee will continue its efforts to promote positive relationships between the lawyers of Michigan and the American Indian Community by focusing on the above areas in the coming months. It is recognized that these activities will require the ongoing commitment of Committee members, and members have come forward and expressed a willingness to perform the needed work. With the continued support of the State Bar of Michigan, the American Indian Law Committee seeks to continue its mandate to review issues of American Indian Law and, where appropriate, to work with Tribal, State and Federal courts in a continuing effort to promote positive relationships.

Chair/Co-Chair Contact Information:

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State Bar of Michigan

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