Greetings From Boulder ~ May 2013

Dear Students, Alumni, and Friends of the Colorado American Indian Law Program:

This month, we celebrate the graduation of eight American Indian and Alaska Native JD candidates and one LLM from CU Law. They, along with other fabulous graduates dedicated to Indian law, are going on to terrific careers and we congratulate them on their accomplishments.

In this issue, we share some recent AILP highlights, including the visit of UN Special Rapporteur on Indigenous Peoples Rights, S. James Anaya; our growing partnership with the Ute tribes; student work at the Denver Indian Center, Navajo Nation, and Ute Mountain Ute tribe; faculty scholarship on indigenous human rights, climate change, and tribal lawyering; advocacy on Indian child welfare and the safety of women in Indian Country; and interdisciplinary work with Native Studies across campus. NALSA hosted activities including an Idle No More! teach-in and session on doing business in Indian Country. Above all, we are also thrilled to announce that Carla Fredericks will join us on July 1, 2013, as Clinical Professor of Law and Co-Director of the AILP.

Thanks very much for your interest and support of the AILP at Colorado Law. Special thanks to alumni Tom Fredericks ’72, Monte Mills ’03, and Peter Ortego ’98, for working so closely with us this year. ALUMS: Please send me a few lines about what you are doing so that we can include you in our “Alumni Update” slated for the next issue of the AILP Newsletter!

Kristen Carpenter, Director, American Indian Law Program, kristen.carpenter@colorado.edu

Prof. Kristen Carpenter, Jacquelyn Jampolsky JD/PhD ’14, Rollin Wood LLM ’13, Prof. Charles Wilkinson, Senior Director of Diversity and Inclusive Excellence SuSaNi Harris, Julia Guarino ’13, Native Graduation, Koenig Alumni Center, May 8, 2013.
We are grateful to our sponsors: Fredericks, Peebles & Morgan LLP, Greenberg Traurig LLP, McElroy, Meyer, Walker & Condon P.C., Tilden, McCoy + Dilweg LLP & the Colorado Indian Bar Association. We also thank Dean Phil Weiser, the Native American Rights Fund, & the Colorado Native American Law Student Association for supporting this year’s events.

AILP Speaker Series 2012-2013

S. James Anaya

UN Special Rapporteur on the Rights of Indigenous Peoples

January 24, 2013, Wittemeyer Courtroom

Colorado Law hosted United Nations Special Rapporteur S. James Anaya for a public lecture on January 24, 2013 entitled Reconciliation in the United States in Light of the U.N. Declaration on the Rights of Indigenous Peoples. Anaya’s presentation focused on the findings from his recent investigation into the human rights situation of indigenous peoples in the United States. Noting the continued “invisibility” of Indian tribes in mainstream media and politics, Anaya emphasized that many Native people continue to experience extreme poverty and socio-cultural hardships in the U.S. Anaya argued that the UN Declaration provides new momentum and a useful legal framework for the US to make a formal apology to tribes as a step toward meaningful reconciliation that could be complemented by measures such as the return of sacred lands. A standing room only crowd of over 200 audience members joined Anaya in a spirited conversation about these ideas and the broader situation of human rights in Indian Country.

Anaya’s visit to CU Law was featured on Theresa Halsey’s award-winning Indian Voices on KNGU and in Indian Country Today.
In an historic event, Colorado Law worked closely with tribal leaders and attorneys to host a landmark conference on the Southern Ute, Ute Mountain Ute, and Ute Indian Tribes. The People of the Shining Mountains conference acknowledged the history of the Utes and contemporary legal issues facing the tribes, including Natural Resource Development, State-Tribal Relations, Water Rights, Cultural and Religious Freedoms & Institution Building.

Thanks to the tribes, along with our students, audience members, and especially our speakers: Phil Weiser, Kristen Carpenter, Irene Cuch, Joe Garcia, Gary Hayes, Charles Wilkinson, Ramona Eagle, Manuel Heart, Daniel Cordalis ’11, Jennifer Weddle, Scott Clow, Thomas Fredericks ’72, Stephen Manydeeds, Sam Maynes ’88, Sarah Krakoff, Ernest House, Padraic McCoy, Monte Mills ’03, Ellen Roberts ’86, Richard Collins, Greg Johnson, Steve Moore ’79, Alden Naranjo, Peter Ortego ’93, Celene Hawkins ’08, Gregory Hobbs, Scott McElroy, Wolde Mesghinna, Julie Nania ’12, John Echohawk, Jacquelyn Jampolsky, Tanya Amrine, Troy Eid, Jeremy Patterson, and Carla Fredericks. We look forward to implementing the great ideas generated at the conference in partnership with the three Ute tribes.
AILP Students at Work in the Law

The AILP placed American Indian Law Certificate graduate Morgan Figuers ’13 in the Denver Indian Center Law Clinic, as part of the Metro Volunteer Lawyers’ (MVL) Legal Clinic that they hold at the Denver Indian Center this semester. Under the supervision of AILP alum Dianne Van Voorhees, MVL coordinates the provision of free and low-cost civil legal services to people in the Denver Metro Area.

Denver Indian Center Legal Clinic

Water Rights with the Ute Mountain Ute & Greenberg Traurig

Julia Guarino, ’13 American Indian Law Certificate graduate worked with the general counsel for the Ute Mountain Ute Tribe (Celene Hawkins and Peter Ortego, also AILP alums) on critical water rights issues for the Tribe, in collaboration with attorneys from Greenberg Traurig.

DNA People’s Legal Services, Representing Navajo People

Two CU AILP students have taken positions at DNA People’s legal services. Mitch Sickon ’13 will be Managing Attorney for the Shiprock office starting in August, where he will be directing the office of 11 employees and taking on a case load ranging from family law to natural resources work. Rebecca Sher ’14 will intern at the Flagstaff office in summer 2013. Congratulations to Mitch and Rebecca!

1L Summer Jobs ~ Way to Go!

Courtney Cole ’15 will be a student attorney at San Diego Coastkeeper working on inland and coast water issues.

Johnathan Intolubbe-Chmil ’15 will intern at the Arvada City Attorney’s Office and serve as a research assistant for Prof. Squillace.

Drew Kraniak ’15 will intern at the U.S. Dept of the Interior’s Solicitor’s Office, Division of Indian Affairs.

Chris Meier ’15 will be a legal intern at Viacom, in Washington D.C., working on legislative issues surrounding intellectual property & telecommunications.

Kelsey Petersen ’15 will work at the Boulder County Attorney’s Office & serve as a research assistant for Prof. Squillace.
The study of American Indian Law is vital not only for those who plan to practice in the field but for all who wish to understand the foundations of the Rule of Law as it emerged from the United States’ earliest relations with the original inhabitants of this land and as it continues to shape civil and human rights in Indian Country and beyond.

**AILP Course Offerings**

### FALL 2013

**American Indian Law I - LAWS 7725 – Professor Richard Collins**
This foundational course in the American Indian Law curriculum focuses on the federal treaty, statutory, decisional, and constitutional law that shapes the relationship among the tribal, state, and federal governments. The course is highly recommended for all students and required for students completing the American Indian Law Certificate.

**American Indian Law Clinic I - LAWS 7309-001 – Clinical Professor Carla Fredericks, *NEW PROFESSOR***
The American Indian Law Clinic will be taught in 2013-2014 as a yearlong course, during which students will receive both classroom instruction and hands-on experience regarding federal Indian law issues. Transactional work will include economic development projects, drafting of will and property documents, and support of Native American entrepreneurship. Litigation work will encompass representation of tribes and individual Native Americans in cases and matters that implicate Indian law, including protection of human and civil rights. The Clinic will also have several nation-building projects, working hand in hand with Tribes to further develop legal and governmental infrastructure. The course is highly recommended for all students and required for students completing the American Indian Law Certificate. Prerequisite or co-requisite: American Indian Law and Evidence.

### SPRING 2014

**American Indian Law II – LAWS 7735 – Professor Charles Wilkinson**
The follow-up to American Indian Law I, this course investigates the history and current legal status of Alaska Natives and Native Hawaiians. It also covers topics such as tribal water rights, tribal fishing and hunting rights, tribal justice systems, religious freedoms, and tribal environmental and natural resource management issues. The course is highly recommended for all students and required for students completing the American Indian Law Certificate. Prerequisite: LAWS 7725.

**American Indian Law Clinic II - LAWS 7309-001 – Clinical Professor Carla Fredericks**
See above. Students who sign up for the clinic will be enrolled for the fall and spring semesters. The clinic is highly recommended for all students and required for students completing the American Indian Law Certificate.

**Advanced Topics in American Indian Law LAWS 8725-001 – Professors Kristen Carpenter & Penny Kelsey (English): Topic - American Indian Treaties & Texts: Issues of Interpretation, *NEW SEMINAR***
This new seminar will examine American Indian treaties and texts, including cases, statutes, statements, and works of literature to illuminate issues and theories of interpretation, from both legal and literary theory, as they pertain to the historical and contemporary situation of American Indian people. This course is highly recommended for students with a background in American Indian Law, including previous coursework in the field.
The American Indian Law Clinic

Introducing Carla Fredericks!

Associate Clinical Professor,
American Indian Law Clinic,
& Co-Director of the AILP

The Colorado AILP is pleased to welcome the newest member of the Colorado Indian Law family, Carla Fredericks.

An enrolled member of the Mandan, Hidatsa, and Arikara Nation of North Dakota, Professor Fredericks will teach the American Indian Law Clinic as well as join Professor Kristen Carpenter as co-director of the American Indian Law Program (AILP), which serves as the umbrella organization for Colorado Law’s academic, practice-focused, and community outreach activities in American Indian law. Dean Phil Weiser noted, “Carla Fredericks joins a dynamic team, with the opportunity to build on Colorado Law’s historic accomplishments in American Indian law, train our students to practice at the highest levels, and address indigenous peoples’ issues in Colorado, throughout the United States, and around the globe.”

As counsel to Fredericks, Peebles and Morgan LLP, Fredericks focused on complex and appellate litigation and Native American affairs, representing Indian tribes and organizations in a variety of litigation and policy matters. Professor Fredericks also served as lecturer-in-law at Columbia Law School in New York, where she teaches Legal Practice in Indian Law, focusing on development of research, writing and appellate advocacy skills as well as the National NALSA moot court competition. Previously a partner at Milberg LLP in New York, Professor Fredericks founded Milberg’s Native American practice and directed the firm’s human rights litigation.

Professor Deborah Cantrell, who directs the clinical program at Colorado Law, said, “Professor Fredericks brings wonderful depth and breadth of knowledge about, and experience with, Indian Country. I am very excited about the opportunities that she will develop for our students in the American Indian Law Clinic.” Professor Carpenter added, “Professor Fredericks’ expertise in American Indian entrepreneurship and indigenous human rights represent transformative opportunities in the field, and we are so fortunate to have her joining our faculty.”

Professor Fredericks is a member of the board of trustees of the American Indian College Fund and is chair of the board of trustees for the Mashantucket (Western) Pequot Tribe Endowment Trust. She serves on the steering committee for the Indigenous Peoples’ Task Force of the Forum for Sustainable and Responsible Investment. She has also performed extensive pro bono and fundraising work in the social justice arena, including preparing amicus curiae briefs on behalf of Native American groups submitted to the United States Supreme Court. Professor Fredericks is a member of the Federal Bar Association, the National Native American Bar Association, the National Congress of American Indians, and the Native American Finance Officers’ Association.

With the addition of Professor Fredericks, the CU AILP Faculty happily grows to five full-time professors teaching Indian law! We welcome Carla Fredericks to CU Law, and look forward to next steps for the Clinic and Program.
HONORS The Warm Springs Tribal Museum bestowed on Charles Wilkinson its annual Twanat Award at a ceremony attended by tribal leaders, community members, and family, at the World Forestry Center, on April 6, 2013. The award acknowledged Wilkinson’s long-standing legal work with the tribe, as well as the respect and admiration that the Warm Springs community has for Professor Wilkinson.

ADDRESSING VIOLENCE AGAINST NATIVE WOMEN On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act, increasing protections for Native American women and other victims of violent crime and restoring tribal court jurisdiction over certain domestic violence crimes committed on reservations by individuals, including non-Indians, in relationships with Native women. On April 19-20, Kristen Carpenter, Barbara Creel, Sarah Deer, and Angela Riley discussed these and other measures to address women’s safety and criminal justice in Indian Country at CU Law’s Workshop on the Feminist Influence on Criminal Law.

INDIAN CHILD WELFARE On April 16, 2013, the United States Supreme Court heard arguments in the “Baby Veronica” case, challenging a decision of the South Carolina Supreme Court that the requirements of the Indian Child Welfare Act (“ICWA”) were not met in the custodial placement of a child eligible for enrollment in the Cherokee Nation of Oklahoma. Professors Carpenter, Collins, and Krakoff participated in an amicus brief by American Indian Law professors arguing that ICWA’s plain language, legislative history, and ongoing policy considerations all supported ICWA’s application in this case. For a guide to the case, see http://turtletalk.wordpress.com/2013/03/29/turtle-talk-guide-to-the-amici-supporting-respondents-in-baby-veronica-case-adoptive-couple-v-baby-girl/

TRIBAL COURT JURISDICTION Professor Krakoff is filing an amicus brief on behalf of the National Congress of American Indians in a pending ninth circuit case, EXC, Inc., v. Navajo Nation, arguing in support of tribal court jurisdiction over a highway accident on the Navajo Nation.

LAW REFORM The American Law Institute (ALI), is dedicated to clarifying, modernizing, and otherwise improving the law. For the first time, the ALI has embarked on a “Restatement of American Indian Law”. The ALI Indian Law Advisers Group, including Professor Kristen Carpenter, had its first working meeting on February 15, 2013, with judges, lawyers, and scholars working toward the drafting and publication of a concise statement of current doctrine.

NATIVE STUDIES AT CU The AILP Faculty is working with colleagues across campus on the development of “Native Studies at the University of Colorado,” an endeavor that brings together scholars from disciplines across campus for academic collaboration, outreach to tribes in the region, and advocacy for Native issues. http://www.colorado.edu/nativestudies/
AILP Faculty Scholarship: Spring 2013


INDIGENOUS HUMAN RIGHTS In a new article entitled The Jurisgenerative Moment in Indigenous Human Rights, 102 CALIFORNIA LAW REVIEW (forthcoming February 2014), Kristen Carpenter and Angela Riley argue that the international human rights movement has coincided with paradigm shifts in post-colonial theory, triggering a “jurisgenerative moment” in human rights law, one that pervades law-making at every level of human experience, and now recognizes indigenous peoples not only as subjects of human rights law entitled to individual rights in the conventional sense but also as “peoples” with interests in self-determination, equality, and cultural survival, informed by indigenous values and voices.

NATURAL RESOURCES Sarah Krakoff has several new publications including: Settler Colonialism and Reclamation: Where American Indian Law and Natural Resources Law Meet, 24 COLORADO LAW REVIEW OF NATURAL RESOURCES, ENERGY AND THE ENVIRONMENT (forthcoming 2013); What Are We Sustaining Exactly? ENVTL. L. REPORTER NEWS & ANALYSIS (April, 2013); Natural Resource Development & Indigenous Peoples in CLIMATE CHANGE & INDIGENOUS PEOPLES, Abate & Kronk, eds., (Edward Elgar Publishing 2013) (with Lavallee).

LAWYERING In Lawyering for Groups: The Case of American Indian Tribal Attorneys, 81 FORDHAM LAW REVIEW 3085 (2013), Kristen Carpenter and Eli Wald situate lawyering for tribes in the broader context of challenges that arise when attorneys represent groups whose needs, structures, and values may depart from the classic model of individual representation animating professional responsibility rules.

THE WORLD AROUND US Professor Sarah Krakoff’s forthcoming book “Parenting the Planet” uses the metaphor of parenting to explore “aspects of control, care, and inherent tragedy characterizing the stage that humans now occupy with respect to their relationship with the planet.” Krakoff recently presented her work at the Yale Center for Environmental Law and Policy, in a series also featuring other thought-leaders on climate change and energy including Andrew Guzman, Daniel Yergin, and Jedediah Purdy. The podcast is here https://soundcloud.com/#yaleuniversity/parenting-the-planet-a Also in April 2013, Krakoff was a featured speaker at the Federal Bar Association’s Annual Indian Law Conference at Pojoaque Pueblo and at the University of Utah’s Wallace Stegner Center’s Symposium on Religion, Faith, and the Environment.
Native American Law Students Association

New NALSA Officers for 2013-2014

President, Kelsey Peterson ’15
Co-Vice Presidents: Rebecca Sher ’14 & Courtney Cole ’15 (Cherokee/Choctaw Descent)
Treasurer, Chris Meier ’15 (Chickasaw)
Secretary, Jonathan Intolubbe-Chmil ’15 (Choctaw)

Event Highlights

On Tuesday, February 19, University of Colorado Distinguished Professor and Moses Lasky Professor of Law Charles Wilkinson presented a lunchtime talk to an audience of faculty and students, co-sponsored by the Native American Law Students Association and the Environmental Law Society. Professor Wilkinson teaches Indian law, public lands, and natural resources law, and has published many books on Indian law. Before joining the faculty, Professor Wilkinson was an attorney with the Native American Rights Fund, but even as an academic, he has continued to practice law as an advisor and mediator to Indian peoples. Amongst his recent projects, Professor Wilkinson has been working with the tribes of the Northwest Indian Fisheries Commission (NWIC) to develop an inter-tribal alternative dispute resolution system. NWIC is a coalition of 20 Indian tribes in Northwest Washington state, all of whom possess treaty rights to fish in their aboriginal territories. Professor Wilkinson described his role as a facilitator in NWIC’s collaborative process that continues to work to develop a unique, and culturally appropriate dispute resolution body.

“Tribal Alternative Dispute Resolution in the Pacific Northwest,”
by Julia Guarino

Rollin Wood, LLM ’13, Mitch Sickon ’13, Incoming President Kelsey Peterson ’15, Courtney Cole ’15, Christina Warner ’15, Outgoing President Jacquelyn Jampolsky JD/PhD ’14, Rebecca Sher ’14, Julia Guarino ’13
If you plan to be in Colorado this summer, check out these American Indian community events.

**Powwows and Festivals**

**20th Annual Spring Bear Traditional Powwow**, Saturday, May 18, 2013, Regis University Field House, 3333 Regis Blvd., in Denver, CO. For more information, contact (303) 648-3414 powwow@ravendancers.org and http://www.ravendancers.org/powwow.

**13th Annual Tesoro Indian Market & Contest Powwow**, Saturday-Sunday, May 18-19, 2013, from 10:00 a.m. - 5:00 p.m. at the Historic Fort, in Morrison, CO 80465. Bring your own chairs, (including singers) blanket and shade. This is a family event. Everyone is welcome! Admission: Adults, $6, Seniors 65+ & Children under 12 are free. Students with ID, $3. Free admission to dancers & singers. Free parking. For more information, call John Emhoolah at (303) 650-4839 or Eagleboy Whiteshield at (785)312-2577 or (303) 457-4710 or Tesoro at (303) 839-1631 and visit http://www.tesoroculturalcenter.org.

**University of Denver (DU) 3rd Annual Spring Contest Powwow**, Sunday, May 19, 2013, at the University of Denver, on Driscoll Green, 2190 E. Asbury Avenue, in Denver, CO 80208. Grand entry at 1:00 p.m. Powwow will end at 6:00 p.m. Free entry for all vendors. This is a free outdoor event. Bring your own chairs and shade. You are invited to a day of celebration and honoring of incoming students and graduating seniors. Contact UofD.NSA@gmail.com.

**Jeffco Community Excellence in Education Powwow**, Sunday, May 26, 2013, from 10:00 a.m. - 6:00 p.m. at the Red Rocks Community College Lakewood Campus at the Pavilion, 13300 W. 6th Avenue, in Lakewood, CO 80228, Grand entry at 1:00 p.m.. Sponsored by Jeffco Indian Education, Red Rocks Community College, AISES CSM. Free and open to the public! For more information, see http://www.rrcc.edu/powwow.

**American Indian Festival and Concerts**, Saturday-Sunday, June 8-9, Home United Methodist Church, Hwy 165 and Main St., Rye CO. Admission and parking. FREE admission. Native vendors, children's crafts, silent auction, food, storytelling and more. Rye is located on the edge of San Isabel National Forest, south of Pueblo.

**American Indian Market and Entertainment, Red Rocks Trading Post**, Sunday, June 16, July 21, and August 11, 10am-5pm Red Rocks Park, west of Denver near Morrison, CO. FREE admission & parking. Everyone is Welcome.

**Native American Festival and Traditional Powwow**, Saturday, July 20, Colorado Springs, CO, 10am-6pm. $2 admission at the door and non-perishable food donations welcome. Grand Entry at noon. For more information, call 719-329-0251 or see www.onenationwt.org

**Garden of the Gods Traditional Powwow**, Saturday, September 21, Rock Ledge Ranch, 30th Street @ Gateway Road (Garden of the Gods). For more information, call 719-578-7777 or see www.rockledgeranch.com

**Thanks to Native media for keeping us informed. Listen & support!**

Theresa Halsey, Host of Native Voices, http://kgnu.org/indianvoicesnewsletter/index.html. Listen Sunday afternoons, 3-4PM KGNU 88.5 FM (Boulder), 1390 AM (Denver) and online at http://www.kgnu.org.

Susie Aikman, Host of AlterNATIVE Voices, http://www.alternativevoices.org/. Listen Sunday mornings, 7-8AM, KUVO 89.3 FM (Denver and Breckenridge), VJZ-88.5 FM (Vail), live streaming audio at: KUVO.org.

Members of the Native American Law Students Association (NALSA) attended a performance by Native sketch-comedy group the 1491s on March 2 at Tocabe, An American Indian Eatery in Denver. Students arrived early to sample Tocabe's incredible Indian tacos and mingled as members of the Denver Native community packed the restaurant. The performance was a combination of sidesplitting live skits and projections of some of the group’s most popular videos, including the iconic "Slapping Medicine Man." During one skit, audience members were asked to pelt artists Bobby Wilson (Dakota), Migizi Pensoneau (Ojibway/Ponca), and Dallas Goldtooth (Diné/Dakota) with salted peanuts – an undisputed highlight of the evening. Good times were had by all and NALSA will certainly be back to Tocabe, which can be found at West 44th Avenue and Lowell Boulevard.

NALSA, in collaboration with the AILP and Oyate, hosted an Idle No More! teach-in at the law school with everybody’s favorite Native actor, Gary Farmer (Cayuga). His message connected the plight of Native people to those of all people, where the insatiable appetite of our industrial-capitalist society destroys our natural resources and disproportionately affects Native peoples and cultures. Professor Joe Bryan of the geography department also lectured on the power of maps and the Keystone Pipeline project. A round dance was held in the Courtroom to conclude the teach-in.

As part of its lunch-time lecture series, NALSA teamed up with the Business Law Association to co-host Padraic McCoy (Quechan/Cherokee) for a talk entitled Doing Business in Indian Country. Padraic touched on issues of tribal sovereign immunity, dispute resolution, complex financing deals, gaming and land status, and shared some practice stories with the students. Padraic is a founding partner of Tilden, McCoy + Dilweg LLP, a law firm specializing in Indian Law.

This event was also featured in Indian Country Today.
This newsletter is a production of the
American Indian Law Program at Colorado Law.

With special thanks to AILP Fellow Jacquelyn Jampolsky ’14.

American Indian Law Program
University of Colorado Law School
Wolf Law Building 401 UCB Boulder, CO 80309-0401
kristen.carpenter@colorado.edu

http://www.colorado.edu/law/academics/programs/indianlaw

Congratulations to our 2013 AILP Graduates!! We will miss you!