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June 3, 2009

James Stipe, President
Indian Law Section
State Bar of Arizona
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Dear Mr. Stipe:

I understand that the Indian Law Section is attempting to have tribal government jurisdiction and immunity included as potential test issues for the Arizona State Bar examination. I applaud your efforts and that of the Indian Law Section in so doing. If successful, this effort will greatly enhance the practice of law here in Arizona and I am happy to support this effort.

As the United States Attorney for the District of Arizona, I understand the important role Arizona's 22 tribal governments play in our legal landscape. There is more Indian Country in Arizona than in any other state in the nation with tribal governments collectively controlling almost one third of Arizona's land base. Arizona is home to the largest reservation in the nation and some of the smallest. Some reservations are comprised of Indian and non-Indian land ownership creating a checkerboard of tribal, state, and federal jurisdiction. Furthermore, tribal enterprises are some of the Arizona's largest employers of tribal members and non-members alike. These factors contribute to what is often referred to as a "jurisdictional maze" that Arizona attorneys must understand to serve their clients in a competent and professional manner.

Over the course of my career working in the field of Indian law, I have had the opportunity to work with victims of crime, to help shape tribal policy at the state and national level, and as United States Attorney, I oversee the prosecution of federal crimes committed in Indian Country. I believe that a basic understanding of tribal jurisdiction and immunity is essential to the practice of law here in Arizona. Assumptions of state or federal jurisdiction over matters within the jurisdiction of a tribe, dismissals for lack of jurisdiction or failure to exhaust tribal court remedies occur frequently, and quite unnecessarily and often out of ignorance of the law, in Indian Country matters. Moreover, attorneys who do not have a basic understanding of tribal government jurisdiction and immunity can and do fall prey to statute of limitations problems. As a profession, we have a responsibility to do more to protect the rights of victims, the constitutional rights of those accused of crime, and to ensure the availability of civil


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remedies in matters occurring in Indian County. Adding tribal government jurisdiction and immunity as potential test issues on the Arizona Bar examination will allow our profession to meet this important responsibility.

As a member of the Indian Legal Program Advisory Council at the Sandra Day O'Connor College of Law at Arizona State University, I know that Arizona law schools support this effort and are more than capable of preparing future law school graduates for this portion of the Bar exam should the Supreme Court act favorably upon the Indian Law Section's petition. In addition, because several other states already include Indian law as a potential test subject, the major bar preparation courses already have materials to help test takers adequately prepare for this potential test subject.

Adding tribal government jurisdiction and immunity as a potential test subject for the Arizona State Bar examination is an important and progressive step toward enhancing the practice of law here in Arizona and is an effort I am happy to support.

Sincerely,



DIANE J. HUMETEWA
United States Attorney
District of Arizona

DJH/dlm