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June 28, 2007

Daniel P. Beeks, Chair
Supreme Court Committee on Examinations
Supreme Court
State of Arizona
1501 W. Washington St., Suite 104
Phoenix, Arizona 85007-3231

RE: Response to Letter from the Supreme Court Committee on Examinations (the "Committee") regarding the Arizona State Bar Indian Law Section Proposal to Include Indian Law as an Area of Testing on the Arizona State Bar Examination

Dear Committee Members:

On behalf of the Indian Law Section of the State Bar of Arizona (the "Section"), I am writing to respond to the letter attached at Tab "A," dated June 15, 2006, informing the Section that the Committee voted to withhold support for an amendment to Rule 35 to include specific Indian law topics as potential areas of testing on the Arizona State Bar Examination (the "Committee Letter").

Since receiving the Committee Letter, the Section has carefully and methodically researched and studied this issue. In September 2006, the Executive Council of the Section formed a committee comprised of Arizona practitioners from various practice areas ("Indian Law Bar Exam Committee"). The Indian Law Bar Exam Committee's purpose was to determine whether an amendment to Rule 35 was warranted and whether such an amendment would be supported by the Section and the legal community. After nearly ten (10) months of research and study, the Indian Law Bar Exam Committee has determined that such an amendment is indeed warranted and that the inclusion of Indian law on the Arizona State Bar Examination is widely supported by not only the Section members (who unanimously voted in support of the proposal) but the legal community and the academic community as well.

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Mr. Daniel P. Beeks

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Therefore, although we sincerely appreciate the Committee's consideration of this issue, we respectfully disagree with the Committee's conclusions and analysis as set forth in the Committee Letter. To set the stage for this discussion, there are important facts unique to the practice of law in Arizona that should be stressed. To start, there are 22 tribal governments with lands within the exterior boundaries of the State of Arizona. These tribes own lands that comprise more than one quarter of the lands in the State. In fact, a greater percentage of the State of Arizona constitutes Indian Country than exists in any other state. On these lands, different jurisdictional and legal considerations apply than elsewhere in the State. Economic growth on Indian lands involving tribal governments, tribal members and non-tribal members and entities has increased and will undoubtedly continue to grow. As such, Arizona practitioners increasingly are called upon, more so than probably any other state, to deal with land, contractual, tort, or family matters that implicate Indian law or have Indian law as the foundational backdrop.

The tribes' ubiquitous presence in the State of Arizona renders it essential that the Bar understand core federal Indian law principles to effectively represent individual, business and governmental clientele. Failure to recognize jurisdictional matters could lead, and in fact does lead, to lawyers filing claims in the wrong court or worse, having claims dismissed entirely for lack of jurisdiction. Certainly, Arizona businesses and citizens are deserving of protection from such disastrous actions. The potential harm to clients and the unnecessary burden on state, tribal and federal courts far outweighs the natural disinclination to include more subject matters on the bar examination.

Cognizant of this, various states are acting to protect the public and are utilizing the bar examination as an opportunity to ensure that all practitioners are at least minimally exposed to the legal distinctions involving Indian law. These states have recognized that lawyer competence requires the ability to at least identify situations where tribal jurisdiction and sovereignty are implicated. At least three other states – Washington, New Mexico and South Dakota – now include aspects of Indian law as potential areas for testing on their bar examinations. Similar initiatives are under active consideration in Michigan, Oklahoma, Montana, Wisconsin, Idaho, and Oregon. Remarkably, although Arizona has the largest percentage of Indian lands comprising the state, we are falling behind the bars of other similarly situated states by failing to recognize the potential harm to clients of this state. This fact was one that has not gone unnoticed by the tribes in Arizona. See Resolution of Support from the Inter-Tribal Council of Arizona attached at Tab "B."

Despite the compelling reasons to include Indian law on the bar examination, it appears that the Committee rejected the proposal citing three main concerns. Each of these concerns is addressed below:

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A. Too Sophisticated/Not a Required Course.

The Committee stated that Indian law was too sophisticated and complex to be tested considering it is not a required course in law school. In our view, the decision of whether to include Indian Law on the bar examination should not rest on whether a law school mandates the course as part of its curriculum. As the Committee is aware, there are other topics tested on the bar examination that are not required courses in law school – evidence, wills and trusts, community property, corporations, criminal procedure and secured transactions all are examples of topics that are not required courses in most law schools yet they are topics that are potentially tested. The important fact to recognize is that Indian law courses are widely available in law schools and, fortuitously, Arizona's law schools have two of the finest Indian law departments in the country. Although the Sandra Day O'Connor School of Law has not mandated Indian law as a required course, Dean Patricia White of the Sandra Day O'Connor School of Law recognizes that it should be tested in Arizona:

the most important role to be played by the separate state bar exam is to determine that the applicant has basic knowledge of those significant subjects of areas of law which are distinctive to the state's legal regime. In Arizona there are notably two such areas: the law of community property and Indian law.

See Letter from Dean White, attached hereto as Tab C.

Furthermore, Indian law principles are not any more sophisticated than any other subjects tested on the bar examination. As you may recall, we provided the Committee a draft of a proposed rule change which referenced not "Indian law" as a general topic, but Tribal sovereign immunity and jurisdiction over actions involving Tribes, tribal members or entities, or actions arising on Indian lands. As set forth in our proposal, the testing of Indian law topics would be, in fact, framed more narrowly than most subjects. Moreover, Barbri has already prepared course materials for states that have included Indian law on the bar examination and the course materials are not more difficult to develop than the other subject areas. Other similarly situated states have successfully been able to implement Indian law as a potential area to be tested by narrowing the subject matter in the same manner as was originally proposed to the Committee.

B. Too Specialized.

The Committee also suggested that Indian law is a highly specialized field of law and not one of the core competencies needed to begin the practice of law. This is simply untrue. An understanding of jurisdiction is fundamental to the practice of law because Indian law encompasses virtually every area of law (contracts, torts, family law, criminal law, civil jurisdiction, property, etc.). For example, many of the subjects currently tested on the bar

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examination undergo a far different analysis when they involve Indians, Indian interests, or Indian lands. Applicants absolutely need to have knowledge regarding jurisdiction over matters involving tribal governments or Indian lands to understand the jurisdiction of state and federal courts. Sovereign immunity is of first concern when dealing with any government, including tribal governments. It logically follows that knowledge in these areas is not only fundamental but is especially critical in Arizona.

C. No Fair Notice to Applicants.

The Committee expressed concern that the proposed language to be added to Rule 35 did not provide fair notice of the areas to be tested. This concern, to the extent it is valid, is easily rectifiable and should not serve as a reason to reject the proposal in its entirety. The language, as originally presented, was fair and narrow, and to the extent that it implicates other topics, such as civil procedure or constitutional law, those topics are already included in Rule 35. Nonetheless, given the important public interest at stake and the background our members have in the substantive area and its intersection into other bodies of law, the Indian Law Section remains willing to assist the Committee in revising this language so that the proposed rule change is one which the Committee can support. Other states have dealt with this issue and can surely provide additional and valuable guidance.

In conclusion, testing the basic principles of Indian law is an important step toward insuring professional competence and equal access to the legal system and as such, the Section fully intends to pursue this worthy cause. It is our contention that no lawyer in our great state can practice for any extended period of time without encountering some aspect of Indian law. Therefore, we urge the Committee to reconsider its initial refusal to support the proposal. Should the Committee decide to reconsider this matter, we stand willing to work collaboratively with the Committee and request that the Committee notify the Section of its intentions no later than September 15, 2007 so that we may determine how to proceed on this matter. We have attached the following letters/resolutions of support:

1. Inter-Tribal Council of Arizona Resolution 0703, dated March 9, 2007 (See Tab B);
2. Letter from Dean White, Sandra Day O'Connor College of Law, Arizona State University dated June 20, 2007 (See Tab C);
3. Letter from Dean Massaro, James E. Rogers College of Law, University of Arizona dated June 19, 2007(See Tab D);
4. The National Congress of American Indians Resolution #MOH-04-001, dated June 23, 2004 (See Tab E); and
5. Letter of support from Arizona State, Tribal and Federal Court Forum, dated June 19, 2007 (See Tab F).

We have solicited additional letters of support that are forthcoming and will be forwarded to you as they are received.

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Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink that reads "Kerry K. Patterson". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Kerry K. Patterson
Chairperson
Indian Law Section
State Bar of Arizona

KKP
Enclosures

TAB A



Supreme Court

STATE OF ARIZONA

COMMITTEE ON EXAMINATIONS

1501 W. Washington Street, Suite 104
Phoenix, Arizona 85007-3231
602-364-0371

June 15, 2006

Shannon Keller O'Loughlin
Dreyer Boyajian LLP
75 Columbia Street
Albany, New York 12210

By Fax 518-463-4039 (3 pages)

Re: Arizona State Bar Indian Law Section Proposal

Dear Ms. O'Loughlin:

The Supreme Court Committee on Examinations has considered the proposal of the Executive Council of the Indian Law Section to amend Rule 35(b), Ariz. R. Sup. Ct., 17A A.R.S., to include Indian Law as a subject tested in the essay portion of the Arizona State Bar Examination. We are currently conducting a full review of our bar examination, including the areas tested and the format of the questions, and may in the future be submitting proposed rules changes to the supreme court to implement any recommendations we reach through that process. At your request, we have separately considered the change proposed by the Indian Law Section, which would amend the potential areas of testing to include, in addition to the twelve topics currently listed:

Tribal sovereign immunity; and civil and criminal jurisdiction over actions involving Tribes, Tribal members or entities, or arising on Indian lands.

After considerable discussion, the committee has voted to withhold its support for such an amendment to Rule 35 at this time.

As you know from our meeting with members of the Indian Law Section Executive Council last fall, we appreciate the need for Arizona attorneys to recognize and respond

Jeanette M. Boulet, Chair • Daniel P. Beeks, Vice-Chair • Karl B. Zangerle
Anna Maria Chavez • Marilyn A. Pollard • Theodore Campagnolo • Jeffrey B. Messing
Terri L. Clarke • Michael G. Galloway • K. Scott McCoy • David B. Earl • Raymond K. Ramella

Shannon Keller O'Loughlin
Dreyer Boyajian LLP
June 15, 2006
Re: Arizona State Bar Indian Law Section Proposal
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appropriately to Indian Law issues that may be relevant to a case or legal problem. The committee discussed other ways such education might be provided, such as mandatory CLE, or integration of Indian Law issues in mandatory law school core courses.

We are concerned, however, about attempting to improve the knowledge of Arizona attorneys by including this sophisticated and complex field on the bar examination, when the subject matter is not a required course in Arizona's law schools or, to our knowledge, any law school in the country. As you can imagine, there is a tension between competing concerns about the efficacy of our bar examination, with some critics maintaining that the bar exam already tests too many subject areas and judges applicants too harshly, and others questioning whether the existing topics are sufficient to test basic legal knowledge.

We are mindful of our supreme court's admonition that the practice of law "is not a privilege but a right, conditioned solely on the requirement that a person have the necessary mental, physical and moral qualifications." *See, e.g. In re Klahr*, 102 Ariz. 529, 433 P.2d 977 (1967). Accordingly, the bar exam is designed to test the core competencies needed to begin the practice of law, not expertise in any particular area. Other highly specialized fields of legal knowledge that routinely impact practice are not tested. Committee members noted that taxation, administrative law, and bankruptcy are all examples of such omitted subject areas that regularly require attention in an Arizona attorney's practice.

Committee members also addressed whether a proposed change provides fair notice of the specific areas to be tested on the exam, an issue we discussed with you last fall. We appreciate your work in drafting the proposed language, but find it sweeps broadly, touching upon Indian Law aspects of constitutional law, jurisdiction, criminal law, procedure, and possibly conflicts of law. In the context of testing a range of topics to ensure general competency, the committee expressed concern that this change requires too much of applicants, at least in the context of the bar examination as it is currently comprised and formatted.

Shannon Keller O'Loughlin
Dreyer Boyajian LLP
June 15, 2006
Re: Arizona State Bar Indian Law Section Proposal
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We wish you well in your important efforts to improve the education of members of the Arizona Bar about the Indian Law issues that may regularly affect their clients, and have appreciated the opportunity to meet with you about your concerns.

Sincerely,

Jeanette M. Boulet, Chair
Committee on Examinations
Supreme Court of Arizona

JMB/

c: Mr. Jonoday O. Chaudhuri
Snell & Wilmer LLP (By Fax: 602-382-6070)

Jeanette M. Boulet, Chair • Daniel P. Beeks, Vice-Chair • Kari B. Zangerle
Anna Maria Chavez • Marilyn A. Pollard • Theodore Campagnolo • Jeffrey B. Messing
Terri L. Clarke • Michael G. Galloway • K. Scott McCoy • David B. Earl • Raymond K. Ramella

TAB B



INTER TRIBAL COUNCIL *of* ARIZONA

RESOLUTION 0703

Supporting the Addition of Indian Law on the Arizona Bar Examination

MEMBER TRIBES
 AK-CHIN INDIAN COMMUNITY
 COCOPIAH TRIBE
 COLORADO RIVER INDIAN TRIBES
 FORT McDOWELL YAVAPAI NATION
 FORT MOJAVE TRIBE
 GILA RIVER INDIAN COMMUNITY
 HAVASUPAI TRIBE
 HOPI TRIBE
 HUALAPAI TRIBE
 KAIBAB-PAIUTE TRIBE
 PASCUA YAQUI TRIBE
 PUEBLO OF ZUNI
 QUECHAN TRIBE
 SALT RIVER PIMA-MARICOPA
 INDIAN COMMUNITY
 SAN CARLOS APACHE TRIBE
 TOHONO O'ODHAM NATION
 TONTO APACHE TRIBE
 WHITE MOUNTAIN APACHE TRIBE
 YAVAPAI APACHE NATION
 YAVAPAI PRESOTT INDIAN TRIBE

WHEREAS, the Inter Tribal Council of Arizona (ITCA), an organization of twenty tribal governments in Arizona, provides a forum for Tribal governments to advocate for national, regional and specific tribal concerns and to join in united action to address those issues; and

WHEREAS, the member Tribes of the Inter Tribal Council of Arizona have the authority to act to further their collective interests as sovereign Tribal governments; and

WHEREAS, approximately twenty-seven percent of the total land within the State of Arizona is under the jurisdiction of Indian tribes; and

WHEREAS, tribal economic development and the resulting increase in interaction between Indian nations and people, with non-Indian entities and individuals both on and off of the reservation, has given rise to an array of business transactions, regulatory issues and litigation matters between tribal and non-tribal parties; and

WHEREAS, the Arizona public and their attorneys do not generally understand the legal import of the inherent sovereign rights of Indian tribal governments; nor do they understand precisely how tribal self-governance and self-determination, and the laws and ways of Indian nations, affect and intersect with Anglo-American legal principles; and

WHEREAS, this lack of understanding of Indian tribes' status as governments with unique laws and jurisdiction has led to confusion, conflict and unnecessary litigation; and

WHEREAS, if attorneys for the Arizona public, particularly federal, state and local government, better understood the legal concepts of tribal self-governance and tribal jurisdiction, there would be fewer disputes and government-to-government dialogue would be greatly enhanced; and

WHEREAS, the National Congress of American Indians passed a resolution to encourage states with large populations of Indian people and/or a significant presence of tribal lands, including Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Maine, Connecticut, Louisiana and Florida, to include the topic of Indian law on their bar licensing examinations; and

WHEREAS, in February 2002, the State of New Mexico became the first state to include the topic of Indian law on its bar licensing examination, with a view towards educating public and private legal counsel and, in turn, the American public about the legal rights of sovereign Indian nations; and

WHEREAS, the State of Washington has also included Indian law as a topic to be tested on the bar licensing examination, and there are ongoing efforts in several other states, including Oklahoma, Idaho, Oregon, and Montana, to incorporate Indian law in the bar licensing examination.

NOW THEREFORE BE IT RESOLVED, that the Inter Tribal Council of Arizona does hereby support the effort throughout Indian country to have the topic of Indian law tested by state bar licensing examinations to improve the quality and competency of legal services provided to clients, to protect the rights of all Arizona citizens, and to create a better understanding of the inherent sovereign rights of Indian Nations.

BE IT FINALLY RESOLVED, that this resolution be immediately transmitted upon its effective date to the Chief Justice of the Arizona Supreme Court, the Supreme Court of Arizona's Committee on Examinations, the President of the State Bar of Arizona, and the Chair of the Indian Law Section of the State Bar of Arizona.

CERTIFICATION

The foregoing resolution was presented and duly adopted at a meeting of the Inter Tribal Council of Arizona on March 9, 2007, with a quorum present.



Jamie Fullmer,
President, Inter Tribal Council of Arizona
Chairman, Yavapai Apache Nation

TAB C



SANDRA DAY O'CONNOR COLLEGE OF LAW
ARIZONA STATE UNIVERSITY

June 20, 2007

Committee on Examinations
Supreme Court of Arizona
Administrative Office of the Courts
1501 W. Washington, Suite 104
Phoenix, AZ 85007-3231

Dear Committee Members:

I write to encourage the Committee on Examinations to join the bars of the states of New Mexico, South Dakota and Washington by putting the subject of Indian law on the state bar examination.

It is my belief that the most important role to be played by the separate state bar exam is to determine that the applicant has basic knowledge of those significant subjects or areas of law which are distinctive to the state's legal regime. In Arizona there are notably two such areas: the law of community property and Indian law. The Arizona bar examination has long included community property. By contrast, it does not include Indian law.

It is important that we ensure that attorneys licensed to practice in our state understand the basic tenets of federal Indian law. Like the law of community property, Indian law affects a great many legal transactions in Arizona and plays a pervasive role. Like community property, it is not universally studied by law students. The bar examination is our single opportunity to ensure that attorneys licensed in our state can demonstrate basic familiarity with an area of law which distinguishes Arizona practice from that of many other states. This is especially important in the case of Indian law because it is an exceptionally complex and difficult area – not one easily self taught as the need arises.

As you may know, over one-quarter of the land area comprising the State of Arizona constitutes Indian country and is governed primarily by tribal and federal, rather than by state, law. Arizona is the state with the single largest percentage of Indian country and is therefore the state where Indian law plays the largest geographic legal role. The recent economic success of many Indian tribes in this state as a result of gaming and other economic development initiatives has meant that the number of non-Indian businesses engaged in construction, supply, service and other contractual relations with Indian tribes has skyrocketed. So have the number of non-Indians venturing into Indian country as patrons of tribal casino and resort complexes, as tourists, or for other reasons. Economic expansion in Arizona's Indian country has meant an explosion of legal issues

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requiring an understanding of Indian law. Failure to consider the sovereign immunity of Indian tribes, the jurisdictional limitations of state and federal courts in Indian country and critical issues of choice of law in drafting contracts has, with increasing frequency, rendered such executed agreements totally unenforceable to the detriment of some non-Indian clients. In some cases, claims have been precluded and client claims lost because of the filing of causes of action in state courts that lacked jurisdiction. These cases unnecessarily clutter state court dockets and disserve the clients of attorneys not knowledgeable in Indian law.

Two further examples will help illustrate the importance of Indian law in Arizona. First, In re the General Adjudication of Water Rights in the Gila River, 212 Ariz. 64, 127 P.3d 882, 473 Ariz. Adv. Rep. 19 (Ariz. 2006), highlights the fact that critical resources (such as water) essential to the economic development of Arizona are centrally affected by Indian law. Second, practitioners engaged in child protection work frequently and sometimes unwittingly run up against and sometimes afoul of the Indian Child Welfare Act of 1978. The Act both structures the jurisdiction of the courts over Indian children and critically alters procedure, legal standards for intervention, and placement preferences involving Indian children, often irrespective of their residence or the jurisdiction of the state courts.

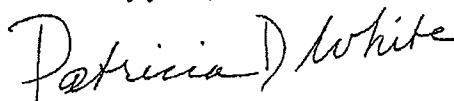
In light of these facts, in my view, it is becoming increasingly important that all Arizona practitioners have some basic familiarity with the broad principles of Indian law. As we go forward, this can only be assured by placing the subject on the state's bar examination.

In Arizona Indian law is pervasive. It affects jurisdiction, contract formation, environmental law, property law, tort law and family law. Like constitutional law, it arises in innumerable situations in many areas of practice.

New Mexico, South Dakota and Washington, also states where Indian law plays an especially important role, all include Indian law on their bar examinations. I understand that the bar examiners in Oklahoma and Michigan are considering adding their states to the list. It would be truly unfortunate for all businesses in and citizens of Arizona if this state, where Indian law is singularly important, lagged behind.

I hope that the Arizona Board of Bar Examiners will concur and add Indian law to the list of subjects tested by the bar.

Sincerely yours,



Patricia D. White
Dean & Professor of Law

PDW:lf

TAB D

Office of the Dean
James E. Rogers College of Law



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June 19, 2007

Committee on Examinations
Supreme Court of Arizona
Administrative Office of the Courts
1501 W. Washington, Suite 104
Phoenix, AZ 85007-3231

Dear Committee Members:

I am writing to offer input regarding the recommendation that Federal Indian Law be added to the Arizona Bar Examination.

When approached about this matter, I turned to our Indian Law professors for advice. They replied that this change in our state's examination would follow the lead of other states with significant Native American tribe presences, and would acknowledge the important legal implications of competing sovereignties within our jurisdiction. As you know, many areas of law are touched by the intersection of federal, tribal, and state law. Arizona also has one of the largest land areas in the nation that is Indian Country. The advent of new economic initiatives of some of the tribes, among other developments, has increased the volume and complexity of business transactions that bring Native and non-Native entities into legal relationships. One result of these changes is that many more transactions involve Indian law—yet very few lawyers are familiar with its basic principles, let alone the high level complexities that it entails. Attorneys in Arizona therefore must be—at a minimum—issue sensitive, lest they miss the conflict of law nuances of cases that come before them. For Indian Law to be a mandatory bar subject would signal to Arizona's licensed practitioners the importance of this area of law, raise awareness of the history of Federal Indian law and policy, inspire greater coverage of the subject matter in state sponsored CLE's, and assure wider attendance in these educational programs. These are all positive outcomes that I believe would benefit the profession.

Of course, these important benefits of adding Indian Law to the list of bar subjects must be weighed against other considerations that attend any expansion of the examination. We are sensitive to these concerns, given our shared responsibility for assuring that applicants are prepared for the practice of law. For example, decisions about mandatory bar examination coverage often have implications for law school curricular decisions. Students may choose courses with bar examination coverage in mind, which can affect class enrollments, student expectations, and even student responsiveness to the material. The University of Arizona is prepared to meet any new

Committee on Examinations
June 19, 2007
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curricular demands that might arise from adding Federal Indian Law to the Arizona bar examination because we believe in the importance of the subject

We also appreciate the difficulty in making choices about what subject matter is "essential" versus "extremely useful," versus "essential only for specialists." Many subjects—such as income tax—too are important ones that the examination does not test. Yet these subjects are not unique to Arizona, and are ones that applicants typically are exposed to in the course of their law school studies because their transubstantive features are widely understood. In any event, our suggestion that Federal Indian Law is a worthy candidate for inclusion on the examination is based upon an assessment of this topic's importance; we take no position here on the relative merits of other candidates for inclusion.

Last but surely not least, I note with concern the disparate impact that many bar examinations have on minority applicants across the nation. Adding new subjects obviously may make exam preparation more difficult for applicants unless another subject is removed. To make an already significant career hurdle even higher at a moment when the profession is redoubling its commitment to diversity is a serious step. Nevertheless, this important access issue exists independent of this or any other particular proposal, and thus might best be considered as part of a comprehensive review of the examination's scope. Moreover, adding Federal Indian Law as a subject is itself a signal of inclusion that may inspire greater sensitivity to diversity concerns.

I submit these thoughts with respect and confidence that these and other competing concerns will be balanced carefully in the deliberations. The members of our Court and your Committee obviously have much greater experience with the complex issues raised by bar examination coverage than others do. I thank you for considering this input as one part of this discussion.

Respectfully,



Toni M. Massaro
Dean and Regents' Professor
Milton O. Riepe Chair in Constitutional Law

TMM:sd

TAB E



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MOH-04-001

TITLE: The Examination of Indian Law on State Bar Examinations

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Tribal economic development and the resulting increase in interaction of Indian nations and people, with non-Indian entities and individuals both on and off of the reservation, has given rise to an array of business transactions, regulatory issues and litigation matters between Tribal and non-tribal parties; and

WHEREAS, the American public and their attorneys do not generally understand the legal import of our Indian nations' inherent sovereign rights; nor do they understand precisely how tribal self-governance and self-determination, and the laws and ways of Indian nations, affect and intersect Anglo-American legal principles; and

WHEREAS, if attorneys for the American public, particularly federal, state and local government, better understood the legal concepts of Tribal self-governance and Tribal jurisdiction, there would be fewer disputes and government-to-government dialogue would be greatly enhanced; and

WHEREAS, in February 2002 the State of New Mexico became the first state to test the topic of Indian law on its bar licensing exam, with a view towards educating public and private legal counsel and, in turn, the American public about the legal rights of sovereign Indian nations; and

WHEREAS, the majority of American states, which host large populations of Indian people and/or a significant presence of Tribal lands, including Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Maine, Connecticut, Louisiana and Florida, should likewise include the topic of Indian law on their bar licensing examinations.

EXECUTIVE COMMITTEE

PRESIDENT

Tex G. Hall
Mandan, Hidatsa, and Arikara Nation

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(Pueblo of San Juan)*

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Semco Nation

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Coeur d'Alene Tribe

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Northern Cheyenne Tribe

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Eddie Tuttle
Poncha Band of Creek Indians

SOUTHERN PLAINS

Zach Palmahnik
Prairie Band Pawnee Nation

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Arian Melendez
Reno Sparks Indian Colony

EXECUTIVE DIRECTOR

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Tlingit

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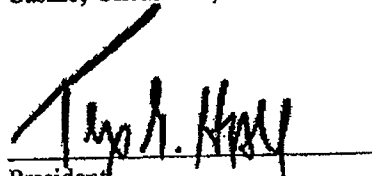
NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the Affiliated Tribes of Northwest Indians and the Association of Washington Tribes, and their friends and colleagues in the Northwest Indian Bar Association, the Washington State Bar Association Indian Law Section and Idaho State Bar Indian Law Section, and the National Native American Bar Association, in their endeavor to have the topic of Indian law tested by state bar associations, so the American public can better understand the inherent sovereign rights of our Indian nations.

BE IT FURTHER RESOLVED, that the NCAI does hereby seek the assistance and collaboration of the American Bar Association, and the bar associations, boards of bar examiners and Supreme Courts in states such as Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Connecticut, Maine, Louisiana and Florida, to carry out the provisions of this resolution.

BE IT FINALLY RESOLVED, that this resolution be immediately transmitted upon its effective date to the President and President-elect of the American Bar Association.


CERTIFICATION

The foregoing resolution was adopted at the 2004 Mid-Year Session of the National Congress of American Indians, held at the Mohegan Sun Hotel and Casino, Uncasville, CT on June 23, 2004 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during the 2004 Mid-Year Session of the National Congress of American Indians, held at the Mohegan Sun Hotel and Casino, in Uncasville, CT on June 23, 2004.

TAB F



PATRICK IRVINE
JUDGE

Court of Appeals

(602) 542-3493

STATE OF ARIZONA
DIVISION ONE
STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

June 19, 2007

Kerry Patterson, President
Indian Law Section
State Bar of Arizona
4201 N. 24th Street, Suite 200
Phoenix, Arizona 85016-6288

Re: Indian Law on the State Bar Examination

Dear Ms. Patterson:

As was decided by vote of the Arizona State, Tribal, and Federal Court Forum at its April 27, 2007 meeting, I am writing to convey the support of the Forum for the efforts of the Indian Law Section to have Indian law added to the topics that may be included in essay examination questions listed in the Rules of the Supreme Court, Rule 35 (b) (1).

The Arizona State, Tribal, and Federal Court Forum was established in 1990 by order of the Chief Justice of the State of Arizona. Today the Forum includes members from state, tribal and federal judiciaries and from the public law offices of these three jurisdictions. One of the stated purposes of the Court Forum is:

To promote improvement in the quality of justice delivered in the context of the overlapping jurisdiction of state, tribal and federal courts through judicial education, professional court administration, education of attorneys and the public about tribal courts,

The support of the Court Forum for the Indian Law Section's efforts, particularly to include civil and criminal jurisdictional issues on the Bar exam, promotes this purpose by prompting Bar examinees to educate themselves on these basic principles before they are licensed to practice in Arizona where these issues are so pervasive.

Thank you for your presentation to the Forum on this matter. Please keep the Forum informed of the progress of this effort and feel free to request further assistance and support from the Forum, as needed, in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Irvine". The signature is written in a cursive style with a large, looped initial "P".

Patrick Irvine, Chair
Arizona State, Tribal, and Federal Court Forum