

LAW OFFICE OF ROBERT C. BRAUCHLI, P.C.

Attorney at Law

P.O. Box 64607

Tucson, Arizona 85728

(520) 299-8300

Facsimile (520) 299-8302

Email aztuc158@aol.com

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To: The Honorable Arizona Supreme Court Justices

From: Robert C. Brauchli, attorney at law

Re: Petition to Amend Rule 35 (b) to include Federal Indian Law on the Arizona Bar Exam

I am writing in support of the Petition filed by Robert B. Van Wyek, Chief Bar Counsel for the State Bar of Arizona, to amend Arizona Supreme Court Rule 35 (b), to include Indian law on the Arizona Bar Exam.

My comments are based upon my practice and experience in the area of Federal Indian law since 1980. Since then, I have had countless conversations with attorneys asking my advice on the most basic aspects of Indian law in respect to subject matter, personal jurisdiction and tribal sovereign immunity. The attorneys who contacted me practiced in the area of commercial law, personal injury, family law, probate, taxation, water rights, administrative Law, education law, debt collection, real estate, including shopping center development and leasing, and all aspects of transactions with Arizona Indian tribes.

In virtually all of my contacts with these attorneys, a basic knowledge of federal Indian law (jurisdiction) and tribal sovereign immunity, of the depth that would be presented in a State Bar Exam, would have been sufficient to make them competent to spot issues of significant importance to their clients. Unfortunately for some of these attorneys, the knowledge came too late for the protection of their clients.

In my daily practice and those of my colleagues, it is almost impossible not to deal with the three jurisdictions of federal, state and tribal governments. Principles of comity between federal, state and tribal courts are now well recognized in the State of Arizona in the form of intergovernmental agreements, state statutory provisions for the recognition of tribal court orders, and long-standing deferment by the federal courts to the exhaustion of Tribal Court remedies as a matter of federal common law in regards to matters arising within Indian reservations or with tribal governments and members. The interplay between federal, state and tribal governments in the State of Arizona, and on the business

and citizenry level, compel that Arizona attorneys possess a basic understanding of Indian law jurisdiction and tribal sovereign immunity for the protection of their clients, be they Indians, tribal governments, or non-Indian businesses and governments. I strongly urge that the Supreme Court amend Rule 35 (b) as set forth in Appendix A to the Petition filed by the State Bar of Arizona.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert C. Brauchli". The signature is written in a cursive, flowing style.

Robert C. Brauchli
Attorney at Law