



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

May 19, 2009

The Honorable Ruth V. McGregor
Chief Justice of the Arizona Supreme Court
Arizona State Courts Building
1501 West Washington Street, Room 402
Phoenix, Arizona 85007-3329

RE: Support for Petition to Include Indian Law on the Arizona Bar Examination (R-08-0016)

Dear Chief Justice McGregor:

I support the proposed amendment to Arizona Supreme Court Rule 35(b) to include principles of Indian law jurisdiction and sovereignty as subjects that may be tested on the Arizona Bar Examination.

A basic understanding of principles of tribal sovereignty and related jurisdictional issues is important for lawyers practicing in Arizona. Our State is home to twenty-two federally-recognized Native American governments and more than one-fourth of the land in Arizona is under tribal jurisdiction. Metropolitan areas such as Phoenix, Scottsdale, Mesa, Chandler and Tucson border tribal lands. Particularly with the growth of Indian gaming, tribes play an increasingly important role in Arizona's economy; growing numbers of non-members are traveling onto tribal land; and the tribes have more interaction with federal and state governments and non-tribal business entities. Consequently, Arizona lawyers frequently encounter matters that involve Indian law issues, even if they are not representing tribes or tribal members.

The Arizona Attorney General's Office encounters Indian law issues on a daily basis. For example, lawyers representing the State Department of Economic Security in dependency cases must understand the Indian Child Welfare Act. Lawyers collecting unpaid child support may need to understand service of process and jurisdictional requirements on tribal lands. Lawyers representing state agencies may need to understand basic civil jurisdictional issues and principles of tribal sovereignty to provide competent legal advice. State criminal prosecutors must understand the jurisdictional requirements that apply in criminal cases.

The purpose of the bar exam is to assess the competency of an individual to practice law in Arizona. The proposed rule change will help ensure that Arizona attorneys have some exposure to Indian law issues, particularly basic principles of jurisdiction and sovereignty. This change should enhance the ability of Arizona attorneys to meet the legal needs of clients throughout the state.

For these reasons, I fully support Petition No. R-08-0016.

Sincerely,

A handwritten signature in black ink that reads "Terry Goddard".

Terry Goddard
Attorney General