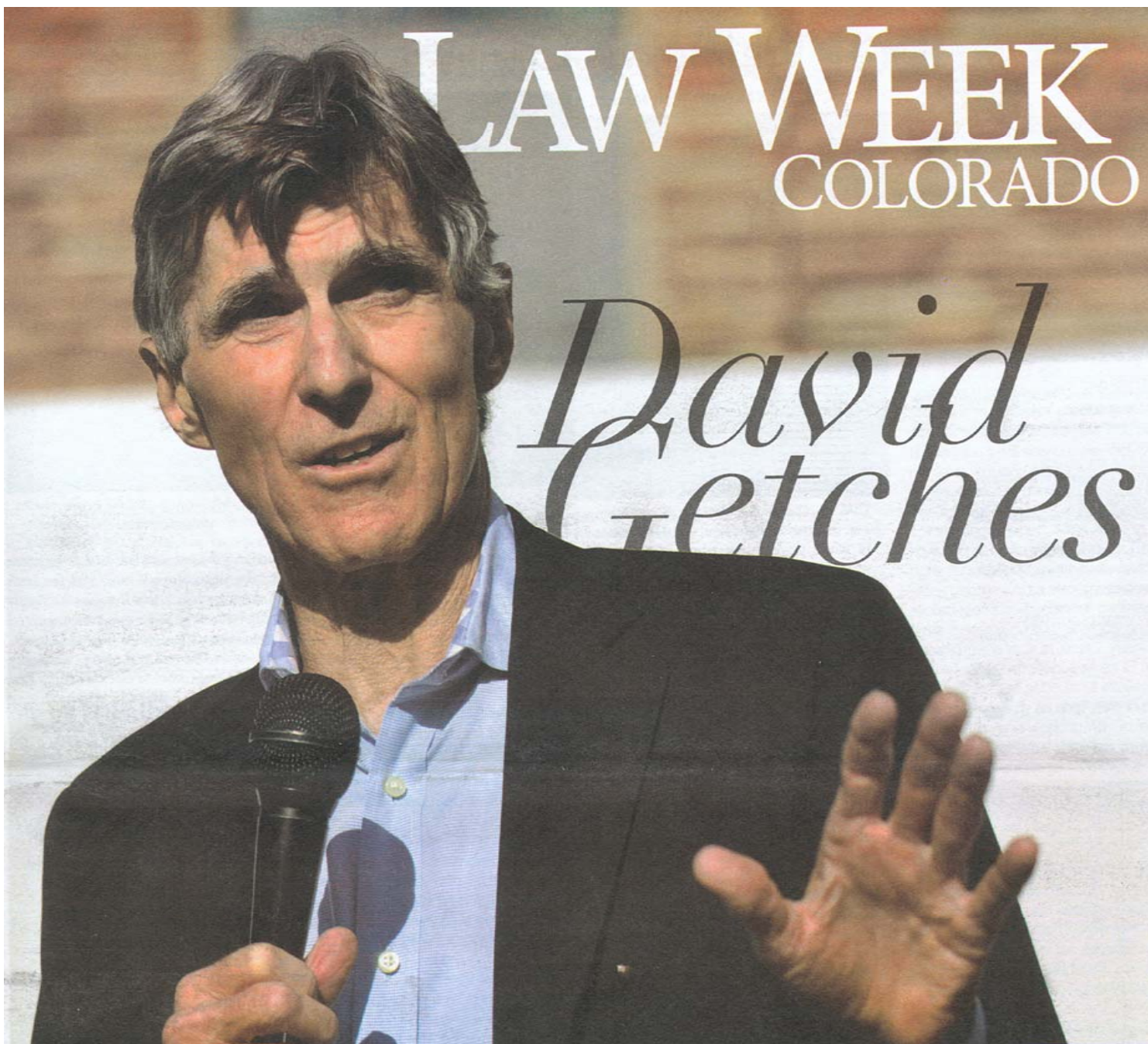


LAW WEEK COLORADO

*David
Getches*



by Matt Masich
LAW WEEK COLORADO

Remembered

The death last week of former University of Colorado Law School Dean David Getches prompted an outpouring of grief from all quarters, including the Indian law community, where he was beloved not only as an educator, but as founder of a key American Indian-rights nonprofit and litigator in landmark cases.

"He really helped to revolutionize Indian law," said former Colorado U.S. Attorney Troy Eid, now co-chair of Greenberg Traurig's American Indian law practice group. "He was very much ahead of his time."

When news of Getches' illness reached the Federal Bar Association's Indian Law Section a few weeks ago, it immediately set about changing its bylaws to give him its lifetime achievement award eight months ahead of schedule.

Such was the reverence in which Getches was held in the field. The section planned to surprise him with the award at the end of

July — it was waiting four to six weeks for an American Indian sculptor to craft the acrylic award.

"Unfortunately, Dean Getches was taken from us too quickly to be able to physically give him the award," said Jennifer Weddle, the section's deputy chair and co-chair of Greenberg Traurig's American Indian law group.

Getches died July 5 at age 68, just a month after his diagnosis of pancreatic cancer and just five days after he passed the deanship to his successor, Phil Weiser. He was looking forward to a return to teaching full-time. ...CONTINUED ON PAGE 4

Above, David Getches spoke at a University of Colorado Law School reception in his honor two weeks before his death. | CU LAW PHOTO
PATRICK CAMPBELL

GETCHES

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Getches is survived by wife Anne (with whom he'd just celebrated 47 years of marriage) and children Matthew, Catherine and Elizabeth.

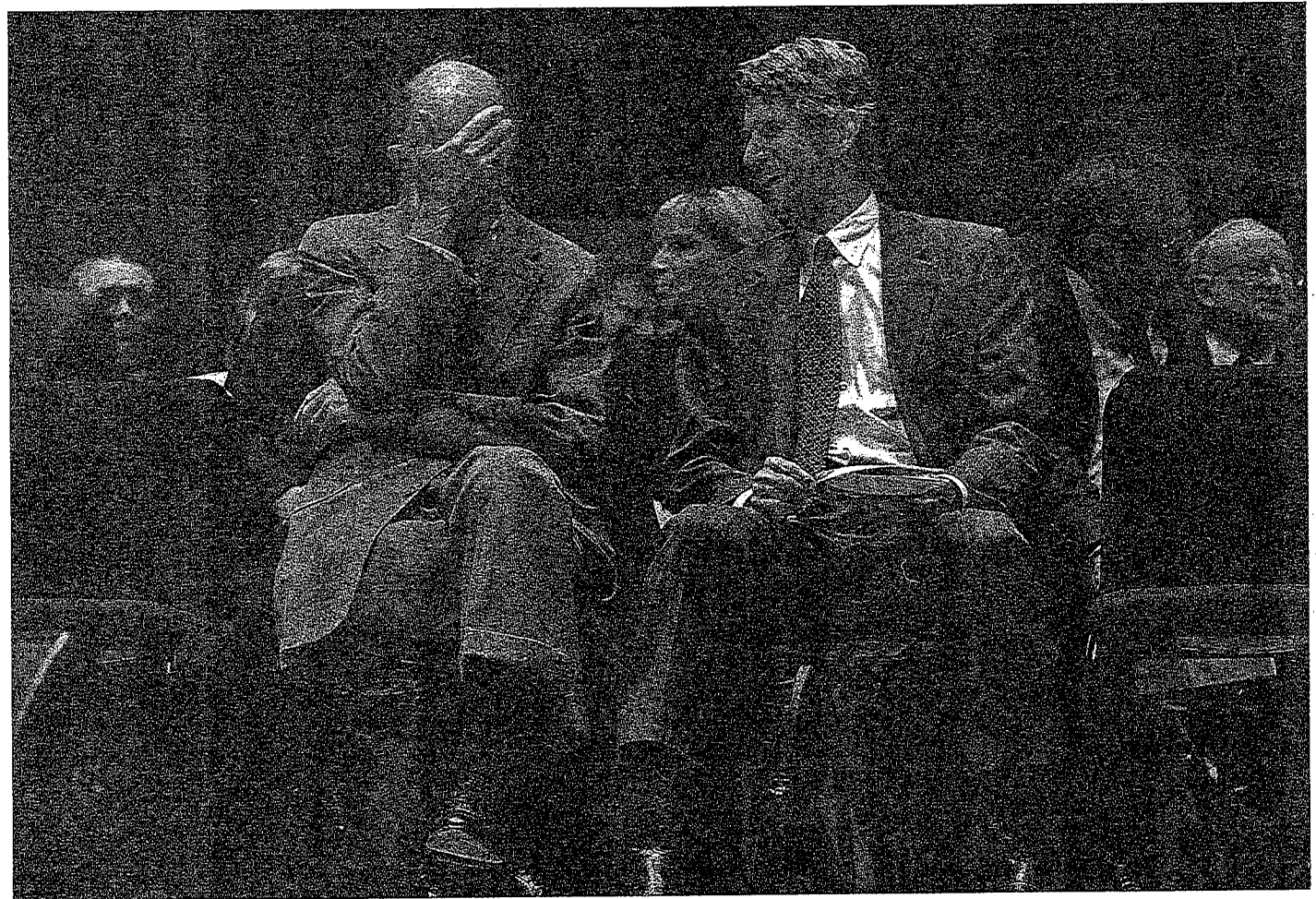
Getches was known as a leading scholar and public citizen in natural resources and water law, and he was heralded for his leadership during eight years as dean, when he presided over construction of the Wolf Law Building, and a total of three decades as a professor. But his role in the development of modern American Indian law is certainly one of his greatest legacies.

It's telling that the Indian law section's award wasn't the only lifetime achievement award that was posthumously given to Getches last week. The National Congress of American Indians, the largest and oldest American Indian organization, announced the day after his death it was honoring Getches with its highest award. It said in his memory: "Your piercing intelligence, diligent work and compassion for the Native cause fostered a legal revolution and brought hope and justice to Indian communities nationwide. We thank you and lift you up in our hearts."

Founding the revolution

Getches joined a San Diego corporate law firm after getting his law degree in 1967 from the University of Southern California, but he quit after a year to join California Indian Legal Services, an organization that provided low-cost or no-cost representation to Native Americans.

The organization got a pilot grant from the Ford Foundation in 1970 to start a nationwide equivalent, the Native



Former Colorado Chief Justice Luis Rovira and David Getches share a laugh on stage at the Denver Performing Arts Complex during the swearing-in ceremony for new attorneys who passed the bar exam last fall. | LAW WEEK PHOTO JAMIE COTTEN

American Rights Fund, with Getches as its founding executive director. The fund's first office was in Berkeley, Calif. Bruce Greene, now a Boulder federal Indian law attorney with Bruce Greene & Associates, was the first hire.

"We were young hippie lawyers," Greene said. "We felt like there were lots of things we could do with our legal talent, and we both decided we wanted to do something beneficial for people who otherwise would not get much representation."

The fund's office overlooked Berkeley's People's Park, a frequent site of student protests, he said. "We used to close our office for tear gas occasionally."

Also in Getches' first round of hires was John Echohawk, a member of the Pawnee tribe now the fund's executive director, who in 1970 had just received his law degree. There was also Charles Wilkinson, now a CU Law professor who collaborated for years with Getches, but he was then a young San Francisco lawyer looking to get into the emerging field of Indian law.

The fund relocated to Boulder in 1971

and incorporated as an independent non-profit. Getches set out to find benefactors and hire attorneys.

"We grew to a staff of about a dozen attorneys pretty fast in the early 1970s, much of it due to David's hard work and fundraising," Echohawk said.

The fund then began scouring the country for cases to take on behalf of American Indian plaintiffs.

Fighting pivotal cases

Getches served as lead counsel on some of the fund's early legal victories. The most important was a 1974 U.S. district court decision in *U.S. v. Washington* where Judge George Boldt ruled the state of Washington must honor treaties from 1855 that guarantee salmon-fishing rights on the state's rivers to native peoples. Up to then, Indians had been restricted to taking about 4 percent of the fishery; the Boldt decision ruled that Indians are entitled by treaty to 50 percent of the annual fish harvest.

"In my view, that decision is next to

Brown v. Board of Education as the single most important statement of the rights of dispossessed people handed down by an American court in the last century," said Wilkinson. "And David was lead counsel."

Though the U.S. was the plaintiff on the case, the government attorneys deferred to Getches' expertise, and he was the one who signed the final brief and took the lead in arguments.

"It turned out to be one of the greatest Indian treaty rights victories in Indian law that ever happened," Echohawk said. "That case showed these treaties were not ancient history, that they were still the law of the land, and it did that in a very big way."

Getches was also instrumental in the 1972 creation of the North Slope Borough, a municipality that covers 89,000 square miles in northern Alaska — (larger than 39 U.S. states). The borough was created in response to a lawsuit Getches brought on behalf of Inupiaq Eskimos, who were living with poor schools and medical facilities while energy companies made a lot of money exploiting Alaskan oil reserves. The borough gave the native people the ability to tax oil extraction, boosting their standard of living.

Spreading the word

By 1973, Getches was the fund's executive director and Echohawk was deputy director. At Getches' request, they swapped places, with Echohawk taking charge and Getches supporting him. He did it because he "really was a believer in Native American leadership" of the fund, Echohawk said.

Getches joined friend Greene in private practice from 1977 to 1978, and then joined CU as law professor in 1979, where he expanded American Indian law scholarship

and course offerings. Wilkinson went on to teach elsewhere but eventually joined him at the law school.

"He came into teaching law when there were just two or three people teaching it," Wilkinson said. "Today it's taught nationwide, from Honolulu to Cambridge. And it happened there was no current casebook available when he started, so he and I created a casebook that's now in its sixth edition."

The casebook Getches and Wilkinson created (with different co-authors for different editions) is now one of the standard American Indian law texts. Getches mentored students at CU, but he also mentored Indian law students across the country; Weddle attended Harvard Law School, but even then she corresponded with Getches about things from his casebook.

Getches' other passion in the law, natural resources, came to the fore when he served as executive director of the Colorado Department of Natural Resources from 1983 to 1987. He was also involved in a number of natural resources nonprofits, such as the Grand Canyon Trust and Defenders of Wildlife. His commitment to the environment ran deep — he always rode the bus between Denver and Boulder to cut emissions, Weddle said.

He played a key role ushering through the new law building at CU. The old one had become so insufficient that the law school risked losing its ABA accreditation. The Wolf Law Building is state-of-the-art and looks to stand as testament to Getches' work on behalf of the school.

His colleagues from the early days of the Native American Rights Fund remained lifelong family friends (Wilkinson named a son after Getches). They say Getches started feeling sick over the last year, but the cause couldn't be identified. He came down with a



David Getches gives a speech at the Colorado Law 30th Annual Banquet this spring at the Hyatt Regency. | LAW WEEK PHOTO JAMIE COTTEN



David Getches hugs Marvin Wolf at a Colorado Law ceremony last month. | CU LAW PHOTO PATRICK CAMPBELL

severe fever at the beginning of June, and it was then that a biopsy revealed he had pancreatic cancer.

He remained lucid to the end, doing law school work from his hospital room just days before he died, and working hard to make sure the transition to a new dean went smoothly.

It was completely in character, Wilkinson said. In 1982, a group of Indian law experts gathered for multi-day meetings on an important treatise. Getches was obviously not feeling well, but he refused to leave. One night he didn't show up to dinner. Wilkinson called his wife to find out Getches needed emergency surgery to remove his appendix.

"He did have the surgery, and at 10 the next morning somebody from the hospital wheels him into the meeting in a wheelchair," Wilkinson said. "The guy said, 'He has no business being here, but he insisted.'"

Said Greene: "He was very dedicated, very sincere and very hardworking. He always set a standard for everyone else to try to live up to. We knew we couldn't be as accomplished as David, or as dedicated or as driven, but we tried. He helped us by leading by example. Over the years it never changed. David was always a rock, always solid, always faithful, always a true friend." •

— Matt Masich, MMasich@CircuitMedia.com

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