



AMERICAN INDIAN LAW PROGRAM

University of Colorado Law School

Fall 2012 Newsletter



Greetings from Boulder! It's been a busy fall at the American Indian Law Program at Colorado Law. We are thrilled to welcome seven new Native students and many others who are interested in the field of American Indian Law. This issue of our newsletter features an update on our new AILP Speaker Series, student advocacy at the Denver Indian Center Clinic, current course offerings, NALSA events, and profiles of some of our impressive students, fellows, and alums. **Welcome to our community.**

-Kristen A. Carpenter, Director

This newsletter is a production of the American Indian Law Program at Colorado Law. With special thanks to AILP Fellow Jacquelyn Jampolsky '14.

For more information contact us!

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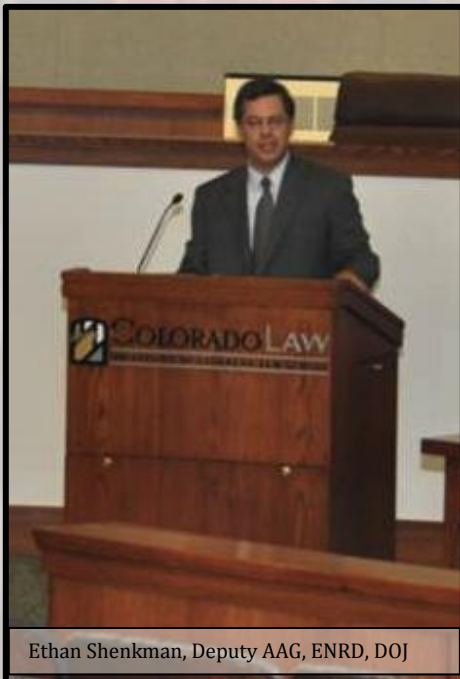


Above Right: AILP Faculty, NALSA, and family members gathered on September 14, 2012. Featured in the photo (front to back, left to right): Cedar Wine (age 6), Travis Bruner, Prof. Sarah Krakoff, Julia Guarino, Jasmine Wine (age 3), Prof. Kristen Carpenter, Judy Reid, JD Lavallee, Mitch Sickon, Jonathan Jourdain, Courtney Cole, Jacquelyn Jampolsky, Rollin Wood, Prof. Rick Collins, Kelsey Peterson, Chris Meier, Drew Kraniak, Wendell Matt, and Trevor Pellerite.

AILP Speaker Series 2012-2013

With the launch of our new **AILP Speaker Series**, the American Indian Law Program at Colorado Law serves as a convening institution, bringing prominent practitioners and scholars to campus and inspiring discussion among the local and national community in American Indian Law.

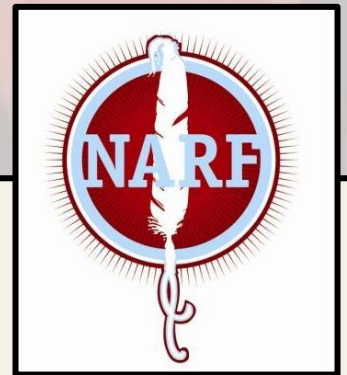
We are grateful to the AILP Speaker Series sponsors: Greenberg Traurig LLP, Fredericks, Peebles & Morgan LLP, McElroy, Meyer, Walker & Condon P.C., Tilden, McCoy + Dilweg LLP & the Colorado Indian Bar Association. We also thank Dean Phil Weiser, the Native American Rights Fund, & the Colorado Native American Law Student Association for supporting these events.



Ethan Shenkman, Deputy AAG, ENRD, DOJ

Department of Justice

The first event in the AILP Speaker Series was a public lecture by Ethan Shenkman, Deputy Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, on September 24, 2012. Students, faculty, community members, and local practitioners came to hear Shenkman speak about the Environment and Natural Resource Division's litigation, policy, and outreach work affecting Indian tribes, and enjoyed a reception following the event where attendees were able to meet with him personally.



The second event in the AILP Speaker Series was a presentation by Robert Miller, a prominent Indian Law scholar and author of *Reservation 'Capitalism': Economic Development in Indian Country* (Praeger 2012), held at the Native American Rights Fund (NARF) on October 15, 2012. Miller spoke about his new book and all of the attendees enjoyed a reception and book signing following his presentation. The AILP continues to work closely with NARF in a variety of matters, including pro bono projects with faculty. AILP students Mitch Sickon '13, Julia Guarino '13, and Jacquelyn Jampolsky '14 are all pursuing NARF externships this semester, receiving excellent training and exposure to major issues in Indian law.

AILP in the Community



Morgan Figuers '13

Denver Indian Center Legal Clinic

I started an externship with Metro Volunteer Lawyers' (MVL) Legal Clinic that they hold at the Denver Indian Center this semester. MVL coordinates the provision of free and low-cost civil legal services to people in the Denver Metro Area. MVL serves people who are living at or below 125% (free legal services) - 150% (low-fee legal services) of federal poverty guidelines. There are six programs within MVL to provide people in need with free and low-cost legal services: Direct Referrals to individual attorneys for direct representation (Referral), the Family Law Court Program (FLCP), the Post-Decree clinics, the Rovira Scholar, the clinical adoption Program, and the legal clinic at the Denver Indian Center.

The Clinic meets in the Denver Indian Center in Lakewood, CO, on the first Wednesday of every month. Metro Volunteer Lawyers sponsors and coordinates volunteers for the Clinic. It is a walk-in Clinic, and several attorneys volunteer to spend the evening answering questions from people from the community. I have been attending the Clinic every month and shadowing Dianne A. (Pacheco) Van Voorhees, my supervising attorney. Ms. Van Voorhees is a 2000 graduate of Colorado Law, where she was a member of NALSA and participated in the CU American Indian Law Clinic. Ms. Van Voorhees is currently the Executive Director at Metro Volunteer Lawyers and one of the founders of the Denver Indian Center Legal Clinic, along with attorney Danielle (Moore) Demkowicz. The Clinic is very well-attended. People have traveled from as far as Colorado Springs for legal advice. And, the legal issues that have arisen have ranged from fairly simple civil and family law to more complex ICWA and Indian law issues.

I am so grateful to be able to participate in the Clinic. Being able to sit with an attorney and people from the community and try to help solve legal issues is both gratifying and challenging because the Clinic presents problems far different than the theoretical and big-picture legal issues that I have studied in law school. Ms. Van Voorhees and the volunteer attorneys that attend are very knowledgeable and patient. I hope that I too can volunteer at this Clinic or a similar clinic when I am a practicing attorney. The Clinic is a terrific asset to the Denver Indian Center and the larger community and I expect to use the knowledge I have gained there in practice and to benefit the community. For more information about the Denver Indian Center Legal Clinic, see <http://www.metrovolunteerlawyers.org/legal-clinic-at-the-denver-indian-center>. **Morgan Figuers will graduate in May of 2013 with the Certificate in American Indian Law.*

AILP Fellowship Program

The AILP is proud to continue the American Indian Law Program

Fellowship for the second consecutive year. This year the AILP program fellow is Jacquelyn Jampolsky. She is of Cherokee descent, and is currently completing a JD/Phd degree in American Indian Law and Environmental Social Science. Jacquelyn is serving her second term as NALSA president, and is clerking at the Native American Rights Fund, where she has been since the Fall of 2010. In her position as the AILP fellow, she works closely with faculty and the Dean's office to increase the presence of Colorado Law in the native community, both locally and nationally, and helps recruit Native students to Colorado Law. The AILP Fellowship importantly engages Native students in AILP administration, outreach, and event-planning to develop and improve the program reflective of student needs. The AILP Fellow also engages in research and writing in the field. With Professor Carpenter, Jacquelyn is co-authoring an entry on *Indigenous Rights* for the law section of the INTERNATIONAL ENCYCLOPEDIA OF SOCIAL AND BEHAVIORAL SCIENCES.



AILP Course Offerings

Each year the Colorado Indian Law Faculty adds new classes to the Indian Law curriculum, making Colorado Law one of the top American Indian Law programs in the country.



Fall 2012

American Indian Law I - LAWS 7725 – Professor Sarah Krakoff

This is the foundational course in our American Indian Law curriculum, focusing on the federal statutory, decisional, and constitutional law that shapes the relationship among the tribal, state, and federal governments.

Advanced Topics in American Indian Law - LAWS 8725-001 – Adjunct Professor Troy Eid

Troy Eid is Chair of the National Indian Law and Order Commission and a former U.S. Attorney. This seminar on “Civil and Criminal Justice in Indian Country” explores the manner in which Indian tribal governments make and enforce their own laws within the American constitutional system.

Spring 2013

American Indian Law II - LAWS 7735 – Professor Charles Wilkinson

The follow-up to American Indian Law I, this course investigates the legal history and current legal status of Alaska Natives and Native Hawaiians. It also covers current topics such as tribal water rights, tribal fishing and hunting rights, tribal justice systems, religious freedom, and tribal natural resource and environmental management. Prerequisite: LAWS 7725.

Advanced Topics in American Indian Law - LAWS 8725-001 – Professor Kristen Carpenter

This new seminar on **Indigenous Peoples in International Law** provides students with an overview of the practice and theory of international human rights law and policy as it has developed to address the concerns of indigenous peoples worldwide. We will study the substance and procedure of international law as it pertains to indigenous peoples, taking both a pragmatic and critical view of these developments in the United Nations, Organization of American States, and elsewhere. The seminar coincides with U.N. Special Rapporteur S. James Anaya’s historic visit to Colorado Law in January 2013, giving students an unprecedented window into the subject matter.

Advanced Topics in American Indian Law - LAWS 8725-002 – Professor Sarah Krakoff and Fellow Julie Teel

This new seminar on **Navajo Nation Energy Development Law and Policy** assesses the legal ramifications of select energy development proposals on the Navajo Nation. Over the duration of the semester we will research and compose an Energy Action Report for consideration by the Navajo Energy Commission and the Navajo Nation’s Attorney General’s Office. Students will have an opportunity to contribute directly to energy policy development in the Four Corners region while learning about the interplay between federal environmental and energy laws, federal Indian law and Navajo Nation tribal codes. Course materials are designed for students who have already completed Indian Law I and have a basic understanding of the unique legal matrix in Indian Country.

AILP Faculty Highlights: Fall 2012

The caliber of the Colorado AILP faculty is unmatched. Each of the AILP professors maintains a full slate of scholarship and community projects, while actively teaching and mentoring students at Colorado Law. Our

AILP Faculty's participation in at major events, both in the United States and internationally, supports Colorado Law's preeminent reputation in the field of American Indian Law. Here are some current highlights:

Colorado AILP Professors in the National & International Spotlight!

Kristen Carpenter, Associate Dean for Faculty Development, Associate Professor of Law, & American Indian Law Program Director

Professor Carpenter focuses her research and community work on indigenous peoples' legal struggles over land, culture, and religion. Over the summer, Carpenter authored an amicus brief in support of two tribes in *Te-Moak Tribe v. U.S.*, a challenge to gold mining on a Western Shoshone sacred site, currently pending before the 9th Circuit. In Fall 2012, Professor Carpenter has been working on articles concerning American Indian religious freedoms, human rights in Indian Country, and the professional responsibilities of Indian tribal lawyers. She has recently presented these projects at Harvard, Berkeley, Fordham, Pepperdine, and Michigan State Law School. Carpenter was elected to the American Law Institute in September 2012 and will be an Advisor on the Restatement of American Indian Law project.

Richard Collins, Professor of Law

Professor Collins is a scholar in Constitutional Law and American Indian Law. In spring 2012, Professor Collins spent a well-earned sabbatical as a visiting scholar at Melbourne University, Melbourne, Australia and as a visiting scholar at Auckland University, Auckland, New Zealand. Drawing from his comparative work on religious freedoms and property, Collins delivered lectures on indigenous sacred sites claims at both institutions. Back in the USA, Professor Collins recently gave the inaugural presentation on Constitutional Law to a standing-room only crowd at Colorado Law's Mini-Law School.

Sarah Krakoff, Professor of Law, Wolf-Nichol Fellowship

Professor Sarah Krakoff has been active in her research, scholarship, and community outreach in both American Indian Law and Natural Resources Law. Krakoff has recently spoken at conferences at Berkeley and the University of Washington, and also consulted on natural resources projects of the Harvard Project on American Indian Economic Development. This fall, Krakoff was featured in Kirk Johnson, *Tribes Add Potent Voice Against Plan for Northwest Coal Terminals*, NEW YORK TIMES, October 11, 2012, where she weighed in on tribal advocacy against coal terminals in the Northwest. Krakoff is the co-editor of a new book entitled *TRIBES, LAND, AND THE ENVIRONMENT* (Ashgate 2012) (with Ezra Rosser) and has a forthcoming article *Inextricably Political: Race, Membership and Tribal Sovereignty*, in the WASHINGTON LAW REVIEW (2012).

Charles Wilkinson, Distinguished University Professor, Moses Lasky Professor of Law

With over ten books and dozens of articles, Professor Wilkinson is one of the nation's leading intellectuals in American Indian Law and Public Land Law, while maintaining an active role advising tribes and federal agencies on these issues. Wilkinson is also a committed mentor to the generation of American Indians now coming up in practice and the academy. In that spirit, he recently co-authored a new article with Daniel Cordalis '11, a citizen of the Navajo Nation, who was Wilkinson's research assistant during law school. The article, Charles Wilkinson and Daniel Cordalis, *Heeding the Clarion Call for Sustainable, Spiritual Western Landscapes: Will the People Be Granted A New Forest Service?*, 33 PUB. LAND & RESOURCES L. REV. 1 (2012), explores shifting Forest Service policies and analyzes key concerns -- including the 2012 Planning Rule, collaboration, American Indian sacred sites, and climate change-- facing the Forest Service today.

NALSA News

The Colorado Native American Law Student Association connects Native and non-Native students interested in American Indian Law with professional, academic, and cultural opportunities in the community.

2012-13 NALSA

President, Jacquelyn Jampolsky (Cherokee descent) '14
Vice President, Julia Guarino '13
Treasurer, Mitch Sickon '13
Secretary, Travis Bruner '13
Social Chair, Courtney Cole (Cherokee/Choctaw descent) '15



Event Highlights

Welcome Potluck!

In September 2012, Professor Kristen Carpenter graciously hosted a NALSA welcome potluck at her beautiful home in North Boulder. AILP professors, new and veteran NALSA students, AILP alums, and local Indian Law practitioners got together to share good food- including fry bread and Professor Carpenter's famous buffalo stew- and good stories, to set the tone of community for the year. The Welcome Potluck continues the tradition of hosting NALSA students by the late Dean Getches.

Indian Law Recruiting on Campus

On October 4, 2012, Doug Endreson, of the Sonosky, Chambers, Sasche, Endreson, & Perry LLP came to Colorado Law to conduct on-campus interviews with Colorado Law students. Additionally, NALSA hosted Mr. Endreson in an informal lunch panel where he shared his experience in Indian Law, and advice about starting a career in Indian Law with NALSA students. Sonosky, Chambers, Sachse, Enderson & Perry LLP is a national law firm devoted to representing Native American interests in a wide range of endeavors including trial and appellate litigation, federal Indian law, tribal law, Indian self-determination and self-governance matters, health law, commercial and corporate law, tax law, land claims, natural resources law, public land law, water law, land regulation, hunting and fishing rights, environmental law, toxic torts, jurisdictional conflicts, gaming law, government contracting, hydroelectric development and business development. The firm has offices in Washington, D.C., Albuquerque, San Diego, Anchorage and Juneau.

Native American Rights Fund, Attorney Meet & Greet

Every Year, NALSA sponsors a lunch at the Native American Rights Fund where students meet with NARF attorneys, and learn about the history and work at NARF.

Lunch-time Speaker Series, Troy Eid, Shareholder, Greenberg Traurig

NALSA sponsors lunch-time speakers periodically throughout the year to engage the broader student body in Native issues. On November 15, 2012, Troy Eid came to speak to students about the Violence Against Women Act over the lunch hour.

AILP Student & Alumni Profiles



Affie Ellis '07, Navajo

Affie Ellis '07, a member of the Navajo Nation, was appointed by U.S. Senate Minority Leader Mitch McConnell (R-KY) to serve on the national Indian Law and Order Commission. The Tribal Law and Order Act of 2010 created the nine-member Commission to develop a comprehensive study and report on crime and Indian Country and will report back to Congress and the President with specific proposals to make Indian Country safer and more just.

Affie is president of Ellis Public Affairs, a public and government relations firm based in Cheyenne, WY. She previously litigated as an Assistant Attorney General for the state of Wyoming, representing and advising the governor and multiple state agencies on natural resource and Indian law. Ms. Ellis is an adjunct professor in the American Indian Studies Department at the University of Wyoming, where she focuses on the intersection of constitutional law, congressional action and Indian policy. Formerly, Ms. Ellis worked as a policy advisor for U.S. Senator Craig Thomas (R-WY) in Washington, DC, advising on natural resources and American Indian issues. While in Washington, she was also appointed to serve as the Director of Congressional and Public Affairs for the National Indian Gaming Commission.



Julia Guarino '13, NALSA Vice President

Julia is a third year law student and current vice president of NALSA. Julia grew up in Connecticut and has a B.A. in photography from Bard College in New York, but fell in love with the West when she moved to Montana after college to be an AmeriCorps Volunteer. Julia spent her first year of law school at Georgetown University Law Center, but was disappointed by the lack of a local NALSA chapter and the single Indian law class offered every other year. She decided to transfer out west,

and chose Colorado Law for its excellent reputation in Indian law and natural resources law. Julia clerked at the National Indian Law Library in 2011-2012, currently a clerk at the Native American Rights Fund, and will participate as part of the Colorado Law delegation at the prestigious National NALSA Moot Court Competition this February. Julia will graduate in the spring with a certificate in Indian law in addition to her J.D. Julia is so glad she transferred to Colorado Law!



Derek Goatson '15, Navajo

Derek is a member of the Navajo Nation, and was raised in Page, Arizona. He spent his summers herding sheep for his aunt until he left to attend Brigham Young University, where he graduated with a B.A. in philosophy in 2010. Derek served a church mission in Rio de Janeiro, Brazil from 2004 to 2006, and studied abroad in Tokyo, Japan where he worked on a cross-cultural psychology project investigating Japanese adults' perceptions of clinical psychology counseling. Derek also worked as a research assistant to Dennis Norman at the Harvard University Native American Program, where he wrote a paper on the philosophy

of multicultural education. Derek chose CU-Boulder because of its prestigious environmental law and American Indian law programs. Both of Derek's maternal grandparents died of cancer due to prolonged uranium exposure. His father has worked for the Navajo Generating Station in Page, Arizona for almost thirty years, and he has several uncles that have worked at the Peabody coal mine in Black Mesa, Arizona. Derek's interest in law stems from his family's long history with environmental issues on the Navajo Reservation. In his spare time, Derek enjoys watching movies, reading, playing basketball, swimming, hanging out with cool people, and fantasy baseball. His proudest accomplishment, as of late, was finishing Proust's In Search of Lost Time. Under his wife Ingrid's tutelage, he hopes to one day read it in the original French.

AILP Spring Events

Save the Dates!!!



January 24, 2013, 5pm, Wittemyer Courtroom
S. James Anaya, U.N. Special Rapporteur
on the Rights of Indigenous Peoples
Topic: *Indigenous Peoples in International Law*
This event is free and open to the public

The Colorado AILP is thrilled to announce that U.N. Special Rapporteur S. James Anaya will deliver a public lecture at the Law School on January 24, 2013. The author of seminal scholarly texts including *Indigenous Peoples in International Law* (Oxford 2006), Anaya has also represented indigenous peoples from North and Central America in landmark cases before the highest domestic courts and international bodies. Deeply involved in the 25 year effort to draft the UN Declaration on the Rights of Indigenous Peoples, Anaya was appointed Special Rapporteur in 2008, and is charged with investigating and reporting on the situation of indigenous peoples around the world. Anaya is Regents Professor and James J. Lenoir Professor of Human Rights at the University of Arizona College of Law. Please join us for this special event.

April 4-5, 2013, TBA
Wittemyer Courtroom
Annual American Indian Law Conference
agenda forthcoming



We hope you will join us!