

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BAY MILLS INDIAN COMMUNITY Plaintiff,  v.  GOVERNOR RICK SNYDER, in his official capacity, Defendant.	Case No. 1:11-cv-0729-PLM  Hon. Paul L. Maloney
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**DECLARATION OF RICHARD HUGHES**

### **DECLARATION OF RICHARD W. HUGHES**

Richard W. Hughes, of 1215 Paseo de Peralta, Santa Fe, New Mexico 87501, declares as follows:

1. I am an attorney, admitted to practice in the States of New Mexico and Colorado since 1971, and in the Supreme Court of the United States since 1974, and I continue to practice law as a partner in the Santa Fe, New Mexico, office of the firm of Rothstein Donatelli LLP, in which firm (though it has had various different names over time) I have been a partner since 1988. My professional resume is attached hereto, and is incorporated herein by reference.

2. For my entire professional career, I have been primarily involved in the representation of Indian tribes, groups and individuals, dealing with practically the gamut of issues comprising the field of federal Indian law, and I have been recognized by the New Mexico Bar as a specialist in the field of Federal Indian Law since 2005.

3. Since the late 1970s, my practice has focused more specifically on the history of and legal issues pertaining to Pueblo Indian land and water rights. I have litigated a number of cases dealing with Pueblo land issues (some of which are still pending), and I am currently involved in three general stream adjudications in New Mexico in which Pueblo water rights are a central issue.

4. In 2014, the University of New Mexico Press published a book that I co-authored with Malcolm Ebright and Rick Hendricks, entitled *FOUR SQUARE LEAGUES: PUEBLO INDIAN LAND IN NEW MEXICO*, which is the first book to address comprehensively the legal history of Pueblo lands in New Mexico under the Spanish, Mexican and American regimes (in addition to providing a number of case studies recounting particular Pueblos' land issues). My only other published work in the last 10 years is an article that just came out in volume 57, number 1, of the

NATURAL RESOURCES JOURNAL, published by the University of New Mexico Law School, at pp. 219-61, entitled, "Pueblo Indian Water Rights: Charting the Unknown."

5. I have also played a central role in legal matters regarding the development of Indian gaming in New Mexico, and have been lead counsel in litigation on gaming issues by gaming tribes in the State, and a lead negotiator for gaming tribes in negotiations with the State for gaming compacts in 1995, 1997, 2001 and 2007.

6. Although I have been qualified as an expert in various Indian law subjects in a few cases during my career, I have not served as an expert in any case during the past four years.

7. In this declaration I will give my opinion that land patented to the Pueblo Indians of New Mexico by the United States in fee is properly considered "Indian country," or "Indian lands" as that term is used in the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq.*, and on related matters. The information and opinions set forth in this declaration are based on the cases and acts of Congress that I cite, and on the material that is discussed and cited in chapters 1, 8 and 9 of FOUR SQUARE LEAGUES, the book that I co-authored that is referenced above.

8. The Pueblo<sup>1</sup> Indian tribes of New Mexico are Indians of several different linguistic groups that have resided in what is now the American Southwest for millennia. They are undoubtedly descendants of the prehistoric tribes once known as the "Anasazi" (a Navajo term meaning "the enemy," that more recently has been replaced by the politically more correct term, "ancestral Puebloans"), who constructed the great cliff dwellings of such areas as Mesa Verde

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<sup>1</sup>The word "pueblo" of course means "town" or "village" in Spanish, but early on the Spanish took to referring to the villages of Indian people that they found settled in the Rio Grande valley and along tributaries of the Rio Grande as "Pueblos," and that usage has continued to modern times.

and the great houses of Chaco Canyon. The Spanish were the first Europeans to encounter the Pueblos, in the mid-16th century, and the fact that the Pueblos were agriculturalists who lived in permanent villages, built of stone and adobe, in multi-unit structures often several stories in height, plainly impressed the European invaders. Each Pueblo village also possessed highly developed religious, social and political structures.

9. In 1854, six years after the United States acquired the Southwest (including California) by the Treaty of Guadalupe Hidalgo, Congress enacted the Act of July 22, 1854, c. 103, 10 Stat. 308, by which it created the Office of Surveyor-General of New Mexico, whose charge was to ascertain the extent of lands held under private titles recognized by the prior sovereigns in the territory (and which would therefore be segregated from the public domain). In 1856, the first Surveyor-General, William Pelham, submitted to the Department of the Interior, for presentation to Congress for confirmation, claims of land grants made under Spanish authority on behalf of seventeen Pueblos. All of these claims were confirmed by Congress by the Act of December 22, 1858, c. 5, 11 Stat. 374. (Santa Ana Pueblo's grant was later confirmed by the Act of February 9, 1869, c. 26, 15 Stat. 438. Laguna Pueblo's grant was confirmed by the Court of Private Land Claims in 1897.)

10. The acts of confirmation stated that the Commissioner of Public Lands was to "cause a patent to issue [to each claimant] as in ordinary cases to private individuals." It further declared that the confirmation of these grants "shall only be construed as a relinquishment of all title and claim of the United States to any of said lands, and shall not affect any adverse valid rights should such exist." The patents were, in effect, mere quitclaims.

11. The fact that the Pueblos' titles to their lands preceded the advent of American

sovereignty over the Southwest, and that they now held their lands in fee, among other factors, led the Supreme Court, in *United States v. Joseph*, 94 U.S. 614 (1877), to conclude that the Pueblos' lands were not subject to congressional authority. That view was finally corrected in *United States v. Sandoval*, 231 U.S. 28 (1913), in which the Court held that the Pueblos were like other "dependent Indian communities" over which the United States could exercise guardianship, and it gave short shrift to the argument that the fact that the Pueblos held their lands in fee simple precluded an assertion of federal authority over them. The Court noted that in this respect the Pueblos were like the Five Civilized Tribes of Oklahoma, who also owned their lands in fee, pursuant to patents from the United States.

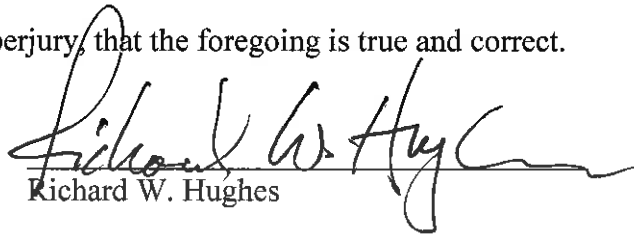
12. In short, although the Pueblos' grant lands are lands that they held under prior sovereigns, and for which they hold fee patents from the United States issued "as in ordinary cases to private individuals," those lands came to be considered as being subject to congressional authority, because they are held by communities whose Indian identity is unquestioned, and over which Congress has asserted federal guardianship. The term that eventually came to be applied to such lands is "restricted fee," meaning that the lands, though owned in fee simple, are subject to federal law restrictions against alienation.

13. Of the 19 Pueblos in New Mexico, 12 are currently engaged in class III gaming. Of those, ten have gaming facilities located on lands owned by those Pueblos in fee simple. To my knowledge, no question has ever been raised as to the status of those lands as "Indian lands" under the Indian Gaming Regulatory Act, especially 25 U.S.C. § 2703(4), and it is clear to me that those lands clearly qualify as "Indian lands" under the statute.

14. I am being paid at the rate of \$400.00/hour for the time I spend serving as an expert

in this case.

I declare, under penalty of perjury, that the foregoing is true and correct.

  
Richard W. Hughes

Date: 3/17/17

**Professional Resume**

**RICHARD W. HUGHES**

**Home Address:** 5 Brass Horse Lane  
Santa Fe, New Mexico 87508

**Business Address:** Rothstein Donatelli LLP  
1215 Paseo de Peralta  
Santa Fe, New Mexico 87501  
Post Office Box 8180  
Santa Fe, New Mexico 87504-8180  
(505) 988-8004; facsimile: (505) 982-0307  
www.rothsteinlaw.com  
E-mail: rwhughes@rothsteinlaw.com

**Born:** June 17, 1946 - Richmond, Virginia

**Education:** B.A. with High Honors, University of Virginia, 1967  
LL.B., Yale Law School, 1971

**Employment:**

**Partner**

Rothstein Donatelli LLP (formerly known as Rothstein, Donatelli, Hughes, Dahlstrom,  
Schoenburg & Bienvenu, LLP)  
Santa Fe, New Mexico  
www.rothsteinlaw.com

Dates: September 19, 1988 to present

Practice primarily in fields of Indian law, water law, complex litigation, and general civil practice. Special counsel to Pueblo of Santa Ana; general counsel to Pueblo of Santa Clara; general counsel to Pueblo of Picuris; water rights litigation counsel to Havasupai Tribe; water rights litigation counsel to Pueblo of Laguna. Past clients have included Navajo Nation, Pueblo of Santo Domingo, Pueblo of Tesuque, Santa Fe Metropolitan Water Board. Areas of practice have included Indian country jurisdiction, land and water rights, federal trust responsibility, employment discrimination, gaming, complex commercial transactions, leasing, right-of-way negotiations and others. Currently represent Indian tribes in three general stream adjudications in New Mexico.

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Richard W. Hughes  
Professional Resume  
Page 2

**Partner**

Luebben & Hughes  
Albuquerque, New Mexico

Dates: October 2, 1978 to September 16, 1988

Practice primarily involved acting as general counsel to several Indian tribes throughout the western United States, including Pueblo of Santa Ana, Pueblo of Santo Domingo, Cheyenne River Sioux Tribe, Pueblo of San Ildefonso, and others, with emphasis on land claims, water rights and natural resource issues, economic development, commercial transactions, rights-of-way and others; acting as special counsel to various Indian tribes, including Soboba Band of Mission Indians, Pueblo of Santo Domingo, Navajo Nation, and others, in land claims and resource matters.

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**Senior Staff Attorney**

DNA-People's Legal Services, Inc.  
Window Rock, Arizona

Dates: July 1, 1978 to October 2, 1978

Oversaw major environmental litigation involving uranium development on tribal and Indian allotment land, as well as other significant Indian law cases.

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**Director of Litigation**

DNA-People's Legal Services  
Window Rock, Arizona

Dates: January 1, 1976 to July 1, 1978

Directed staff of 30 attorneys in 7 legal services offices throughout Navajo and White Mountain Apache Reservations and handled various Indian land, environmental, civil rights and consumer cases.

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**Staff Attorney**

DNA-People's Legal Services, Inc.  
Shiprock, New Mexico

Dates: April 1, 1971 to January 1, 1976

Handled full caseload of civil matters, including major Indian law jurisdictional cases, civil rights and environmental litigation.

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**Law Clerk**

DNA-People's Legal Services, Inc.  
Shiprock, New Mexico

Dates: August 1, 1970 to April 1, 1971

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**Legal Intern**

United States Department of State  
Office of the Legal Advisor

Dates: June 1, 1969 to September 1, 1969

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**Teaching Assistant**

Professor Charles Reich  
Yale University

Dates: Spring of 1969

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**Program Analyst**

New York City Community Development Agency  
New York, New York

Dates: Summer of 1968

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**Reporter**  
The Atlanta Constitution  
Atlanta, Georgia

Dates: Summer of 1967

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**Reporter**  
The Greensboro Daily News  
Greensboro, North Carolina

Dates: Summer of 1966

### **Bar Memberships and Judicial Admissions**

New Mexico - April 1, 1971  
Colorado - April 29, 1971

United States Supreme Court - December 23, 1974

United States Courts of Appeals:

5th Circuit - December 6, 1993  
7th Circuit - September 25, 1992  
9th Circuit - January 27, 1982  
10th Circuit - February 13, 1973  
District of Columbia Circuit - December 6, 1973  
Federal Circuit - October 1, 1982

United States Court of Federal Claims - May 9, 1977

United States Tax Court - December 4, 1973

United States District Courts:

New Mexico - April 1, 1971

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Colorado - February 27, 1974  
Western District of Wisconsin - August 4, 1992

Supreme Court of the Navajo Nation - January 8, 1977

Zuni Tribal Court - January 14, 2016

New Mexico Board of Legal Specialization certified specialist in the area of Federal Indian Law, April 16, 2005 to present

**Reported Cases (selected)**

*Yanito v. Barber*, 348 F.Supp. 587 (D.Utah 1972)  
Enjoining county official from discriminatory action excluding a Navajo Indian from running for political office

*Ben v. GMAC*, 374 F.Supp. 1199 (D.Colo. 1974)  
Sustaining jurisdiction of federal courts to hear claim of racial discrimination in sale of insurance

*Penn v. San Juan Hospital*, 528 F.2d 1181 (10th Cir. 1975)  
Reversing dismissal of claim of racial discrimination in provision of emergency medical care

*Jim v. CIT*, 87 N.M. 362, 533 P.2d 751 (1975)  
Requiring New Mexico courts to give full faith and credit to public acts of the Navajo Tribe

*White v. Singleton*, 88 N.M. 262, 539 P. 2d 1024 (1975)  
Holding that mobile home buyer has absolute right to rescind contract prior to delivery if seller has not signed contract

*Benally v. Marcum*, 89 N.M. 463, 553 P.2d 1270 (1976)  
Holding hot pursuit of Navajo by city policeman onto reservation illegal and purported arrest there for offense committed off-reservation void, as violating sovereignty of Navajo Tribe.

*Manygoats v. Kleppe*, 558 F.2d 556 (10th Cir. 1977)  
Sustaining right of individual Navajos to bring NEPA suit involving tribal lease

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*Halona v. MacDonald*, 1 Nav. R. 341 (1978)

Holding Tribal Council appropriation of funds to pay legal fees for chairman's criminal defense invalid because in violation of tribal laws concerning appropriations and budgeting, and because it constituted use of public funds for private purposes

*Pueblo of San Felipe v. Hodel*, 770 F.2d 915 (10th Cir. 1985)

Holding that Secretary of Interior had fiduciary duty to protect interests of both tribes claiming title to land in disposing of proceeds of right-of-way compensation attributable to disputed parcel

*Navajo Skill Center v. Benally*, 5 Nav. R. 93 (1986)

Holding that failure to exhaust administrative remedy bars former employee's suit for wrongful termination

*McClanahan v. Hodel*, 14 Ind. L.Rep. 3113 (D.N.M. 1987)

Holding that Secretary lacked authority to approve mineral leases of allotted lands where fewer than all of locatable allottees consent, and that Secretary's handling of lease negotiations in this case constituted breach of fiduciary duties to allottees

*Pueblo of Santa Ana v. Baca*, 844 F.2d 708 (10th Cir. 1988)

Holding that American surveys of Spanish land grants are not conclusive in property dispute between successors to Spanish titles, where historical evidence provides better basis for determining actual location of boundaries as established in Spanish times

*Boos v. Yazzie*, 6 Nav. R. 211, 17 Ind.L.R. 6115 (Nav.Sup.Ct.,1990)

Holding that appointment of legal services attorney to represent criminal defendant in Navajo court not violative of federal law restrictions on use of federal funds granted to legal services program.

*Tracy v. Superior Court*, 168 Ariz. 21, 810 P.2d 1030 (1991)

Holding that the Navajo Nation is the equivalent of a state for purposes of uniform act providing for enforcement of foreign state's subpoenas for attendance of witnesses in criminal trials.

*Navajo Nation v. MacDonald, Sr.*, 6 Nav.R. 432, 19 Ind.L.R. 6053 (Nav.Sup.Ct.1991)

Affirming convictions of Peter MacDonald, Sr. on 41 counts of violations of Navajo law.

*Navajo Nation v. MacDonald, Jr.*, 7 Nav.R. 1, 19 Ind.L.R. 6079 (Nav.Sup.Ct.1992)

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Rejecting defendant's multiple claims of error in trial in which he was convicted of 23 counts of violations of Navajo law, but remanding for hearing on whether prosecution made improper use of defendant's immunized testimony.

*Forest County Potawatomi Community v. Doyle*, 803 F. Supp. 1526 (W.D. Wis.1992)  
Granting preliminary injunction to Indian tribe and private Indian school to prevent City of Milwaukee and state Attorney General from shutting down tribe's Class III gaming activities.

*Forest County Potawatomi Community v. Norquist*, 45 F.3d 1079 (7th Cir.1995)  
Affirming permanent injunction against City of Milwaukee officials from interfering with tribe's Class III gaming activities.

*Brown v. United States*, 86 F.3d 1554 (Fed.Cir.1996)  
Holding that Department of the Interior's actions with respect to commercial leasing of Indian trust land under 25 U.S.C. § 415 are subject to trust principles.

*Harvey v. Star*, 96 F.3d 1453 (Table) (10<sup>th</sup> Cir. 1996)  
Holding that habeas corpus petitioner under 25 U.S.C. § 1303 must first exhaust tribal remedies.

*Pueblo of Santa Ana v. United States*, 214 F.3d 1338 (Fed.Cir. 2000)  
Holding that government's removal of valuable rock and fill material from land held in trust for Pueblo, without compensation, was 5<sup>th</sup> amendment taking for which Pueblo was entitled to compensation, despite government's reserved use right in land.

*Yu v. Brown*, 92 F.Supp. 2d 1236 (D.N.M. 2000)  
Rejecting INS interpretation of 1997 amendment to Immigration and Nationality Act, and holding that amendment does not apply to special immigrant juvenile petitions filed before effective date of amendment.

*Jepsen v. Vigil-Giron*, 29 Indian L.Rep. 5105 (Bern.Co.Dist.Ct., N.M., Jan. 24, 2002)  
Holding that current districting plan for state house of representatives violates federal Voting Rights Act by diluting votes of Navajo Indians, and Navajo plan for northwestern portion of state best remedies that violation.

*Kennedy v. Hughes*, 60 Fed. Appx. 734 (10<sup>th</sup> Cir. 2003)  
Holding that plaintiff could not sue tribe or tribal officials in federal court under Indian Civil Rights Act after tribal court had heard and considered claim and had dismissed complaint on sovereign immunity grounds.

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*Boyd & Ramona Lawson*, 159 IBLA 184 (2003)

Holding that applicants had proven that homestead patent issued in 1888 to grandfather of one of applicants did not, as subsequently surveyed, include the homesite and other improvements on which the claim of entry was based, and that applicants were entitled to issuance of corrected patent to include the wrongfully omitted lands.

*Picuris Pueblo v. Oglebay Norton Company*, 228 F.R.D. 665 (D.N.M. 2005)

Holding that United States is not indispensable party to claim by tribe that land patented under federal mining laws is subject to tribal aboriginal title; denying motion to dismiss.

*R & R Deli, Inc., v. Santa Ana Star Casino*, 2006-NMCA-020, 139 N.M. 85, 128 P.3d 513

Holding that suit by lessee of tribal gaming enterprise against tribe and enterprise was barred by tribal sovereign immunity.

*State v. Romero*, 2006-NMSC-039, 142 P.3d 887

Holding that all land within exterior boundaries of Pueblo grants remains Indian country, notwithstanding patenting to non-Indians. (Briefed and argued, as counsel for *amici*.)

*Burrell v. Armijo*, 603 F.3d 825 (10<sup>th</sup> Cir. 2010)

Holding that Pueblo Governor who directed non-Indian lessee of tribal lands not to bale hay at night, due to complaints about noise, was acting within the scope of his authority as Governor, and was thus protected by Pueblo's sovereign immunity from suit brought under 42 U.S.C. § 1981 alleging that Governor deprived lessee of contract rights based on racial animus; reversing \$1.347 million federal jury verdict.

*Pueblo of Santa Ana v. Nash*, 854 F.Supp.2d 1128 (D.N.M. 2012)

Holding that suit to enjoin state court from entertaining lawsuit for personal injury against tribal gaming enterprise for lack of jurisdiction was not pre-empted by Rooker-Feldman doctrine, nor subject to bar of Anti-Injunction Act, that Younger abstention was not appropriate and that state was not indispensable party.

*Pecos River Open Spaces, Inc., v. County of San Miguel*, 2013-NMCA-029, \_\_\_ N.M. \_\_\_ (Jan. 11, 2013)

Holding that the preservation of vacant, undeveloped property determined by the state Department of Energy, Minerals and Natural Resources to have significant natural values, solely for conservation purposes, by a qualified conservation

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organization, is a charitable purpose, and such property is therefore exempt from property tax under the New Mexico constitution.

*Pueblo of Santa Ana v. Nash*, 972 F.Supp.2d 1254 (D.N.M. 2013)

Holding that Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 *et seq.*, does not provide any authority for shifting jurisdiction over patrons' personal injury suits against tribal gaming enterprise from tribal to state court, and that state district court thus lacked jurisdiction to hear such suit (rejecting contrary holding in *Doe v. Pueblo of Santa Clara*, 2007-NMSC-008, 141 N.M. 269 (2007)).

*Grand Canyon Trust, et al., v. Williams*, 39 F.Supp.3d 1073 (D.Ariz. 2014)

Denying government's motion to dismiss suit by environmental groups and Havasupai Tribe claiming Forest Service failed to comply with NEPA and with National Historic Preservation Act in allowing uranium mine located within traditional cultural property boundary to resume operation after 20-year period of shutdown.

#### **Seminar Presentations (selected)**

"The Civil Rights of Tribes: Problems and Perspectives  
on an Emerging Political Reality"

Federal Bar Assoc., 10th Indian Law Conference  
Phoenix, Arizona; 1985

"Ethical Issues in the Representation of Indian Tribes"

Federal Bar Assoc., 11th Indian Law Conference  
Phoenix, Arizona; 1986

"The Expanding Horizons of Tribal Court Jurisdiction"

Indian Law Section, State Bar of New Mexico  
Albuquerque, New Mexico; 1989

"Full Faith and Credit and Other Means of Respect for Tribal Court  
Judgments"

Indian Law Section, State Bar of New Mexico  
Albuquerque, New Mexico; 1994

"Recent Case Law Defining 'Indian Country'"

Indian Law Section, State Bar of New Mexico  
Seminar on Jurisdiction in Indian Country after *Sac & Fox*  
Albuquerque, New Mexico; November 18, 1994

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"Update on Indian Gaming Law"  
National Business Institute  
Seminar on Indian Law in New Mexico  
Albuquerque, New Mexico; November 17, 1995

"Summary of Legal Issues Concerning Indian Gaming in New Mexico"  
State Bar of New Mexico, State Bar Convention  
Seminar on Gambling in New Mexico: Where Are We Going?  
Albuquerque, New Mexico; September 20, 1996

"Taxation in Indian Country"  
First Judicial District Bar Association  
Santa Fe, New Mexico; November 18, 1996

"The Tribal Perspective on Gaming in New Mexico"  
Arizona State University College of Law  
Symposium on Indian Gaming  
Phoenix, Arizona; October 11, 1996

"Federal, State and Tribal Jurisdiction in Indian Country"  
Albuquerque Bar Association  
Seminar on Indian Law Basics  
Albuquerque, New Mexico; April 1, 1997

"Locating and Working With Expert Witnesses"  
HalfMoon LLC  
Seminar on Discovery Skills for Paralegals  
Albuquerque, New Mexico; November 21, 1997

"Tort Claims and the Indian Gaming Compact--Is Section 8 Fatally Flawed?"  
New Mexico Trial Lawyers Association  
Seminar on Tort Law in Indian Country  
Albuquerque, New Mexico; December 12, 1997

"Tribal Court Jurisdiction in Domestic Relations Matters"  
Indian Law Section, State Bar of New Mexico  
Seminar on Jurisdictional Conflicts--Focus on Domestic Relations Issues in  
Indian Country  
Albuquerque, New Mexico; April 1, 1998

"Revitalizing Tribal Sovereignty in an Era of Economic Stress and Political



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Retrenchment"

Indian Law Section, Arizona State Bar, State Bar Convention  
Seminar on Tribal Sovereignty and Self-Governance  
Tucson, Arizona; June 12, 1998

"Indian Law: A Primer for Municipal Attorneys"

New Mexico Municipal League  
Winter Meeting & Seminar  
Albuquerque, New Mexico; December 3, 1998

"An Introduction to Pueblo Land Claims in New Mexico: Historical Origins,  
Legal Bases"

CLE International  
Land Use Law Conference  
Albuquerque, New Mexico; April 15, 1999

"History of the Federal-Tribal Relationship, and Fundamentals of American  
Indian Law"

Bureau of Land Management, National Training Center  
Seminar on Native American Coordination & Consultation  
Albuquerque, New Mexico; August 30, 1999

International Law Doctrines of the Rights of Indigenous Peoples  
National Institute of Anthropology and History (Mexico)  
Studies in Legal Anthropology  
Chihuahua, Mexico; October 7, 2000

"Habeas Corpus Litigation Under 25 U.S.C. § 1303"

Federal Bar Association  
33d Annual Indian Law Conference  
Albuquerque, New Mexico; April 11, 2008

"The Search for Pueblo Indian Country—The Origins and Implications of  
*State v. Romero*, 2006-NMSC-039"

American Indian Law Center, UNM School of Law  
Conference on Indian Country Statute, 60 Years Later  
Albuquerque, New Mexico, April 12, 2008

"Pueblo Indian Water Rights: Charting the Unknown"

CLE International  
New Mexico Water Law Conference

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Santa Fe, New Mexico, September 23, 2013

**Other Activities**

Consultant to the Legal Services Corporation for New Lawyer Training  
1976 - 1979

Consultant to the Legal Services Corporation  
Assisted in Development of New Basic Lawyering Skills Program  
1978 - 1979

Consultant to the Legal Services Corporation Planning Team for National  
Training Sessions in Indian Law  
1974, 1977, 1978

Director, Indian Law Training Design and Development Project (under contract  
with Legal Services Corporation)  
1979 - 1980

\* \$80,000 project resulted in production of videotape course in Indian law,  
consisting of six color videotaped lectures, accompanying subject outlines,  
trainers' guide, case packet, plus new format for  
National Indian Law Conference

Consultant to the Legal Services Corporation for Monitoring and Evaluation of  
Indian Legal Services Programs

1977	- Montana Legal Services
1979, 1985	- Alaska Legal Services
1978, 1980	- Indian Pueblo Legal Services
1980	- Nevada Indian Legal Services
1983	- Dakota Plains Legal Services
1975, 1979	- Indian Law Support Center (NARF)

Consultant to Evergreen Legal Services for Evaluation of Native American Unit  
1977

Consultant to National Congress of American Indians  
1979

\* Presided over Albuquerque Hearing on Proposed Regulations under the

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Indian Child Welfare Act of 1978; helped draft NCAI Proposal for those Regulations

Consultant to Council of Energy Resource Tribes for Investigation of Tribal Mineral Ownership  
1980

Consultant to All Indian Pueblo Council  
Studied Impact of Proposed Geothermal Project on Pueblo Religious Practices  
1980

Consultant to All Indian Pueblo Council  
Developed structure for development of 46-acre former Indian School tract in downtown Albuquerque  
1988

Special Counsel on Counsel to Tohono O'odham Nation, Arizona  
Developed tribal Office of Attorney General  
1988-1989

Special Prosecutor to the Navajo Nation  
1989-1992

Consultant to Western Regional Training Center and Micronesian Legal Services  
Counselor Training in Truk, Federated States of Micronesia, 1984 - 1985; Saipan, 1984; Palau, 1985

Secretary-Treasurer/Member of the Board of Directors, Designwrights Collaborative, Inc. of Santa Fe, New Mexico  
1981 - 1997

Member of the Board of Directors, CLE Liaison, Budget Officer, Chair-Elect, Chair, Indian Law Section, State Bar of New Mexico  
1988 - 1995

Treasurer (1987 - 1988), Member of the Board of Directors, The Albuquerque Conservation Association  
1985 - 1988

Chairperson, Editorial Review Committee, State Bar of New Mexico  
1984 - 1987

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Advisor to Board of Regents, Southwestern Indian Polytechnic Institute,  
Albuquerque, New Mexico  
1982 - 1992

General Counsel, Santa Fe Metropolitan Water Board  
1990-1995

General Counsel, Santa Fe County Water Company  
Performed legal work to establish \$4 million county-owned water system.  
1994-1995

Secretary, Member of the Board of Directors, Theatre Grottesco, Inc.  
1996 - 2000 (Secretary, 1996-1999; President, 1999- 2000)

Member, Federal Indian Law Specialty Committee, State Bar of New Mexico  
2005 - 2008

Member of the Board, Pecos River Open Spaces, Inc., 2007 -

Member of the Board, Santa Fe Conservation Trust, 2009 -

**Publications**

"Can the Trustee Be Sued For Its Breach? The Sad Saga of United States v. Mitchell", 26 S.DAK. L.R. 447 (1981)

"Indian Law" (Survey of Recent Developments in New Mexico Law: 1980 - 1981), 12 U.N.M. L.R. 409 (1982)

"El Rio de Nuestra Senora de los Dolores", CENTURY, October 6, 1982, at 14

"Peterson Zah and Navajo Politics", CENTURY, December 15, 1982, at 11

General Editor, INDIAN LANDS AND NATURAL RESOURCES, (American Training & Tech. Assistance, 1983)

"The Battle for SIPI, Part I", CENTURY, June 1, 1983, at 12

"The Battle for SIPI, Part II", CENTURY, June 15, 1983, at 11

"Popo and Ixta: Mountains, Myth and Symbol", CENTURY, July 6, 1983, at 23

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"Water Development in Santa Fe", Chapter 4 of PEOPLE & WATER IN NEW MEXICO (Designwrights Collaborative, Inc., 1984)

"Indian Law" (Survey of Recent Developments: 1982 - 1988), 18 U.N.M. L.R. 403 (1989)

FOUR SQUARE LEAGUES: PUEBLO INDIAN LAND IN NEW MEXICO (Albuquerque: UNM Press, 2014) (with Malcolm Ebright and Rick Hendricks) (winner of the 2015 Fray Francisco Atanasio Dominguez Award, presented by the Historical Society of New Mexico)

"Pueblo Indian Water Rights: Charting the Unknown," 57 Nat. Resources J., Vol. 219 (2017).