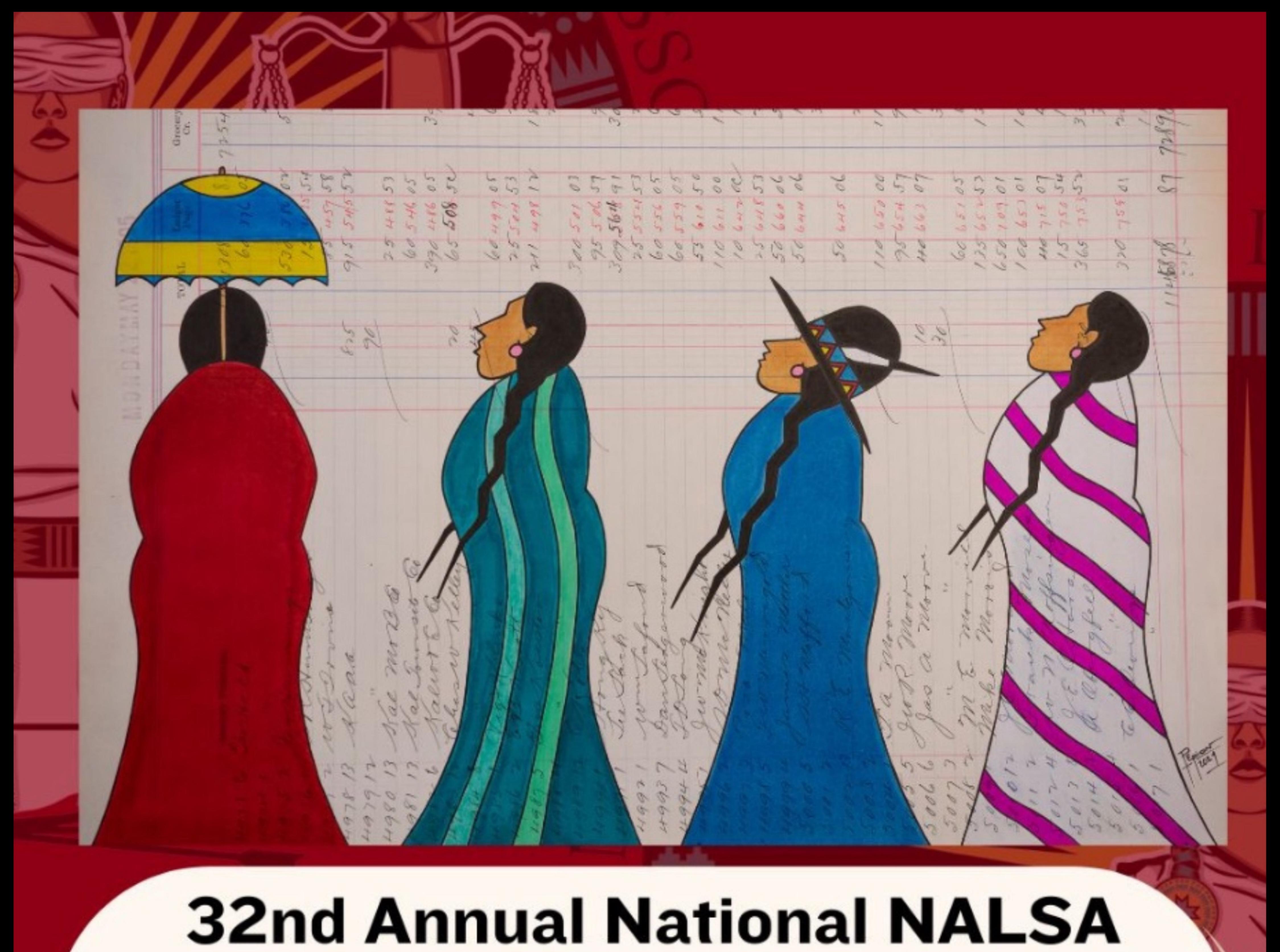


## INDIAN LAW





### 32nd Annual National NALSA Moot Court Competition

University of Montana Blewett School of Law Missoula, MT February 23-24, 2024







George Lane IR staff photographer

University of Montana professor Raymond Cross explains to legislators what they should know about federal Indian law during the Law School for Legislators held in the House Chambers. The lawmakers learned everything from statutory construction to parameters of legislative authority under the Montana constitution. The class was presented by the state bar of Montana, UM law school and the legislative council.

## Nation to Nation

#### American Indian law focus of event at UM

Missoulian

The fourth annual
University of Montana Native
American Law Students
Association Indian Law Week
will address the issue of Indian
Legal Education for All in a
series of events Monday, April
9, through Friday, April 12.

The week is part of the Margery Hunter Brown Project. Established in Brown's memory, this student assistantship encourages and supports law students pursuing a more focused examination of issues relating to Indian law, public lands and natural resources.

The events will include a

law to the bar exam, but the reality that Indian legal issues affect all Montana practitioners, and that ignorance of Indian law in general, and federal Indian law in particular, has done much to frustrate justice and efficiency in our state," said Nikki Ducheneaux, a third-year law student and one of the event's organizers.

Teaching demonstrations
during the week will operate
like regular class periods, with
student and practitioner
attendees preparing two or
three cases for discussion. The
demonstrations will be led by
esteemed Indian law specialists
in areas of required legal study

demonstration, Professor
Matthew Fletcher, Michigan
State University School of Law,
director of Indigenous Law and
Policy Center – "The U.S.
Constitution and Federal
Indian Law – Cases and
Principles."

wednesday, April 11,
noon, Castles Center Arena,
ethics panel discussion, Chief
Judge Angela Russell, Crow
Tribal Court; Randy Cox,
Board of Bar Examiners;
Denise Juneau, co-chair, Indian
Law Section, Montana State
Bar Association; Terry
Trieweiler, former justice,
Montana Supreme Court –
"Doing It Right: The Duty of
Competence and Indian Law"

Law, co-director, Native
American Law Center –
"Business and Contracts in
Indian Country – Cases and
Principles."

Attendance at each of the teaching demonstrations is worth one Continuing Legal Education credit; attendance at the panel discussion is worth

one Continuing Legal
Education Ethics credit.

The week ends with an evening with NALSA, at 6 p.m. Friday, April 13, at Missoula Children's Theatre. Food, drink and entertainment will be provided and the retainment will be Excellence Award will be





Monte Cole Moot Court Administrator Class of 2024

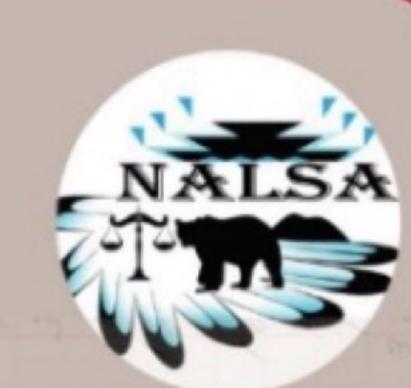


Sapphire Carter Chippewa-Cree Tribe

Treasurer Class of 2025



#### HOST LEADERSHIP





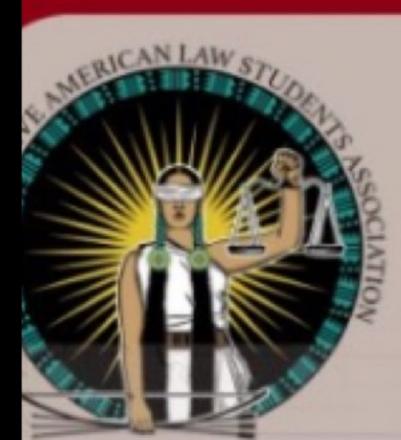
Holly Old Crow Apsáalooke (Crow

Tribe) Class of 2024



Raven Rattler

Eastern Band of Cherokee Indians Class of 2025







Ericka Camposan

Apsáalooke (Crow Tribe) Class of 2025



David Ricci

Turtle Mountain Band of Chippewa Indians

Class of 2025



TOM BAUER PHOTOS, MISSOULI

Ray Kingfisher sings and drums a song to remember missing and murdered Native Americans on Monday at the University of Montana Blewett III School of Law. The event began Indian Law Week on campus, with other events focusing on the Badger-Two Medicine area and an honoring of Mary Frances Garrigus, the first Native woman to graduate from the UM School of Law in 1918.

#### MMIW remembered at start of Indian Law week

'Even though we can't see you ... We have you in our thoughts'

#### **KEILA SZPALLER** keila.szpaller@missoulian.com

Benji Headswift and Ray King-

of Montana. and have never been found," said issue of missing and murdered Headswift, a Northern Cheyenne man and UM student in Native

American Studies. "Even though we can't see you, we know you're still around, and we're still searching for you.

"We have you in our thoughts." With their blessing in the atrium of the Alexander Blewett III School of Law building, Indian Law Week started on campus for fisher raised their voices high and 2019. Hosted by the School of beat a drum in tandem in a song Law and Native American Law to remember missing and mur- Student Association, NALSA, dered Native Americans around the theme this year is "Together the world as a crowd of onlookers We Rise: Tribal Movements for gathered for a dedication to In- Protecting the Sacred and Prodian Law Week at the University moting Justice."

Marissa Mahkuk Compton, "We sang this memorial song a second-year law student and in memory of those who are lost vice president of NALSA, said the

Please see INDIAN LAW, Page A7



Marissa Mahkuk Compton, a UM law student and vice president of the Native American Law Student Association, said the problem of missing and murdered peoples isn't limited by gender.



No. 22-27

## THE DUFFIRE TOUGHT

### Supreme Court of the United States

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, ET AL.,

HAT YOU NEED TO KNOW:

Petitioners,

\* THE FEDERAL BANKRUPTCY ACT ABROGATES TRIBAL IMMUNITY V.

ABROGATES TRIBAL BRIAN W. COUGHLIN,

Respondent.

\* B00000RING

On Writ of Certiorari to the United States Court of Appeals for the First Circuit

#### BRIEF OF INDIAN LAW PROFESSORS AS AMICI CURIAE IN SUPPORT OF PETITIONERS

SETH DAVIS 225 Bancroft Way Berkeley, CA 94704

MATTHEW L.M. FLETCHER 314 Hutchins Hall Ann Arbor, MI 48109

KAIGHN SMITH, JR.
DRUMMOND WOODSUM
84 Marginal Way
Ste. 600
Portland, ME 04101

APRIL YOUPEE-ROLL

Counsel of Record

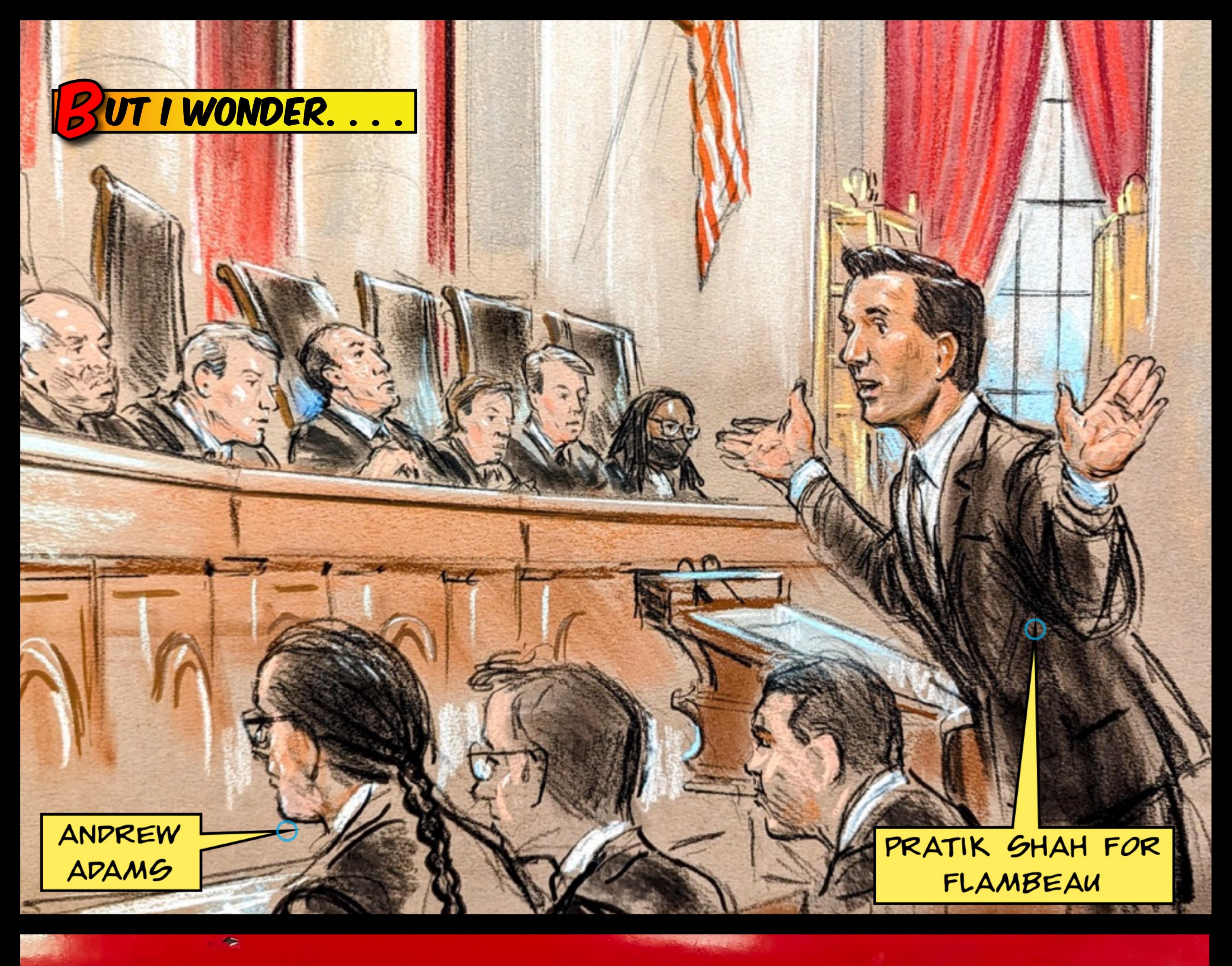
MUNGER, TOLLES & OLSON LLP

350 S. Grand Avenue, 50th Floor
Los Angeles, CA 90071

(213) 683-9100

April. Youpee-Roll@mto.com

Counsel for Amici Curiae Indian Law Professors



CAN TRIBEG BE HALED INTO BANKRUPTCY COURT WITHOUT THEIR CONGENT BY LENDERG?

WILL STATE LAW BE USED TO DETERMINE PROPERTY INTERESTS? LIKE CULTURAL ITEMS OR TRADITIONAL KNOWLEDGE?

# LEGAL HOLIDAY TO-DAY

THE CLEAR GTATEMENT RULE WOULD HAVE ROUTED TO CONGREGG THE POWER TO DETERMINE HOW AND WHEN BANKRUPTCY LAW APPLIES TO TRIBES. WHY DID THE COURT NOT LET CONGREGG TAKE A PAGG AT THIS FIRST?



#### Few Indians practice law

By CHARLES E. HOOD JR. and CHARLES S. JOHNSON Of The Missoulian Eleventh of a series

don't need a calculator to total up the ber of Montana's 27,000 American Indians are practicing law in the state. It can count them on one hand — Gary ble, Philip E. Roy, Vicky Santanna, Leland

ere are other Montana lawyers with some n ancestry, but they are not publicly ified as frequently having Indian problems

here is a tremendous need in Indian country wyers," said Roy, a Browning attorney who s on matters affecting three of the seven vations in Montana.

ble number of American Indians will be sed into the Montana legal establishment. In the state's major source of new lawyers, the ersity of Montana law school, had only one in law student last year in a student body of even of the 153 law schools approved by the rican Bar Association (ABA) had none.

Is year, the UM law school has three into of full or partial Indian ancestry out of

rollment of 206.

2 UM law school's single Indian student in 14 represented only .54 per cent of the total lment. That compares with an average rity figure of 7.16 per cent in ABA-approved schools last year throughout the country. ana's neighboring states, including ning, Idaho, North and South Dakota, all

nore minority students.

ne of the nation's most prestigious law
ls have been making special efforts to
t minority students. Last year, Stanford
5.6 per cent; Harvard, 12.3 per cent; the
ersity of Michigan, 10 per cent, and the

ersity of Washington, 15.5 per cent.

I lack of Indian lawyers in Montana is as a problem of society in general as it is of egal establishment or the UM law school. ively few American Indians obtain the ge degree necessary to apply for law school ssion. Improvements in the quality of Insulation in the elementary, secondary and graduate college years would give the law I more opportunity to admit qualified Instudents.

The school, Sullivan said, doesn't have the time nor the money to have a tutorial program for minority students. Some schools have a double standard in this respect, but UM does not.

"We encourage minority applicants, but we don't make a special effort," the dean said.

Part of the problem is lack of scholarship support. Individual minority students may

require extensive financial help, he said, "and the biggest scholarship we have is \$500." Bending the rules to admit Indian students also

can cause problems, Sullivan said.

"When you admit minority people who are less qualified academically than someone else, you can be accused of reverse discrimination," he said.

Some believe the law school ought to do more to encourage members of minority groups to get law degrees. One of them is Roy, who believes he may have been the first Blackfeet Indian to graduate from the UM law school.

ROY SAID HE DOESN'T believe the lack of minority students at the law school is a deliberate policy of the faculty. He recalled, in fact, that Dean Sullivan was helpful to him when he was a student.

"Whenever I got down in the dumps, he would give me a little extra encouragement. He encouraged me to go back to the reservation.

"He said, 'Professionals will go where they do
the most good.' I don't see where there is any
design in his mind to exclude Indian people. I
think the dean is an advocate for the Indian

"There never has been a real emphasis on recruiting minorities in professional schools," he said, noting the lack of Indian engineers, doctors, dentists and optometrists.

More financial aid should be given to Indian students, Roy said, noting that within the last decade, 20 to 30 law schools in other states have awarded full scholarships to Indians.

Special effort also should be made to recruit Indian students, Roy said.

"I think they (law schools) should be called to answer why they don't have some programs to recruit them," he said.

Gary Kimble, a Missoula attorney of French-Gros Ventre ancestry, said the admission policy of the UM law school needs to be re-evaluated. More Indians and women should be considered for admission of the law school regardless of study, how to write a test for a certain professor, You learn those things at the card table or over coffee, but the Indians didn't socialise."

He added: "I fault myself for not talking to

After the Indians had difficulties at UM and left, "I'm sure the word spread fast in the Montana Indian community about this law school," Morton said. The message, he said, school," Morton said. The message, he said, was: If you are interested in law, go elsewhere to

Nationally, the problem of admission of minority groups to law schools has focused on the Marco DeFunis case. DeFunis, a white law school applicant, challenged a University of Washington law school decision rejecting his application in order that minority group applicants with lower academic qualifications might be admitted.

THE COURT REACHED no definitive decision, and it remains unclear whether law school admissions must be racially neutral or whether the schools should make a special effort to bring about greater diversity in classes and in

the profession.

Bozeman lawyer James H. Goetz, a Yale law school graduate, said his alma mater "bends the rules to let in minorities."

Frederick R. Franklin, assistant director of the American Bar Association's Division of Legal Practice, Chicago, agreed that law schools ought to look at other factors besides grade-point averages and law-test scores, including minority backgrounds.

Many state lawyers are not so sure that bending rules for minority groups would be the way to solve the problem.

Diana S. Dowling, former executive director of the Montana Bar Association and one of the state's few female lawyers, said she believes some law schools have gone too far to admit members of minority groups at the expense of more qualified students.

"I think the most qualified people should get into law school," she said. But, she added: "We must attack the black and Indian education. That's where the problem lies. I think you should

Members of the oppose seeing the la to admit minority a

"I'm against the quota system (for himority groups)," said Associate Justice Gene B. Daly, who said he had done free legal work for the





## UM Symposium Probes Native Americans' Cultural, Religious Access To Public Lands

The cultural and religious access of Native American peoples on public lands is the focus of a symposium at The University of Montana School of Law Friday, April 25.

The "Symposium on Native American Religious and Cultural Freedoms: The National Park Service and the Preservation of Native American Cultural 1997 rces in the Twenty

#### FINAL ROUND JUDGES



Denise
Juneau



Judge Sunshine Suzanne Sykes



Shane A. Morigeau



Heather Whiteman Runs Him



Matthew L.M. Fletcher



Ryan Rusche



Eldena Bear Don't Walk



April D. Youpee-Roll



Judge Stacie Fourstar

