Volunteers Needed: NPLC Board

Looking for a leadership position? Volunteer to join the Native Peoples Law Caucus Board! All positions are open for the 2014-2015 term: Chair, Newsletter Editor, Secretary, and Webmaster.

I’m happy to help transition the next Chair by serving as a mentor during the next year. I can also assist the next Newsletter Editor in soliciting contributions and producing the final draft. The Secretary would be tasked with taking minutes at the annual meeting and sending them to the email list soon thereafter. If the Board meets during the year via conference call, the Secretary would also take and distribute those minutes. The Webmaster would complete the transition of the caucus website to AALLnet and perform occasional maintenance when necessary.

Another way to contribute to the NPLC is to write a short summary of any event or article you read throughout the year and send it to the Newsletter Editor. That way we won’t have to scramble for contributions at the last minute.

If you can’t make it to the meeting in San Antonio, but wish to volunteer, please send me an email. I encourage you all to donate a few hours of your time to this important group!

Cate Kellett, NPLC Chair 2013-2014
Catalog and Government Documents Librarian
Lillian Goldman Law Library, Yale Law School
The LLNE/SNELLA Spring 2014 Meeting took place on April 4, 2014 at the University of Connecticut School of Law in Hartford, CT. The theme of the day-long meeting was Tribal Law and Culture.

The keynote speaker, Professor Bethany Berger from UConn, introduced the audience to the basic history of American Indian Law in easy-to-understand terms. A key takeaway from her presentation was to emphasize that Tribal Law cannot be explained without looking at the complex web of federal law, state law, treaties, and other agreements.

The tribal law practice panel, moderated by Professor Berger, included local lawyers and judges with experience working with tribal law in Connecticut. Betsy Conway, who works in the Office of Legal Counsel at the Mashantucket Pequot Tribal Nation, explained how the tribe worked with a union to come to an agreement outside the court system. Andrew Holding, a private practice attorney, explained that at Mohegan, there is a separate court for gaming disputes. He noted that many of his cases involve complex jurisdictional issues between federal, state, and tribal courts. Jeffrey McNamara, Associate Judge at the Mohegan Tribal Court, emphasized that the court uses similar procedures to state court, and in fact adopted the Connecticut Rules of Practice. However, there are no jury trials and there are caps on damages. The final speaker on the panel, attorney John Strafaci, expanded on the issue of caps on damages to say that his clients often deserve higher awards than the caps allow. He also mentioned that with criminal cases, tribal courts and probation officers are often tougher on offenders than Connecticut’s courts and probation officers.

Professor Richard Pomp, who teaches an American Indian Taxation class, started his talk by explaining that taxation issues are so complicated that it’s hard to summarize succinctly. He co-teaches the class with Betsy Con-
way to engage both their strengths. He’s an expert in Tax Law, and she’s an expert in Indian Law. He tells his students that ambiguity is inherent to the law, especially in tax, so they need to learn good lawyering skills to be able to take a topic so complicated and break it down so the judge understands it. Professor Pomp also thanked the library staff at UConn for their support.

During lunch, Meredith Shuman Castle from Lexis demoed Indian Law resources available on Lexis.com and LexisAdvance. After lunch, law librarian Faye Hadley gave a presentation on Legal Research in Tribal and Federal Indian Law. She surveyed resources available in both print and online formats and highlighted those that are free. Tribal legal materials are often hard to find because each of the more than 560 tribes has its own system. Ms. Hadley noted that David Selden at the National Indian Law Library (NILL) is an invaluable resource if you need research assistance. The final speaker of the day, Dr. Kevin McBride, the Director of Research at the Mashantucket Pequot Museum, showed the audience how he ties historical narratives to the archeological record in Connecticut.

The LLNE/SNELLA Spring 2014 Meeting was a great introduction to the complexities of Tribal Law and served as a reminder that even in tiny Connecticut, there exist jurisdictional issues between the two tribes, the state, and the federal government.

Cate Kellett

Catalog and Government Documents Librarian

Lillian Goldman Law Library, Yale Law School

The National Indian Law Library (NILL) will be hosting free webinars to Indian law practitioners, students and legal researchers in the next year. The webinars will be practical in nature and will cover tips and techniques for successful tribal law research. Resources of the National Indian Law Library will be highlighted as well as commercial electronic and print resources. CLE credits may also be available through state bar associations.

The first webinar was held in March, 2014 for the Oregon State Bar Association, Indian Law Section. Over 90 attorneys and students “attended.” Announcements for future webinars will be made to the AALL Native Peoples Law Caucus forum.

David Selden
Library Director
National Indian Law Library

The National Indian Law Library (NILL) is located in Boulder, Colorado. NILL serves the Native American Rights Fund (NARF) as well as the public. Go to www.narf.org/nill for more information.

ENCOURAGE OTHERS TO JOIN NPLC!

Know a colleague who’s interested in Federal Indian and Tribal Law? Tell them about the Native Peoples Law Caucus! They can join our community by going to bit.ly/aallnplc, signing in, and clicking on the green “Join Community” button. All AALL members are welcome!
FedBar Leaves NM for Arizona

Sadly, this year was the last year that New Mexico will host the annual confab commonly known as FedBar (actual title: Federal Bar Association Indian Law Conference).

Before it moved to its most recent location (the Pueblo of Pojoaque’s Buffalo Thunder Resort) FedBar was held for many years at the Marriot in uptown Albuquerque. Five or six years back (I missed a few years at the end of the 2000s) the Federal Bar Association looked around and decided to pull up its stakes and put its money where its heart was and began to patronize an Indian-owned establishment (hence the move to Buffalo Thunder). I suspect that the reason for the move from New Mexico to Scottsdale, Arizona had to do with complaints that Buffalo Thunder was not a convenient location, not close enough to an airport or a big city. The tradition of hosting the conference at an Indian-owned resort will continue when next year’s FedBar will be held at the Talking Stick Resort which is located within the Salt-River Pima Maricopa Indian Reservation.


See you there!

Faye Hadley
Check out these NEW resources!

“When Whatever Tribal Precedent There May Be”

NPLC member Bonnie Shucha published an article in the Law Library Journal entitled “Whatever Tribal Precedent There May Be”: The Unavailability of Tribal Law. The article discusses the increasing importance of tribal law research while explaining why materials are often hard to find. Congratulations Bonnie!


Researching American Indian Tribal Law

NPLC member David Selden recently published an article in the Colorado Lawyer entitled Researching American Indian Tribal Law. The article highlights the main resources used at the National Indian Law Library. Congratulations David!

To read the article, go to: http://www.aallnet.org/chapter/coall/pubs/lrc/lrc0214.pdf

Northwest Intertribal Court System Appel-late Opinions Now Online

The Northwest Intertribal Court System announced the launch of a free online database to provide free access to hundreds of opinions from thirty tribes in the Pacific Norwest, Alaska, and Northern California. The opinions are also available in print.

To access this resource, go to: http://www.codepublishing.com/wa/nics/
Congressional Documents about Indians during the 19th Century at OU Law Library

In 2012 the OU Law Library began a scanning project to digitize Congressional Documents about Indians during the 19th Century. We used Stephen Johnson's book, *Guide to American Indian Documents in the Congressional Serial Set 1817-1899*, to identify the documents which are being loaned to the OU Law Library by the Oklahoma Department of Libraries Regional Depository. To date we have scanned 112,000 pages and 3500 titles.

With the help of University of Oklahoma Libraries, we will be making the documents freely accessible on the Internet. The University Libraries also will scan maps in the collection and assist with scanning the largest titles. The documents are digitized as character searchable PDFs.

At this point, we are hoping to enter the Federal Depository Library Program partnership program. We also are interested in partnering with other libraries that have access to the documents identified in the Johnson bibliography to participate in the scanning project. Our "consortium" concept is in the very earliest stages of planning. I would be very interested in ideas, advice from other Law Librarians.


Marilyn Nicely
Head of Technical Services
Donald E. Pray Law Library, University of Oklahoma College of Law
Going to the Annual Meeting in San Antonio?
Don’t miss these events:

AALL Native Peoples Law Caucus Annual Meeting
Sunday, July 13 12:00-1:00
HBGCC-Room 210B

Land Grabbing: Accessing Information to Protect Property Rights of Indigenous People

D6 Hot Topic – Monday, July 14, 2:30-3:45pm

We invite you to attend a Hot Topic panel at the AALL Annual Meeting in San Antonio pertaining to land grabbing around the world but with a focus on indigenous populations in North America. As the recent events in Russia and Ukraine illustrate, the issue of land grabbing is widespread and very much alive, but it is not relegated to foreign lands. The United States has a long history of land grabbing. Last year the U.S. government implemented the Land Buy-Back Program targeting Indian fractionated land consolidation with the intent to remedy past wrongs; its effectiveness is widely discussed and debated. This program will clarify the complicated legal concept and current practice of land grabbing. Presenters will provide an overview of land grabbing with a particular focus on the U.S., including history, current practice, legality, and the effect on Indigenous Nations today. They will include an explanation of the trust relationship between the U.S. government and Indian land; and will discuss where literature on land grabbing fits into the LC Classification scheme. They will also share information and resources available on this subject matter including both domestic and international non-governmental organizations working on this important issue.

Your colleagues participating in this panel are: Jolande Goldberg (Library of Congress), Eugenia Charles-Newton (Texas Tech), Joan Policastro (Colorado), Juice Lee (Northeastern), and Teresa Miguel-Stearns (Yale).

Teresa Miguel-Stearns
Associate Librarian for Administration
Lillian Goldman Law Library, Yale Law School