

American Indian Law Section
November 8, 2023
12:00pm

Roll Call- Call to Order at 12:03p.m.

a. Present:

Peter Schinkai
Stacey Rock
Kathryn Petersen
Sarah Zlonicki
Kaitlin Gant
Yasmeen Farran
Rory Wheeler
Robin Bilagody
Jasmin Guillen
Tina Yost Johnson
Katrina Kapture

- b. Motion by Katilin Gant to Approve 10/11/23 Meeting Minutes; Seconded by Yasmeen Farran; Approved (7-0-0).
- c. Motion by Peter Schinkai to Approve the 11/08/23 Meeting Agenda; Seconded by Kathryn Petersen; Approved (7-0-0).

I. Unfinished Business

A. Law Student Advisors

a. Vote on Submissions

- i. Robin Bilagody Introduction: 3L AZ tribal member: interested in bridging gap at law school and legal Indian community for information.
- ii. Rory Wheeler Introduction: Seneca nation 2L at MSU, president of NASLA, PLSI alumni, interested in joining the board to work on outreach to students in Michigan tribes, working on Indian law issues and being an advocate.
- iii. Jasmin Guillen Introduction: 1L at Cooley, interested in being a resource to native students, social worker by trade, interested in being an advocate and learning more about the opportunities to help the community.
- iv. Stacey: AILS bylaws currently allow for up to three law student advisors, hope to increase in the future as needed.
- v. Motion to approve RB as a LSA (KG); second (SZ) (approved 7-0-0)
- vi. Motion to approve RW as a LSA (YF); second (PS) (approved 7-0-0)

- vii. Motion to approve JG as LSA (KP); second (KG) (approved 7-0-0)
- viii. Stacey Rock informing LSAs that they can sign up under the State bar page for no charge; informing LSA of their roles as non-voting members and ask that they bring; still would like to do outreach at TICA and participate on committees. KG: any student can join; YG: offer for any law student to reach out to members of AILS regarding AILS or other advice related to law school and practice of law.

B. Updates from Committees:

- a. Advocacy: Our bylaws require we have three active members on a committee, otherwise we can vote to dissolve the committee, not interesting in doing so, so we should work to do more outreach to get more people on the committees.
- b. Communication and Membership: we cannot currently access AILS Facebook page; Amy may have done that before, will follow up with her.

C. Bar Scholarship

- a. Vote on proposed changes to description:
 - i. Changing to twice a year for the same amount \$1,500 x 2/ year. Changes were to award section; Submission deadline to January 5, 2024; Should we change the name to biannual? Make the language more flexible, make it at the discretion of the council (TYJ); Scholarship is not bound by the bylaws in any way; Add in for a June award, due a week before our June meeting; Increase yearly award amount to \$3,000; Provide for having more or less applicants per submission deadline.
 - ii. Motion to approve and distribute the amended scholarship notice (TYJ) seconded (KG) (approved 8-0-0).
 - iii. Send to various law schools, education departments, state bar page, and social media.

II. New Business – generally Susan Larson SB liaison, offered to join our meetings to talk about public policy matters we'd be interested in commenting on, how to avoid giving comments that are in opposition to SB comments.

A. Section Comments on Legislation

- a. SB 0498 (2023): has to do with the foster care review board ("FCRB") and their jurisdiction over Indian children cases;
 - i. Approved and put in front of Senate.
 - ii. TYJ: the judge association, family law, and children law sections are waiting to hear back from the AILS opinion so we should give an opinion.
 - iii. SR has spoken with tribal attorneys that work in this area, this legislation has been worked on for several years by tribal attorneys

1. The foster care review board role to review appeals for foster care placements; only three lay persons with no knowledge of placement preferences of MIFPA.
2. Changes to legislation would ensure that notice was being sent to parents and tribal members re hearing by FCRB.
3. Heighten placement and notice requirements under MIFPA are still required by FCRB.
4. Changes would eliminate appeals of FCRB decisions for Indian children.
 - a. TYJ: FCRB isn't that great for even non-Indian children, there is no other avenue if FCRB agrees with the placement or move; should have avenue to challenge past FCRB, should move it to the courts so that there is always a higher court to bring appeal to if DHFS/FCRB isn't getting it right; Children that qualify for MIFPA should be removed from review of FCRB because FCRB is not knowledgeable on MIFPA or cultural; suggested language does not fix is issue;
 - b. AILS agrees with giving comment, proposed language is incompatible with MIFPA.
- iv. Motion to support section support with comment for the reasons and reaching out to children law section and preparing joint comment. Motion be by TYJ; Seconded by KP; Approved (8-0-0).
- v. TYJ will share with the family law section and judge association.
- b. HB 5131: no comment needed.
- c. Regalia Bills:
 - i. HB 4853: supported, no comment needed.
 - ii. HB 4854: supported, no comment needed.
- d. Milkweed Bill
 - i. HB 4857: noxious weed definition most likely aimed at HOAs.

B. Section Events Discussion

- a. Estate Planning: save for next time -AB wanted to provide update.
- b. ADR: aiming to do something in April for diversity and inclusion.
- c. TICA- ILPC: partnering with TICA and ILPC for an event; obviously too late for this year, but look to next year and
- d. Other:
 - i. Peter Schinkai: being involved in different sections, labor and employment, healthcare sections were not even aware AILS was a section; like to see two AILS sections a year on each side of the state to really connect everyone and make them aware of the section, a mixer, an event to gauge the communities priorities

- ii. SR reaching out to the university powwows; a cannabis panel on the tribal state negotiations.
- iii. TYJ: that active efforts prior to removal, some would argue that the court rules allow for a loophole that allows for removal anyways.
 - 1. Good topic for an event: how long would we need to present; next year family law section is coming back to battle creek and use firekeepers to host and piggyback off of their meeting and make our presentation.

Motion to adjourn at 1:44 pm by TYJ; Seconded by KG; Approved (8-0-0).