

**STATE BAR OF MICHIGAN
2006-2007 ANNUAL REPORT
STANDING/SPECIAL COMMITTEE**

Committee Name: Standing/Special Committee on American Indian Law.

Jurisdictional Statement:

Shall review issues of American Indian law, focusing on the relationship between tribal courts, state courts, and federal courts, and on the promotion of positive relationships between the lawyers of Michigan and the American Indian Community.

Officers and Membership:

Chair/Co-Chairs:

Chair: 45743 Sheila H. Gaskell

Members:

Term Expires 9/30/2007

62901 LaRonna Williams Harris, East Lansing

27699 James A. Keedy, Traverse City

66141 Mary K. Mansfield, Detroit

48137 Michael G. Phelan, Dowagiac

Term Expires 9/30/2008

54114 Jeff Davis, Grand Rapids

40026 Dawn S. Duncan, Wilson

69036 Shaun Matthew Johnson, Lansing

57750 James M. Kinney, Hastings

43349 Joseph P. O'Leary, Lanse

37386 Michael D. Petoskey, Traverse City

58350 Katherine J. Scotta, Peshawbestown

24837 Kathryn L. Tierney, Brimley

Term Expires 9/30/2009

43014 William J. Brooks, Manistee

31163 William S. Gregory, Peshawbestown

28930 Patrick M. Shannon, Brimley

30137 R. John Wernet, Jr., Lansing

Law Student

Term Expires 9/30/2007

Liz Ollgaard, Southgate

Supreme Court Representative

34792 Anne-Marie H. Voice, Lansing

Commissioner Liaison

29735 Richard L. Cunningham, Detroit

State Bar Liaison
32078 Candace A. Crowley, Lansing
64330 Susan McMann, Lansing

Associate Members:

None

2006-07 Meeting Schedule (date and location):

Teleconferences: October 27, 2006, December 1, 2006, January 19, 2007, March 23, 2007, and May 18, 2007. The June 9, 2007 meeting to be held at 1:30 p.m. at the Grand Hotel on Mackinac Island in conjunction with the Upper Michigan Legal Institute Conference. Additional teleconferences scheduled for August 17, 2007 and September 2007 (to be scheduled in conjunction with SBM Annual Meeting).

Committee Activities:

In addition to regular Committee and subcommittee meetings, Committee activities included:

1. Efforts to improve enforcement of court orders concerning child support, custody and guardianship across jurisdictional lines. In particular, determining how effective MCR 2.615, Enforcement of Tribal Judgments, has been since its adoption in May of 1996, and identifying solutions to improve cross-jurisdictional enforcement efforts consistent with state, tribal and federal laws, including the Federal Full Faith & Credit for Child Support Orders Act. A subcommittee formed to gather information needed to make specific recommendations for improvements in this very important area.
2. Committee members attended a May 9, 2006 Tribal Meeting hosted by Michigan's Department of Human Services (DHS) that included among agenda items tribal access to DHS registries and the LEIN, and procedures for enforcement of Income Withhold Notices (IWNs). On June 29, 2006, the Committee presented written review comments, questions and recommendations to the DHS concerning draft instructions for petitions to enforce Michigan child support orders through IWNs in tribal courts.
3. Committee members in cooperation with the State Court Administrator's Office (SCAO) gathered information to determine the status of MCR 2.615(B)(2) filings by federally recognized tribes, and facilitated steps to ensure the filings were up-to-date.
4. In cooperation with the SCAO and the Institute of Continuing Legal Education (ICLE), members obtained a copy of the Michigan Family Law Benchbook and have undertaken a review process to develop recommendations to incorporate, where appropriate, reference to federal and tribal law and procedures. The Committee is collaborating with the Indigenous Law & Policy Center at Michigan State University's College of Law as well as the University of Detroit Mercy School of Law's Indian Law Center on this initiative.
5. On June 9 and 10, 2006, the Chair represented the American Indian Law Committee at the State Bar of Michigan Leadership Forum.

6. The Committee was invited to submit suggestions for agenda items to be considered by the Michigan Indian Judicial Association (MIJA) at future MIJA meetings. During a November 5, 2006 meeting, MIJA members were briefed on recent Committee activities involving DHS, SCAO, ICLE, MCR 2.615, and efforts to achieve a better understanding within the legal community on the distinction between the discretionary comity doctrine and full faith and credit mandates.
7. The Committee sent letters on December 14, 2006, to tribal leaders of the 12 federally recognized tribes in Michigan to further positive relationships and seek input on areas they would like addressed within the jurisdiction of the Committee.
8. On March 15, 2007, Committee members met with representatives of the Michigan Supreme Court to identify areas of focus for coming months, as the Committee and the Supreme Court work on maintaining the state court/tribal court relationship.
9. The Committee continues to review issues related to the Indian Child Welfare Act concerning transfers of Indian children to tribal courts. In particular, determining the need for improvement in procedures related to emergency removals under MCR 3.980, Special Proceedings and Actions Involving American Indian Children. A subcommittee has been formed to gather the information needed to make specific recommendations for improvements in this very important area, to include proposed amendments to the Rule.
10. The Committee continues to explore opportunities for future meetings, conferences or programs that will provide a forum for communication among state, federal, and tribal judges, and promote positive relations.

Article VI, § 6

No later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity.

Please submit your report via e-mail to smcmann@mail.michbar.org

Resources Provided by the State Bar of Michigan in Support of Committee Work:

Assistance in maintaining member roster, coordinating teleconferences and meetings, assistance with mailings, identification of resources and training opportunities, acted as liaison between various agencies and divisions of the state government.

Future Goals and Activities:

Consistent with the existing jurisdictional statement, the Committee will focus on the ongoing Committee Activities summarized above in the coming months. With the support of the State Bar of Michigan, the American Indian Law Committee will continue its mandate to review issues of American Indian Law, focusing on the relationship between tribal courts, state courts, and federal courts, and on the promotion of positive relationships between the lawyers of Michigan and the American Indian Community.

Chair/Co-Chair Contact Information:

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