



To: State Bar of Montana
From: Indian Law Section
Date: September 9, 2024

Re: 2023-2024 Annual Report

2023-2025 LEADERSHIP

Chair: Lillian Alvernaz
Vice Chair: Dan Eakin
Secretary: Kelly Driscoll

Treasurer: Jarrett Wheeler
Executive Board: Deb DuMontier,
Jay Weiner, Sarah Crawford

INTRODUCTION

The Indian Law Section (“ILS” or “Section”) has 118 members¹ and works to establish and maintain an organization comprised of Montana attorneys, law students, and tribal court practitioners who are engaged in or interested in the practice of Indian or Tribal Law. The Section seeks to provide a forum for the exchange of information relevant to the practice of Indian or Tribal Law.

The Section was unable to submit an annual report for 2022-2023, so this report will include that update as well.

QUARTERLY/ANNUAL MEETINGS

The Section holds quarterly meetings, usually in July, October, and January of each year. The third week in April is the Native American Law Student Association’s (“NALSA”) Indian Law Week and the University of Montana Kyiyo Powwow. The Section holds its annual meeting and annual CLE the Friday of Indian Law Week each year.

Upcoming quarterly meetings will be October 15, 2024 and January 21, 2025 at noon-1:00 p.m. Our annual meeting and CLE will be April 18, 2025 (CLE likely 1:00-4:00 p.m., annual meeting likely 4:00-5:00 p.m.).

MONTANA LAWYER

The Section submitted articles to the *Montana Lawyer*:

- National NALSA Moot Court
- Decisions Impacting Indian Country in the 2023 U.S. Supreme Court Term by Sarah Crawford, Reneau J. Longoria, and Heather Whiteman Runs Him

¹ As of 08/09/2024.

CONTINUING LEGAL EDUCATION

The Section organized the following CLEs:

- Critical Concerns in Indian Country, April 21, 2023
 - **Legislative Update** – Sharen Kickingwoman, Organizing Director; Alyssa Kelly, Indigenous Justice Organizer; and Keegan Medrano, Policy Director; ACLU of Montana
 - ***Dept. of the Interior v. Navajo Nation, Arizona v. Navajo Nation*** – Professor Monte Mills, Charles I. Stone Professor of Law & Director, Native American Law Center, University of Washington School of Law
 - **Redistricting Process & The Issue With County Lines** – Maylinn Smith, Managing Attorney and Civil Prosecutor for the Confederated Salish and Kootenai Tribes
 - ***Lac du Flambeau Band of Lake Superior Chippewa Indians v. Coughlin*** – Professor Kekek Stark, Professor & Director, Margery Hunter Brown Indian Law Clinic, Alexander Blewett III School of Law
- Indian Law Section: ICWA, the *Brackeen* Decision, and MT ICWA Statute, November 1, 2023
 - Professor Matthew Fletcher, Harry Burns Hutchins Collegiate Professor of Law the University of Michigan Law School
 - Kimberly Cluff, California Tribal Family Coalition
 - Kelly Driscoll, Montana Office of the State Public Defender, Missoula
 - April Olson, Partner, Rothstein Donatelli, Tempe, Arizona
 - Moderated by Brock Flynn
- Indian Law Section CLE, April 19, 2024
 - **Tribal Land Use Codes** – Dawn Gray, Managing Attorney for the Blackfeet Tribe
 - **Indian Water Rights 101** – Danna Jackson, Tribal Attorney
 - **Tribal Co-Management in Action** – Summer Carmack, Associate Attorney for the Native American Practice Team at Procopio, Cory, Hargreaves & Savitch LLP

MONTANA INDIAN CHILD WELFARE ACT

The Section assisted in drafting, revising, and advocating for the passage of the Montana Indian Child Welfare Act (“MICWA”) of 2023! MICWA builds upon the federal Indian Child Welfare Act to provide greater protections for families and Tribes. The Section worked with tribal leaders, tribal advocates, tribal attorneys, tribal judges, tribal social services, tribal community members, Indian law practitioners, Indian law experts, adoptees, foster families, and many more activists to craft a child-centered bill. The Section worked with legislators on both sides of the aisle to ensure enhanced protection and better outcomes for Indian children, families, and Tribes.

In the legislative session, MICWA had one opponent – the State Bar. MICWA attempted to allow tribal representatives the ability to appear in state court on behalf of tribes. The State Bar opposed

this provision as unconstitutional, noting that the Montana Supreme Court has exclusive jurisdiction over who practices law in state court. The State Bar assured the Section of a path forward on this issue and subsequently submitted a petition to the Montana Supreme Court to change the pro hac vice rules and allow for out of state Tribal attorneys to appear in state court. The Section looks forward to commenting on the Petition.

The Section recently began its efforts to revise MICWA for 2025. The Section is hosting monthly subcommittee meetings and will be hosting listening sessions in and around tribal communities.



EDDYE MCCLURE MEMORIAL GRADUATE AWARD

Holly Rae Old Crow (Apsaalooke (Crow)) was named the Section's 2024 Eddye McClure Memorial Graduate Awardee. Eddye McClure fought for equality throughout her life and her battles have had a lasting, positive impact on many people. Eddye attended law school at Lewis and Clark University, but transferred to the University of Montana School of Law for her final year where she participated in the Indian Law Clinic, now known as the Margery Hunter Brown Indian Law Clinic. When Eddye was admitted to the Montana Bar, she was stunned to learn that a state that was home to nine Indian tribes and seven reservations and did not have an Indian Law Section. Eddye sought to rectify the situation. She petitioned the State Bar to establish the Indian Law Section.

Holly is a single mother of two awesome children, Katlyn and Titus, who have been by her side throughout her academic journey. Holly received her Associate's Degree in 2012 from Little Big Horn College and her Bachelor's Degree in 2021 from Montana State University in Bozeman. She began her law school career at the Alexander Blewett III School of Law in 2021. She served as the NALSA President, 1L rep, and 3L rep during her time at ABIII. With the help of her dear friend, she established the NALSA Indian Law Preview Day to encourage interest in law school within the Indigenous community. She has received a few awards while in school including the UM award for Leadership & Service in Diversity, Equity, Inclusion, & Justice as well as the Order of Barristers Award and the William Frost & Maylinn Smith Award.

LOGO

After many years, the Section finally voted on a logo! From the Artist behind the Logo:

“Hań mitakuyapi, Chelysa “Chief” Owens-Cyr emaci’yapi. Hello friends and relatives, my name is Chelysa “Chief” Owens-Cyr. I currently reside on Fort Peck Indian Reservation; I’m proud to represent the Fort Peck (Dakota Sioux & Assiniboiné) tribes of Montana and Pasqua First Nations (Saulteaux/Cree) in Saskatchewan, Canada. I am 24 years old, a young entrepreneur, small business owner, beader, ledger artist, and graphic designer. The links to my socials and merchandise can be found below.”

Facebook: Chelysa R. Owens-Cyr

Email: chelcyr24@gmail.com

Instagram: @chief_leese, @chiefn_designs

Website: www.chiefnwear.com

Material:

https://www.spoonflower.com/profiles/chief'n_designs



“I recently created this logo for the Montana Indian Law Section, upon request I was asked to include something that better represented us as indigenous people. I chose an earth tone red, representing the color of pipestone, the color of pigment paint that our ancestors used to paint parfleche bags, tipis; and so on. The other colors represented in the logo are the four direction colors, a symbol that we are familiar with. It stands for the 4 seasons, 4 stages of life, and balance (emotional, mental, physical, spiritual) Overall, I wanted the logo to represent strength & resiliency.”

MISCELLANEOUS

The Section drafted a letter of support for Danna Jackson who was nominated by President Biden to serve as a federal judge in the United States District Court for the District of Montana.

FINANCIAL CONTRIBUTIONS

The Section paid out the following financial contributions:

National Native American Law Student Association Moot Court Competition	\$2,500
Public Land and Resources Law Review Conference	\$1,000
Nikki Ducheneaux Donation	\$500
Logo (former artist)	\$500

Logo (final design, current artist)	\$1,000
Eddye McClure Award 2024	\$1,000
CLE Honorariums	

MOVING FORWARD

In the upcoming year, the Section hopes to:

- Establish and maintain the following subcommittees:
 - Indigenous Student Support
 - Eddye McClure Award
 - Bylaws
 - Memorial/Honoring – this subcommittee will organize memorials or honoring for Ray Cross, Stacey Gordon Sterling, and Nikki Ducheneaux
 - Pro Bono
 - Fall 2024 CLE
- Organize its **annual CLE** the Friday of Indian Law Week (April 25, 2025)
- Draft and submit **Montana Lawyer** articles on the Night with NALSA, Eddye McClure Awardee, and the Section Logo
- Continue to work with the State Bar to **design a website** that can house the Section's archive

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