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AMICUS

UNIVERSITY OF COLORADO LAW SCHOOL

VOLUME XXV, NUMBER 1, SPRING 2009

American Indian Law



COLORADO LAW

AMICUS



COLORADO LAW

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CALENDAR

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Why Indian Law?

The Study and Practice of Indian Law

The extent to which law pervades the lives of American Indians and tribes is unparalleled for any other group of Americans. It pervades every aspect of their lives.

Students who study Indian law carry away an indelible impression of the ways in which the law and our legal system can affect people. And, Indian law is a convergence for almost everything else studied in law school—civil procedure, constitutional law, domestic relations, conflict of laws, treaties, and more.

It is enormously satisfying to practice in this field, where one can make a profound difference. Moreover, it is a growth area. As many tribes are growing in population, and as their governments, natural resource development businesses, and gaming enterprises grow, there is a demand for litigators, advisors, and transactional lawyers, causing many firms to start Indian law practice groups.

Indian Law at Colorado Law School

This law school has developed a remarkable array of lawyers practicing Indian law, and this issue of *Amicus* tells some of their stories. But the story of how this became a signature program of the school is one that traces to two Indian students in the 1970s, the Native American Rights Fund (NARF), and a responsive faculty.

In the spring of 1971, Tom Fredericks, then a third-year student, and Vine Deloria, Jr. '70 approached Professor Nort Steuben and Dean Don Sears telling of a new, nonprofit law firm representing Indians nationally that was considering locating in Colorado. NARF, founded in 1970 with a Ford Foundation grant, was then in California. Fredericks and Deloria had advocated for an Indian law course at CU and urged that Professor Steuben and the Dean meet the young lawyers starting NARF. With more than 30,000 American Indians living within a 30-mile radius of the CU campus, the Law School is situated ideally at the "Hub of Indian Country."

About a month later, Professor Steuben discussed relocating the organization with a couple of shaggy-haired NARF lawyers over iced tea in his backyard, and introduced them to Dean Sears who was enthusiastic. They agreed to put together a framework for cooperation. Within a month, Sears, Steuben, and Professor Court Peterson presented a proposal to establish a relationship with NARF to the faculty, which they approved. Colorado Law agreed to sponsor a national Indian Law Back-Up Center run by NARF, supporting Indian legal services programs nationwide. Soon after, the U.S. Office of Economic Opportunity gave the school a \$130,000 grant for that purpose.



As the founding Executive Director of NARF, I was one of those shaggy-haired lawyers and remember the welcoming eagerness of the Colorado Law faculty. By the fall of 1971, NARF located near the campus in an old fraternity house that still houses the program. Soon, the office was populated with more than a dozen lawyers, including Professor Charles Wilkinson and NARF's current Executive Director John Echohawk, and Colorado Law students. Within a year, NARF was litigating in more than 10 states.

The relationship, though informal, has been manifested in many ways. In 1973, Professor Peterson began teaching an Indian Law Seminar, and I assisted with that, along with

other NARF attorneys who visited the class. The more than 600 students who have taken the course since then include Mike Connor, Steve Moore, Sam Maynes, Patrice Kunesh, and Stanley Pollack, all featured in this issue, as well as most of the other alumni mentioned. Also, when Colorado Law established the Indian Law Clinic in 1992, NARF helped find cases, sometimes referred from Indian legal services programs.

The students who urged Colorado Law to work with NARF achieved great things. Fredericks became executive director of NARF, was assistant secretary for Indian Affairs at the U.S. Department of Interior, and is a prominent Indian law attorney. The late Deloria, remembered in the next section, achieved international fame as the author of more than 20 books.

The story of how former NARF lawyers—Wilkinson, Richard Collins, and me—as well as our other richly experienced Indian Law faculty—Professors Sarah Krakoff, Jill Tompkins, and Kristen Carpenter—found their way to Colorado Law is told in the Faculty Highlights section.

Continuing the Indian Law Tradition

Our alumni are representing clients in major Indian law matters all over the country and developing government policy. The Indian law tradition at Colorado Law continues. With 15 Native American students, a nationally known faculty, heavily subscribed courses in the field, a legal clinic, a certificate program, and an active students association, the American Indian Law Program at Colorado Law has been and remains one of the strongest anywhere.

David H. Getches



American Indian Law

With Colorado Law School teaching American Indian law for 30 years, numerous alumni have used their legal education and deep passion in this area to serve and advocate for tribes across the nation.

Government

Michael Connor, from Solicitor's Office to Bureau of Reclamation



Michael Connor's '93 star is rising. In March, President Barack Obama nominated him to lead the Bureau of Reclamation, a branch of the U.S. Department of the Interior. The Bureau is a contemporary water management agency and the largest wholesaler of water in the country. It is known for constructing dams, power plants, and canals in the western states, including the Hoover Dam. The Bureau implements numerous programs, initiatives, and

activities to help the western states, Indian tribes, and others meet new water needs and balance the multitude of competing uses of water in the West.

"The President wants a diversity of experience on the team," says Connor. "This includes people from the private sector, those with experience with government, as well as those who have experience with the executive branch and familiarity with Congress." Connor can certainly count himself as one with experience in the executive branch and with Congress. He spent the last 15 years building an impressive resume of administrative and field experience in water law, Indian rights, and energy issues.

During his third year at Colorado Law, Connor was selected to join the Solicitor's Honors Program at Interior. This prestigious position allowed him to rotate among all department divisions, including Fish, Wildlife and Parks, Reclamation, and Indian Affairs. He later accepted a permanent position in the Indian Affairs Division of its Solicitor's Office, where he focused on water and power issues, topics he had gravitated towards during law school, where he worked for the Natural Resource Law Center for almost his entire time at Colorado Law.

Connor also worked on the Colorado Ute water rights settlement in Southwestern Colorado and the Arizona Water Settlement Act. "I was on the road quite a bit. It's very important, especially with tribes, to get out on their turf, meet with them, understand what they are trying to achieve, and make yourself available to them." Connor emphasizes the importance of building a trust relationship between himself, the government, and the tribes. Going to their reservations is just one way to start building this trust. Another is simply to be honest. "You have to be frank and be clear with your position. After a while, they get comfortable and understand where you come from, but this takes a lot of time and effort."

Meeting with tribes also helps remind Connor of the significance of his job. Although Connor's heritage is Taos Pueblo, he is not an enrolled member of the tribe and did not grow up on the reservation. However, he has been long involved in attempts to get a water rights settlement for the tribe. "They take a long-term view regarding water, land, and natural resources," says Connor. He recalls one night in particular; he and his team went to discuss terms of the settlement and the status of negotiations. The tribal council had gathered along with other important leaders of

the community. Connor's team waited outside until they were called in to speak. "Going into that environment and hearing from everybody was an eye-opening experience as to how important [these settlement agreements are] to the whole community," reflects Connor. "It reflects, part and parcel, how they are trying to look out for long-term interests of their people." Connor will always remember the seriousness and solemnity of that gathering.

Today, Connor lives and works in Washington, DC, where he has served as counsel to the U.S. Senate and Natural Resources Committee since 2001. As counsel, he managed legislation for the Bureau of Reclamation and the U.S. Geological Survey, developed water resources legislation, and handled Native American issues that are within the Energy Committee's jurisdiction. He believes that one of the best parts of the job is being able to maintain his connection to the West and his native state. "I love the West. The job I have is a dream job because I get to work on New Mexico issues and have a real connection with New Mexico law, but also address national issues."

Despite all his experience and being able to influence public policy on national issues, Connor is down-to-earth and soft-spoken. "My family keeps me humble and focused on other things," he muses. "My jobs are pretty demanding on time, but when I am not in the office, I focus on the family."

Looking toward the future of Indian law, Connor feels that the President and the Secretary of the Interior share a commitment to improving tribal relationships. "We may be moving into an era where the United States looks at its trust responsibility differently," says Connor. He says the government has looked at its relationship with tribes as a set of minimum legal obligations. Connor hopes that attitudes will begin shifting toward a more proactive stance where there is a sense that the nation has a responsibility and the authority to improve a tribe's situation. Connor feels that the government can structure deals in a way to give tribes more control over their resources. "Giving them an asset that they can use themselves or which they can use within the state allows them to have a long-term economic benefit."

Connor is excited about his nomination as Commissioner of the Bureau of Reclamation. "I have been very lucky in my career to have the opportunity to influence public policy in a set of issues that I care greatly about. I am constantly reminding myself how lucky I have been."

Alumni Make Law and Policy

Some of our alumni have devoted their careers to working for federal, state, and local government on Indian issues. **Mariana Shulstad** '66, a member of the Law Alumni Board, worked from 1968–94 for the Interior as an attorney advisor and field solicitor in the areas of Indian affairs, federal jurisdiction, federal land management, and environment. **Sarah Bond** '81 is an assistant attorney general with the Montana Department of Justice, specializing in water and Indian law. **Wendy Helgemo** '95 is a member of the Ho-Chunk Nation and director of governmental affairs at the National American Indian Housing Council, a non-profit organization that offers technical assistance to tribal housing authorities providing affordable housing in Native communities. She advocates for American Indian housing issues in Congress and to the Department of Housing and Urban Development. **Lucita Chin** '98 works with the Environmental Protection Agency, advising on issues where federal Indian law and environmental statutes intersect, which includes finding ways to help tribes build the capacity to have their own environmental programs. **Jennifer Turner** '04 works at the Solicitor's Office at the Department of Interior in Washington, DC, dealing in legal issues surrounding trust land, including leasing, grazing, forestry issues, fee-to-trust acquisitions, probate, and environmental issues. She credits Colorado Law for prompting her interest and career in Indian law. **Andrew Huff** '99 is an enrolled Chippewa-Cree and staff attorney with the Governor's American Indian Nations Council in Montana.

"This is an opportunity for us to work with tribes in different areas—economics, education, resources, land, water, and minerals—in a way that makes sense to them and will also achieve the long-term goals of their members."

—Michael Connor

Non-Profit

Steven Moore Advocates for Indians as NARF Attorney



Steven Moore's '79 social justice awareness was inspired by the anti-war movement of the late 1960s and early 1970s. An interest in water law, policy, and politics was nurtured by one of his grandfathers, who spent the better part of 60 years as the head of an irrigation district in Colorado. "Law school seemed like the natural place to be after my undergraduate years," says Moore. In law school, he naturally migrated toward environmental and public

interest issues. After graduation, Moore declined a job with a Denver law firm and took a position in Idaho where Idaho Legal Aid was starting up an Indian Law Program. Fresh out of law school, he represented the Kootenai Tribe of northern Idaho in opposing a group of seven electric cooperatives that sought a license to build a dam and hydroelectric facility at a sacred waterfall, Kootenai Falls, in northwest Montana. He worked with attorneys at the Native American Rights Fund (NARF) and successfully protected the falls for the tribe. Since then, Moore has devoted his 30-year legal career to advocating for tribes all over the western United States.

Moore joined NARF as director of its Indian Law Support Center in 1983, where he remains today as a senior staff attorney. NARF's mission is to advocate for tribal existence, sovereignty, natural resource protection, and religious freedom. As a NARF attorney, Moore has represented Indian tribes in a wide range of specialized areas including protection of sacred lands, the repatriation of human remains and the protection of unmarked Native graves, the religious use of peyote by members of the Native American Church, and the religious rights of Native prisoners. Much of his work today, however, builds on his initial interests of water law and natural resources. While representing the Nez Perce Tribe, located in the Snake River Basin of Idaho, he helped win a major settlement of their water rights, signed in 2004. He also represents the Tule River Tribe of California, the Kickapoo Tribe, and the Swinomish Tribe of Washington in water rights litigation and settlements. "Tribes usually approach NARF for assistance when they are faced with an imminent threat to their water supplies, or when an adjudication has been commenced of water rights in the river system where their water source is located," says Moore. "Growth and development in the West and climate change make water rights and resource administration an incredibly dynamic field."

Over the years, Moore became an expert on federal and state laws and the politics surrounding issues such as water rights. He has also learned to understand and work within the framework of the traditional peacemaking process of the tribes. "The key thing that sets peacemaking apart, generally,

is it is a grassroots movement to restore elements of time-honored ways of resolving conflict within American Indian, Hawaiian, and Alaska Native communities," says Moore. Tribal court systems have been shaped by the western legal tradition over the past centuries, but many members of Native communities are disenchanted with the outcomes in these systems. "There are winners and losers, but the underlying conflict is not resolved; in fact it may be exacerbated," observes Moore. By contrast, the goal of traditional peacemaking is to reach a resolution, but spiritual and healing dimensions are also brought to the fore.

Perhaps it is this desire to reach workable solutions that has allowed tribes to persist in their efforts to incorporate elements of western society but still fight to maintain their own unique, distinct communities and beliefs. "As one Indian leader told me many years ago, 'we did not want to melt in your pot!'" Moore values the many lessons he has learned from his clients. For example, in Moore's dealings with water rights, he learned that there is more to it than having enough water to drink and irrigate. "There is a critically important element of religion and culture in the fight for water rights."

Moore is hopeful that the ignorance about and backlash against tribes in modern society are receding. In the meantime, Indian gaming, business development, and energy-related opportunities in Indian Country have resulted in tremendous growth in opportunities and the need for attorneys in these areas necessarily increases. The simultaneous intersection of increasing pressure to develop carbon and non-carbon based energy sources in Indian Country, climate change, and the protection of traditional subsistence lifestyles is one of the most exciting and complex topics in Indian law.

In addition to his work with the tribe, Moore serves as a member of the Colorado Commission of Indian Affairs, and is currently the co-chair of the Advisory Committee to Colorado Law's American Indian Law Clinic. He says, "A clinical experience in Indian law enables Colorado Law to be more competitive in recruiting and training Indian and non-Indian students to the field."

Recently, Moore received the 2008 Pierce-Hickerson Award, presented by the National Legal Aid and Defender Association in recognition of his outstanding contributions to the protection and advancement of the rights of American Indian tribes, organizations, and people. "All of the cases on which I have worked are memorable because of the strong personalities of the tribal political and religious leaders with whom I have had the pleasure of working. Despite several centuries of injustice, many Indian people have retained an amazing sense of grace and humor. To have lived and worked directly with American Indian people is an experience for which I will be eternally grateful."

*"There is a critically
important element of
religion and culture in the
fight for water rights.
All things are connected."*

—Steven Moore

Alumni Attorneys at Non-Profits

Whether transitioning from careers in private practice or entering public service directly after law school, many alumni have chosen non-profit careers. **Don Miller '72**, a retired attorney who devoted his career to working in Indian law, formerly worked at NARF, and continued to help on cases there after his retirement. **Don Wharton '73** is a senior attorney for NARF, working primarily in federal Indian environmental and natural resource law. He has also worked for several Indian nations and the Department of the Interior, and was the founding director of Oregon Legal Services Native American Program. **Lucy Rain Simpson '98**, a member of the Navajo Nation, is a staff attorney in Montana at the Indian Law Resource Center, a non-profit law and advocacy organization dedicated to providing legal assistance to Indian and Alaska Native nations. She joined the Center from private practice where she provided legal services to the Northern Cheyenne and Crow Tribes.



Private Practice

Sam Maynes Continues Father's Firm, 48 Years of Serving Indians



Sam Maynes '88 is a native Coloradoan. He was born and raised in Durango, attended college in his home town of Fort Lewis, and then set off for Boulder when his father, one of the founders of the Durango law firm now known as Maynes, Bradford, Shipps & Sheftel, encouraged him to go to law school. Frank "Sam" Maynes '58 devoted his career to Indian and water law. When Maynes went to school, he explored

a variety of topics, not expecting to follow in his father's footsteps.

Sixteen years after graduating from Colorado Law, Maynes is doing just that. He is a partner at the firm his father began, and general counsel to the Southern Ute Indian Tribe, which the firm has served for more than 40 years.

The Southern Ute Tribe is one of two tribes located in Colorado. Although the Utes were traditionally nomadic, the United States set aside a reservation for them in western Colorado in 1868. Several years later, gold, silver, and other valuable minerals were discovered in the San Juan Mountain area of the reservation, prompting non-Indians to trespass into the area for mining purposes. The present reservation is in the Southwest corner of Colorado, extending from Mancos to Pagosa Springs, and sharing a border with New Mexico. Durango is about 20 miles from tribal headquarters. Sam spends most of his time in Durango but travels to the reservation a couple times a week.

"Indian Law presents a lot of diverse challenges and interesting legal issues that cut across almost all other areas of law," says Maynes. His practice has included everything from drafting codes and contracts to representing the tribe in complex litigation and intergovernmental negotiations. Maynes says, "The tribes don't want to enter into litigation. It's uncertain, and the result is often bad for tribes." He credits the tribe and the state of Colorado for the Southern Ute Tribe's success in avoiding litigation.

For Maynes, the overarching theme in his Indian law practice is the fight for sovereignty. Being able to work directly with tribal leaders gives Maynes a greater appreciation of the true meaning of sovereignty because he can see firsthand how his work makes a difference in the lives of tribal members. It also allows him to build trust between his firm and the tribe, which for Maynes is an essential ingredient in his ability to advocate effectively for the tribe. "It's important to show the tribe that the firm is trying to be a good advocate," he says. "Helping them to understand what I am recommending and why it is in the tribe's best interest is critical in building the trust."

Maynes' current passion is at the intersection of environmental law and Indian law where he is part of both the Water and Air Quality Teams for the tribe. The Air Quality Team is a cooperative effort between the state of Colorado, the Environmental Protection Agency, and the tribes. The team is developing programs to control air pollution on the reservation that is a result of the many coal and oil facilities in the San Juan basin. Under this program, the tribe receives applications from these facilities, asking for emissions permits that would allow them to emit certain levels of air pollution. Once these applications are received, the tribe acts with agency authority, granting or denying permits and enforcing the permit rules. Any fees or fines derived from the program are used by the tribe to fund it. Allowing tribes to take control over air quality on their reservations carries out the federal government's policy of supporting tribal sovereignty.

The role of Indian law attorneys is more important now than ever. "History has taught us that if tribes don't protect their sovereignty, it will be lost," says Maynes. "There is a lot of opportunity for attorneys in the area of Indian law to be both advocates and educators." Tribal issues continue and Maynes stresses that attorneys who can be good advocates, writers, litigators, and legal drafters are essential to helping restore the sovereignty. To this end, his firm has a long history of cooperation with Colorado Law School. "We have hired many Colorado Law graduates because we found that Colorado Law's Indian Law Program is one of the best," says Maynes. He is mindful that the role of educator is very important. "There is a lot of misunderstanding and a lack of knowledge when it comes to the tribe's place in our system of government."

Maynes feels there is great hope and opportunity for even more steps in the right direction under the new administration. He has worked across the table with Ken Salazar on several issues prior to Salazar's appointment as Interior Secretary. Maynes feels, "he has always shown great respect for tribes and I hope that under his leadership, he can reverse the history of neglect and fulfill promises. I'm hopeful that the new administration will act on the need to build infrastructure and that Indian country will get its fair share of that support."



“The ability of the tribe to establish its own laws and be governed by them—that’s what sovereignty is all about.”

—Sam Maynes

Firm Attorneys Represent Tribes and Their Members

Colorado Law alumni pursued their passions by joining private firms and starting their own practices. **Stephen McHugh** '92 serves as senior counsel at the Washington, DC, office of Holland & Knight, representing Indian tribes in land and water claims and prosecuting breach of trust claims against the United States. He participated in the effort to obtain Congressional approval of the Gila River Indian Community Water Rights Settlement Act of 2004, which was enacted in 2005 as Title II of the Arizona Water Settlements Act, Public Law 108-451 and the ensuing effort to implement the Settlements Act. **Kristina John** '96 is an associate at Maynes' law firm, representing the Southern Ute Indian Tribe, the Tuba City Regional Health Care Corporation, and the Navajo Nation. **Lorelyn Hall** '06 joined the firm in 2007 as part of its in-house tribal attorney training program with the Southern Ute Indian Tribe. **Thomas Fredericks** '72, a member of Mandan, Hidatsa, and Arikara Nation of the Fort Berthold Reservation in North Dakota, is partner at Fredericks Peebles and Morgan, which serves primarily Indian tribes. He was Assistant Secretary of the Interior for Indian Affairs in the Carter Administration. **Carla Hoke** '00 practices at Fredericks' firm where she focuses on tribal sovereignty, gaming law, Indian housing, and tribal public utilities. **Loring Harkness, III** '73 was a partner in the Public Finance

Department at Ballard Spahr Andrews & Ingersoll in Denver from 1986 until his retirement in 2004. He acted as bond counsel to Indian tribes throughout the western U.S. in the issuance by tribes of tax-exempt bonds and the execution and delivery by tribes of tax-exempt lease-purchase obligations. **David Heisterkamp II** '93 is a principal at Wagenlander & Heisterkamp, which serves as general counsel to 11 tribal housing programs throughout the country. He assisted the U.S. Department of Housing and Urban Development in drafting regulations for the Native American Housing Assistance and Self-Determination Act of 1996. **M. Catherine Condon** '91 is a partner at McElroy, Meyer, Walker & Condon in Boulder, where she represents Indian tribes and their members in litigation and negotiation of natural resource disputes, environmental matters, regulatory issues, and Indian gaming. **Dan Steuer** '03 and **Gregg de Bie** '05 also work at the McElroy firm in American Indian law. De Bie was formerly an in-house attorney for the Colorado River Indian Tribes in Arizona.

Tribal Government

Stanley Pollack Dedicated to Navajo Nation

Originally attracted to Colorado Law because of its strengths in natural resource law, Stanley Pollack '78 didn't set out to become a tribal attorney. After law school, he went back home to Michigan where he worked as a self-described "people's lawyer." He was the man to call if you were arrested during a protest. He also advised people on legal matters over the airways as host of the radio call-in show "Radio Free Lawyer." One day, seven years after law school, a friend called and offered him a position on the Navajo reservation in Window Rock, Arizona, and he accepted.

It has been more than 23 years since that phone call, and Pollack still lives and works on the reservation. As assistant attorney general in the Water Rights Unit of the Navajo Department of Justice, Pollack combines his passion for water and natural resource law with his belief that the law is a powerful tool to help those disenfranchised from the mainstream. In this case, he is using that tool to help the Navajos. "There is a lot of poverty out here. These people live a very, very difficult life," says Pollack.

A lot of people found it hard to believe Pollack would move somewhere that lacked so many of the things he loved in urban life—free university lectures, live jazz, community activism, and food cooperatives. What may be more surprising is how long he ended up staying. But while it's true that Pollack has sacrificed a lot to be where he is today, he has a vision that he's passionate about and he's not leaving until it's realized. "My vision is to bring reliable, renewable, clean potable water to the Navajo People." This past March, Congress approved the Navajo-New Mexico Settlement Bill, resolving a decades-long dispute over the tribe's water rights claims. "This is probably the most significant accomplishment in my professional career, but still just a step toward the ultimate goal."


This one step has not come easy. Pollack has had to overcome many barriers to gain the trust of the Navajo Nation. "In many ways, I am still working to overcome them," says Pollack. "The people I work for have been lied to, cheated, and stolen from by the Anglos. Here, the mistrust of lawyers in general is exacerbated by the fact that for the most part, the lawyers are Anglo." Through the years, Pollack has faced some difficult and controversial tasks: bringing down a tribal leader whose supporters threatened Pollack's life, enduring accusations that he was secretly working against the tribe, and living through the negative media campaign that followed. Despite all this, Pollack has kept focused on his vision. "Sometimes I am amazed at how much trust and respect I receive, especially since I went through difficult times here."

Today, Pollack's role is advocate and mediator. Trying to balance the rules and laws with the realities of how things actually work in the world and on the reservation is a complex task. Negotiating with the state involves political entities and corporate players too. The harder task is sitting down with his client, the Navajo Tribe, and telling them what is reasonable, what they can expect, and what they should do. While this is something that most lawyers do, there is an element of respect or even restraint. Pollack tiptoes along a fine line, making sure the tribe understands that the choice of action is theirs, but also that he is giving them his best advice.

While the tribe is large and heavily dependent on its attorneys, giving advice is harder than just telling them what to do. With water law in particular, notes Pollack, there are many principles that are easy to describe but hard to explain. For example, non-Indian users of water who access water belonging to the tribes are not protected in the legal world, but are protected politically. "The political system works differently from the legal system. Providing counsel on this is a practical challenge."

Pollack says he will never feel as if he is completely part of the people he has worked for all these years, but he accepts that. "When I am talking about the interests of the Navajo Nation, I find myself using terms such as 'we, us, and our' and try to correct myself out of respect to the people I represent." For now, Pollack doesn't foresee leaving his home on the reservation. His vision is just beginning to be realized and once he gets going, his passion for his work takes hold. "The legal profession is a bit of a train that is hard to jump off at full speed. My train is going high speed right now; there is no way I am jumping off."



A photograph of Stanley Pollack, a man with a receding hairline, smiling and standing on a rocky ledge overlooking the Grand Canyon. He is wearing a light-colored button-down shirt, dark pants, and a backpack. The canyon below is filled with a winding river, green vegetation, and steep, layered rock walls under a clear blue sky.

*"My vision is to bring
reliable, renewable,
clean potable water
to the Navajo people."*

—Stanley Pollack

Alumni Serve Tribes Across the Country

Numerous alumni have chosen to work for tribal governments. **James Bransky** '85 has served as general counsel to the Waganakising Odawa in Michigan since 2000. His duties have been extremely varied, including restoration of a federal trust land base, litigation, and negotiation involving treaty-reserved hunting, fishing and gathering rights, Indian Child Welfare Act cases, and tribal court litigation. **Anita Fineday** '88 is a member of the White Earth Band of Ojibwa Indian, a chief tribal judge, and an adjunct professor at William Mitchell School of Law, the University of Minnesota, and Bemidji State University teaching Indian Studies and Indian Law. **William Brooks** '88 is an attorney for the Grand Traverse Band of Ottawa and Chippewa Indians in Michigan. **Amy Alderman** '89 has worked for the Navajo Nation since graduating, starting out in the Natural Resources Unit of the Navajo Nation Department of Justice, and then joining the Office of the Navajo Tax Commission in 1992, where she remains today administrating the seven taxes imposed by the Nation. **Bill**

Johnson '93 works alongside Stanley Pollack in Arizona for the Navajo Nation Department of Justice. **Britt Clapham II** '75 was a former assistant attorney general and special counsel to the AG for the Navajo Nation in Arizona and continues to represent the Nation through his own law firm in Tucson. **Shayleen (Allen) Idrogo** '96 is an attorney for the Klamath Tribes in Oregon. **Quanah Spencer** '03, who lives in Washington state, is legislative director and sometimes tribal spokesman for the Coeur d'Alene Tribe, also known as Schitsu'Umsh. **Peter Ortego** '93 works as general counsel for the Ute Mountain Ute Tribe. **Monte Mills** '03 is a tribal attorney for the Southern Ute Tribe in southwestern Colorado. **Joshua Breedlove** '06 is a staff attorney for his tribe, the Mississippi Band of Choctaw Indians. **Shanna Selsor Burgin** '07 began working as an assistant attorney general for the Muscogee (Creek) Nation in Oklahoma in 2008 working heavily with the Indian Child Welfare Act, combining her passion for juvenile law, which she developed while at Colorado Law School.

Academia

Patrice Kunesh Teaches After Years as Tribal Counsel



After a successful legal career spent advocating for tribal rights, Patrice Kunesh '89 finds herself back in law school. Only this time, she's the one giving the exams. As an associate professor and the director of the Institute of American Indian Studies at the University of South Dakota School of Law, Kunesh is able to teach students the lessons she learned during her years of practice as well as guide research and policy develop-

ment on tribal governance and issues in contemporary American Indian society.

Kunesh's connection to American Indian tribes began at home. Her mother is a member of the Standing Rock Sioux Tribe. Even so, Kunesh's real interest in Indian law developed while she was a second-year student at Colorado Law. While reading about the Indian Civil Rights Act for her law review note, she came across the intense and tragic history leading to the enactment of the Indian Child Welfare Act. When she shared some of this information with her mother, her interest in this area was discouraged. Not understanding, Kunesh pressed her mother for a reason and learned of some heartbreaking family stories about the struggles of growing up and raising children on the reservation. Since her article on this topic was published in the *University of Colorado Law Review*, the welfare of children has become Kunesh's lifelong mission.

During her third year of law school, Kunesh was awarded a Skadden Fellowship in the first year of the program. Under the fellowship, Kunesh worked for the Native American Rights Fund (NARF) after graduation. "The rigorous intellectual and legal work at NARF was exhilarating," says Kunesh. "I worked with some of the best legal minds and advocates in the country on a number of incredibly important legal issues, such as water and cultural property rights, tribal self-determination in economic development, and self-governance."


She worked for the Mashantucket Pequot Tribe in Connecticut through NARF and eventually was asked to join the tribe as in-house counsel where she continued work on constitutional reform and established a child protection program. After working there for 11 years, leading a comprehensive tribal law and order code and a progressive economic development program, the halls of academia began to call.

Kunesh finds being a law professor is one of the most challenging and rewarding positions she's held. She teaches Native American Natural Resources, Legislation, and Children & the Law. "The common theme in these courses is the importance of law and policy to the essential character of our society," reflects Kunesh. Although she is the professor, her students have also taught her a few lessons. "They teach me that studying is hard work, as a teacher and as a scholar, and that I am a role model in many subtle and important ways. They also teach me humility and gratitude."

Kunesh's work as Director of the Institute of American Indian Studies focuses on the tribes and tribal organizations of the Northern Plains. These tribes comprise approximately 10 percent of the state's population and occupy 20 percent of the land in South Dakota. The Institute's educational and policy focus provides an important socio-legal-historical framework for leaders in tribal, state, and local governments. The Institute participates in educational and research projects, outreach to tribes on legal issues, and on-going tribal-state relations.

This year, one of Kunesh's graduate assistants is researching the lack of lawyers in rural communities in South Dakota. In two of these rural counties, comprised largely of Indian reservations, there are no lawyers. The student's research discovered that many USD law students, most of whom also go on to work as attorneys in the state, would be interested in working in a rural area or small town if there were financial incentives for doing so. "Such a program for new lawyers would have far-reaching benefits, for individuals, the community, the state bar and judiciary, and of course, for the law school," says Kunesh.

Looking ahead, she believes that the direction of Indian law "should be a bold forward-focused view of tribal law and governance rather than a passive tolerance of federal supervision and decisionmaking." While she feels that the best solutions for the tribes come from the tribes, she will continue to bridge the gap between tribes and the states by inspiring and teaching future generations of tribal advocates.



"I felt urgings to investigate the premises of federal Indian law and policy more comprehensively in my own scholarship and to work with students in the hope that they also would be inspired to do the good, hard work that needs to be done in the law."

—Patrice Kunesh

Alumni Educate Next Generation

For some alumni, the pull of academia remained after graduating from law school, causing them to return to universities to share and teach what they have learned. **Anetra Parks** '01 of the Cherokee/Nez Perce Tribes, serves as the director of Law Career Services at the University of Wyoming (UW) College of Law. Prior to joining the UW, Anetra practiced with the Boulder firm Greene, Meyer & McElroy specializing in tribal legal issues. **Debra Donahue** '89 is a law professor at UW where she teaches Public Land Law, Native American Natural Resources Law, and Indian Law. She has authored many articles and books, and traveled to New Zealand where she consulted with law professors, ecologists, NGO administrators, and Maori iwi (tribal) officials on biodiversity and land conservation issues. **Marlon Sherman** '97 of the Oglala Lakota Tribe teaches in the Native American Studies Department at Humboldt State University in California, specializing in indigenous and tribal law, justice, peacemaking, governance, environment, resource use, culture, history, and philosophy. His poems were awarded the 2003 First Book Award for Poetry by the Native Writers' Circle of the Americas.

An Elder: Vine Deloria (1933-2005)

Vine Deloria Jr. '70 was born into a distinguished Yankton Sioux family and was a former CU-Boulder professor, author, and influential American Indian leader. He wrote more than 20 books, including *God is Red*; *We Talk, You Listen*; *American Indian Policy in the Twentieth Century*; *Singing for a Spirit*; and *Custer Died for Your Sins*, one of the most influential American Indian affairs books ever written. In 2002, he received the Wallace Stegner Award, the highest honor presented by the CU-Boulder Center of the American West. The inscription read: "Always grounded in the stories told by the plains and ridges of your Sioux homeland, and guided by your vision of a vibrant tribal sovereignty, you have become a hero for the ages in Indian country and far beyond, you have changed the West and the world through your activism during the termination crisis, your spirited leadership ever since, your vast and influential writings, and your encompassing mind and matchless courage."



Restoring Governance in Indian Country

FACULTY EDITORIAL BY ASSOCIATE PROFESSOR SARAH KRAKOFF

Think about a typically sad domestic dispute. Husband and wife face economic problems. They move to a community where they have friends and might find some work. The work does not come through and small domestic tensions grow into increasingly violent fights. The husband drinks and slaps the wife. She defends herself and hits him back. The husband calls the police, has the wife arrested, and then obtains a restraining order against her from the local courthouse. The couple reconciles.

Then things get bad again, and this time the wife gets to the local courthouse first, filing for a divorce and a protection order. What happens next? The husband files a motion in federal district court to dismiss the case in the local court, arguing that the local court lacks jurisdiction. Huh?

Most law students, even in the first year, will balk at this. Why wouldn't the local court have jurisdiction over a family law matter in these circumstances, which include the husband availing himself of that very same local court in a previous and related claim? Why would the federal court have jurisdiction to hear the case, let alone to divest the local court of jurisdiction?

Welcome to the contemporary world of federal Indian law. The facts are loosely drawn from a recent case in which the federal district court held that the local court, which happens to be the tribal court on the Suquamish Tribe's Port Madison Reservation, did not have jurisdiction.¹ The husband was non-Indian and the wife was a member of a tribe in Alaska. Because the husband was non-Indian, the federal court held that the tribal court lacked jurisdiction despite the couple's previous consensual resort to that same tribunal.

When a colleague in Washington sent a message out to several academics in the field seeking their advice regarding whether the Suquamish Tribe should appeal the ruling, the universal response was no, not if they can help it. On those facts, the Tribe would be sure to lose, if not in the Ninth Circuit, then in the Supreme Court. How did we arrive at this state of affairs, where tribal courts are on shaky ground any time there is a non-Indian litigant? What should be done about it?

As to the first question, during the last several decades, the Supreme Court has decided a disproportionately high number of American Indian law cases. The Court's pattern is to marginalize the Indian law aspects of these cases and to decide them instead based on a cluster of other concerns.² The core doctrinal and interpretive principles of the field, which include deference to Congress and respect for the sovereign-to-sovereign relationship between tribes and the federal government, have been slowly (though not completely) displaced by a patchwork of ad-hoc balancing tests and increasingly narrow categorical rules.

In short, rather than requiring Congress to state clearly when it is infringing on tribal prerogatives, now the Court takes it upon itself to discern whether tribal powers exist or not. Particularly in cases involving a tribe's assertion of jurisdiction over non-tribal members, the Court has embarked on a remarkable common law project, unmoored from constitutional or congressional guidance and seemingly oblivious to concerns of institutional capacity.³ The upshot is that tribes lack



jurisdiction over non-Indian criminal activity, and have civil jurisdiction over non-Indians only in certain circumscribed situations either in which they have consented to relations with the tribe or tribal members, or when their behavior threatens or has direct effects on tribal self-governance.

The Supreme Court's pattern is so striking that leading academics and lawyers now counsel tribes to stay out of the Supreme Court if at all possible, and academics themselves are searching for ways to make their work relevant and helpful to a judiciary that appears impervious to arguments rooted in the core values of the field.⁴

The Supreme Court's skepticism about tribal sovereignty contrasts starkly with the many ways in which Indian tribes are exercising their sovereignty on the ground. Tribes control natural resources, manage

fisheries, regulate clean air and water, impose taxes, maintain roads, have police departments, engage in high tech innovation, and participate in international agreements.

Unfortunately, the costs of the Supreme Court's divestment of tribal sovereignty are born by those most in need of legal protection. Despite the vitality and success of modern tribal governments, rates of domestic violence and violent crime in general are high in Indian country, and if the perpetrators are non-Indian, tribes can do little to act on the front lines to address the problems.

Academics and practitioners alike have called for Congress to enact legislation to recognize tribal criminal powers that the Court has swept aside. Yet as the case described above illuminates, Indian tribes also need restoration of civil jurisdiction in order to protect and govern their communities.

Here, at Colorado Law, students in our American Indian Law Clinic work with tribes and tribal members every day in an effort to realize full legal protection for these communities, and our deep pool of Indian law scholars contributes in a variety of ways to the national dialogue about tribal self-governance. To all of us, it is clear that the federal law of tribal sovereignty has been headed in the wrong direction. The least dangerous branch has been acting out of sync with congressional and executive policy, and has departed from its areas of institutional competence with respect to mediating the relationship between tribes and the federal government.

It is time for the Supreme Court to step aside, and for Congress to step up to restore tribal self-governance so that everyone in need of justice in Indian country can get it. A legislative fix is feasible, and could also address concerns about fairness and adequacy of tribal courts by including funding provisions and procedural safeguards, along with a provision allowing for tribes to opt in or not. Details can and will be debated by politicians. What is clear is that the time for that debate is now.

¹ See *Martinez v. Martinez*, Slip Copy, 2008 WL 5262793 (W.D. Washington, 2008).

² See David H. Getches, *Beyond Indian Law: The Rehnquist Court's Pursuit of States' Rights, Color-Blind Justice and Mainstream Values*, 86 Minn. L. Rev. 267 (2001).

³ See Philip P. Frickey, (Native) American Exceptionalism in Federal Public Law, 119 Harv. L. Rev. 431 (2005); A Common Law for Our Age of Colonialism, 109 Yale L. J. 1 (1999).

⁴ See American Indian Law Review 2007-08 *Special Presentation Materials Related to the National Congress of American Indians Conference at Berkeley, CA*, Nov. 17, 2006 Conference Transcript: *The New Realism: The Next Generation Of Scholarship In Federal Indian Law*.



How Does Colorado Law Compare?

Challenged to Keep Up With Our Peers

| | Colorado Law | Peer average | CU vs. average |
|--------------------------------------|--------------|--------------|----------------|
| Average scholarship/fellowship award | \$5,715 | \$9,265 | -38% |
| Endowment (\$ millions) | \$36.9 | \$97.5 | -62% |
| Average spending per student | \$29,520 | \$35,586 | -17% |

(Figures are for FY 2007; peer cohort is top 20 public law schools)

With modest scholarship funds, Colorado Law cannot offer the full tuition and living expenses for the most qualified and needy applicants that many leading law schools offer. Consequently, Colorado Law graduates today carry away an average of more than \$60,000 in debt from paying for a legal education, and 85 percent of our students have to borrow to complete law school. In 2007, Colorado Law offered 38 percent less in average scholarship awards than the top 20 public law schools.

Colorado Law's Endowment and the Current Economy

What role does an endowment play in Colorado Law's competitiveness? A school's endowment is its investment fund and the strength of that fund ensures the school's long-term well-being by supporting student financial aid, professorships and chairs, professional development through lectureships, and facilities. With large endowments, eight of the top 10 public law schools were among the top 10 in educational expenditures per student and average scholarship awards.

Colorado Law's consolidated endowment has lost nearly 27 percent of its value over the course of this fiscal year after unprecedented growth in recent years. This occurred despite the fact that CU Foundation achieved better investment performance than all similar investment funds and beat relevant indices, such as the 41% decline in the Standards & Poor's 500.

Now, for the 2009-10 year, the endowments supporting 24 of our student scholarships have fallen in value to the point that we cannot award them without additional donations. Recent donations to various law school cash funds have helped enormously. To remain a top school, Colorado Law scholarship funds must increase dramatically to attract the most promising students from all backgrounds. **Thus, scholarships are now the school's highest fundraising priority.**

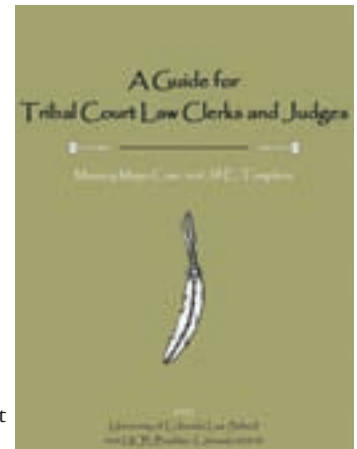
American Indian Law Program Grows

National Tribal Court Law Clerk Program

Law clerks have aided federal and state judges for more than a century with legal and administrative assistance. Very few tribal judges, however, have enjoyed the luxury of a law clerk's services—mostly because of lack of financial resources. With the advent of Colorado Law's new National Tribal Court Law Clerk Program, that is about to change, thanks to Professor Jill Tompkins, director of the American Indian Law Clinic, and Karen Trojanowski '04, director of Public Sector & Externships for our Career Development office.

The program invites law students from around the country to apply to work with tribal courts over the summer to do substantive legal research and writing while receiving academic credit. Colorado Law works collaboratively with the National American Indian Court Judges Association and the National Native American Law Students Association to develop clerkship opportunities around the nation.

To support the program, Professor Tompkins and Massey Mayo Case '07 co-authored *A Guide for Tribal Court Law Clerks and Judges*. In addition, Trojanowski created a *Native American Indian Law Career Resources Guide* that helps Colorado Law students and alumni explore internships and career opportunities in Indian law, and expose them to available resources to network and become more knowledgeable about this area of practice.



Colorado Law's Comprehensive Indian Law Program

- **American Indian Law Certificate:** This new certificate program had its first two graduates last year and will have two more this May, 3Ls Carrie Covington and Kimberly Perdue.
- **American Indian Law Clinic:** Since 1992, this Clinic has provided quality Indian law-related legal representation to low-income persons in the Denver metropolitan area, as well as tribes and groups in the Rocky Mountain region.
- **Native American Law Students Association:** American Indian and Alaska native law students, as well as non-native law students interested in federal Indian law and Native issues, promote awareness of Indian issues, organize activities, and assist in career development.
- **National Tribal Court Law Clerks Program:** This national collaborative project matches Alaska Native and American Indian tribal court judges and justices with law students and recent graduates who provide legal research and writing assistance.

Adoption: A Privilege Only for the Young?

A story by 3L Alison Hall based on her experience in the American Indian Law Clinic.

As we sat filling out paperwork to enroll the boys in the Omaha Tribe of Nebraska, Charles and Genevieve Holt reflected on the difficulties they face as they try to adopt their grandsons, both of whom they have raised since birth. The Holts raised five children, the oldest of whom is 50. “You know,” Charlie reflected, “things have been tough, but I would do it all again to adopt these boys. They mean the world to me.” Charles Holt is a man of his word, and if I didn’t know him better I might not believe his statement. Do it all again? The Holt’s quest to adopt their grandsons has been anything but easy—raising two boys on an extremely tight income, constantly checking their calendar so that they can keep track of appointments with the Department of Social Services and the court, opening their home to countless visits by strangers in order to assess whether they are fit parents, and finally being told that they are “too old to adopt.” Charles, age 76, has heard this statement so many times now that whenever I call with a status update he instinctively asks, “Is the problem my age?”

“No!” I want to say. Under Colorado law, it is prohibited for age to be the sole factor in determining whether an individual can become an adoptive parent. Yet during one home visit, the Holts were told that they were “too old.” Normally, adoption cases that involve a child who is related to the potential adoptive parents require fewer steps than if the child were being adopted by complete strangers. In the Holts’ case, the Court has required the American Indian Law Clinic to file extra paperwork, provide unusual information about our clients, and pay for additional home studies.

Genevieve, age 66, asserts that “If we can’t adopt these boys they will end up with strangers,” an idea that keeps Charlie awake at night. What would happen to the boys if the Holts can’t adopt them? The harsh reality is that many children who are eligible for adoption will not be placed in permanent homes. With the generous pro bono assistance of Longmont estate planning attorney Anton Dworak, I helped the Holts draft a will with testamentary guardianship provisions to memorialize their contingency plan.

Over the course of this year, I have had the privilege of working with the couple and cannot imagine a more appropriate placement for the boys. Not only because the Holts are wonderful and loving parents, but because the boys will remain attached to their tribal culture under the Holts’ care. The couple takes as many trips a year as possible to the Reservation, and one recent trip for the sole purpose of enrolling their grandsons. Genevieve is an Omaha tribal member, and Charlie was adopted by the tribe after earning his honorary membership by selflessly cooking for the masses at large tribal events. After completing the boys’ enrollment forms, Charlie rose from his chair and took a mahogany box out of the closet. A talented ghord dancer, Charlie showed me the honors he received from various national pow-wows, and his hand-painted regalia. “Priceless,” he explained. For me, it was.



Clinic Takes Will Workshop to Reservation

American Indian Law Clinic Director Jill Tompkins and the clinic student attorneys presented “Planning for the Seventh Generation,” a will drafting and estate planning workshop for Southern Ute Tribal Members in Colorado back in November. Monte Mills ’03, director of the Southern Ute Tribe’s Legal Department assisted in preparing for the workshop.



Experiential Learning Program Strengthens

Clinic Student Goes Before Copyright Office to Change Federal Law

2L Blake Reid, a student in Colorado Law’s Glushko-Samuelson Technology Law and Policy Clinic, is headed to Washington, DC, in May to stand before the Copyright Office of the Library of Congress in a triennial rule-making proceeding. Reid will represent Alex Halderman, a University of Michigan professor of electrical engineering and computer science. The proceeding will consider exemptions from the anti-circumvention measures of the Digital Millennium Copyright Act (DMCA). Reid and Halderman, with the help of the Electronic Frontier Foundation and Professors Paul Ohm, Harry Surden, and Brad Bernthal ’01, will seek an exemption from the DMCA for good-faith security research on PC-based digital rights management systems.

In support of the proposed exemption, Reid and Halderman have garnered the endorsement of many academic and professional security experts from institutions and companies such as Harvard, Princeton, Columbia, RSA, Google, and AT&T. They also submitted a related filing to the Federal Trade Commission (FTC) advocating for better disclosures to consumers about digital rights management (DRM) and security issues, and plan to participate in FTC hearings later this spring. The “regulation by raised eyebrow” approach was instated as the FTC threatened to continue litigating egregious cases where inadequate disclosures about DRM technology and licensing agreements rise to the level of false advertising to consumers.

Clinic Students Succeed in Immigration Court

Student attorneys in Civil Practice Clinic won two cases in U.S. Immigration Court in March. These asylum cases, which they had been working on for two semesters, involved research on immigration law, country conditions, brief writing, hiring expert witnesses, interviewing and preparing clients and witnesses, working with interpreters, and presenting their cases at trial. The first team (3L Garen Gerver, 3L Frank Haug, and 2L Kevin Allen) represented a Sudanese man, a member of the Fur Tribe, who was persecuted by the Sudanese government for his political beliefs. The second team (3L Mackenzie Morgan, 2L Jessica Kaplan, and 2L Michael Nicoud) represented a young man from Eritrea who was persecuted for his religious beliefs as a Jehovah's Witness. Professor Norman Aaronson said, "I received compliments on the students' performances from the judge and a Department of Homeland Security attorney." The clinic has been fortunate to have the assistance of an immigration attorney, Jim Salvator '91, on both cases.

100 Volunteer for Appellate Advocacy

Every spring, first-year Colorado Law appellate advocacy students research and write an appellate brief and argue the case in front of three-person panels. This year, we had about 100 volunteers serve as judges for briefings and oral arguments in April in Denver and Boulder.

Students Advance in Mock Trial Competitions

This has been an extraordinary year for Colorado Law's mock trial teams and our developing program. Colorado Law won the Hogan and Hartson Cup against DU Law School and had two mock trial teams participate in the National Trial Competition sponsored by the American College of Trial Lawyers and the Texas Young Lawyers Bar Association. The host school provides witnesses and the student attorneys have 15 minutes before their round to prepare their witness for their testimony, making witnesses more realistic. Both teams (3L LaKisha Cook, 3L Tyrone Glover, and 2L Katharine Decker) (3Ls Shanelle Kindel, Vern Ready, and Joe Neguse), coached by Professor Ann England, progressed to the semi-final round of the Midwestern regional competition and the first team won the regional competition.

A third Colorado Law team (2L Jason Slothouber, 2L Marissa McGarrah, 3L Anthea Mustari, and 2L Michael Nicoud) participated in the American Association of Justice (AAJ, formerly ATLA) mock trial competition in which students serve as the attorneys and the witnesses for the other team. The team, coached by Dan Deasy '93, Brian Domingues, Cash Parker '08, and Reggie Short, won the Mid-Western regional competition.

The student teams had the invaluable opportunity of practicing their cases in front of six judges in their respective courtrooms, including Judge Larry Naves '74. Students also received feedback from practicing attorneys, deputy district attorneys, and the president of National Institute of Trial Advocacy. Several practicing attorneys served as mock team members for students to spar against, including Boulder Deputy District Attorney Patrick Haines '07, Deputy Colorado State Public Defender James Angell '08, Deputy Colorado State Public Defenders Lucienne Boyd '07 and Eric Simms Jr., and Department of Justice attorney Andrew "Guss" Guarino '92.

Also, 16 students from the Colorado Law Juvenile Law Clinic and the DU Law Rocky Mountain Children's Law Center gathered for the fourth annual mock trial clinic offered by the Colorado Supreme Court and the Office of the Child's Representative in February. Among the faculty conducting the settlement conferences were Julia Kneeland '07 and Janet Lee '06, who work as family court facilitators in the Colorado court system.



Students Venture beyond the Classroom

CEES Analysts Present at Copenhagen Climate Congress

The Copenhagen International Scientific Congress on Climate Change invited 3L Elias Quinn and Adam Reed '08, analysts at Colorado Law's Center for Energy and Environmental Security (CEES) to present posters and give remarks at the "Potentials and Limits of Biofuels" and "Integrating National and International Approaches" sessions in March. Reed presented "Life-cycle analysis and renewable fuel goals: a regulator's Scylla and Charybdis." Quinn presented "Attempts to insulate carbon-regulated economies from under-regulated imports, and the inadvertent integration of the world's carbon markets under NAFTA," based on an article he published in *Climate and Carbon Law Review* in February 2008. The CU Renewable & Sustainable Energy Initiative and the Colorado Energy Research Institute provided funding for their trip.

The Congress is the premier scientific lead-in meeting to the Conference-of-Parties 15 to the United Nations Framework Convention on Climate Change. It aims to compile existing and emerging scientific data to guide public officials in making enlightened decisions with respect to the balancing of adaptation and mitigation in the societal response to climate change.



Energy Justice in Guatemala

CEES has entered into an introductory partnership with the Philanthropiece Foundation to collaborate in creating a blueprint for action in Guatemala that will reduce energy poverty and promote empowerment of women by increasing the availability of appropriate and sustainable energy technologies. The blueprint will build on existing activities undertaken by Guatemalan government ministries, NGOs, entrepreneurs, policymakers, lawyers, educators, and community members and integrate social, technological, and economic approaches to alleviating energy poverty.



Students Witness Fujimori Trial

Three Colorado Law students—Jessica Kaplan, Alex San Filippo-Rosser, and Sarah French—and three DU Law students travelled to Lima, Peru, over Christmas break to serve as international legal observers for three days of the trial of former president Alberto Fujimori. He was accused of authorizing the counter-insurgency actions of a death squad known as La Colina that killed 25 people in 1991 and 1992. Peru is the first country in history to try and convict a democratically elected leader for human rights violations; Fujimori was found guilty of mass murder and kidnapping and was sentenced to 25 years in prison. The students also interviewed the three judges on the case, the families affected by the massacres, and the Attorney General of Peru. "It was historic that Peru put its former president on trial for human rights violations even though his



actions helped end terrorism in the country and he was still quite popular," said French, a Peruvian-American. "I admire the Peruvian justice system for seeking justice and truth and evaluate whether the means used to achieve an end were justified."

19th Century Case Inspires a Different Kind of Legal Writing

After his first year of law school, 3L Brent Jordheim, spent part of his summer working with Professor Marianne Wesson, assisting with her research on the Hillmon case. Hillmon, who journeyed west to find land and was shot when his companion's gun accidentally went off, had taken out a massive life insurance policy right before he left, and another man who looked like Hillmon went missing around the same time that Hillmon died. Twenty years, five trials, two Supreme Court appeals, and one settlement later, the mystery remains: who was buried in John Hillmon's grave?

Jordheim, with permission from Professor Wesson, wrote a play about the case within two months. By the fall of his 2L year, he was listening to professional actors from the Colorado Shakespeare Festival (CSF) complete a reading of his script. The CSF is planning a staged reading for the fall of 2009 at the law school, with the assistance of Dr. Ruth Wright '72 and husband Kenneth Wright who donated part of the funding. Jordheim, editor-in-chief of the *University of Colorado Law Review*, says that the entire experience has been one of the greatest highlights of his law school career.

Vulnerability Inspires Students to Produce Film

Third-year students Emily Walker and Jonathan Litwiller visited Emory Law School this February to interview experts in vulnerability and the law for a full-length documentary film they are making titled, "The Vulnerability Project." They interviewed Emory Professor Martha Fine-man, an authority on family law and feminist jurisprudence, and Colorado Law Professor Laura Spitz, who is a visiting professor at Emory for the 2008–09 year. They also attended a workshop on incarcerated mothers and met with various grassroots organizers. The documentary builds on a short film they made for Professor Spitz's Gender, Law & Public Policy class last year.

Students Teach Consumer Empowerment to Public

The Boulder County Housing Authority and 10 students in Professor Amy Schmitz's Consumer Empowerment class offered a free public seminar again this April on how to be a savvy consumer. Students tailored their 25-minute presentations to address issues that have arisen during the current economic crisis. The seminar covered a variety of important consumer issues, including apartment leases, dangerous home loans, arbitration, toy safety, gift cards, credit cards, payday loans, credit counseling, and bankruptcy. The attendees were most interested in apartment leases and questions regarding repairing or guarding one's credit.



American Indian Law Takes Center Stage



National Native American Moot Court Competition

Colorado and Denver Law Schools co-hosted the 2009 National Native American Law Students Association Moot Court Competition in February. This year's moot

court problem involved a challenge to a fictional public university's tuition waivers to American Indian students as violating a proposed (but actually defeated) 2008 Colorado constitutional prohibition on using racial or gender preferences in state-funded programs. The 42 teams from 17 schools competed at the Wolf Law Building.

Native Americans, Race, and the Constitution



Conference

Held in conjunction with the Native American Moot Court Competition, Colorado Law hosted its first public Indian law conference, featuring leading academics and litigators in the field of federal Indian law, including Steve Moore '79 of NARF and Professor

Melody Kapilialoha MacKenzie of the University of Hawaii. This conference focused on topics complementing the moot court competition problem, issues of race, tribal status, and the protection of American Indian religious exercise, including sessions on Native Hawaiians and tribal citizenship determinations. Professor Sarah Krakoff moderated the conference, and Professor Jill Tompkins, American Indian Law Clinic director and conference coordinator said, "Coordinating the conference with the competition was a wonderful opportunity to bring leading Indian law scholars together to take a timely look at the myriad constitutional challenges that American Indian tribes and Native Hawaiians are confronting on a daily basis." Conference sponsors were Colorado Law's American Indian Law Program and the Byron R. White Center for the Study of Constitutional Law.

Law Connects with Entrepreneurship, Technology, and Energy

Silicon Flatirons Center Driving Force for Entrepreneurship

CU's first annual Entrepreneurship Week in April connected local entrepreneurs with technological, financial, and legal resources to help get their ventures off the ground. The week coincided with events across the United States, and in several other countries, to mark World Entrepreneurship Day on April 17. Colorado Law's Silicon Flatirons Center was a driving force of this campus-wide initiative and one of several campus sponsors, including the Deming Center (School of

Business), eShip (College of Engineering), ATLAS, the Interdisciplinary Telecom Program, and the Technology Transfer Office. A highlight of Entrepreneurship Week featured Governor Bill Ritter's '81 announcement that information and communications technology (ICT) is a fifth pillar of the Colorado economy. The Governor spoke at the "Putting the Entrepreneurial Ecosystem in Perspective" conference at Colorado Law School. The conference also analyzed the burgeoning Boulder-Denver entrepreneurial ecosystem.

Entrepreneurship Week culminated with the announcement of the CU New Venture Challenge winners, the first campus-wide business plan competition. The CU NVC, which awarded \$12,000 in prizes, reflects part of a larger effort to catalyze entrepreneurship at CU. *In the past five years, CU has been instrumental in creating 49 companies from faculty research, ranking the university among the top 10 of all U.S. universities.*



Professor Brad Bernthal '01, director of the Entrepreneurial Law Clinic and of Silicon Flatirons' Entrepreneurial Initiatives, was upbeat about the state of entrepreneurship in the area. "Even in these tough times, innovation is alive and well in Colorado. Local entrepreneurs striving to bring new ideas to market show the kind of hard work and collaboration that we need to lead ourselves out of this recession."

ABA & AALS Site Evaluation Visits

Colorado Law and its community had an opportunity to show off a bit before representatives of the American Bar Association (ABA) and the Association of American Law Schools (AALS) in April. Both the ABA and the AALS conducted their site evaluation visits to determine whether Colorado Law is compliant with the standards of both accrediting bodies, and whether they should re-approve the law school for the next seven years.

It was a time to shine and the entire law school community contributed. Faculty prepared a self-study report based on reports and surveys conducted over the last year. Administration and staff worked tirelessly to gather data that went into a 2,500-page Site Evaluation Questionnaire. The students and student leadership not only answered questionnaires but also interviewed with the evaluation team to give them a student's perspective on our legal education program, our faculty, and recent developments at the law school. A group of distinguished alumni, including judges, leaders of local bar associations, former student leaders, Law Alumni Board members, and others met with the team to discuss the school's role in the legal community and its future from the perspective of leaders within Colorado. **We will be sharing outcomes from the Site Evaluation Team's report and the re-accreditation process with our alumni.** Thank you to all who participated in this process.

Reforming the FCC Conference



Is the Federal Communications Commission (FCC) truly equipped to deal with immediate challenges that it will face? "Reforming the Federal Communications Commission" is a joint project of Public Knowledge and the Silicon

Flatirons Center. A leading group of academics, current and former FCC officials, and leaders from the public interest community gathered in Washington, DC, in January to discuss how to reform how the FCC operates. They compared future visions, explored historical lessons, and presented papers offering recommendations for the creation of an FCC well prepared to confront contemporary challenges. Professor Phil Weiser presented his paper, "FCC Reform and the Future of Telecommunications Policy" at the conference.



New Symposium on Sustainable Urban Development

The "ELEVATE 2009: Climate Change and the New Frontiers of Urban Development" symposium brought together more than 30 of the nation's leading thinkers and practitioners in real estate, law, business, and public policy for a groundbreaking symposium about sustainable land use and real estate development. Colorado Law hosted the conference with the CU Leeds School of Business' Real Estate Council Annual

Conference. Interdisciplinary panels discussed how policy design, social forces, and the private market intersect and affect sustainability practices. Speakers, panelists, and attendees explored sustainable economic, social, and environmental solutions to pressing issues in the areas of housing, transportation, energy, and economic development. "Few sectors of our economy—or of the global economy—are more vital to the transformation climate change requires of us," noted Professor Nestor Davidson, "and this symposium could not have been a more timely opportunity to refocus the industry toward the right alignment of policy and development strategy."

Colorado Clean Energy Solutions Series

This new series encourages collaboration amongst all stakeholders necessary for the development of a successful infrastructure in Colorado to support and advance clean and renewable energy solutions and climate change abatement. The series will consist of four symposiums in 2009 in conjunction with Governor Ritter, CU, Colorado State University, and The Colorado School of Mines, and is sponsored by Hogan & Hartson, Deloitte, and Colorado Law's Center for Energy and Environmental Security (CEES).

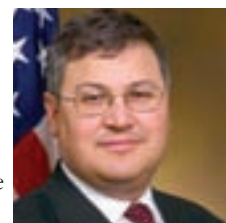
The first program in the series, "Smart Grid Roundtable and Symposium," focused on the current state of smart grid technology and policy drivers for increasing research, development, and adoption. The March symposium informed entities developing smart grid technology of policy, industry, and economic trends likely to impact the space; advanced the application of smart grid solutions to climate change problems; and developed policy recommendations for state and federal consideration. The next three symposium topics will be on Carbon Capture, Utility Scale Solar Power, and Alternative Fuels.

Speakers on Law and Policy, Business, and Energy

- "Criminal Enforcement in Indian Country." U.S. Attorney **Troy Eid** spoke in February about how the Ute Mountain Ute Reservation in Southwest Colorado is nearly the size of Rhode Island, yet patrolled by only five tribal law enforcement officers. Tribes lack the jurisdiction to prosecute felonies committed on their reservations. He discussed possible solutions including cross-deputization of state law enforcement officials and overturning the *Oliphant* case in which the Supreme Court found tribes lack criminal jurisdiction over non-Indians.

- "The Winds of Environmental Justice." **Robert "Bob" Gough**, an attorney and senior consultant with the firm Native Energy and one of the nation's experts on tribal alternative energy resource development, spoke in February on the tribal role in alternative energy development.

- "The First Two Terror Presidencies." **Jack Goldsmith**, Harvard Law School professor and author of *The Terror Presidency*, was the 52nd Annual John R. Coen Lecturer in April. He served under Attorney General John Ashcroft as a U.S. assistant attorney general for the Office of Legal Counsel in the Department of Justice. His book details the legal issues the Bush administration faced in the war on terror, including the definition of torture, the applicability of the Geneva Conventions, the detention and trial of suspected terrorists, and wiretapping laws.



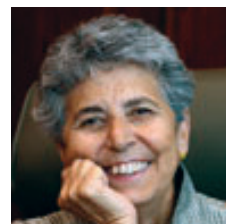
- "A Talk with Sam Zell." In April, the Entrepreneurs Unplugged Series presented **Sam Zell** to discuss entrepreneurship in this uncertain economy. Zell, a U.S.-born, self-made billionaire, and real estate entrepreneur, is co-founder and Chairman of Equity Group Investments, a private investment firm. In early 2007, Zell orchestrated what was at that time the largest leveraged buyout in history—the sale of his flagship Equity Office Properties REIT for \$39 billion. Also in 2007, he purchased the Tribune Company—publisher of the *Chicago Tribune* and the *Los Angeles Times* and owner of the Chicago Cubs.



- "The Visible and Invisible World of International Claims Tribunals." **Lucy Reed**, President of the American Society of International Law (ASIL) and a partner at New York firm Freshfields Bruckhaus Deringer, is a member of the Eritrea-Ethiopia Claims Commission (a humanitarian law tribunal) and was co-director of the Claims Resolution Tribunal for Dormant Accounts in Switzerland (Holocaust claims). In March, she discussed her experiences on tribunals, ASIL's Task Force on U.S. policy towards the International Criminal Court, and career advice for those considering international law.

- "Perspectives on the Death Penalty & Sentencing (Misguided Guidelines?)." **Judge Rosemary Barkett**, who sits on the Eleventh Circuit Court of Appeals, spoke at the Law School in March on the death penalty.

- "40-hour Professional Mediation Training." **Judy Mares-Dixon** provided training sponsored by Colorado Law's Legal Alternative Dispute Resolution Student Group, and several other groups.



Silicon Flatirons Addresses Cutting-Edge Topics



- **“The Law and Ethics of Network Monitoring.”** This December conference discussed limits to network monitoring; how wiretap laws govern monitoring; systems administrators agreeing to a code of conduct that draws lines of monitoring; and laws and ethical boundaries varying based on network type or person’s identity.
- **“Antitrust Law for the New Administration.”** In January, participants discussed how the Antitrust Modernization Commission evaluated the state of antitrust law and largely embraced the status quo, declining to call for substantial changes to the doctrines, institutions, or practices of antitrust enforcement. The American Antitrust Institute report, “The Next Antitrust Agenda: The American Antitrust Institute’s Transition Report on Competition Policy to the 44th President of the United States,” was in contrast to these ideas.
- **“The Digital Broadband Migration: Imagining the Internet’s Future.”** In February, participants evaluated emerging technological, economic, social, and policy challenges; changing Internet architecture, the network management role, and transitioning away from an end-to-end architecture; whether existing institutions can oversee Internet communications; and major changes in Internet services and the evolving Internet content market.
- **“Evaluating Software Patents.”** This March conference evaluated the premises underlying the call for a fundamental reform and possible abolition of software patents, and some suggestions for changing how patents are granted and how patent litigation operates.

A WILD Success

Colorado Law’s Women’s Law Caucus hosted its longest-running event, Women In Law Day (WILD) in February. In attendance were local high school students, students accepted to Colorado Law for the fall, and current students from CU, DU, Colorado State, Flatirons Community College, and University of Wyoming. The 18th Annual event included a panel discussion given by women from five different sectors of law including the government, private practice, and in-house counsel, including Rothgerber Johnson & Lyons partner Kristin Bronson ’97, U.S. Department of Education civil rights attorney Sandra Roesti ’02, and Professor Natalie Mack ’00. A second panel consisting of Colorado Law students hosted a question and answer session and Professor Amy Schmitz presented a mock Contracts class.

Home Rule Focus of Rothgerber Conference

The 16th Ira C. Rothgerber, Jr. Conference in January, presented by Colorado Law’s Byron R. White Center for the Study of American Constitutional Law and the Denver University Law Review, focused on home rule. Topics included federalism, extraterritoriality, external effects as a limitation on home rule powers, and the Colorado Supreme Court’s 2008 Telluride Decision. Professor Richard Collins, director of the Center, brought together experts on the subject, including Columbia Law Professor Richard Briffault, NYU Law Professor Clayton Gillette, Illinois Law Professor Laurie Reynolds, Texas Law Professors Lynn Baker and Daniel Rodriguez, and Faegre & Benson’s Leslie Fields.



- **“Putting the Entrepreneurial Ecosystem in Perspective.”** The April conference took a critical look at the idea of an entrepreneurial ecosystem, examining how it facilitates innovation. Participants evaluated what enables a local community to develop an entrepreneurial culture and reach a critical mass of inventive activity, and how entrepreneurs recognize what inventions truly matter.

Many of these conferences have videos available for download, at www.silicon_flatirons.org and selected papers were published in the *Journal on Telecommunications and High Technology Law*.



Faculty Highlights



Experienced Faculty Built Colorado Law's Indian Law Program

The practice experience of Colorado Law's American Indian law faculty is among the deepest in academia. Their contributions go well beyond their scholarly and education work.

In 1968, **Dean David Getches** left a large law firm practice to open the first California Indian Legal Services field office in Escondido, working with 20 tribes. As founding director of the Native American Rights Fund (NARF), he built that program, raising funds, and hiring attorneys. He also litigated many cases including a precedent-setting American Indian treaty fishing rights case in Washington and a case that established the North Slope Borough in Alaska, under Eskimo control, the largest municipality in the nation. He joined the faculty in 1979 and is a co-author of the leading American Indian law casebook, *Federal Indian Law*.

Professor Charles Wilkinson came to NARF from a large law firm and handled a case involving widespread discrimination against Navajo school children by a Utah school district, and he drafted and lobbied legislation, restoring tribal status for the Menominee and other tribes reversing the pernicious federal policy of termination. He has advised the U.S. Departments of Interior, Agriculture, and Justice. In 1975, he started teaching at the law schools of the University of Oregon, Michigan, and Minnesota before moving to Colorado in 1987. He is considered a leading expert on American West law, history, and society, and has authored 12 books.

In the 1960s, **Professor Richard Collins** practiced with California Rural Legal Assistance and represented several small Indian Rancherias. He then represented American Indians and tribes while working for California Indian Legal Services, DNA-People's Legal

Services on the Navajo Reservation, and NARE, arguing several landmark cases before the U.S. Supreme Court, including *McClanahan v. Arizona Tax Commission*. He started at Colorado Law in 1982.

Professor Sarah Krakoff worked as the Youth Law Project Director for DNA-People's Legal Services on the Navajo Nation litigating two class action discrimination cases in federal court on behalf of Native American schoolchildren. In 1996, she started at the law school as director of the American Indian Law Clinic before becoming an associate professor.

An enrolled member of the Penobscot Indian Nation of Maine, **Clinical Professor Jill Tompkins**, was the director of the tribe's judicial system in the early 1990s. An expert on tribal justice systems, she served as chief judge of the Mashantucket Pequot and Passamaquoddy Tribal Courts, was past president of the National American Indian Court Judges Association, and founding executive director of the National Tribal Justice Resource Center. She is the director of Colorado Law's American Indian Law Clinic and serves as an appellate justice for the Mashantucket Pequot Tribal Nation, the Passamaquoddy Tribe, and the Pokagon Band of Potawatomi Indians.

Professor Kristen Carpenter will join the Colorado Law faculty in the fall of 2009 to teach American Indian Law and Property Law. She has worked at firms specializing in Indian law—Fredericks, Pelcyger & Hester in Colorado, and Sonosky, Chambers, Sachse, Miller & Munson in Alaska—and at the Office of Legal Counsel at the Mashantucket Pequot Tribal Nation. She has been an associate professor at DU and Suffolk law schools.

Beyond the Classroom

Professor Weiser Appointed to Justice Department's Antitrust Division

Professor Philip Weiser, associate dean for research, and executive director of the Silicon Flatirons Center for Law, Technology and Entrepreneurship, has accepted an appointment as deputy assistant attorney general for International, Policy and Appellate Matters at the U.S. Department of Justice's Antitrust Division, starting in July.

"Phil's talents as a strategic thinker, administrator, and leader will be missed at CU during his leave of absence, but they will be put to good work in Washington," explained Dean Getches.

"The opportunity to serve with Christine Varney, President Obama's choice to lead the antitrust division, and return to DOJ is just too compelling to pass up," said Weiser. "It is difficult to leave so many friends, an institution I cherish and a center whose development has been a labor of love, but I am very confident that the Silicon Flatirons Center will continue to flourish under its current leadership."

Portfolio Magazine recently featured Professor Weiser as one of 12 "Top Tech Policy People to Watch." The article highlighted Professor Weiser's efforts to raise the profile of the Silicon Flatirons Center, his former position as a senior counsel to the assistant attorney general of DOJ's antitrust division, his appointment as co-chair to the Federal Trade Commission review team during the Obama-Biden transition, and his efforts to promote reform of the Federal Communications Commission (see the *Amicus* article under Law School Events).

Professors Norton and Weiser Help Transition to the New Administration

Professors Helen Norton and Phil Weiser both recently served on the Presidential Transition Team as team leads of the agency review process. The teams reviewed key federal departments, agencies, and commissions, and provided memos to the President and his administration containing information needed to make strategic policy, budgetary, and personnel decisions.

Professor Norton is no stranger to transition. Before entering academia, she served as Deputy Assistant Attorney General for Civil Rights at the U.S. Department of Justice under the Clinton administration. This past Fall, Professor Norton led the six-person transition team charged with reviewing the Equal Employment Opportunity Commission, the nation's largest civil rights enforcement agency. After extensive document review and interviews both inside and outside the agency, her team put together a series of strategy memos that identified the Commission's key policy, management, and budgetary opportunities and challenges.

Professor Weiser was a lead agency reviewer at the Federal Trade Commission and helped write the team memo. During his time on the transition team, he talked to more than 100 people, ranging from those at the agency to former agency officials to consumer and business groups to academics in an effort to gather different perspectives and ideas.



Professor Davidson Appointed to the U.S. Department of Housing and Urban Development

Professor Nestor Davidson will be taking a leave of absence from Colorado Law to serve as Principal Deputy General Counsel at the U.S. Department of Housing and Urban Development in Washington, DC. HUD works with communities across the country to promote homeownership, affordable rental housing, community development, and fair housing. "While we will miss Nestor's enormous contributions to the Law School, we understand the importance of his service to the Administration and the country. His expertise is perfect for this position," said Dean Getches.



"I am grateful for the opportunity to serve with Secretary Shaun Donovan and Helen Kanovsky, President Obama's choice for General Counsel, at a time when we face significant challenges in every area of HUD's mandate," said Davidson. He previously served as Special Counsel to the Secretary of HUD and practiced affordable housing development and finance law at the firm of Latham & Watkins. He also served on the Board of Commissioners of the Boulder Housing Partners, as Chair of the Board of Boulder County Advocates for Transitional Housing, and on the Board of Directors of Thistle Communities. Professor Davidson's scholarship and teaching focuses on affordable housing, community development, sustainability in housing and land use, and related issues.

Professor Moss Testifies before Judiciary Committee

Professor Scott Moss went before the Colorado State Judiciary Committee in February to give oral testimony regarding Senate Bill 110. The legislation works to expand the anti-discrimination law currently in place by providing punitive damages, compensatory damages, and attorney's fees to employment discrimination plaintiffs. Professor Moss's expertise in this area comes from his prior experience as a plaintiff's employment lawyer. He has litigated individual and class action cases of discrimination, harassment, and minimum and overtime wage violations.

Professor Ohm Launches Software Regulation Clearing House

The newly launched Software Regulation Clearing House, conceived of and managed by Professor Paul Ohm, tracks governmental regulation of software development. Funded by a grant from the Ewing Marion Kauffman Foundation, it is a definitive online searchable database of statutes, administrative regulations, and case law—federal, state, and foreign—that either mandate or prohibit particular features or functionality in software. The Clearing House is publicly available and constantly updated to reflect changes in the law. The database currently contains more than 470 federal and state regulations, including the Digital Millennium Copyright Act's anti-circumvention provisions, the Communications Assistance for Law Enforcement Act, the Broadcast Flag, and proposed Spyware legislation. Legal scholars can look generally at state regulation of software and software developers can understand how law affects their activities. Professor Ohm plans to add readable analysis to each of the regulations in order to make the database more accessible to non-lawyers. www.codereg.org



Professor Spitz Visits Dublin School of Law

Professor Laura Spitz was invited to visit the University College Dublin School of Law in Ireland for a week in April. During her visit, she presented a research paper, "Theorizing the more responsive State: The radical potential for constitutional pluralism in North America" as part of the School's Research Seminar Series. A specialist in bankruptcy and commercial law, Professor Spitz was also invited to testify before the Georgia Senate Study Committee on Bankruptcy Homestead Exemptions on consumer bankruptcy law last November.

Recognition

Professor Hart Receives Award from Hispanic Bar Association



The Colorado Hispanic Bar Association awarded Professor Melissa Hart its Outstanding Community Service Award for 2008. They recognized her for her work on preserving equal opportunity in Colorado, particularly her effort on the Amendment 46 question last election season. Her scholarship focuses on

addressing the persistent problems of stereotyping and bias. Governor Ritter and Senator Bennett also spoke at the banquet and congratulated Professor Hart on her great commitment to volunteer work.

In addition, Professor Hart received the first CU Institute for Ethical and Civic Engagement Annual Serving Communities Award for a faculty member in March. She "embodies the values and actions of an engaged citizen whose work contributes to the vitality of the communities we serve and who contributes to CU-Boulder's civic mission," said the Institute Director Peter Simons. "Professor Hart serves as a role model and is integral and essential to CU's vision of a campus that fosters civic engagement and campus-community partnerships."



Professor Wesson Named Goldstein Fellow

Professor Marianne Wesson received the 2009-10 Gilbert Goldstein Faculty Fellowship, which she will use to continue work on her latest book *Unquiet Grave: The Supreme Court and the Hillmon Case*. The book details the 19th century case that sought to determine who was buried in John Hillmon's grave—an unsolved mystery surrounding a case

studied by evidence students that is the basis of an important exception to the hearsay rule (see the *Amicus* article under Law School News).

Books

Professor Wilkinson's New Book on the Siletz Tribe

Professor Charles Wilkinson is completing *Against All Odds: The History of the Siletz Tribe of Oregon* (to be published by University of Washington Press in 2010). The Siletz Tribe is a 4,500-member tribe near the central Oregon Coast. Its reservation—1.1 million acres reaching a full 110

miles north to south along the Oregon Coast—was one of the greatest of all Indian reservations. By 1892, the federal government had taken nearly all the magnificent, timber-rich tribal homeland. In 1954, Congress "terminated" the tribe, abrogating the treaty, selling off the remaining land, extinguishing fishing and hunting rights, and cutting off federal health and education benefits. Poverty worsened and the sense of cultural loss deepened.



Siletz people refused to give in and created an inspiring modern history. By virtue of statutes in 1977 and 1980, they convinced Congress to reverse termination through "restoration"—a congressional act that restored federal recognition, reinstated all federal programs, and established a small reservation. This resulted in economic progress and a profound cultural revival. Professor Wilkinson gave two lectures in Oregon on his book-in-progress as part of the Mark O. Hatfield Distinguished Historians Forum.

Dean Getches Updates Water Law Books

Dean and Professor David Getches' *Law in a Nutshell: Water Law* was released as the 4th edition (West Group). It contains updated court decisions and an added discussion on surface use of waters in light of the increased importance of public recreational water uses. Also released was the 6th edition of his *Water Resource Management: A Casebook in Law and Public Policy* (with Tarlock, Corbridge, and Benson).

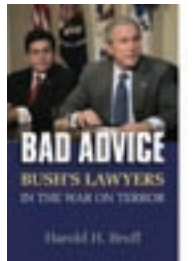


Professor Loewenstein Publishes Book on Business Enterprises

Professor Mark Loewenstein's new book (with D. Branson, J. Heminway, M. Steinberg, and M. Warren), *Business Enterprises: Legal Structures, Governance, and Policy* (LexisNexis), includes materials many books now on the market omit, such as agency and unincorporated business associations.

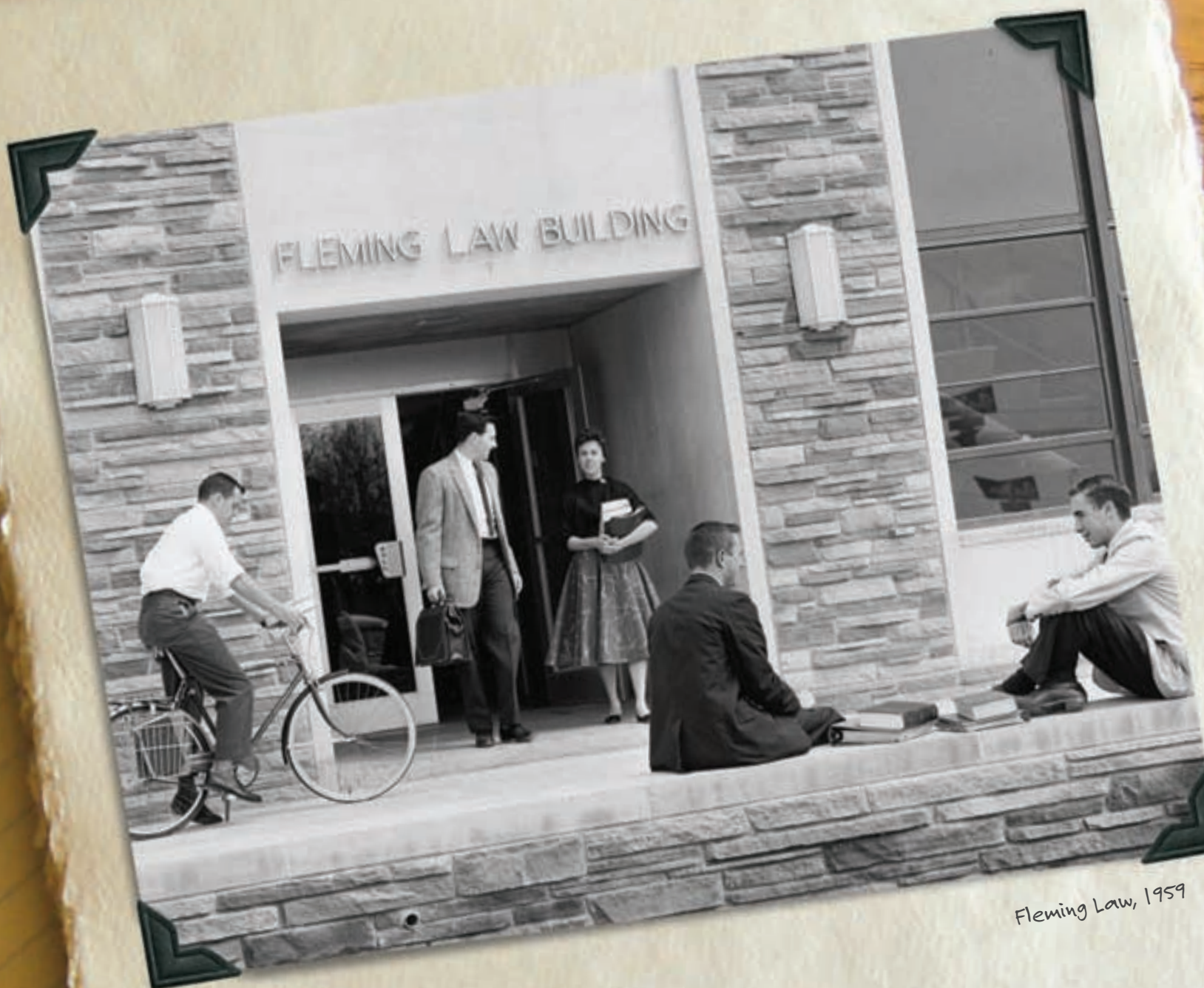
Professor Bruff's Book on Bush's Lawyers Released

Through a close study of the legal advice provided to President Bush, former Justice Department attorney and Professor Harold Bruff provides an incisive and scathing critique of the justifications for the Bush administration's tactics in the war on terror, which he finds at odds with both American law and moral authority. The 400-page *Bad Advice: Bush's Lawyers in the War on Terror* (University Press of Kansas) won the 2008 Chicago-Kent College of Law/Roy C. Palmer Civil Liberties Prize.



Professor Mueller's Newest Edition of Acclaimed Evidence Book

The fourth edition of Professor Christopher Mueller's textbook (with L. Kirkpatrick), *Evidence*, has been updated and rewritten throughout, with new material on the Crawford doctrine on the confrontation clause, the Davis emergency exception, and the Giles forfeiture doctrine. It also covers amendments to Rules 404 (character evidence), 408 (civil settlements) 606 (impeachment of verdicts), and 609 (impeachment by prior convictions).



Fleming Law, 1959

**COLORADO LAW HELPED YOU OPEN MANY DOORS.
NOW YOU CAN HELP FUTURE GENERATIONS DO THE SAME.**

To ensure lasting support for scholarships, programs or faculty support at Colorado Law, you could gift part of your IRA, leave a bequest, or receive income for life with a gift annuity.

To explore these or other options, contact Marilyn Moses, Assistant Director of Development at (303) 492-1744 or marilyn.moses@cufund.org.



UNIVERSITY OF COLORADO
FOUNDATION

HONOR ROLL

Additions to the Fall 2008 Honor Roll

The honor roll presented in the Fall 2008 Amicus contained gifts and new pledges (not pledge payments) made just to the CU Foundation (not to CU for the benefit of the Law School) from July 1, 2007, through June 30, 2008. We apologize that this was not as clear as it could have been. We are, of course, grateful to all those who were making pledge payments, and all those who gave gifts directly to the University of Colorado Law School during that period who are listed below.

\$100,000–249,999

Boettcher Foundation
Kenneth & Myra Monfort Charitable Foundation Inc.
Myra Monfort and Bill Runyan
Erv and Joyce Wolf
Marvin and Judi Wolf

\$50,000–99,999

Faegre & Benson
Faegre & Benson Foundation
Elaine Wolf

\$25,000–49,999

Berg Hill Greenleaf & Ruscitti, LLP
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Holme Roberts & Owen, LLP
Kutak Rock LLP
Robert J. Kutak Foundation
Jim and Carole McCotter
Jim and Ann Scarboro

\$10,000–24,999

Brega Family Foundation
Chuck and Betty Brega
Sam and Vicki Dazzo
Johnson & Repucci LLP
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Moye White, LLP
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Ottens Johnson Robinson Neff + Ragonetti
Saunders Construction, Inc.
Dick Saunders
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\$5,000–9,999

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Ed and Marlin Barad
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\$2,500–4,999

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Holland & Hart, LLP
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Randall Nelson
Dave and Susan Palmer
Marty and Alexander Rolfe
Veronica Sperling
Kara Veitch and Jason Young
Wheeler Trigg & Kennedy
John and Nancy Wittemyer

\$1,500–2,499

David Brown
Caplan & Earnest, LLC
Brad and Nancy Dempsey
Ann and James Estin
GHP Horwath, PC
Gibson Dunn & Crutcher
Alan and Jerry Heath
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Sandy and Phyllis MacDougall
Cynthia Nimerichter and Ted Worcester
Chester and Louise Schwartz
Paul Smith and Elizabeth Phelan
Jan and Bob Steiert

\$1,000–1,499

Abe and Jen Abram
Buck Arnold
Steve Briggs
John and Elizabeth Cho
Bruce Downsborough
John and Jennifer Guadnola
Dale and Toni Harris
Wesley Howard
John and Joan Jacus
Valerie and Zach Miller
Steven and Deborah Pelican
Garth and Joanne Rogers
Daniel and Jeane Sears
Springer & Steinberg
Mary and Dave Steefel
Robert and Betty Tuchman
Doug and Leslie Weddell

\$500–999

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Betty and David Arkell
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John Baker
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Mary Griffin
Sarah and James Griffin
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Camron and Louise Kuelthau
Porzak Browning & Bushong
Mary Beth Ritger and Scott Doiron
Lee Strickler
Arthur and Laurie Travers
Marie and Kirk Williams

\$250–499

Teresa and John Buffington
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Colorado Hispanic Bar Association
Frie Arndt & Danborn
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Karen and Dennett Hutchinson
Craig and Sarah Jarvis
Kristin and Aaron Lentz
Lucia and William Liley
Colleen and John Maxfield
Kathleen Nalty
Thomas and Marcia Seawell
Robert Stark
Joe Strella and Katherine McGee
Laura Sturges
Susan Zimmerman and Paul Phillips

\$100–249

Nick Avila, Jr.
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Dick Bayer
Gary Berg and Karen McMurry
Joey and Michelle Buczkowski
Clinton Cole
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Sarah Croog

Darla Daniel
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Laurel Duffy
Katie Elsner
Darryl Farrington
Sharon and Bernard Fehringer
James Hovland
Christopher Knud-Hansen
Sandy Kraemer
Jude Leblanc
Donald Marritz
Julius and Lucille Meis
Edward and Clydine Pabst
Moe and Karen Sandstead
James and Pamela Shaddock
Mary Smith
Beau and Lucy Stark
Richard and Tammy Sugg
Evelyn and Richard Sullivan
Peigi Szvetcz
Kyle Ursey
Anthony Valdez
Elizabeth and Frank Walker
Zita Weinshienk
Kenneth and Nicole Winterton

Up to \$99

Chris Allen
Skip and Mary Athearn
Jeffrey Blair
Frederick and Jean Charleston
John Church
Nathan Coats and Mary Ricketson
Morgan and Peter Costello
David Dye
Kevin Ehlers
Laura and Donald Eibsen
Kevin Geiger
David Harrison
Brad Hattenbach
Charles and Susan Hoppin
Bradley and Nina Kolman
Karen Radakovitch
Patrick Ryan
Bruce and Jody Sarbaugh
Cynthia Sweet
Valerie and Darren Van Ausdall



Special Invitation to Alumni

We invite you to join our Giving Societies. This year we especially need your help.

As you may have read in the media, the University has been targeted for immediate multi-million dollar cuts. Overall, Colorado Law is in good shape to weather this financial storm. We have already made reductions in spending. Yet, we are committed to continue the essential support for our faculty, staff, and programs and not sacrificing our future quality.

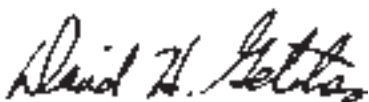
However, the impact of market downturns on our scholarship endowments has been significant and is beyond our ability to manage without assistance. To cope with the situation, I am directing significant amounts of discretionary funds—the largest source of which is from the Dean's Fund—to be used for scholarships. We must maintain scholarship assistance for our students to keep faith with our continuing students and recruit the best students regardless of their means.

Although we have increased financial aid in recent years, we still struggle to satisfy the need. With state funding now at less than 8 percent of the Boulder campus budget, we had to increase 2008-09 tuition and fees to \$22,047 per year for residents and \$32,559 for nonresidents. At the Law School, our average scholarship award of \$5,715 is 38 percent lower than our peer school average, moving many outstanding applicants to accept admission elsewhere. This year, even this level of funding will decline unless we meet our fundraising goal.

Please consider a special commitment to the Dean's Fund this year (by using the reply envelope in the center of this magazine). Our students will thank you. We welcome your participation in one of the Giving Societies described in the right-hand box, but are grateful for your gifts at any level. We need your contribution by June 30, 2009, to help with awards for the 2009–10 year.

Visit us often!

With respect and gratitude,



David H. Getches

"Over the last five years of my increased involvement with Colorado Law, I've seen the changes and momentum created by the wonderful new building, and I am impressed. I have increased my annual giving to help support efforts underway to move to the school to the next level."

—**Dorothy Gill Raymond,**
Class of 1978



"Colorado Law has given my wife Teresa (Class of 1985) and me opportunities for education and career that few institutions could match. While we can never fully return what the school has provided us, our annual contributions to the Dean's Fund express our gratitude and help others gain the same benefits."

—**Tom Rice, Class of 1979**



Dean's Cabinet

(\$5,000 and up)

Recognition in Fall *Amicus*
Dean's Mid-Year Report
Denver Spring/Summer Lunch
Homecoming Breakfast
Dinner with the Dean

Dean's Circle

(\$2,500–4,999)

Recognition in Fall *Amicus*
Dean's Mid-Year Report
Denver Spring/Summer Lunch
Homecoming Breakfast

Dean's Club

(\$1,500–2,499)

Recognition in Fall *Amicus*
Dean's Mid-Year Report
Denver Spring/Summer Lunch

"I always recognized that whatever I earned was directly attributable to the fine legal education I received from the faculty at Colorado Law School. I give what I can every year to perpetuate that tradition."

—**Ken Barnhill, Class of 1953**





Letter from Law Alumni Board Chair



Dear Alumni,

I want to begin by thanking all of you who attended this year's Colorado Law Alumni Awards Banquet. Through your participation and support, we were able to raise over \$35,000 in scholarship dollars to help our students. One participant commented that the evening felt like, "one big, group hug." During these trying economic times, we all can use a few extra hugs.

It is well established by now that the current economic downturn is the worst in a generation. However, the situation facing our Colorado Law

graduates is unprecedented in modern history. Never before have there been so many newly minted lawyers released into the marketplace when so few employment opportunities exist for them.

During this time of great anxiety and uncertainty for our newest alumni, I ask for your help and support. Consider your fellow alumni for open positions in your office or refer them to those seeking applicants. Also, please take a little of your time to participate in a career day panel, mock interview, moot court competition, or the upcoming student-alumni mentorship program. We would very much appreciate any time or support you can lend to any of these programs designed to help our students better prepare for this rough and tumble job market.

As always, thank you for your loyalty to and support of Colorado Law. Go Buffs!

Brian D. Meegan, '97
bmeegan@irelandstapleton.com

Letter from Director of Alumni Relations



Dear Alumni,

School Pride. Alumni Pride. *pride: delight arising from some act, possession, or relationship*

At this year's Alumni Awards Banquet, Attorney General John Suthers '77 mentioned to the audience that all the offices in the Executive Branch of Colorado government currently have Colorado Law alumni in top positions: Governor Bill Ritter '81, Secretary of State Bernie Buescher '74, Deputy Treasurer Eric Rothaus '01, and the aforementioned Mr. Suthers. This is an amazing situation. He then suggested that legislation be passed to make a Colorado Law degree a requirement for

these positions in the future...noting that this would not be the silliest legislation brought before the legislature.

Three of the nine members of the CU Board of Regents, the most diverse board ever, are from Colorado Law: Michael Carrigan '94, Kyle Hybl '96, and Joe Neguse '09. This is not just notable, but impressive.

Presidents of four of the state's specialty bar associations are alumni: Meshach Rhoades '04 of the Colorado Hispanic Bar Association, Alison Thayer '98 of the Colorado Woman's Bar Association, Vance Knapp '94 of the Sam Cary Bar Association, and Maureen O'Brien '90 of the Colorado Criminal Defense Bar. This is in addition to the presidents of at least five local state bar associations, including Mark Fogg '79 of the Denver Bar Association. This is a proud statement about our alumni's call to service.

We received a letter from an alumna regarding the last issue of the Amicus on entrepreneurship, saying, "It was inspirational to see how many folks followed their passions and went into fields they loved. It motivated me to make a donation. Very exciting things going on there!"

I asked a 3L, who was coordinating the volunteer judges for one of last term's moot court competitions, how we were doing regarding alumni volunteers. She wrote back proudly, "Our alumni ROCK! because our alumni responded so quickly and so positively to our request."

Colorado Law School and its alumni have a strong tradition of accomplishment and dedication. Pride in and amongst our alumni is being felt and expressed everywhere. Are you connected? How are you serving? How are you showing your pride? Let us know. Let others know.

Thank you and stay connected.

Elisa Dalton
303-492-3124
elisa.dalton@colorado.edu

Stay Connected!

Your Classmates want to hear from you

Include your updates and photos in the next Amicus or post them online.

Alumni eNewsletter

Sign up for the Colorado Law alumni quarterly email newsletter that includes volunteer opportunities, recent news, and upcoming events.

Volunteer Opportunities

Opportunities to connect with Colorado Law students, centers, and other alumni are listed online.

RSS Feeds

Get your Colorado Law news sent directly to you via RSS (Really Simple Syndication) feed.

www.colorado.edu/law/alumdev



Alumni Events



28th Annual Law Alumni Awards Banquet

Thursday, March 12, 2009

The Denver Center for the Performing Arts

Distinguished Achievement Awards

Britt D. Banks '88 for Corporate Counsel

Bernie A. Buescher '74 for Public Sector

Peter C. Dietze '62 for Solo/Small Firm Practitioner

William Lee Knous Award

Myra H. Monfort-Runyan '75

Speakers

Hank Brown '69

Michael Carrigan '94

Stanley Dempsey '64

David Getches

Brian Meegan '97

John Suthers '77

Eric Rothaus '01

Thank you to our Keystone Sponsors

Gibson Dunn & Crutcher

Myra Monfort-Runyan

Morrison & Foerster

Qwest

Wheeler Trigg Kennedy





Class Actions

'45

Brooke Wunnicke published 2009 Supplements to her co-authored books *Standby and Commercial Letters of Credit* (3d ed.) and *Legal Opinion Letters Formbook* (2d ed.). She was a keynote speaker at the Colorado Bar Association-CLE seminar on Oil and Gas Law in May.

'57

L. Richard "Dick" Bratton, a partner in the firm Bratton Hill, was honored by The Colorado Foundation for Water Education with the 2009 President's Award for his personal and professional contributions to understanding Colorado water resources management.

'59

Greg Martin has joined the Colorado firm Lathrop & Gage.

'60

Charles Brega joined Fairfield and Woods as the firm's director of the litigation department.

'68

Norman Brownstein received the Arthur B. Lorber Award for Distinguished Service at the Beaux Arts Ball gala.

Stephen Janes received the University of Texas Arno Nowotny Medal for extraordinary leadership and distinguished service to students in January.

Sol Rolingher recently played a key role in getting the Edmonton government to commit \$50 million to revitalizing the North Saskatchewan River valley.

'69

Hank Brown received a Bonfils-Stanton Foundation Award in May as an outstanding Coloradan in "Community Service" for his years of service to Colorado and the nation. Brown donated the \$35,000 cash award to University of Colorado scholarships.

Robert Krebs joined the Silicon Valley office of Nixon Peabody as a partner in their intellectual property group.

Mark F. Leonard was named "Denver Family Law Lawyer of the Year for 2009" by Best Lawyers.

'70

Gary Jackson has been elected President of the Colorado Chapter of the American Board of Trial Advocates.

'71

William Campbell was named as the Colorado Commission on Judicial Discipline's interim executive director for one year.

Betty Nordwind was honored with the Zephyr M. Ramsey Award by the Harriett Buhai Center for Family Law at their 24th Annual Theater Benefit in Los Angeles in April.

'72

Frances Koncilja and her brother were invited to give the commencement address at their undergraduate alma mater, Colorado State University-Pueblo, during the spring graduation ceremony.

Ruth Wright and her husband Kenneth were each awarded an honorary degree from Peru's National Engineering University in recognition of their work on Inca engineering at archaeological sites in Peru.

'74

Bernie Buescher was selected by Gov. Bill Ritter to serve as Colorado's next Secretary of State.

'75

Brian McConaty has joined the firm Robinson Waters & O'Dorisio as an equity shareholder.

'76

David Wymore was named one of *Law Week's* 2008 "Lawyers of the Year" for the work he did resulting in Tim Masters' release from prison; Masters was wrongfully imprisoned for murder in 1987.

'77

John Lord was elected partner at the St. Louis, Missouri, firm Williams Venker & Sanders, where he focuses exclusively on the defense of complex civil litigation matters.



'79

Mark Fogg of Kennedy Childs & Fogg was selected to Colorado Super Lawyers 2009.

'81

K. Michele Anderson joined the Denver office of Tucker Ellis & West as a partner, focusing in products liability with significant experience in drug and medical device litigation and multi-district matters.



Anne Castle, a partner at Holland & Hart, has been nominated by President Barack Obama to become Assistant Secretary for Water and Science at the Department of the Interior.



Jeffery Cowman joined the Denver firm of Ballard Spahr as a partner, focusing on commercial litigation.

Kim McCullough joined the Denver firm Ballard Spahr as a partner, focusing on franchises.

Juanita Rice retired from the Judicial Branch, and in September 2008, the University of Minnesota (her undergraduate alma mater) presented her with an Alumna of Notable Achievement award. She and her husband are moving to Cambodia, where they plan to teach, volunteer, and work in a variety of capacities, and ultimately build a house on the Mekong River. They want to help meet the need in Cambodia for experienced, educated professionals to rebuild the infrastructure, systems, and society.

'82

J. William Callison was a recipient of the 2008 Burton Award for Legal Achievement. Callison is a partner at Feagre & Benson where he practices corporate law, tax law, and affordable housing finance.

'84

Garrett Tuttle joined the Denver firm Ballard Spahr as of counsel, focusing on franchising and distribution, corporate transactions, trademarks, and intellectual property.

'86

Barbara Glogiewicz of Kennedy Childs & Fogg was selected to Colorado Super Lawyers 2009.

Amy Hirter joined the Boulder firm Hutchinson Black and Cook as of counsel, focusing on international business transactions and technology licensing.

Marcelina Rivera was named executive director of the Latino Community



Foundation of Colorado at Rose Community Foundation. She will direct efforts to expand giving by Latinos, and to support nonprofits

serving the Latino community in Colorado.

Bonnie Roesink retired in January after 22 years of serving as a 14th judicial district attorney.

'87

John K. Carson has joined the Denver office of Snell & Wilmer as of counsel. His practice covers housing and community development, HUD/FHA financed development, financial services, the federal response to the economic and foreclosure crisis, and government relations. Previously, Carson was the Regional Director of U.S. HUD.



Amanda Pearson (Abshire) is practicing the art of wearing many hats: mom (Garrett is graduating from Moffat High School in May, Wyatt is a sophomore), wife (Nels is retired with emphasis in watercolors and golf), attorney (child protection and support attorney for Alamosa County), and judge (Saguache County, Municipalities of Alamosa, Crestone, and Hooper).

'88

Sandie Franklin, a Legal Resolution Center judge, was hired by the State Court Administrator's Office to help streamline and improve probate procedures to protect children, senior citizens, people with mental disabilities, and others under supervision of the probate courts.

Michael Gheleta was elected a shareholder of the Denver firm Brownstein Hyatt Farber Schreck.

Lynne Hanson joined the Denver firm Ballard Spahr as of counsel, focusing on franchise programs.

Otto Hilbert has been elected president of the Catholic Lawyers Guild of Colorado.

Jim Martin joined the Boulder firm Berg Hill Greenleaf & Ruscitti as an associate attorney, focusing on civil litigation and municipal and real estate law.

Robert Watson was re-elected District Attorney to the Thirteenth Judicial District in the '08 election.

'89

Michael Creamer, a partner at Givens Pursley in Boise, Idaho, was appointed to the firm's executive committee. He focuses on natural resources, environmental and public utilities matters. In November 2008, he summited 22,500' Ama Dablam in the Solu-Khumbu Himal of northern Nepal as part of a five-week expedition.

Justin Cumming, partner at Rothgerber Johnson & Lyons, was elected to the board of directors for the National Western Stock Show Association. He chairs the Colorado FFA Foundation and is a trustee for the Colorado Cattlemen's Foundation.

Alice Madden, a former state representative, was chosen by Gov. Bill Ritter to serve as Colorado's new climate-change coordinator. Madden served on the state legislature from 2001–09, and most recently served as the House Majority Leader.

'91

Adam Chase joined the Boulder firm Hutchinson Black and Cook as of counsel, focusing on tax and corporate law.

Rebecca Hall was named partner of the Boulder firm Packard and Dierking, focusing on real estate, conservation, and business transactions.

Richard Lopez received the 2009 Pacesetter Award in Community Service for his various civic contributions in the Denver area.

Nathan Stone was appointed to Jackson Kelly's executive committee, where he will work to ensure effective strategic planning for the firm.



'92

Michael Plachy of Rothgerber Johnson & Lyons was named one of *Law Week's* 2008 "Lawyers of the Year" for his outstanding work in two high-profile litigation victories.

'93

Daniel Deasy joined Heckenbach Ammarell as special counsel, focusing on personal injury litigation.

David M. Swank was selected to Colorado Super Lawyers 2009.

Lorenzo Trujillo received the 2008 Scouting Vale La Pena service award on behalf of the Denver Area Council of the Boy Scouts of America.

'94



Michael Carrigan, CU Regent, and his wife Sarah had a baby boy, Daniel James Carrigan, on March 10, Class of 2032.

Brad Redmiles resigned from his position on the Poncha Springs Trustees to pursue a career as a town attorney.

'95

Aaron Brodsky, an attorney with Sun Microsystems, was named chair of the Patent Office Practice (U.S.) Committee of the Intellectual Property Owners Association.

George Brauchler joined the Denver office of Feldmann, Nagel & Associates as a partner focusing on criminal, civil, and military justice litigation.

James Millar became partner at the New York office of WilmerHale in the firm's bankruptcy and financial restructuring practice group.

'96

Sven Collins was named partner at Holme Roberts & Owen, focusing on labor and employment law and complex commercial litigation.

Greg Leibold was named partner of the Denver firm Merchant & Gould, focusing on counseling clients to protect and leverage their investment in innovation.

Catherine Anne Seal was awarded the first LL.M. degree in Elder Law from the Stetson University College of Law.

'97

Marco Chayet was named Colorado Super Lawyer Rising Star 2009 in Elder Law.

C. Ben Huber became a shareholder of the Denver firm Greenberg and Traurig, focusing on domestic and international transactional law.

Dry Nielsen was promoted to partner at Reilly Pozner.

'98

Ingrid Briant and husband Jared had a baby girl on April 26, Mia Jane.

Elizabeth J. Hyatt was recently named partner of the Denver firm Starrs Mihm & Pulkrabek. Hyatt was also named one of Colorado's Super Lawyers Rising Stars 2009.

Lynn Kornfeld joined the Denver firm Faegre & Benson as a new partner, focusing on environmental law and policy.

'99

Miles Buckingham was selected to Colorado Super Lawyers Rising Stars 2009.

Scott Johns is a lecturer at the University of Denver, teaching courses on legal analysis and an advanced constitutional law course.

Ross W. Pulkrabek was selected to Colorado Super Lawyers Rising Stars 2009.

'00

Adam Devoe was promoted to shareholder at Brownstein Hyatt Farber Schreck, working in the natural resources and water groups.

Maggie Evansen (Brun) is the proud mother of two kids—a two-year old boy and a five-month old girl—and has her own firm in Vancouver, WA, focusing on criminal defense and dependency.



Elizabeth Kelley had a baby girl, Clara Kelley Miller, on November 20.

'01

Jason Dunn, an attorney at Brownstein Hyatt Farber Schreck, was named to the Colorado Meth Project Advisory Council, helping to allocate a \$5.8 million budget to fight first-time meth use in Colorado.

Sarah Evanczyk joined the firm Richmond, Sprouse & Murphy.

Adam Hyatt was promoted to shareholder of the Denver firm Brownstein Hyatt Farber Schreck in the firm's real estate group.

'02

Brian Boonstra was named partner at Davis Graham and Stubbs, focusing in the natural resource industry.

Mikaela Rivera was named a shareholder at Otten Johnson Robinson Neff + Ragonetti in the commercial litigation and eminent domain groups.

Mark Winkler joined the Yates Law Firm as an associate attorney.

'03

Jason Prussman joined the Denver office of Husch Blackwell Sanders as an associate, focused on labor and employment issues.

Eric Vinton was named to serve a board of Sports for a Cause Inc., a national volunteer effort to improve and refurbish playgrounds.

'04

Erik Cansler is lead analyst at Class Action Administration, Inc. in Westminster. He and his wife Cara have a son Tegan (8) and a daughter Eila (6).

'05

Kwali Farbes, an associate at Peck, Shaffer & Williams, was named a *Denver Business Journal's* "Forty under 40."

Andrew D. Johnson has joined the Denver firm Onsager, Staelin & Guyerson.



Scott and Heather (Lanham) Petitmermet had a baby boy on November 18, Mason Scott Petitmermet.

'06

Judd Choate joined the Denver firm Kelly Garnsey Hubbell + Lass as an associate attorney.

Patricia Ho joined the Denver firm Sheridan Ross as an associate attorney.

Matthew Niznik as joined the firm Sparks Willson Borges Brandt & Johnson as an associate attorney.

Laurie Rust moved to the San Francisco office of Holme Roberts & Owen. She was named a *Law Week's* 2008 Up and Coming Lawyer.

Rita Sanzgiri joined the Denver firm Sheridan Ross as an associate attorney.

Tanya Sobol joined the firm Ducker, Montgomery, Aronstien & Bess as an associate attorney, emphasizing commercial real estate and general corporate law.

Rebecca Voymas has been appointed as Routt County's newest deputy district attorney in Steamboat Springs. Previously, Voymas had been working in real estate litigation in Greeley.

'07

David Bower joined the Boulder firm Johnson & Repucci as an associate.

Anne Rhodes joined the Boulder firm Berg Hill Greenleaf & Ruscitti as an associate attorney, focusing on natural resources and water law.

Rachel Ollar has joined the Denver firm Wells Anderson & Race.

Daniela Ronchetti joined Baker Hostetler's Denver office as a staff attorney.

Katie Schwalb joined Faegre & Benson as an associate attorney in the intellectual property department.

Sarah Sorum joined the Denver firm Bjork Lindley Little as an associate attorney.

'08



Michelle Albert joined the Denver firm Arnold & Porter as an associate in the litigation group.

Tina Amin became an associate at the Denver office of Baker Hostetler.

Trevor Bartel, an associate at Rothgerber, Johnson & Lyons, got engaged to Tabitha Cave, a CU alumna. They plan to be married in June.

Ethan Plaut joined the Denver firm Arnold & Porter as an associate in the litigation group.



Ryan Thomas joined the Detroit office of Honigman Miller Schwartz and Cohn as an associate attorney in their real estate department.

Mike Wautlet joined Faegre & Benson as an associate attorney in the firm's business litigation department.

In Memoriam



J. Donald Haney, '37, who passed on December 11, was a prominent Colorado Springs lawyer and a crusader for the developmentally disabled. Haney joined his father to form Haney & Haney in 1937, retiring in 1983, three years before merging with Holland & Hart. He founded the El Paso County Association for Retarded Citizens, the Rocky Mountain Rehabilitation Center, and the local Mosaic house. Contributions: Stephen S. Haney Endowment Fund, Mosaic, Omaha, NE.

James Barker Day, '41, passed on October 17. He served in the U.S. Navy Reserves, taught communications in the Naval ROTC School, worked with the trust department of Colorado National Bank, and practiced for Spurgeon,

Dan Pabon Helps the Transition in Washington



Dan Pabon '05 is an associate at Holland & Hart where he practices both commercial and real estate litigation and transactional law. In December, he took a two-month leave of absence, with the support of his firm, in order to serve on Barak Obama's Presidential Transition Team. The Office of White House Counsel sought Pabon's advice and legal skills to help provide them with the legal framework for transparency and ethics issues. His work culminated in Obama's first Executive Order on January 21 and the related Memorandum for the Heads of Executive Departments and Agencies.

Pabon's prior political experience includes assisting both United Nation Ambassador Rice in her transition with the Department of State and the Department of Justice Agency Review Team. He also worked on and drafted several Voting Rights proposals for the new administration.

Haney and Howbert (now Holland & Hart). Day served as president of the El Paso County Bar Association and was a CBA HonorLife member. Contributions: Chapel of Our Saviour, Pikes Peak Hospice, Colorado Springs.

Richard F. Proud, '49, passed away on January 24. He was a Naval Second Lt. during WWII, an attorney and lobbyist for Mutual of Omaha for 20+ years, a member of the Nebraska legislature for 10 years, speaker of the Legislature in '73 and '74, deputy director and general counsel for the Nebraska Department of Welfare, U. of Nebraska assistant professor, and author.

Blakemore McCarty, '51, from Colorado Springs, passed away February 9. He served in the Army during WWII and the Reserves for 18 years. McCarty joined Foard and Foard, started his own private practice, and was the Senior Member of the El Paso County Bar Association (Lifetime of Service Award.) He founded the Pikes Peak Legal Aid Society, Junior Achievement of Colorado Springs, The Urban League of Colorado Springs, Goodwill Industries of Colorado Springs, The Bank at Broadmoor, and The Broadmoor Agency.

William F. Schenkein '54, passed away on April 7 and was a 50-year CBA Lifetime Honoree. He served in the Army Counterintelligence in the 50s, in private practice for many years, and as counsel for GEFCO, a previous subsidiary of GEICO insurance.

William P. DeMoulin, '60, recipient of Colorado Law's 2007 William Lee Knous Award, passed away on February 17. He practiced in Denver for 28 years, served as District Court

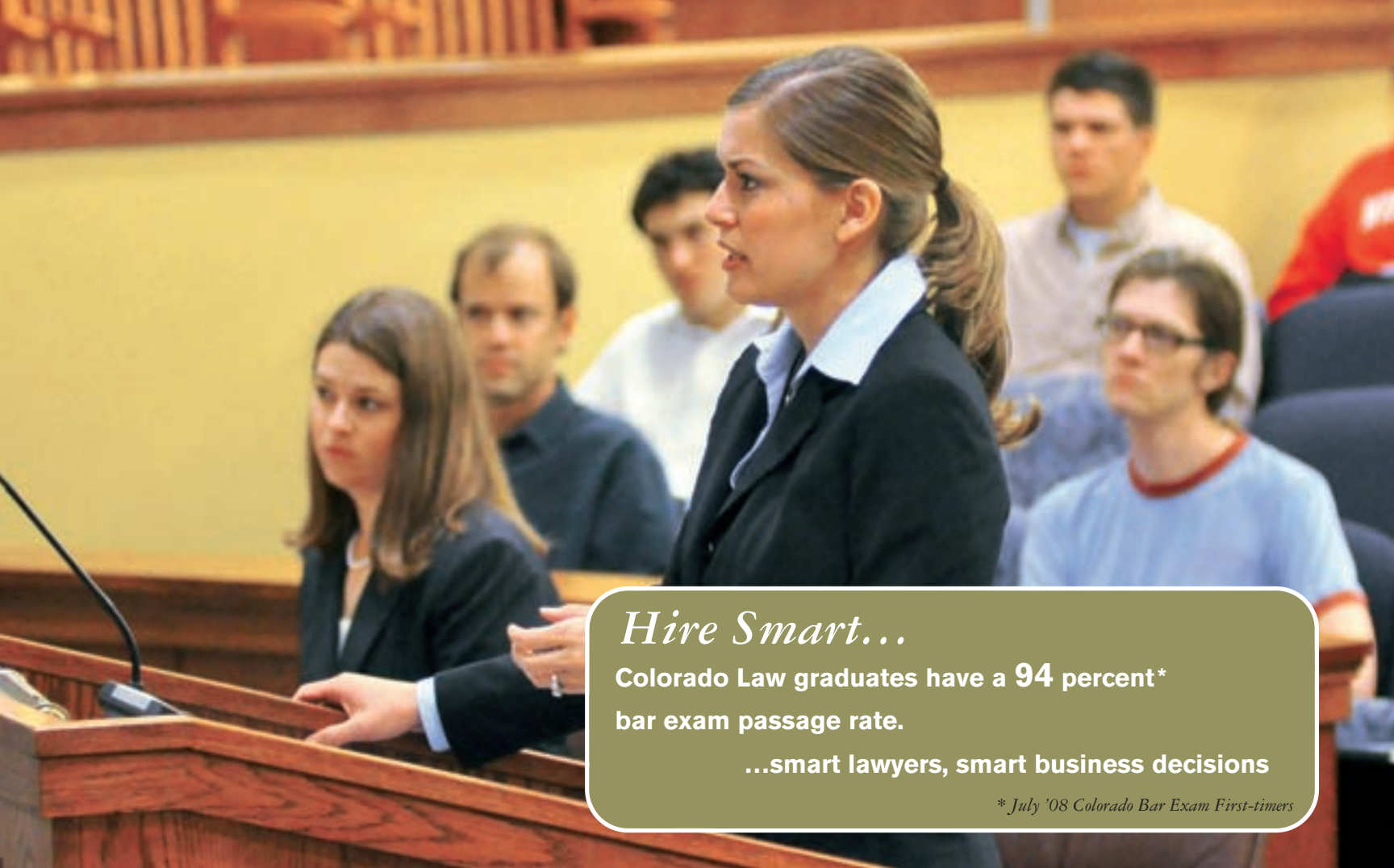


Judge in the First Judicial District as chief judge and senior judge. He served as president of the DBA and CBA, chair of the Colorado Defense Bar Association, the Colorado American Board of Trial Advocates, and the Jefferson County Legal Aid Society. He was a judicial fellow of the American College of Trial Lawyers, and a member of the International Society of Barristers.

William (Bill) M. Sims, '60, of Silverthorne, CO, passed on November 30. Sims opened the Moore and Company Real Estate offices in Breckenridge and in Dillon, and later owned the Bill Sims and Associates real estate office in Dillon. Donations: The Colorado Fourteeners Initiative.



Roger Allott, '66, passed January 29. He worked in a Colorado Springs private practice, as an Arapahoe County prosecutor, as Colorado's first Solicitor General, and the Colorado District Attorneys Association executive director. Contributions: Roger Allott Memorial Fund, Ridge View Academy, Watkins, CO.



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Colorado Law has a proud history and produces great lawyers. Our alumni have the best understanding of what qualities an individual must have to be successful in our law programs. Thus, we place a huge value on alumni referrals.

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We are pleased to waive the \$65 application fee for the following applicant:

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Alum Name

Class Year

Alum Address

Applicants must include this card with their application.

5/2009



Law School Calendar



2009

May 21

Racial Disproportionality in Child Welfare and Juvenile Justice (CLE)

June 3–5

Western Water Law, Policy and Management—Ripples, Currents, and New Channels for Inquiry (The Natural Resources Law Center's Summer Conference) (CLE)

September 10

James Rogers of Duke Energy: Schultz Lecture

October 28–November 1

Alumni Reunion/Homecoming Weekend (CLE)
(Reunions for Classes of 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, and 2004)

Colorado

University of Colorado at Boulder

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