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### Book Review

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*University of Colorado Law School*

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# Book Reviews

## *American Indian Law Deskbook, 4th ed.*

by the Conference of Western Attorneys General

818 pp.; \$85

University Press of Colorado, 2008

5589 Arapahoe Ave., Ste. 206C, Boulder, CO 80303

(800) 627-7377; www.upcolorado.com

### Reviewed by Richard B. Collins

Richard B. Collins is a member of the University of Colorado Law School faculty—richard.collins@colorado.edu.

The *American Indian Law Deskbook* (*Deskbook*) was first published in 1993 to address its authors' claim of "the absence of a comprehensive and objective treatise on Indian law."<sup>1</sup> In making this claim, the Conference of Western Attorneys General (CWAG) implied that *Felix S. Cohen's Handbook of Federal Indian Law* (*Handbook*) (1982),<sup>2</sup> and perhaps its original edition published in 1941, were not objective, because both were at least as comprehensive as the original *Deskbook*. Of course, claims to objectivity in law are at best relative, and a review of the *Deskbook's* 1993 edition itemized many points on which CWAG's objectivity claim arguably overreached.<sup>3</sup>

CWAG's lawyers are actively involved in disputes between their clients and the tribes or the feds. Thus, one would expect them to side with their states on controversial issues—and they do. However, the *Deskbook* is far from a mere brief for the states. It is academic in style and attempts to present both sides of contested questions. It is based on thorough and current research, is clearly written, and has few technical errors. Until 2005, its previous editions had the unique benefit of currency because its rival, Cohen's 1982 *Handbook*, had no supplements, whereas the *Deskbook* publishes annual updates. However, in 2005, a new edition of the *Handbook* was published by Lexis-Nexis,<sup>4</sup> and it has been freshened by biennial supplements.<sup>4</sup>

The *Deskbook's* pro-state viewpoint is subtle. Its statements of important Supreme Court holdings that favor states over tribes tend to be absolute and, in many cases, somewhat broader than the decisions justify. Its discussion of the law of tribal sovereignty is disjointed, and it lacks a coherent narrative of Indian law's rich history. Also, rules and decisions that the Cohen treatise criticizes as un-

just are not directly questioned. In some cases, criticism in Law Review articles is acknowledged in footnotes, but other prominent articles are not cited.

On the other hand, the book's detailed discussions of currently active battles over water and fishing rights, cultural artifacts, tribal sovereign immunity, environmental regulation, tribal gambling enterprises, and custody of Indian children are useful research tools for lawyers involved with those subjects. Its forty-one-page chapter on state-tribal cooperative agreements is particularly helpful, taking advantage of the CWAG's insider knowledge of the subject. In sum, the book is deficient on points of broad theory, but quite useful for lawyers working on today's specific issues.

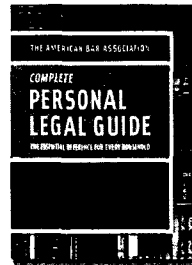
### Notes

1. Conference of Western Attorneys General, *American Indian Law Deskbook* at xiv (University Press of Colorado, 1993).

2. Cohen, *Felix S. Cohen's Handbook of Federal Indian Law* (Lexis Law Pub., 1982).

3. Singer, "Remembering What Hurts Us Most: A Critique of the *American Indian Law Deskbook*," 24 *N.Mex. L.Rev.* 315 (1994).

4. Newton *et al.*, *Cohen's Handbook of Federal Indian Law* (2005 and supps. 2007, 2009). For purposes of disclosure, this reviewer served as a contributing author of the 1982 Cohen treatise and of its 2005 edition.



## *Complete Personal Legal Guide: The Essential Reference for Every Household*

by the American Bar Association

770 pp.; \$22.95

ABA Publishing, 2008

321 N. Clark St., Chicago, IL 60610-4714

(800) 285-2221; www.ababooks.org

### Reviewed by Bruce A. Schilken

Bruce A. Schilken of Schilken & Kautt, P.C. has practiced for forty-five years in the areas of small business, qualified plans, and trust and estate planning—(303) 762-1954, baschilken@sklaw office.com.

The *Complete Personal Legal Guide* (*Guide*) is a wide-ranging, up-to-date reference tool for both lawyers and laypersons. The *Guide* was written by numerous American Bar Association members and

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