



RESOLUTION # 2015-07

TITLE: Affirming The Inclusion of Indian Law on State Bar Licensing Exams

WHEREAS, the National Native American Bar Association (“NNABA”) was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and strives to be a leader on social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, NNABA works to promote issues important to the Native American community and to improve professional opportunities for Native American lawyers, we do hereby establish and submit the following resolution; and

WHEREAS, in NNABA Resolution No. 2004-2, we resolved “that Indian law be tested on bar licensing states with large Indian populations” and to “work with other bar associations, including the American Bar Association, to achieve this goal”; and

WHEREAS, in 2004, the National Congress of American Indians passed Resolution MOH-04-001, resolving “to have the topic of Indian law tested by state bar associations, so the American public can better understand the inherent sovereign rights of our Indian nations,” and further, sought “the assistance and collaboration of the American Bar Association, and the bar associations, boards of bar examiners and Supreme Courts in states such as Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Connecticut, Maine, Louisiana and Florida” to include Indian law on the bar examinations of such states; and

WHEREAS, beginning in 2002, the states of New Mexico, Washington and South Dakota included Indian law on their respective bar exams; and

WHEREAS, in 2009, the Arizona Supreme Court denied a petition to add Indian law to the Arizona state bar exam, citing its potential adoption of the Uniform Bar Examination (UBE); and

WHEREAS, in October of 2014, the state of New Mexico eliminated Indian law as a subject on its bar exam, when it adopted the Multistate Essay Examination, a subcomponent of the UBE; and



WHEREAS, in 2011, Washington adopted the UBE, but preserved Indian law as a separate examination subject, demonstrating that a state's adoption of the UBE or its subcomponents, and inclusion of Indian law, are not mutually exclusive approaches to state bar examination; and

WHEREAS, eleven of the fourteen current states that have adopted the UBE have significant tribal populations, specifically Alaska, Arizona, Colorado, Idaho, Utah, Montana, Washington, Wyoming, Nebraska, North Dakota, and Minnesota.

NOW THEREFORE BE IT RESOLVED, that the National Native American Bar Association hereby urges all states to include or maintain Indian law on their respective bar examinations, especially those states with large Indian populations such as Alaska, Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Connecticut, Maine, North Carolina, South Carolina, Virginia, Georgia, Louisiana and Florida.

NOW THEREFORE BE IT FURTHER RESOLVED, that a copy of this Resolution shall be immediately transmitted by the National Native American Bar Association President, to the Presidents of the American Bar Association, Federal Bar Association, National Conference of Bar Examiners, and National Congress of American Indians.

CERTIFICATION

The foregoing resolution was adopted by the membership at the Annual Meeting of the National Native American Bar Association, on Wednesday, April 8, 2015, with a quorum present.

Mary Smith

Mary Smith, President