STATE COURT UPDATE
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Alaska

***Peter v. State of Alaska*, 146 P.3d 991(Ala. 2006).**
Indian Child Welfare Act

In 2002 the father of Indian children suffered serious injuries that required long-term care and treatment away from his home. During this time his wife developed a drinking problem that ultimately resulted in the Alaska Office of Children's Services (OCS) taking emergency custody of the children and the filing of an emergency petition for adjudication of the children as in need of aid in 2004. The petition was granted by the superior court in 2005. The children were placed with the wife's mother until their father was released from the hospital. Several months after the children were returned to their father OCS dismissed the case based on the testimony of a social worker that the children were no longer in danger. The father appealed the adjudication order. He argues that the children should not have been adjudicated to be in need of aid because he was willing and able to care for the children. Additionally he argues that the adjudication order violates the Indian Child Welfare Act and his constitutional right to parent his children.

The Supreme Court, Eastaugh, J., held: that (1) the father's appeal was rendered moot by dismissal of the case before disposition, and (2) the public interest exception to the mootness doctrine did not apply. The order was vacated and the appeal was dismissed.

***In re Adoption of Erin G.*, 140 P.3d 886 (Ala. 2006).**
Indian Child Welfare Act

Father requested that the adoption decree of an Indian Child be set aside because of the court's failure to follow the notice requirements of the Indian Child Welfare Act. The Superior Court, Fourth Judicial District, entered summary judgment in favor of adoptive parents.

The Supreme Court, Eastaugh, J., held that the fathers claim was governed by the state's one year statute of limitations, and therefore did not reach the merits of the case.

***Jimerson v. Tetlin Native Corporation*, 144 P.3d 470 (Ala. 2006).**
ANCSA

The Plaintiffs, Shirley Jimerson and Romana David, sought to enforce a settlement agreement that provided for the transfer of a "portion of Telin Native Corporation's remaining lands . . . to a new corporation to be formed by dissenting shareholders . . . who elect to transfer their shares of Tetlin Native Corporation ANCSA stock back to the corporation in exchange for shares in the new corporation." The district court approved the settlement but upon a motion by the plaintiffs in district court to enforce the settlement, the court held that "the case presented no substantial federal question" and found the "judgment based on the settlement agreement void for lack of jurisdiction." The plaintiffs appealed to the superior court. The superior court denied the motion based on the courts finding that the agreement was unenforceable because it violated ANCSA's prohibition on alienation.

The Supreme Court, Matthews, J., held that the settlement agreement was unenforceable because it violated ANCASA's prohibition on the alienation of shares.

***Solomon v. Interior Regional Housing Authority*, 140 P.3d 882 (Ala. 2006).**
Workers Compensation

An Athabascan Alaska Native and former employee of Interior Regional Housing Authority (IRHA) alleged violations of a federal Indian employment preference and of Alaska worker's compensation law. The federal court found that the federal statute created no private cause of action. The state law claims were dismissed without prejudice, the federal claims were dismissed with prejudice. Plaintiff appealed the federal claim to the 9th Circuit. The 9th Circuit affirmed the lower courts ruling. The plaintiff then sought to pursue his claim of worker's compensation law violation in state court. The superior court held that the plaintiff's claims were barred by the statute of limitation, thus granting IRHA's motion for summary judgment. The plaintiff appealed.

The Supreme Court, Carpeneti, J., held that the plaintiff's state law claims were equitably tolled while he pursued his related federal law claims in federal court. The judgment of the superior court was reversed.

***Gilbert M. v. State*, 139 P.3d 581 (Ala. 2006).**
Indian Child Welfare Act

The Superior Court, Third Judicial District terminated a mother's parental rights to an Indian Child. The child's grandfather and alleged Indian custodian, appealed.

The Supreme Court, Carpeneti, J., held that: (1) the grandfather lacked standing in the proceedings; and (2) the grandfather's incarceration rendered the question of whether he was the child's custodian moot.

Arizona

***In re General Adjudication of All Rights to Use Water in Gila River System and Source*, 212 Ariz. 64, 127 P.3d 882 (Ariz. 2006).**
Water Rights Claim

The Superior Court of Maricopa County determined that a 1935 federal consent degree had a preclusive effect on the claims of the San Carlos Apache Tribe's water claims to additional water from the mainstream of the Gila River, but not from the tributaries of the River. The Tribe appealed.

The Supreme Court, Hurwitz, J., held that: (1) the decree had no preclusive effect to claims brought against the tributaries; (2) the decree did have a preclusive effect to the mainstream, reasoning that "while the United States may not have had authority to 'extinguish' the tribe's right to water in the earlier litigation, it had the power to represent the tribe's interests in order to quantify the tribe's reserved water rights. Also, the doctrine of comity compelled the court to refrain from addressing the tribe's arguments regarding lack of privity."

***In re General Adjudication of All Rights to Use Water in Gila River System and Source*, 212 Ariz. 470, 134 P.3d 375 (Ariz. 2006).**
Water Rights Claim

The Maricopa County Superior Court held that the 1935 federal court consent decree was preclusive against any of the San Carlos Apache Tribe's water claims pertaining to the Gila River mainstream, but not the rivers tributaries. The Tribe appealed and the Supreme Court affirmed and remanded. 212 Ariz. 64, 127 P.3d 882. The Tribe filed a motion for reconsideration. The Tribes motion for reconsideration was specifically directed at the Courts decision not to consider the claim that the decree should not be preclusive because the representation by the United States was inadequate. The request for reconsideration argues that the Court did not have jurisdiction to rule on a challenge to the decree which alleged inadequate representation because of the McCarran Amendment (43 U.S.C. § 666(a)).

The Supreme Court, Hurwitz, J., held that doctrine of comity precluded attack on federal court decree. Denied the Tribes motion for reconsideration after stating that the court had "been deprived by the McCarran Amendment, or by the cases interpreting the Amendment, of the ability to consider attacks on the validity of the 1935 Decree." In re *The General Adjudication of all Rights to Use Water in the Gila River System and Source*, 212 Ariz. 470, 134 P.3d 375 (Ariz. Sup. Ct. 2006).

California

***Agua Caliente Band of Cahuilla Indians v. Superior Court*, 40 Cal.4th 239, 148 P.3d 1126 (Cal. 2006).**
Tribal Immunity

The Fair Political Practices Commission (FPPC) sued the Agua Caliente Band of Cahuilla Indians for failing to comply with the Political Reform Act's reporting requirements. The Tribe filed a motion to quash the service of summons for lack of personal jurisdiction. The tribe argued that it was immune from suit under the doctrine of tribal sovereign immunity. The motion was denied by the Superior Court of Sacramento County. The tribe then filed a writ of mandate, which was denied by the court of Appeals.

The Supreme Court, Chin, J., held that: (1) Tribal Immunity did not apply in this situation because the 10th Amendment and the guarantee clause gave FPPC the authority to bring suit against the Tribe; and (2) State's rights would not be sufficiently protected by employing other methods of enforcing PRA, short of bringing a suit.

Colorado

***In re X.H.*, 138 P.3d 299 (Colo. 2006).**
Indian Child Welfare Act

The juvenile division of the district court terminated parental rights of mother despite having testimony on the record indicating that the child could qualify as an "Indian Child" under the Indian Child Welfare Act. The mother appealed based on the courts failure to follow the notice requirements of ICWA. The court of appeals affirmed, holding that "the applicability of the Act had not been established."

The Supreme Court, Coats, J., held that the notice requirements of ICWA were applicable in this situation based on the grandmother's statements regarding her Indian heritage and the El Paso County Department of Human Services' own report. Therefore, the court of appeals was reversed and the case was remanded for proceedings in accordance with the notice provisions of the Indian Child Welfare Act.

Connecticut

***Dark-Eyes v. Commissioner of Revenue Services*, 276 Conn. 559, 887 A.2d 848 (Conn. 2006).**
Tax

The plaintiff, a member of the federally recognized Mashantucket Pequot Indian Tribe, appealed the trial courts dismissal of her tax appeal. The plaintiff argued that she was exempt from state income tax on income that she obtained from employment wholly within the reservation and because she lived within "Indian country" as defined by 18 U.S.C. § 1151. The superior court dismissed tax appeal.

The Supreme Court, Katz, J., held that: (1) the generally applicable definition of Indian country under federal law applied in determining whether property qualified as Indian country prior to the federal government taking it into trust as part of tribe's reservation, and (2) the property did not satisfy the federal set-aside requirement for qualifying as a dependent Indian community under the federal statute defining Indian country, and thus, the plaintiff was not exempt from state income taxes. Lower court affirmed.

Hawaii

***Office of Hawaiian Affairs v. State of Hawai'i*, 110 Hawai'i 338, 133 P.3d 767 (Haw. 2006).**

The Office of Hawaiian Affairs (OHA) brought an action against the state of Hawaii for breach of settlement and breach of trust, based on the failure of the state to provide OHA with 20% of the revenues that the state had collected from ceded lands, including the airport.

The Supreme Court, Moon, C.J., held that: (1) OHA's claim of breach of settlement was subject to dismissal due to Act 305 not constituting a valid and enforceable contract or settlement agreement between the state and OHA. (2) The claim for breach of trust was subject to dismissal based on notice and statute of limitations grounds; and (3) equitable tolling of the statute of limitations did not apply.

***Kahaikupuna v. State of Hawaii*, 109 Hawai'i 230, 124 P.3d 975 (Haw. 2005).**

Plaintiffs, descendents of native Hawaiians, sought declaratory judgment, against the state and county, that cockfighting was a native Hawaiian customary right protected by the Constitution and statute. Cockfighting is prohibited by state and county laws. The Circuit Court entered summary judgment in favor of the state and county.

The Supreme Court, Acoba, J., held that declaratory relief was not the appropriate avenue to challenge the prohibition against cockfighting.

Kansas

***In re Adoption of B.G.J.*, 281 Kan. 552, 133 P.3d 1 (Kan. 2006).**
Indian Child Welfare Act

The Prairie Band Potawatomie Nation tribe intervened in adoption proceedings brought by non-native American foster parents of an Indian child. The District Court granted the foster parents adoption petition. The tribe appealed, and the Court of Appeals affirmed. The tribe petitioned the Supreme Court for review.

The Supreme Court, Allegruci, J., held that: (1) appellate review of determination as to whether there was good cause for deviating from the preferred placement of a child who falls under the protection of the Indian Child Welfare Act is "substantial abuse of discretion, and (2) good cause existed for deviating from the statutory placement preferences under the Indian Child Welfare Act. The court held that good cause existed in the mother's wish that the child be placed with the foster/adoptive parents. Judgment of the Court of Appeals and the District Court affirmed.

Winnebago Tribe of Nebraska v. Kline, No. 94,781 (Kans. 2007).
Needs to be summarized.

Maine

***Winifred B. French Corp. v. Pleasant Point Passamaquoddy Reservation*, 896 A.2d 950 (Me. 2006).**

Two newspaper companies, the Quoddy Tides and Bangor Daily News, filed an action against the Pleasant Point Passamaquoddy Reservation under the state Freedom of Access Act seeking the disclosure of certain documents related to business negotiations between the tribe a particular corporation. Additionally, the Newspapers sough a declaratory judgment that meetings between the reservation's governor and council are required to be open to the public. The Superior Court, Washington County, held in favor of the Tribe.

The Supreme Judicial Court, Saufley C.J., held that: (1) following The Act to Implement the Maine Settlement and case law when a tribe is acting in its business capacity, rather than in its municipality capacity, state law does not apply, thus, the state Freedom of Access Act does not require disclosure of information; (2) The public policy concerns that could require disclosure were not triggered because the tribe was acting as a private business.

Minnesota

***In the Matter of the Welfare of the Child of: T.T.B. and G.W., Parents..,* 724 N.W.2d 300 (Minn. 2006).**
Indian Child Welfare Act

During child custody proceedings in which the county filed a petition for transfer of legal custody of an Indian child, the mother and father requested jurisdiction be transferred to the tribal court. The father also filed a motion to dismiss. The District Court denied the request to transfer the case to tribal court and the father's motion to dismiss. Legal custody was transferred to the paternal grandmother of the mother's oldest child. The father and tribe appealed. The court of appeals, reversed, holding that good cause, as is required by the Indian Child Welfare Act § 1911(b), was not present and jurisdiction should have been transferred.

The Supreme Court, Russell A. Anderson, C.J., found that there was good because to deny the request for transfer of jurisdiction based on when the request was received, which was at an advanced stage of the proceedings. Court of appeals reversed.

Montana

***Dupuis v. Board of Trustees,* 330 Mont. 232, 128 P.3d 1010 (Mont. 2006).**

The Board of Trustees for the Ronan School District, which is located wholly within the Flathead Reservation, held a public hearing regarding, amongst other things, the continued use of the "Chief" and "Maiden" mascots. In spite of the objections raised by the Confederate Salish and Kootenai Tribes and the Ronan Indian Education Committee the Board of Trustees affirmed the current practice. The County Superintendent issued limited order accepting jurisdiction, and the district appealed. The State Superintendent of Public Instruction reversed the County Superintendent's jurisdiction order. Plaintiff filed a petition for judicial review. The District Court dismissed the petition for lack of jurisdiction." Plaintiff appealed.

The Supreme Court, Brian Morris, J., held that: (1) the District policies themselves do not confer jurisdiction on the County Superintendent to hear this claim, (2) nothing in § 20-1-501, MCA, confers jurisdiction on the County Superintendent, and (3) a claim based on a violation of the individual dignity clause must be brought before the Montana Human Rights Commission. The Plaintiffs failed to exhaust the administrative procedure; therefore, this claim can not be reviewed. Affirmed.

***Zempel v. Liberty*, 333 Mont. 417, 143 P.3d 123 (Mont. 2006).**

The plaintiff, a non-member underage patron of a TTC, a tavern located within the boundaries of the Flathead Indian Reservation, became intoxicated and was involved in a serious vehicle accident after he left TTC. The plaintiff brought an action against the "tavern," the "tavern's owner," and the "tavern's alleged owner" claiming negligence because the bartender continued to serve the plaintiff after he was visibly intoxicated. The District Court, Twentieth District District, dismissed the defendants. The plaintiff appealed.

The Supreme Court, James C. Nelson, J., held that: (1) corporations have separate and distinct identities from its stockholders. Due to this principle of law shareholders are not personally responsible for acts of the corporation, unless the "corporate veil" is pierced. However, nothing in the plaintiff's complaint alleged "any acts attributable to [the owner] individually." And the "fact that the owner was [the] tavern's sole shareholder was not, by itself, enough to warrant a piercing [of] the corporate veil." (2) The consensual-relationship exception to the Montana Rule, which states that the inherent sovereign powers of an Indian tribe do not extend to the activities of non-members of a tribe did not apply because neither the plaintiff or the defendant corporation qualify as a "tribal member," and thus no "relationship with 'the tribe or its members' exists" to provide a basis for tribal jurisdiction. (3) The second exception to the Montana rule, which allows for civil jurisdiction over non-members when conduct exists that "threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe" did not apply because the conduct complained of did not threaten tribal self-government. Affirmed in part, reversed in part, remanded.

***Montana Supreme Court Com'n on Unauthorized Practice of Law v. O'Neil*, 334 Mont. 311, 147 P.3d 200 (Mont. 2006).**

The Commission on the Unauthorized Practice of Law brought a civil contempt and injunctive relief action against a Blackfeet tribal court lay advocate, defendant. The defendant was not licensed to practice law in Montana, however, he advertised in the "Attorney" section of the yellow pages and engaged in behavior that caused the Commission to receive several inquires as to whether he was a licensed attorney. In response to the Commissions suit the defendant filed a counterclaim against the Commission and brought a third-party complaint against the State Bar. The District Court of the Eleventh Judicial District, granted the State Bar's motion for summary judgment,

partially granted the Commissions' motion for summary judgment, after a bench trial, entered judgment against the defendant.

The Supreme Court, James C. Nelson, J., held that: (1) the Commission and Bar were not identical in interest and standing, for purposes of determining whether the complaint filed by the defendant against the State Bar was a third-party complaint rather than a counterclaim; (2) the Commission had immunity from the defendant's defamation, tortuous interference with contract and privacy claim; (3) the statute of limitations had expired on the defendant's defamation claim against the State Bar; (4) the State Bar's letter to the telephone directory company and communications with the Confederated Salish and Kootenai Tribal Court were not wrongful or committed without justification or excuse, and therefore, the defendant's tortious interference claim failed; (5) The defendant was not entitled to a jury trial because the potential penalty did not rise to a level that could require the use of a jury; (7) The defendant, amongst other things, drafted pleadings for customers, provided them with legal advice, and appeared in court with his customers, all of which is behavior categorized as unauthorized practice of law. Affirmed.

Nebraska

***In re the Interest of Phoenix L.*, 270 Neb. 870, 708 N.W.2d 786 (Neb. 2006).**
Equal Protection

The Department of Health and Human Services (DHHS) filed motions to terminate mother's parental rights to non-children. The Separate Juvenile Court, Lancaster County, granted motions. Mother appealed.

The Supreme Court, Miller-Lerman, J., held that: (1) statute governing termination of parental rights of non-Indian children did not violate mother's right to equal protection by requiring lesser "clear and convincing" burden of proof than the Nebraska Indian Child Welfare Act (NICWA).

***In re Adoption of Kenten H.*, 272 Neb. 846, 725 N.W.2d 548 (Neb. 2007).**
Indian Child Welfare Act

The biological mother of an "Indian child" filed a petition to invalidate the child's adoption based on the argument that her consent for adoption "was obtained through fraud, threats, coercion and duress" in violation of the Nebraska Indian Child Welfare Act (NICWA). The Juvenile Court, Lancaster County, granted the adoptive parents motion to dismiss based on a failure to state a claim. Biological mother appealed.

The Supreme Court , Stephan, J., held: (1) that the biological mother was precluded from arguing that her consent to the voluntary relinquishment of her parental rights to the child was invalid because it was not obtained pursuant to the NICWA because the child's

status as an “Indian child” was not established until after the adoption decree was entered, and the procedures are prospective; (2) the limitations period for filing an action challenging the validity of an adoption required an action to be filed within two years of the adoption, and did not require that the challenge be resolved within two years of the adoption; and (3) the Department of Health and Human Services and guardian ad litem from prior juvenile proceedings were not necessary parties. Reversed and remanded.

Nevada

***Matter of Petition of Phillips A.C.*, 149 P.3d 51 (Nev. 2006).**
Indian Child Welfare Act

After petition to adopt child was granted, tribal council sought to intervene and invalidate adoption. The Third Judicial District Court vacated the adoption. Adoptive father appealed.

The Supreme Court, Becker, J., held that: (1) the trial court possessed jurisdiction to consider tribal council's motion to intervene and to invalidate adoption of child; (2) the voluntary dismissal was ineffective as to mother and tribal council; (3) the affidavit of the tribal council's enrollment officer was admissible to establish that child was a Native American child and was subject to the Indian Child Welfare Act (ICWA); (4) the tribal council had independent standing to contest adoption of Indian child; and (5) the adoptive father was entitled to an opportunity to challenge enrollment officer's authority to attest to mother and child's status with tribe. Reversed and remanded.

New Mexico

***State v. Romero*, 140 N.M. 299, 142 P.3d 887 (N.M. 2006).**

Defendant Romero, an enrolled member of Taos Pueblo, was charged with aggravated battery by the District Court for an altercation that took place within the exterior boundaries of Taos Pueblo. The District dismissed the charge for lack of jurisdiction. Defendant Gutierrez, an enrolled member of Pojoaque Pueblo, was charged with aggravated battery with a deadly weapon, child abuse, and battery against a household member by the state. The alleged incident occurred within the exterior boundaries of the Pojoaque Pueblo on non-Indian fee land. The District court dismissed charges due to lack of jurisdiction. The State appealed in both cases.

The Supreme Court, Serna, J., held that: (1) the State lacked jurisdiction to prosecute Native American defendants for crimes committed within exterior boundaries of their respective pueblos, and (2) the privately-held lands within the exterior boundaries of both Taos and Pojoaque Pueblos are Indian country with the meaning of § 1151(b) and

Congress has not extinguished Indian country status. Therefore, the lands in question remain Indian Country. Reversed.

North Dakota

***State ex rel. Bd. of University and School Lands v. Alexander*, 718 N.W.2d 2 (N.D. 2006).**

The State in its capacity as landlord brought an eviction action against tenants, plaintiffs. The South Central Judicial District Court, Sheridan County, ordered eviction and denied post-judgment motions. The tenants appealed.

The Supreme Court, Sandstrom, J., held that: (1) The tenants were not entitled to a new trial after they failed to appear in eviction action because of a family emergency; (2) claims attacking foreclosure judgment were res judicata; and (3) the claims regarding the Pemina Nation Little Shell Band of North America's rights in the property and status as an indispensable party had no effect on the eviction order because the tribe was not a recognized tribe in the state courts or by the Bureau of Indian Affairs. The District Court decision was affirmed.

***Smith v. Hall*, 707 N.W.2d 247 (N.D. 2005) *reh'g denied*, 2006.**
Child Support Order

The Standing Rock Sioux Tribal Court issued a default judgment adjudicating the plaintiff to be the father of "a child born out of wedlock" and ordered him to pay $250.00 in child support to the child's mother. The defendant "filed a motion to vacate the registration of the tribal court order" in district court. The District Court, Burleigh County, South Central Judicial District, denied the defendant's motion.

The Supreme Court, Carol Ronning Kapsner, J., held that the defendant's failure to object in a timely manner to the registration in district court of the tribal court order precluded him from contesting the registration on appeal. Affirmed.

South Dakota

***Gilbert v. Flandreau Santee Sioux Tribe*, 725 N.W.2d 249 (S.D. 2006)**
Unemployment Benefits

Plaintiff/Appellant, a former employee of the Flandreau Santee Sioux Tribe, was discharged for writing a letter that the tribe determined violated the political activity policy. Upon discharge the plaintiff applied for unemployment insurance benefits but was ultimately denied upon a finding that she was discharged for workplace misconduct. Plaintiff appealed, arguing that she could not be denied benefits because her letter was protected by the constitutional right to freedom of speech. The circuit court found no violation of the plaintiff's constitutional right to freedom of speech. Plaintiff appealed.

The Supreme Court, Meierhenry, J., held that the letter the plaintiff, who had been employed as an education coordinator for tribe, sent to the Tribal Executive Committee did not involve matters of public concern, and thus, the state's denial of claim for unemployment insurance benefits, based on finding of work-related misconduct, did not violate protection of speech under federal and South Dakota Constitutions. Circuit Court Affirmed.

Washington

***Wright v. Colville Tribal Enterprise Corp.*, 147 P.3d 1275 (Wash. 2006).**
Tribal Immunity

Plaintiff, a non-Indian former employee of a Confederated Tribes of the Colville Reservation government corporation, filed a compliant against his supervisor, and two corporate Indian entities. The compliant alleged race discrimination, racial harassment, hostile work environment, negligent supervision, and negligent infliction of emotional distress. The Tribe filed a motion to dismiss due to lack of subject matter jurisdiction and tribal sovereign immunity. Motion to dismiss was granted by the Superior Court. Upon appeal the Court of Appeals reversed.

The Supreme Court, Sanders, J., held that: (1) a tribal governmental corporations that conducts commercial enterprises outside reservation boundaries are protected by tribal sovereign immunity, and (2) the supervisor also was protected by immunity, in his official capacity. Court of Appeals reversed.

Wisconsin

***Diaryland Greyhound Park, Inc. v. Doyle*, 719 N.W.2d 408 (Wis. 2006).**
Gaming

Greyhound racing facility sought a declaratory judgment stating that the 1993 amendment which limited gaming in the state by prohibiting the legislature from authorizing gambling, deprives the governor of the authority to permit Indian tribes to continue conducting casino-type gaming (Class III gaming), and injunctive relief enjoining the governor from renewing compacts authorizing tribes to conduct Class III

gaming. The Circuit Court granted the governor's summary judgment motion. Upon appeal the Court of Appeals certified the appeal to the state Supreme Court.

The Supreme Court, Louis B. Butler, Jr., J., held that: (1) the 1993 amendment was not retrospective in operation with respect to pre-existing gaming compacts; (2) the 1993 amendment was not intended to invalidate compacts; (3) the law in existence at the time the state and tribes entered into compacts controls; (4) the 1993 amendment did not impact extension of compacts; (5) the 1993 amendment did not require the state to exercise its right of non-renewal of compacts; and (6) the 1993 amendment did not prohibit the state from amending compacts to expand scope of permissible tribal gaming, this abrogates *Panzer v. Doyle*, 271 Wis.2d 295, 680 N.W.2d 666. Affirmed.

- Research Databases Used:
    - LexisNexis
        - Research Terms: State, Highest Court, Tribe, Tribes, Tribal, and Indian.
    - Westlaw
        - Search: co(high) & sy,di(tribe*** Indian "native American") & da (after 12/31/2005) % ci(unpublished unreported).
    - Indian Law Reporter vol. 33
    - National Indian Law Library (http://narf.org/nill/bulletins/state/2006state.htm)