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A Life of Contributions for All Time: Symposium  
in Honor of David H. Getches (April 26-27)

2012

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4-26-2012

### AGENDA: A Life of Contributions for All Time: Symposium in Honor of David H. Getches

University of Colorado Boulder. School of Law

University of Colorado Law Review

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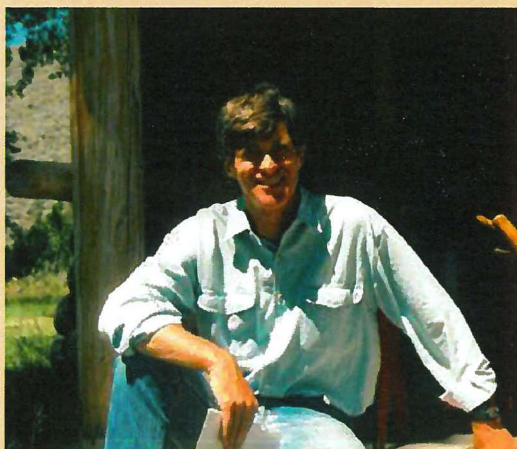
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A LIFE OF CONTRIBUTIONS  
FOR ALL TIME



Symposium in Honor of David H. Getches

April 26-27, 2012  
Wolf Law Building



**COLORADO** LAW  
UNIVERSITY OF COLORADO LAW SCHOOL

# AGENDA

David H. Getches led a luminous life of public service as Founding Director of the Native American Rights Fund, historic litigator for American Indian tribes, Executive Director of the Colorado Department of Natural Resources, valued board member and chair of leading non-profit organizations, revered teacher, and Dean of the University of Colorado Law School for eight years. At the heart of his contributions lies a prodigious body of widely respected scholarship extending from the 1970s through a posthumously-published book chapter to be released this year. This symposium will celebrate David's life, especially his trailblazing scholarship.

## **Thursday, April 26, 2012**

- 4:30 Viewing of John Fielder photographs, donated by John Fielder and made possible by gifts from the Class of 2012
- 5:00 Dedication of the Getches-Green Natural Resources and Environmental Law Clinic
- 5:30 Welcome and Symposium Overview, Dean Phil Weiser, University of Colorado Law School
- 5:40 Introduction, Professor Sarah Krakoff, University of Colorado Law School
- 5:45 Keynote Address, Professor Charles Wilkinson, University of Colorado Law School

*Hero for the People, Hero for the Land and Water:  
Reflections on the Enduring Contributions of David Getches*

- 6:45 Reception

## **Friday, April 27, 2012**

This day, in the spirit of a Festschrift, will honor David Getches' legacy of scholarly research. While the presenters may wish to refer to David and his work in some fashion, the mission of the Festschrift is to pay high tribute to David by convening top scholars in his name and having them address paramount concerns in their, and David's, fields.

Often, such events can be limited to a single field. Making a significant contribution to even one area of scholarship is a lifetime achievement. But David lived several lives in one, as a scholar as in everything else. This symposium therefore includes three legal fields: Water, Land, and American Indians. In each, and across each, David Getches' writings made singular, sweeping, and enduring contributions.



# A LIFE OF CONTRIBUTIONS FOR ALL TIME

## Friday, April 27, 2012

- 8:15 Welcome and Introductions, Professor Sarah Krakoff, University Colorado Law School
- 8:30 Keynote Address, Professor John Leshy, University of California, Hastings College of Law
- 9:00 Honorary Remarks, Timothy Wirth, President of the United Nations Foundation and the Better World Fund
- 9:20 - 9:45 BREAK

## **WATER**

- 9:45 (Moderator, Karin Sheldon, Executive Director, Western Resources Advocates)  
Professor Joseph Sax, University of California at Berkeley  
Justice Gregory Hobbs, Colorado Supreme Court  
Professor Armando Guevara-Gil, Pontificia Universidad Católica del Perú  
Professor William Rodgers, University of Washington School of Law
- 11:45 Professor Susan Nevelow Mart, Law Library Director, presents The Getches Digital Archive
- 12:00-1:15 LUNCH (with Keynote Address)  
Keynote Address, John Echohawk, Executive Director, Native American Rights Fund

## **LAND**

- 1:30 (Moderator, Professor Mark Squillace, University of Colorado Law School)  
Professor Robert Anderson, University of Washington School of Law  
Sarah Bates, Senior Associate, Center for Natural Resources and Environmental Policy, University of Montana  
Bill Hedden, Executive Director, Grand Canyon Trust
- 3:00 - 3:15 BREAK

## **AMERICAN INDIANS**

- 3:15 (Moderator, Jeanne Whiteing, Whiteing & Smith, Boulder, Colorado)  
Professor Matthew Fletcher, Michigan State University College of Law  
Professor Carole Goldberg, UCLA Law School  
Professor Rebecca Tsosie, Arizona State University College of Law
- 4:45 Closing remarks and tribute, Professor Sarah Krakoff, University of Colorado Law School



# Speaker Bios

## **Robert Anderson**

Robert Anderson is Professor of Law and Director of the Native American Law Center at the University of Washington. He also has a long-term appointment as the Oneida Indian Nation Visiting Professor of Law at Harvard Law School where he teaches annually. He is a co-author and member of the Board of Editors of *Cohen's Handbook of Federal Indian Law* (2005) and is co-author of Anderson, Berger, Frickey and Krakoff, *American Indian Law: Cases and Commentary* (Second Ed. 2010). He teaches and writes in the areas of Indian Law, Public Land Law and Water Law.

## **Sarah Bates**

Sarah Bates has written and spoken extensively on natural resources law and policy through university research appointments, conservation advocacy positions, and consulting work. She currently works as a senior fellow with the Center for Natural Resources and Environmental Policy and adjunct professor of law at the University of Montana. She began her legal career as a research assistant with David Getches in 1986, and continued a close and productive working relationship with him in the years since, including co-authoring the book *Searching Out the Headwaters: Change and Rediscovery in Western Water Policy* (Island Press, 1993), and several book chapters, reports, and articles.

## **John E. Echohawk**

John E. Echohawk, a member of the Pawnee Tribe of Oklahoma, is the Executive Director of the Native American Rights Fund. John has been with NARF since its inception and has served as Executive Director since 1977. He serves on the Boards of the American Indian Resources Institute, the Association on American Indian Affairs, the Natural Resources Defense Council, and the National Center for American Indian Enterprise Development. Since 1988, he has been recognized as one of the 100 most influential lawyers in America by the National Law Journal. John served on the transition teams for the Department of the Interior for both the Clinton-Gore administration in 1992 and the Obama-Biden administration in 2008.

## **Matthew L.M. Fletcher**

Matthew L.M. Fletcher is Professor of Law at Michigan State University College of Law and Director of the Indigenous Law and Policy Center. He is a member of the Grand Traverse Band of Ottawa and Chippewa Indians, located in Peshawbestown, Michigan. In 2010, Professor Fletcher was elected to the American Law Institute. Professor Fletcher graduated from the University of Michigan Law School in 1997 and the University of Michigan in 1994. He recently published *American Indian Tribal Law* (Aspen 2011) and *Cases and Materials on Federal Indian Law* (6th ed. West 2011) with Getches, Wilkinson, and Williams.

## **Carole E. Goldberg**

Carole E. Goldberg is the Jonathan D. Varat Distinguished Professor of Law at UCLA and UCLA's Vice Chancellor, Academic Personnel. In 2006, she served as the Oneida Indian Nation Visiting Professor at Harvard Law School, and in 2007 she was appointed a Justice of the Hualapai Court of Appeals. Last year, President Obama appointed her to the Indian Law and Order Commission. She has written widely about federal Indian law and tribal law, and is co-author of Cohen's Handbook of Federal Indian Law (1982, 2005, and forthcoming 2012 editions). Her most recent books are *Defying the Odds: The Tule River Tribe's Struggle for Sovereignty in Three Centuries* (Yale University Press, 2010), and *Indian Law Stories* (Foundation Press, 2011) (co-edited with Kevin K. Washburn and Philip P. Frickey).

# Speaker Bios

## **Armando Guevara-Gil**

Armando Guevara-Gil is a Professor at the Law School of Pontificia Universidad Católica del Perú where he teaches anthropology of law, law and development, and research seminars. His publications include *Propiedad Agraria y Derecho Colonial: Los Documentos de la Hacienda Santotis, Cuzco (1543-1822)* (1993); *Derecho, Instituciones y Procesos Históricos* (editor with J. de la Puente, 2008); *Derechos y Conflictos de Agua en el Perú* (editor, 2008); *Out of the Mainstream, Water Rights, Politics and Identity* (editor with R. Boelens and D. Getches, 2010); *Diversidad y Complejidad Legal* (2009), and *El Derecho y la Gestión Local del Agua en Santa Rosa de Ocopa, Junín, Perú* (2011). Armando holds a law degree from Pontificia Universidad Católica del Perú, a M.A. in Cultural Anthropology from University of Wisconsin-Madison, and a Doctorate in Law from the University of Amsterdam.

## **Bill Hedden**

Bill Hedden is the Executive Director of the Grand Canyon Trust, a regional conservation group working to protect and restore the Colorado Plateau. Under Hedden's leadership, the Trust helped clean up emissions from coal fired power plants, remove radioactive wastes from the bank of the Colorado River, protect the Grand Canyon from uranium mining, and reduce grazing damage on public lands. The Trust is leading the largest forest restoration program in U.S. history, and its Native American program is convening the region's tribes around a shared conservation agenda. Hedden has a B.A. and Ph.D. in biology from Harvard University.

## **Gregory J. Hobbs**

Justice Greg Hobbs practiced environmental, land use, transportation and water law for 23 years before becoming a member of the Colorado Supreme Court on May 1, 1996. He currently serves as Vice-President for the Colorado Foundation for Water Education and a Co-Convenor of the Water Judges' Educational Project, *Dividing the Waters* (National Judicial College). Justice Hobbs is a widely published author and poet. His most recent work is entitled *Living the Four Corners; Colorado Centennial State at the Headwaters* (Continuing Legal Education in Colorado, Inc. 2010). His J.D. is from the University of California at Berkeley 1971 and his B.A. in History is from University of Notre Dame 1966.

## **Sarah Krakoff**

Sarah Krakoff is Professor and Wolf-Nichol Fellow at the University of Colorado Law School. Professor Krakoff teaches in the areas of American Indian law and natural resources law. Her publications include *American Indian Law: Cases and Commentary* (with Bob Anderson, Bethany Berger and Phil Frickey), *Tribes, Land and Environment* (co-edited with Ezra Rosser), and articles on American Indian tribal sovereignty, environmental ethics, public lands, and climate change. When Professor Krakoff first came to the Law School, she was the Director of the American Indian Law Clinic. Before coming to Colorado, Professor Krakoff was awarded an Equal Justice Works Fellowship to work on the Navajo Nation as Director of the Youth Law Project for DNA-People's Legal Services. Professor Krakoff clerked on the Ninth Circuit Court of Appeals for Judge Warren J. Ferguson from 1992-93. She received her J.D. from Berkeley and her B.A. from Yale.



# Speaker Bios

## **John D. Leshy**

John D. Leshy is the Harry D. Sunderland Distinguished Professor at the University of California, Hastings College of the Law in San Francisco. He was Solicitor (General Counsel) of the Department of the Interior throughout the Clinton Administration, special counsel to a congressional committee, a law professor at Arizona State University, Associate Interior Solicitor in the Carter Administration's, with the Department of Justice, and the Natural Resources Defense Council. He has published books and articles, mostly on natural resources subjects, served on nonprofit and foundation boards, and litigated cases. Leshy is a graduate of Harvard College and Harvard Law School.

## **William H. Rodgers, Jr.**

William H. Rodgers is the Stimson Bullitt Professor of Environmental Law at the University of Washington where he specializes in natural resource law. He has published widely in the fields of both Indian law and environmental law, including a two-volume treatise entitled *Environmental Law in Indian Country*. Professor Rodgers is admitted to the bar in New York, Washington, and the District of Columbia and has appeared in the U.S. Supreme Court on behalf of Indian tribes. Professor Rodgers served on the committee for Defining Best Available Sciences for Fisheries Management with The National Academies. He completed a six-year term as a member of the Board of Environmental Studies and Toxicology, National Academy of Sciences.

## **Joseph L. Sax**

Joseph L. Sax is the James H. House & Hiram Hurd Professor, emeritus, at the University of California (Berkeley), where he taught environmental law, water law, public land law, and property rights. In 1994-1996 he served as Counselor to the U.S. Secretary of the Interior, where his responsibilities included federal water resource policy, endangered species law enforcement, and property rights legislation. Sax is the author of *Defending the Environment* (1970), *Mountains Without Handrails* (1980), and *Playing Darts with a Rembrandt* (2000); and co-author of *Legal Control of Water Resources*, now in its 4<sup>th</sup> edition (2006), and has written many articles in scholarly journals. Professor Sax is a graduate of Harvard College and the University of Chicago law school.

## **Karin P. Sheldon**

Karin Sheldon is President of Western Resource Advocates, a non-profit environmental organization dedicated to protecting the land, water, and natural resources of the Intermountain West. Prior to joining WRA, Ms. Sheldon was Professor of Law, Associate Dean for the Environmental Law Program, and Director of the Environmental Law Center at Vermont Law School. Ms. Sheldon serves on the Advisory Board of the Natural Resources Law Center at the University of Colorado Law School and the Board of Directors of Defenders of Wildlife. She graduated from Vassar College and the University of Washington School of Law.

## **Mark Squillace**

Mark Squillace is a Professor of Law and the Director of the Natural Resources Law Center at the University of Colorado School of Law. Before joining the Colorado Law faculty in 2005, Professor Squillace taught at the University of Toledo and the University of Wyoming. He is a former Fulbright scholar, and the author or co-author of numerous articles and books on natural resources and environmental law and policy. In 2000, Professor Squillace took a leave from law teaching to serve as Special Assistant to the Solicitor at the U.S. Department of the Interior. In that capacity he worked directly with the Secretary of the Interior Bruce Babbitt, on a variety of legal and policy issues.

# Speaker Bios

## **Rebecca Tsosie**

Rebecca Tsosie is a Willard H. Pedrick Distinguished Research Scholar and Professor of Law at the Sandra Day O'Connor College of Law at Arizona State University. Professor Tsosie, who is of Yaqui descent, teaches in the areas of Federal Indian law, Constitutional law, Property, Cultural Resources law, Bioethics, and Critical Race Theory. Professor Tsosie has published widely on issues related to tribal sovereignty, self-determination, environmental policy, indigenous human rights, and cultural resources. Professor Tsosie serves as an appellate judge for the Fort McDowell Yavapai Nation's Supreme Court and for the San Carlos Apache Tribe's Court of Appeals. Professor Tsosie received her B.A. and J.D. degrees from the University of California, Los Angeles.

## **Jeanne S. Whiteing**

Jeanne S. Whiteing is an attorney in private practice in Boulder, Colorado. Her practice focuses on natural resources law, Indian water rights, land claims, and jurisdictional and tax issues. She was a staff attorney and Deputy Director with the Native American Rights Fund from 1975-1986, before entering private practice. Ms. Whiteing currently represents several tribes in the litigation, negotiation and implementation of their water rights. She also represents tribes in issues relating to the Clean Water Act, oil and gas issues, and the protection of tribal lands. Ms. Whiteing is a member of the Blackfoot Tribe. She is a graduate of Stanford University and the University of California, Berkeley, Boalt Hall School of Law.

## **Charles Wilkinson**

Charles Wilkinson is Distinguished Professor and Moses Lasky Professor of Law at the University of Colorado. He served as an expert witness for the United States in the Snake River Basin Adjudication, as a member of the Committee of Scientists from 1998-2000 for the Clinton Administration's revision of the Forest Service planning regulations, and as special counsel to Solicitor John Leshy for the drafting of the presidential proclamation creating the Grand Staircase-Escalante National Monument. His books include the 1982 Cohen Treatise (Managing Editor), *American Indians, Time, and the Law* (1987), *Crossing the Next Meridian* (1992), *The Eagle Bird* (1992), *Fire On the Plateau* (1999), *Blood Struggle* (2005), *The People Are Dancing Again* (2010), and *Cases and Materials on Federal Indian Law* (6<sup>th</sup> ed. 2011) with Getches, Williams, and Fletcher.

## **Timothy E. Wirth**

Timothy E. Wirth is the President of the United Nations Foundation and the Better World Fund. Wirth represented Denver suburbs in Congress from 1975 to 1987. He was elected to the U.S. Senate in 1986, where he focused on environmental issues, particularly global climate change and population stabilization. After two decades of elected politics, Wirth was national Co-chair of the Clinton-Gore campaign, and served in the U.S. Department of State as the first Undersecretary for Global Affairs from 1993 to 1997. The son of teachers, he was a scholarship student and graduate of Harvard College, and received a Ph.D. from Stanford University.



# UPCOMING Colorado Law EVENTS

## JUNE

### June 6–8

Annual Clyde Martz Summer Conference

Presented by: The Natural Resources Law Center

## SEPTEMBER

### September 19

Annual Stevens Lecture

Presented by: U.S. Supreme Court Justice Ruth Bader Ginsburg

University Memorial Center Ballroom

### September 19–21

The Gathering of the Bench and Bar Conference

## NOVEMBER

### November 2–4

Homecoming & Reunions

View all events offered by Colorado Law at [www.colorado.edu/law](http://www.colorado.edu/law).

All events at Wolf Law building unless otherwise noted.