

# Kate Fort on: Brackeen v. Haaland

March 9, 2022, 12-1pm PT via Zoom Webinar

1 Standard CLE Credit approved by the Minnesota Board of Continuing Legal Education

*This substantive course will not address ethics or professional responsibility directly.*

12pm	Introductions	Addie Smith
12:05 pm	Case Procedural History	Kate Fort
12:25	Constitutional Issues Addressed in the Case	Kate Fort
12:40	Case Holdings	Kate Fort
12:50	Q&A	Kate Fort, Addie Smith
1:00	Conclusion	

In April 2021, a sharply-divided U.S. 5th Circuit Court of Appeals in New Orleans issued a 325 page opinion in Brackeen v. Haaland. Now, long awaited questions have been presented by the Supreme Court (anticipated January 2022). This Brackeen webinar will discuss the history of the case, the decision out of the Fifth Circuit, and the question(s) presented by the Supreme Court. The presentation will discuss all of the issues in the question presented, both in the context of ICWA and in the context of the Constitutional implications.

## Audience

Indian Child Welfare Act (ICWA) practitioners.

**Event webpage with additional substantive material, coming soon:**

<https://www.twgtrainings.com/brackeen-decision-22>



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## Biographies

**Faculty moderator/facilitator, Adrian (Addie) Smith, JD, MSW, ICWA Trainer**, is a nationally known Indian Child Welfare Act trainer and has worked in states across the country to change policies and improve systems that promote ICWA compliance. She has also worked with a variety of tribes on projects designed to improve tribal social service systems and tribal courts. She was formerly the staff attorney at the Nation Indian Child Welfare Association after which she worked on issues related to child welfare and dependency courts for Oregon Governor Kate Brown. Here she represented children, youth, and parents before the Oregon Court of Appeals.

**Speaker, Kathryn (Kate) E. Fort** is the Director of Clinics and Adjunct Professor at Michigan State University College of Law. She joined the College of Law in 2005 as the Indigenous Law Fellow. In her role at the College, she directs the Indian Law Clinic, researches and writes on behalf of tribal clients and on topics in federal Indian law and manages administrative aspects of the College's clinical program. Ms. Fort has written articles on laches and land claims and the Indian Child Welfare Act. She has recently been published in the George Mason Law Review, and the American Indian Law Review. Professor Fort graduated magna cum laude from Michigan State University College of Law with the Certificate in Indigenous Law and is licensed to practice law in Michigan. She is currently representing the intervening tribes in the Brackeen litigation before the United States Supreme Court, where several states are seeking to have the ICWA found unconstitutional. In 2020, she successfully argued before the Washington State Supreme Court on behalf of Klawock and the Central Council of Tlingit and Haida in *In re Dependency of Z.J.G & M.E.J.G.*, 196 Wash.2d 2020.

