

34th Annual Indian Law CLE



Thursday, June 16, 2022

Friday, June 17, 2022

Tuition:

\$245 - Indian Law Section Members

\$275 - Standard/Non-Section Members

Webinar

Thurs 8:00am - 1:00pm PST

Fri 8:00am - 1:00pm PST

PENDING CLE Credits

L&LP - PENDING

Ethics - PENDING

Description:

Join seasoned practitioners for the Indian Law Section's annual CLE. We will cover some of the most important developments and pressing issues affecting tribes in Washington and beyond.

CLE Committee:

Danielle Bargala - Muckleshoot Indian Tribe, Auburn

Derek Red Arrow Frank - Stokes Lawrence P.S., Yakima

Brenda George - Port Madison Enterprises, Suquamish

Ethan Jones - Yakama Nation, Yakima

Mary Neil - Mukleshoot Indian Tribe, Auburn

Andrew Pollom - Ogden Murphy Wallace, Seattle

Daniel Rey-Bear - Rey-Bear McLaughlin LLP, Spokane

Thomas Schlosser - Morrisset Schlosser Jozwiak & Somerville, Seattle

Stephanie Tsosie - Earthjustice, Seattle

Presented by:

WSBA Indian Law Section



REGISTER:

<https://tinyurl.com/IndianLawCLE>

Schedule

DAY ONE - THURSDAY, JUNE 16, 2022

7:45 a.m. Webinar Lobby Opens

8:00 a.m. Introduction and Prayer
(Optional - Not for CLE credit)

8:15 a.m. Judicial Update

This session will summarize recent litigation involving Indian Tribes.

Thomas Schlosser - Morrisset, Schlosser, Jozwiak, & Somerville, Seattle

9:00 a.m. Makah Whaling Rights and MMPA Waiver

This session explores the tremendous opposition, both in the courts of law and public opinion, the Makah Tribe have faced since resuming their hunting rights.

Trent Crable - Muckleshoot Indian Tribe, Seattle

9:45 a.m. Ecology Department's Refusal to Consider Unadjudicated Reserved Treaty Water Rights for Instream Flow

This session will provide an overview of PCHB Case No. 20-071, the resulting settlement, and potential implications of Ecology's current permitting policy on waterways and basins without minimum.

Shona Voelckers - Yakama Nation Office of Legal Counsel, Yakima

10:30 a.m. Break

10:45 a.m. State and Federal Consultation with Tribes: the Climate Change Commitment Bill and National Archives Case Studies

Sarah Lawson - Schwabe Williamson & Wyatt, Seattle
Jeremy F. Wood - Schwabe Williamson & Wyatt, Seattle
Jeff Keohane - Schwabe Williamson & Wyatt, Seattle

11:30 a.m. Treasury Department Funding Distributions and Relations with Tribes

This session follows a tribal attorney's journey to the Department of Treasury, including a history of Treasury's development of the Tribal Affairs Program, the services offered to tribes, and how tribal lawyers and staff should contact them. We will also review the guidances on the CARES and ARPA acts and the tribes' flexibility in using those funds to meet local community needs.

Fatima Abbas - United States Dept. of Treasury

12:15 p.m. Tribal Sovereign Immunity and Individual Liability of Tribal Officials

This session will focus on recent developments regarding the sovereign immunity of subordinate tribal entities, tribal officials, and tribal employees. The presentation will include overviews of the multi-factor, arm-of-the-tribe test courts increasingly apply to subordinate tribal entities; and of the remedy-focused analysis that may apply to claims against tribal officials and employees.

Chloe Thompson Villagomez - Foster Garvey, Seattle

1:00 p.m. Day One Program Concludes

34th Annual Indian Law CLE

Thursday, June 15, 2022 and Friday, June 16, 2022

(schedule continued from previous page)

DAY TWO - FRIDAY, JUNE 17, 2022

7:45 a.m. Webinar Lobby Opens

8:00 a.m. Introduction

8:05 a.m. **Tribal Laws and Accommodating Employee Vaccine Objections: Learning from the Pandemic**

This session will take a look at how tribes, as public health authorities, have protected their own communities from COVID-19 with the roll out of vaccines. It will also review the federal COVID-19 vaccine mandates in the workplace and their applicability to Tribes.

Elizabeth Coronado - Northwest Portland Area Indian Health Board, Portland

8:50 a.m. **Growing Food Sovereignty Through Tribal Agricultural Enterprise**

Establishing a tribal agricultural enterprise can support a tribe's food sovereignty goals, but also presents unique legal issues. This session will contextualize tribal agricultural enterprise efforts within the tribal food sovereignty movement, and identify key questions that legal counsel may encounter.

Kate Marckworth - Yakama Nation Office of Legal Counsel, Yakima

9:35 a.m. **Brackeen in the Supreme Court**

The Supreme Court granted cert in *Brackeen v. Haaland* in February. This presentation will discuss the questions presented to the Court and explain the issues in play.

Kate Fort - Michigan State University College of Law, East Lansing, MI

10:20 a.m. Break

10:35 a.m. **Hemp and Other Economic Development Models**

This session will explore the Tribal Hemp Programs pursuant to the USDA's 2018 Farm Bill such as the economic development opportunities available to tribes through tribal hemp programs. The session will also cover how to approach and present the idea of a Tribal Hemp Program to a tribal client, and discuss the experience of drafting Tribal Hemp Codes with the help of the USDA and their processes.

Greg Guedel - Guedel Strategic Law, Edmond, OK
Derek Red Arrow Frank - Stokes Lawrence, Seattle
Alexandra Valin - University of Kansas Law School, Lawrence, KS

11:20 a.m. **Shopbell v. WDFW Fishing**

State v. Shopbell/Paul teaches how to challenge state court criminal jurisdiction over Treaty fishers engaged in shellfish commerce within the U&A, under the *US v. Washington Rafeedie* Consent Decree. This session will discuss how the same legal principles apply to Treaty fish commerce.

Gabe Galanda - Galanda Broadman PLLC, Seattle

12:15 p.m. **Ethics issues and Conflicts of Interest Analyses in a Small Legal Community**

This presentation will discuss ethical issues and conflict of interest analyses in small legal communities.

Jeanne Marie Clavere - Washington State Bar Association, Seattle

1:00 p.m. **Program Concludes**

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