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12th Annual

# D.C. INDIAN LAW CONFERENCE

**NOVEMBER 5, 2010 • WASHINGTON, D.C.  
at the National Museum of the American Indian**

## Conference Agenda

**8:00-9:00 a.m.**

**Registration**

**8:30-9:00 a.m.**

**Welcome & Prayer**

**9:00-9:30 a.m.**

**Federal Court Update**

KATHRYN FORT, Adjunct Professor and Staff Attorney for the Indigenous Law and Policy Center, Michigan State University

**9:45-11:00 a.m.**

**Looking to 1934: Perspectives on the Fee-to-Trust Process**

Secretary of the Interior Ken Salazar declared in a directive on June 18, 2010 that, “[t]aking land into trust is one of the most important functions that this Department undertakes on behalf of Indian tribes.” As Indian Country continues to press the government to address the backlog of fee-to-trust applications, a number of tribes are considering where they fit in this effort. One of the critical questions tribes seeking additional trust lands face, in light of the Carciari decision, is whether they were “under federal jurisdiction” in 1934. This panel will explore what it means for tribes to be “under federal jurisdiction,” and discuss how tribes may qualify for trust acquisitions under the IRA.

Moderator:

BRYAN NEWLAND, Policy Advisor to the Deputy Assistant Secretary for Indian Affairs, Department of Interior

PILAR THOMAS, Deputy Solicitor, Department of Interior

ERIC EBERHARD, Distinguished Indian Law Practitioner in Residence at the Seattle University School of Law

WILLIAM WOOD, Associate, Holland & Knight LLP

**11:15 a.m.-  
12:30 p.m.**

**The Tribal Law and Order Act: Where We’ve Been, Where We Are, and  
Where We Are Going**

Passage of the Tribal Law and Order Act (TLOA) provides tribal governments with an array of new tools for use in the effort to promote public safety and reduce violent crime. The TLOA requires coordination among the federal government

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agencies responsible for public safety in Indian Country, authorizes enhanced criminal sentencing authority of up to 3 (three) years per offense for violations of tribal criminal codes, and authorizes the Attorney General to assume concurrent jurisdiction over criminal matters in P.L. 280 states. The implementation of TLOA requires careful consultation with Indian tribes and will present novel legal questions for Indian law practitioners. This panel will discuss the development of the legislation, what steps are being taken to begin implementation, and what the law will mean for Indian Country moving forward.

Moderator:

BRIAN GUNN, Partner, Drinker Biddle & Reath LLP

JOHN HARTE, Mapetsi

MICHALYN STEELE, Counselor to the Assistant Secretary – Indian Affairs

PETER ORTEGO, General Counsel to the Ute Mountain Ute Tribe

**12:30-2:00 p.m.**

**Lunch Keynote**

PATRICIA MILLETT, Partner and Co-Chair of the Supreme Court Practice, Akin Gump Strauss Hauer & Feld LLP

**2:00-3:15 p.m.**

**International Legal Issues Facing Tribes**

In July, the Iroquois Nationals—whose ancestors helped invent the sport as much as 1,000 years ago—were denied entry to the United Kingdom for the International Lacrosse Tournament because the United Kingdom refused to recognize their passports issued by the Iroquois confederacy. This panel will explore the conflicts between tribal sovereignty and international travel and what can be done to address conflicts in the future.

Moderator:

WIZIPAN GARRIOTT, Policy Advisor to the Assistant Secretary of the Interior—Indian Affairs, Department of Interior

KIM TEEHEE, Senior Policy Advisor for Native American Affairs, White House Domestic Policy Council

TONYA GONNELLA FRICHER, In-house Counsel, Onondaga Nation

KATHY MILTON, Office of the Legal Advisor United States State Department

**3:30-4:45 p.m.**

**Ethics Panel: Conflicting Duties of Loyalty When Representing the United States**

A common complaint in Indian Country is that the United States, as the trustee fails to adequately represent Indian tribes. The United States is often faced with the ethical dilemma of where its loyalty lies—with Indian tribes or with the greater United States government. This panel will discuss the conflicting duties of loyalty the United States must consider when representing the United States in connection with Indian issues.

Moderator:

KATIE MORGAN, Associate, Akin Gump Strauss Hauer & Feld, LLP

DARRELL STRAYHORN, FOIA & Privacy Act Appeals Officer, Department of the Interior

LAWRENCE ROBERTS, General Counsel, National Indian Gaming Commission

REID PEYTON CHAMBERS, Partner, Sonosky, Chambers, Sachse, Endreson & Perry LLP

**There is no charge for this conference, however seating is limited. Register online today at [www.fedbar.org/DCIndianLaw2010](http://www.fedbar.org/DCIndianLaw2010)! For more information, contact Kate Faenza at the FBA at [kfaenza@fedbar.org](mailto:kfaenza@fedbar.org) or (571) 481-9100.**