



39th Annual

# Federal Bar Association Indian Law Conference

## Practicing Indian Law in the Digital Age

April 10-11, 2014



**Hilton Santa Fe at Buffalo Thunder  
Located on the Pueblo of Pojoaque**

# Practicing Indian Law in the Digital Age

## Conference Overview

We are immersed in the digital age. Every aspect of our daily life is driven by technology, from our personal relationships and business connections, to how we get our news and entertainment. Texting and tweeting now determine legal rights and liabilities, digital media and mapping track our every mood and move, and the prevalence and power of the internet are reshaping society's values about communication, education, health, economic development, and personal privacy.

Indian Country as well is experiencing the phenomenal impacts of technology in all aspects of tribal governance and community life. The most important Supreme Court decision last year, *Adoptive Couple v. Baby Girl*, turned in large part on the legal significance of a text, with the fate of the Indian Child Welfare Act hanging in the balance. So it is fitting that the theme of this year's Annual Federal Indian Law Conference, Practicing Indian Law in the Digital Age, delves into hi-tech influences on the legal environment of Indian law and policy.

In "Practicing Indian Law in the Digital Age," we will examine other U.S. Supreme Court decisions and

an array of cutting edge issues. Technology brings new business opportunities to Indian Country in the fields of energy, gaming, and banking. Cyber jurisdiction and intellectual property are the new legal frontier in the digital age and tribal law, while compacting under the *Rincon* decision takes on a whole new dimension in the context of internet gaming. On the international grid, technology is changing the way we exercise food sovereignty, protect tribal homelands, and defend indigenous rights. And none of this can be accomplished without basic reservation infrastructure and sound governance and economic development plans. In a case striking at the heart of practicing Indian law, *Michigan v. Bay Mills Indian Community*, the Supreme Court is expected to declare further iterations on the principles and power of tribal sovereignty and sovereign immunity.

Thankfully, Indian Country remains as interconnected as ever despite the globalization of mass communication. We look forward to networking with you at "Practicing Indian Law in the Digital Age" on April 10th and 11th at Poaque Pueblo.

## Indian Law Section Leadership

|                              |                                                                                                                                                                                                                                                                                                                                         |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CHAIR:</b>                | ANDREW ADAMS III, <i>PRINCIPLE, HOGEN ADAMS PLLC</i>                                                                                                                                                                                                                                                                                    |
| <b>DEPUTY CHAIR:</b>         | TRACY TOULOU, <i>DIRECTOR, OFFICE OF TRIBAL JUSTICE, U.S. DEPARTMENT OF JUSTICE</i>                                                                                                                                                                                                                                                     |
| <b>SECRETARY:</b>            | ANGELIQUE TOWNSEND EAGLEWOMAN, <i>ASSOCIATE PROFESSOR, UNIV. OF IDAHO COLLEGE OF LAW</i>                                                                                                                                                                                                                                                |
| <b>TREASURER:</b>            | ANN TWEEDY, <i>ASSISTANT PROFESSOR, HAMLINE UNIVERSITY SCHOOL OF LAW</i>                                                                                                                                                                                                                                                                |
| <b>IMMEDIATE PAST CHAIR:</b> | JENNIFER WEDDLE, <i>PARTNER, GREENBERG TRAURIG LLP</i>                                                                                                                                                                                                                                                                                  |
| <b>CHAIR EMERITUS:</b>       | LAWRENCE R. BACA, <i>(RET.) SENIOR TRIAL ATTORNEY, CIVIL RIGHTS DIVISION AND DEPUTY DIRECTOR, OFFICE OF TRIBAL JUSTICE, U.S. DEPARTMENT OF JUSTICE</i>                                                                                                                                                                                  |
| <b>CONFERENCE CHAIRS:</b>    | PATRICE H. KUNESH, <i>DEPUTY UNDER SECRETARY, RURAL DEVELOPMENT, U.S. DEPARTMENT OF AGRICULTURE, LEAD CHAIR</i><br>ANGELIQUE TOWNSEND EAGLEWOMAN, <i>ASSOCIATE PROFESSOR, UNIV. OF IDAHO COLLEGE OF LAW</i><br>NATALIE LANDRETH, <i>SENIOR ATTORNEY, NATIVE AMERICAN RIGHTS FUND</i><br>STEVEN PAUL MCSLOY, <i>PARTNER, DENTONS LLP</i> |

## Thank You to our Sponsor



Sponsorship opportunities available! For more information, contact Heather Gaskins, FBA Director of Development, at (571) 481-9106 or [hgaskins@fedbar.org](mailto:hgaskins@fedbar.org).

# Schedule at a Glance

## Wednesday • April 9, 2014

|                |                         |
|----------------|-------------------------|
| 1:00–5:00 P.M. | NNABA ANNUAL MEETING    |
| 4:00–7:00 P.M. | CONFERENCE REGISTRATION |

## Thursday • April 10, 2014

|                     |                                                                                                                |
|---------------------|----------------------------------------------------------------------------------------------------------------|
| 7:00 A.M.–5:00 P.M. | CONFERENCE REGISTRATION                                                                                        |
| 7:00 A.M.–5:00 P.M. | CAREER TABLES, EXHIBITS, AND VENDORS                                                                           |
| 8:00–8:30 A.M.      | WELCOMING REMARKS                                                                                              |
| 8:30–10:00 A.M.     | PLENARY 1: TEXTING PATERNITY AWAY AND BRINGING ICWA INTO THE 21ST CENTURY                                      |
| 9:00 A.M.–1:00 P.M. | NNALSA ANNUAL MEETING                                                                                          |
| 10:15–11:45 A.M.    | PLENARY 2: ELECTIONS 2014— <i>SHELBY COUNTY &amp; THE IMPACT ON INDIAN COUNTRY</i>                             |
| 12:00–1:30 P.M.     | LUNCHEON PROGRAM: REPORT FROM THE INDIAN LAW AND ORDER COMMISSION: “A ROADMAP FOR MAKING NATIVE AMERICA SAFER” |
| 1:45–3:15 P.M.      | PLENARY 3: SOVEREIGN ENERGY: POWERING THE DIGITAL AGE                                                          |
| 1:45–3:15 P.M.      | BREAKOUT 1: TRIBAL MEMBERSHIP IN A NEW MILLENNIUM: INCLUDING FUTURE GENERATIONS IN THE TRIBAL NETWORK          |
| 3:30–5:00 P.M.      | PLENARY 4: NEGOTIATING SOVEREIGNTY & THE OUTER LIMITS OF COMPACTS POST- <i>RINCON</i>                          |
| 6:30–9:00 P.M.      | DINNER RECEPTION                                                                                               |

## Friday • April 11, 2014

|                      |                                                                                                                                       |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 8:00 A.M.–5:00 P.M.  | CONFERENCE REGISTRATION                                                                                                               |
| 8:00 A.M.–5:00 P.M.  | CAREER TABLES, EXHIBITS, AND VENDORS                                                                                                  |
| 8:30–10:00 A.M.      | PLENARY 5: RESERVATION INFRASTRUCTURE AS AN ECONOMIC DRIVER                                                                           |
| 9:00 A.M.–12:00 P.M. | NNALSA ELECTIONS                                                                                                                      |
| 10:15–11:45 A.M.     | PLENARY 6: TRIBAL SOVEREIGN IMMUNITY IN THE DIGITAL AGE                                                                               |
| 12:00–1:30 P.M.      | LUNCHEON PROGRAM: PRESENTATION OF THE LAWRENCE R. BACA LIFETIME ACHIEVEMENT AWARD AND ANNOUNCEMENT OF NATIONAL NALSA ELECTION RESULTS |
| 1:45–3:15 P.M.       | PLENARY 7: INTERNATIONAL LAW: INDIGENOUS ISSUES ON AN INTERNATIONAL GRID                                                              |
| 1:45–3:15 P.M.       | BREAKOUT 2: INTANGIBLE SOVEREIGNTY: INTELLECTUAL PROPERTY ISSUES IN INDIAN LAW                                                        |
| 3:30–5:00 P.M.       | PLENARY 8: THE ETHICS OF INTERFACING TRIBAL SOVEREIGNTY                                                                               |

# Practicing Indian Law in the Digital Age

## Full Schedule of Events

### Wednesday • April 9, 2014

|                |                               |                         |
|----------------|-------------------------------|-------------------------|
| 1:00–5:00 P.M. | NNABA ANNUAL MEETING .....    | VISTA                   |
| 4:00–7:00 P.M. | CONFERENCE REGISTRATION ..... | OUTSIDE PUEBLO BALLROOM |

### Thursday • April 10, 2014

|                     |                                                                                                                         |                         |
|---------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 7:00 A.M.–5:00 P.M. | CONFERENCE REGISTRATION .....                                                                                           | OUTSIDE PUEBLO BALLROOM |
| 7:00 A.M.–5:00 P.M. | CAREER TABLES, EXHIBITS, AND VENDORS .....                                                                              | TEWA/PUEBLO FOYER       |
| 8:00–8:30 A.M.      | WELCOMING REMARKS .....                                                                                                 | TEWA BALLROOM           |
|                     | Gov. George Rivera, <i>Pueblo of Pojoaque</i> (invited)                                                                 |                         |
|                     | Andrew Adams III, <i>Chair, Federal Bar Association Indian Law Section</i>                                              |                         |
|                     | Patrice Kunesch, <i>Deputy Under Secretary, Rural Development, U.S. Department of Agriculture</i>                       |                         |
|                     | Kevin Washburn, <i>Assistant Secretary of Indian Affairs, U.S. Department of the Interior</i>                           |                         |
| 8:30–10:00 A.M.     | PLENARY 1: TEXTING PATERNITY AWAY AND BRINGING ICWA<br>INTO THE 21ST CENTURY .....                                      | TEWA BALLROOM           |
| Moderator:          | Natalie Landreth, <i>Senior Attorney, Native American Rights Fund</i>                                                   |                         |
| Panelists:          | Anita Fineday, <i>Director, Casey Family Program, Indian Child Welfare Program</i>                                      |                         |
|                     | Heather Kendall-Miller, <i>Senior Attorney, Native American Rights Fund</i>                                             |                         |
|                     | Sara Hill, <i>Senior Assistant Attorney General, Cherokee Nation</i>                                                    |                         |
|                     | Jack Trope, <i>Executive Director, Association on American Indian Affairs</i>                                           |                         |
| 9:00 A.M.–1:00 P.M. | NNALSA ANNUAL MEETING .....                                                                                             | TEWA/PUEBLO FOYER       |
| 10:00–10:15 A.M.    | BREAK .....                                                                                                             | TEWA/PUEBLO FOYER       |
| 10:15–11:45 A.M.    | PLENARY 2: ELECTIONS 2014 – SHELBY COUNTY AND THE IMPACT ON<br>INDIAN COUNTRY .....                                     | TEWA BALLROOM           |
| Moderator:          | Natalie Landreth, <i>Senior Attorney, Native American Rights Fund</i>                                                   |                         |
| Panelists:          | Martin W. Aguilar, <i>NAEIP Liaison, Office of the New Mexico Secretary of State</i>                                    |                         |
|                     | Laughlin McDonald, <i>Director Emeritus, ACLU, Voting Rights Project</i>                                                |                         |
|                     | Nina Perales, <i>Director of Litigation, Mexican-American Legal Defense Fund</i>                                        |                         |
|                     | James T. Tucker, <i>Attorney, Wilson, Elser, Moskowitz, Edelman &amp; Dicker LLP</i>                                    |                         |
| 11:45–12:00 P.M.    | BREAK .....                                                                                                             | PUEBLO BALLROOM         |
| 12:00–1:30 P.M.     | LUNCHEON PROGRAM: REPORT FROM THE INDIAN LAW AND ORDER COMMISSION:<br>“A ROADMAP FOR MAKING NATIVE AMERICA SAFER” ..... | PUEBLO BALLROOM         |
|                     | Natalie Landreth, <i>Senior Attorney, Native American Rights Fund</i> (Moderator)                                       |                         |
|                     | Troy Eid, <i>Partner, Greenberg Traurig LLP</i>                                                                         |                         |
|                     | Carole Goldberg, <i>Professor, University of California–Los Angeles School of Law</i>                                   |                         |
| 1:30–1:45 P.M.      | BREAK .....                                                                                                             | TEWA/PUEBLO FOYER       |



- 1:45–3:15 P.M.**      **PLENARY 3: SOVEREIGN ENERGY: POWERING THE DIGITAL AGE .....** **TEWA BALLROOM**  
Moderator: Steven Paul McSloy, *Partner, Dentons LLP*  
Panelists: Michon Eben, *Cultural Resource Coordinator, Reno-Sparks Indian Colony*  
Carla Fredericks, *Clinical Faculty, University of Colorado School of Law*  
Pilar Thomas, *Deputy Director, Office of Indian Energy Policy and Programs,*  
*U.S. Department of Energy*  
Lynn Slade, *Partner, Modrall Sperling*
- 1:45–3:15 P.M.**      **BREAKOUT 1: TRIBAL MEMBERSHIP IN A NEW MILLENNIUM: INCLUDING FUTURE**  
**GENERATIONS IN THE TRIBAL NETWORK .....** **VISTA**  
Moderator: Angelique Townsend EagleWoman, *Associate Professor, University of Idaho*  
*College of Law*  
Panelists: Colin Cloud Hampson, *Attorney, Sonosky, Chambers, Sachse, Endreson & Perry LLP*  
Danna Jackson, *Assistant U.S. Attorney, U.S. Department of Justice, District of*  
*Montana*  
Hon. Bruce Plackowski, *Chief Judge, Nez Perce Tribe*  
Christine Zuni Cruz, *Associate Dean, University of New Mexico School of Law*
- 3:15–3:30 P.M.**      **BREAK .....** **TEWA/PUEBLO FOYER**
- 3:30–5:00 P.M.**      **PLENARY 4: NEGOTIATING SOVEREIGNTY & THE OUTER LIMITS OF COMPACTS**  
**POST-RINCON.....** **TEWA BALLROOM**  
Moderator: Steven Paul McSloy, *Partner, Dentons LLP*  
Panelists: Little Fawn Boland, *Partner, Ceiba Legal LLP*  
Ray Halbritter, *Nation Representative, Oneida Indian Nation of New York*  
Jeff Nelson, *Counsel, Kanji & Katzen PLLC*  
George Skibine, *Counsel, Dentons LLP*
- 6:30 P.M.**      **DINNER RECEPTION .....** **PUEBLO BALLROOM**

## Friday • April 11, 2014

- 8:00 A.M.–5:00 P.M.** **CONFERENCE REGISTRATION.....** **OUTSIDE TEWA BALLROOM**
- 8:00 A.M.–5:00 P.M.** **CAREER TABLES, EXHIBITS, AND VENDORS.....** **TEWA/PUEBLO FOYER**
- 8:30–10:00 A.M.**      **PLENARY 5: RESERVATION INFRASTRUCTURE AS AN ECONOMIC DRIVER .....** **TEWA BALLROOM**  
Moderator: Patrice Kunesch, *Deputy Under Secretary, Rural Development, U.S. Department of Agriculture*  
Panelists: Elsie Meeks, *State Director of Rural Development, U.S. Department of Agriculture*  
Catherine Munson, *Partner, Kilpatrick Townsend LLP*  
Bryan Newland, *Counsel, Fletcher Law PLLC*  
Hon. Christine Williams, *Chief Judge, Shingle Springs Tribal Court*



# Practicing Indian Law in the Digital Age

## Friday • April 11, 2014 (cont.)

|                          |                                                                                                                                                                                                                                                                                                             |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9:00 A.M.–<br>12:00 P.M. | NNALSA ELECTIONS ..... TEWA/PUEBLO FOYER                                                                                                                                                                                                                                                                    |
| 10:00–10:15 A.M.         | BREAK ..... TEWA/PUEBLO FOYER                                                                                                                                                                                                                                                                               |
| 10:15–11:45 A.M.         | PLENARY 6: TRIBAL SOVEREIGN IMMUNITY IN THE DIGITAL AGE..... TEWA BALLROOM                                                                                                                                                                                                                                  |
| Moderator:               | Patrice Kunesch, <i>Deputy Under Secretary, Rural Development, U.S. Department of Agriculture</i>                                                                                                                                                                                                           |
| Panelists:               | Elizabeth Conway, <i>Associate General Counsel, Mashantucket Pequot Tribe</i><br>William Wood, <i>Visiting Associate Professor, Southwestern Law School</i><br>Jennifer Weddle, <i>Partner, Greenberg Traurig LLP</i>                                                                                       |
| 12:00–1:30 P.M.          | LUNCHEON PROGRAM ..... PUEBLO BALLROOM<br>Presentation of the Lawrence R. Baca Lifetime Achievement Award and<br>Announcement of the National NALSA Election Results                                                                                                                                        |
| 1:30–1:45 P.M.           | BREAK ..... TEWA/PUEBLO FOYER                                                                                                                                                                                                                                                                               |
| 1:45–3:15 P.M.           | PLENARY 7: INTERNATIONAL LAW: INDIGENOUS ISSUES ON AN<br>INTERNATIONAL GRID ..... TEWA BALLROOM                                                                                                                                                                                                             |
| Moderator:               | Angelique Townsend EagleWoman, <i>Associate Professor, University of Idaho<br/>College of Law</i>                                                                                                                                                                                                           |
| Panelists:               | Robert Tim Coulter, <i>Director, Indian Law Resource Center</i><br>Tracey LeBeau, <i>Director, Office of Indian Energy, U.S. Department of Energy</i><br>G. William Rice, <i>Professor, University of Tulsa College of Law</i><br>Rebecca Tsosie, <i>Professor, Arizona State University College of Law</i> |
| 1:45–3:15 P.M.           | BREAKOUT 2: INTANGIBLE SOVEREIGNTY: INTELLECTUAL PROPERTY ISSUES IN<br>INDIAN LAW ..... VISTA                                                                                                                                                                                                               |
| Moderator:               | Steven Paul McSloy, <i>Partner, Dentons LLP</i>                                                                                                                                                                                                                                                             |
| Panelists:               | Suzan Shown Harjo, <i>Poet and Policy Advocate</i><br>Marshall McKay, <i>Chairman, Yocha Dehe Wintun Nation</i><br>Trevor Reed, <i>J.D. Candidate, Columbia Law School/Ford Foundation<br/>Pre-Doctoral Fellow in Ethnomusicology, Columbia University</i><br>Paula Yost, <i>Partner, Dentons LLP</i>       |
| 3:15–3:30 P.M.           | BREAK ..... TEWA/PUEBLO FOYER                                                                                                                                                                                                                                                                               |
| 3:30–5:00 P.M.           | PLENARY 8: THE ETHICS OF INTERFACING TRIBAL SOVEREIGNTY ..... TEWA BALLROOM                                                                                                                                                                                                                                 |
| Moderator:               | Angelique Townsend EagleWoman, <i>Associate Professor, University of Idaho<br/>College of Law</i>                                                                                                                                                                                                           |
| Panelists:               | Hon. Greg Bigler, <i>Tribal Attorney and Tribal Court Judge</i><br>Cheryl Demmert Fairbanks, <i>Counsel, Cuddy McCarthy, LLP</i><br>Matthew Fletcher, <i>Professor, Michigan State University College of Law</i><br>Fawn Sharp, <i>President, Quinault Nation</i>                                           |



\_\_\_\_\_ 40th Annual \_\_\_\_\_

# **Federal Bar Association Indian Law Conference**

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**NEW**  
Location

## **Talking Stick Resort**

**9800 E. Indian Bend Road**

**Scottsdale, Arizona**

**\$162/night • 1-866-877-9897**

**April 9–10, 2015**