REPORTING YOUR CREDIT
This recorded seminar was originally presented as the live seminar and webcast, *Hot Topics in Indian Law: The 28th Annual Indian Law Section Seminar*, recorded on May 12, 2016, in Seattle, WA. If you attended the live seminar or webcast and reported live CLE credits, you cannot also report AV credits from watching or listening to this recording.

DESCRIPTION
In this recorded program, get a sophisticated analysis of the nuances of Indian law from state and national leaders in the field.

AGENDA

1. **Litigation Update**
   Review key court decisions that continue to shape our practices.

   Tom Schlosser – Director, Morisset, Schlosser, Jozwiak & Somerville, Seattle

2. **The Treaty Rights at Risk Initiative**
   Jim Weber—Conservation Policy Analyst, Northwest Indian Fish Commission, Olympia
   Mike Grayum – Executive Director, Northwest Indian Fish Commission, Olympia

3. **Water Quality Toxicity Standards in Washington**
   Maia Bellon—Director, Washington Department of Ecology, Olympia
   Todd Bolster—Habitat Policy Analyst, Northwest Indian Fish Commission, Olympia

4. **Status of the Montana v. United States Exceptions for Jurisdiction over Nonmembers**
   John Dossett—General Counsel, National Congress of American Indians, Washington, D.C.

5. **The National Crime Information Center and the Department of Justice-Tribal Access Program Pilot Project**
   Current issues in criminal data exchange between tribes, states, and the federal government

   Donna R. McNamara – Suquamish Tribe, Suquamish
   M. Brent Leonhard – Confederated Tribes of the Umatilla Indian Reservation, Pendleton, OR

6. **Fee-to-Trust Transaction Challenges and Indian Country in Alaska**
   Heather Kendall Miller—Native American Rights Fund, Anchorage, AK

Agenda continued on the next page.
7 Family Law: ICWA Guidelines and Constitutional Challenges
Kathryn “Kate” E. Fort—Staff Attorney, Indigenous Law and Policy Center, Michigan State Univ.
School of Law, East Lansing, MI

8 Unionization in Indian Country
Scott A. Wilson—Law Office of Scott Wilson, San Diego, CA

9 Federal Tort Claims Arising from Tribes Contracting
Brian C. Kipnis - Assistant United States Attorney, United States Attorney's Office, Seattle WA

10 ETHICS: Federal and Tribal Negotiation of Water Rights Settlements
Stanley Pollack—Assistant Attorney General, Navajo Nation Department of Justice, Window Rock, AZ

FACULTY BIOGRAPHIES

MAIA D. BELLON is the Director of the Washington State Department of Ecology, appointed by Governor Jay Inslee in February 2013. She previously served as the program manager for Ecology's Water Resources Program. Prior to joining Ecology, Maia worked as an Assistant Attorney General in the Ecology Division of the Attorney General's Office for 15 years handling complex water law cases and a broad array of other environmental issues. She served as an executive committee member on the WSBA Environmental & Land Use Law Section from 2005-2010. Maia is a 1991 graduate of The Evergreen State College and received Evergreen's 2015 Joseph Albert Dear Distinguished Alumni Award. She earned her law degree from Arizona State University College of Law in 1994.

TODD BOLSTER is a Policy Analyst for the Northwest Indian Fisheries Commission. Todd’s work includes evaluating environmental programs, legislation, and regulations for their ability to protect and promote the habitats of treaty-reserved resources like salmon. Todd's area of focus is implementation of the federal Clean Water Act in Washington State. Prior to supporting the treaty-tribes of Western Washington, Todd worked as an Environmental Planner on nonpoint source pollution issues for the Washington State Department of Ecology and also worked in private practice focused on Clean Water Act litigation in New York State. Todd holds a Juris Doctorate with Certificate in Environmental Law, a Master's Degree in Geography, and Bachelor’s in Geography and Environmental Studies.

JOHN H. DOSSETT is the General Counsel to the National Congress of American Indians and his work includes legal, legislative and intergovernmental issues relating to the rights of Indian tribal governments. John has served in this position since 1997, and began working at NCAI in 1995 as a Staff Attorney. His work focuses on tribal sovereignty and self-government, tribal lands and the federal trust responsibility, criminal law and public safety in Indian country, and tribal tax issues. He co-directs the Tribal Supreme Court Project. Mr. Dossett received his law degree from the Northwestern School of Law of Lewis & Clark College in Portland, Oregon in 1991.

KATHRYN (KATE) E. FORT is the Staff Attorney for the Indigenous Law and Policy Center at Michigan State University College of Law. She joined the Center in 2005 as the Indigenous Law Fellow. In 2015, she started the Indian Child Welfare Act Appellate Project, which assists tribes in ICWA cases across the country. In her role with the Center she teaches the Indian Law Clinic class and traditional classes in federal Indian law, researches and writes on behalf of Center clients, and manages administrative aspects of the Center. Ms. Fort has written articles on laches and land claims, and has researched and written extensively on the Indian Child Welfare Act. Her publications include articles in the George Mason Law Review, Saint Louis University Law Journal, and American Indian Law Review. She co-edited Facing the Future: The Indian Child Welfare Act at 30 with Wenona T. Singel and Matthew L.M. Fletcher (Michigan State University Press 2009). She is currently writing the casebook American Indian Children and the Law, and co-edits the popular and influential Indian law blog, TurtleTalk. Ms. Fort graduated magna cum laude in from Michigan State University College of Law with the Certificate in Indigenous Law, and is licensed to practice law in Michigan. She received her B.A. in History with honors from Hollins University in Roanoke, Virginia.

Biographies continued on the next page.
MICHAEL GRAYUM is Executive Director of the Northwest Indian Fisheries Commission. The Commission was established in the wake of the 1974 U.S. v. Washington ruling that re-affirmed the treaty-reserved fishing rights of 20 treaty Indian tribes in western Washington and established them as co-managers of the salmon resource. The Commission provides technical and policy services to its member tribes. A graduate of the University of Washington, Grayum was one of the first employees hired by the NWIFC and served as director of the Commission’s Fishery Services Division for more than 25 years before being named Executive Director in 2005.

BRIAN C. KIPNIS is an Assistant United States Attorney and Senior Litigation Counsel for the Office of the United States Attorney, Western District of Washington (Seattle). Prior to his present appointment, Mr. Kipnis served for 16 years as the Chief of the Civil Division. The Civil Division is responsible for representing the interests of the federal government in civil litigation filed in both federal and state courts within the District and on appeal. Cases filed under the Federal Tort Claims Act are a large component of the Division’s work.

Mr. Kipnis entered the practice of law in 1982 upon his admission to the State Bar of California. In 1984, he was appointed as a Deputy Attorney General for the State of California. He joined the U.S. Department of Justice as an Assistant U.S. Attorney in the Central District of California (Los Angeles) in 1987, and was appointed as an AUSA in the Western District of Washington in 1990.

M. BRENT LEONHARD is an Attorney in the Office of Legal Counsel for the Confederated Tribes of the Umatilla Indian Reservation. He helped lead the CTUIR in being the first jurisdiction to implement the Adam Walsh Act (along with the State of Ohio), implement the Tribal Law and Order Act (TLOA) felony sentencing in March 2011, house the first two criminals in the federal Bureau Of Prisons TLOA Pilot Program, implement VAWA 2013’s non-Indian criminal jurisdiction, and obtain full input and retrieval access to federal criminal databases under USDOJ’s Tribal Access Program. In 2011 he was appointed to Attorney General Eric Holder’s Federal/Tribal Domestic Violence Taskforce. In 2015 he was appointed to the United States Sentencing Commission’s Tribal Issues Advisory Group. He is a contributing author of tribal amicus briefs in State v. Kurtz, 350 Or. 65 (Or. Mar 25, 2011) (tribal officers have the powers and protections of state officers), and State v. Jim, 2012 WL 402051 (Wa. Feb. 9, 2012) (treaty access fishing sites are “established Indian reservations”). He has also authored several law review articles and a book on tribal contracting. Previously he was the City of Walla Walla’s Assistant City Attorney, lead prosecutor for the White Mountain Apache Tribe, and program manager for the Colville Tribe’s public defender office.

DONNA R. MCNAMARA is the Tribal Prosecutor for the Suquamish Tribe, a position she has held since 1997. She served as a judicial law clerk for the Quinault Nation Tribal Court from 1992 through 2008. She served as a member of the Washington State Bar Association’s Board of Bar Examiners from 1992 through 2010. As a member of the Washington State Bar Association’s Court Rules Committee, she assisted in the Washington Supreme Court’s adoption of Washington Court Rules CR 82.50, regarding full faith and credit for tribal court orders, in 1995. Prior to her work in Indian Country, Ms. McNamara served as judicial law clerk at Division One of the Washington State Court of Appeals for the Honorable Jack P. Scholfield. She is a 1985 graduate of the University of Puget Sound (now Seattle University) School of Law, and received a bachelor’s and master’s degree from the University of Washington.

HEATHER KENDALL MILLER is Denaina Athabaskan and is a tribal member of the Curyung of Dillingham, Alaska. She received her Bachelors degree from the University of Alaska-Fairbanks in 1988 and her J.D. from Harvard Law School in 1991. After clerking with Chief Justice Rabinowitz of the Alaska Supreme Court, Heather received a two-year Skadden Fellowship to work for Alaska Legal Services and the Native American Rights Fund in the area of Alaska Native Rights. Heather became staff attorney with the Native American Rights Fund in 1993 and practices exclusively in the area of tribal rights and subsistence. Her litigation experience is broad having argued before the United States Supreme Court and before the Ninth Circuit Court of Appeals en banc.

STANLEY M. POLLACK is the Assistant Attorney General for the Water Rights Unit of the Navajo Nation Department of Justice in Window Rock, Arizona where, since 1985, he has represented the Navajo Nation in all matters affecting the Nation's water resources, including five general stream adjudications in Arizona and New Mexico. He was admitted to the State Bar of Michigan in 1979, and the bars of the Arizona, New Mexico and the Navajo Nation in 1986.

Biographies continued on the next page.
**THOMAS P. SCHLOSSER** represents Tribes in fisheries, timber, water, energy, cultural resources, contracting, tax and federal breach of trust. He is a director of Morisset, Schlosser, Jozwiak & Somerville, where he specializes in federal litigation, natural resources, and Indian tribal property issues. He is also frequently involved in tribal economic development and environmental regulation. In 1970s, Tom represented tribes in the Stevens’ Treaty Puget Sound fishing rights proceedings. Tom has a B.A. from the University of Washington and a J.D. from the University of Virginia Law School. Tom is a founding member of the Indian Law Section of the Washington State Bar Association and also served on the WSBA Bar Examiners Committee. Tom is a frequent CLE speaker and moderates an American Indian Law discussion group for lawyers at http://forums.delphiforums.com/IndianLaw/messages. He is a part time lecturer at the University of Washington School of Law.

**JIM WEBER** is a Conservation Policy Analyst with the Northwest Indian Fisheries Commission where he has worked on salmon and shellfish habitat protection issues for the past eight years. Prior to that he was in-house counsel for the Confederated Tribes of the Chehalis Reservation. He has also worked as a policy analyst at both the Skagit River System Cooperative and the Columbia River Inter-Tribal Fish Commission. He was admitted to the Oregon State Bar in 1985 and the Washington State Bar in 2001. He had the honor of being in the Meydenbauer Center taking the Washington bar exam when the Nisqually earthquake struck.

**SCOTT A. WILSON** has practiced in the area of labor relations and employment law for 40 years representing employers. He attended the University of Southern California and the University of San Diego School of Law graduating in 1975. Mr. Wilson's first job out of law school was working for Western Growers Association, a large agricultural trade association whose members were impacted by the California Agricultural Labor Relations Act which was enacted in 1975. The ALRA covered farm workers who were excluded from the National Labor Relations Act.

Mr. Wilson also spent 22 years at Littler Mendelson, a large management-side labor and employment firm. He founded the firm’s San Diego office in 1981 and left as a senior shareholder in 2003. Since then, Mr. Wilson has maintained his own practice and has actively represented Indian tribes in labor relations and employment law matters. Mr. Wilson practices in state and federal court and before all administrative agencies, involved in labor and employment law matters. This includes extensive practice before the National Labor Relations Board.

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