



Indian Law

Lippes Mathias' Indian Law Practice Team provides legal and strategic advice to American Indian Tribal governments, Tribal courts, and other entities committed to advancing Tribal sovereignty, self-determination, economic development, and energy security in Indian Country. To assist with accomplishing our clients' legal, political, and business goals, our attorneys work with Tribal clients to design effective legal strategies and assert Tribal rights in the areas set forth below.

Representing Tribal Interests in the Courts

Our attorneys understand that protecting Tribal interests often requires bringing and defending litigation in the courts. Our litigation experience spans state, federal, and Tribal courts, as well as arbitrations and appeals through administrative forums. It has involved state and federal taxation, Tribal civil and criminal jurisdiction, the Nonintercourse Act, the Indian Child Welfare Act, the Montana doctrine, IGRA, gaming compacts, land claims, sovereign immunity, Tribally-owned businesses, insurance, property rights, land issues, treaty issues, self-determination contracting and self-governance compacting under ISDEAA, constitutional claims, tort claims, and contract claims. Our significant accomplishments include:

- Winning a major victory in the Second Circuit on behalf of the Seneca Nation in long-term litigation brought by anti-sovereignty groups against the Buffalo Creek casino.
- Negotiating the placement of two Indian children into Tribal foster care and the transfer of their case from Illinois to Tribal court in a heart rendering case under the Indian Child Welfare Act.
- Successfully arbitrating a gaming compact dispute with the state of New York, saving multi-millions of dollars for our client.
- Filing amicus briefs in state and federal courts to assert our clients' interests in areas involving state taxation, sovereignty, and economic development.
- Representing an Oklahoma Tribal Council regarding IGRA, land claim litigation, and other governmental

TEAM LEADERS



HON. CAROL E. HECKMAN (RET.)
Partner | Team Co-Leader - Indian Law | Team Leader- Alternative Dispute Resolution



MICHAEL G. ROSSETTI
Partner | Office Leader, Washington, D.C. | Team Co-Leader - Indian Law | Team Co-Leader – Government & Corporate Investigations | Team Co-Leader - Lobbying & Public Policy

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- Defending Tribal subsidiaries in lawsuits implicating Tribal sovereign immunity.
- Advising an Indian Tribe within the state of New York regarding the acquisition of trust land, which survived judicial scrutiny.
- Winning a major victory in the D.C. Court of Appeals on Tribal funding under the Cares Act using Tribal enrollment rates from census date.
- Winning a victory in federal court protecting a tribal sacred site from development.

Given this breadth and depth of skillsets, our team is uniquely positioned to provide superior service and expertise to our clients. Our team includes:

- A former United States magistrate judge who has authored significant opinions in the areas of sovereign immunity and land claims.
- A former counselor to the Secretary of the Department of the Interior, who was involved in major policy decisions made by the Secretary.
- A former New York State Attorney General.
- A former attorney-advisor in the Office of the Solicitor, Department of the Interior's Division of Indian Affairs, and enrolled Tribal member who concentrates his practice on federal Indian law who also served for three years as in-house self-governance general counsel for one of the largest Tribal governments in the United States.
- An attorney with more than 15 years of experience counseling Indian Tribes on environmental, energy, and cultural resources issues.
- A former Department of Energy senior advisor who led the implementation of a credit program for Tribes to invest in energy across the United States.
- An attorney who has represented Tribes and Tribal business entities for two decades in Tribal, state, and federal courts and in negotiations with state and federal governments.

Tribal Court Advice and Training

Former judge Carol Heckman has over a decade of experience advising tribal court judges on decisions and court procedures and has conducted at least six multi-day training sessions for tribal court judges.

Representing Tribal Parties in Economic Development Initiatives and Transactions

Our attorneys have transactional experience that includes the formation of Tribal chartered entities; gaming compacts; obtaining regulatory approvals from the Department of the Interior, the National Indian Gaming Commission, and others; commercial development; hotels on and off reservations; real estate and financing; health care; employment; corporate/private equity matters, including sovereign wealth funds; and drafting Tribal regulations, including for cannabis initiatives. Our significant accomplishments include:

- Negotiating a \$90 million loan transaction on behalf of an Indian nation to provide funding for a casino and resort expansion project.
- Providing the legal basis supporting the creation of a Tribally-owned health care system.
- Obtaining declination letters from the National Indian Gaming Commission on behalf of Tribal clients and parties involved in refinancing for multiple projects.
- Securing trust land decisions for economic development and self-determination.
- Gaining Secretarial approval of HEARTH Act regulations for multiple Tribes.
- Advising a Tribal client on innovative health care initiatives.
- Advising Tribal clients with drafting cannabis-related regulations.

- Assisting Tribal clients with entity formation of cannabis retail dispensary businesses.
- Obtaining financing for Tribal gaming enterprises.
- Negotiating state-Tribal compacts on various matters.
- Negotiating facility leases with the Indian Health Service, Bureau of Indian Affairs, and Bureau of Indian Education under Section 105(l) of ISDEAA, resulting in multi-million-dollar annual recurring lease payments to Tribal clients.
- Negotiating non-traditional financing for \$5 million and \$50 million casino developments in Oklahoma.

Representing Tribes before Federal Agencies and Congress

Our attorneys engage on behalf of our Tribal clients before the Department of the Interior, including the Bureau of Indian Affairs, the Bureau of Reclamation, the National Park Service, the Fish and Wildlife Service, the Interior Board of Indian Appeals, and the National Indian Gaming Commission. Our attorneys defend final Secretarial determinations to acquire trust land on behalf of Indian Tribes and advise Tribal clients regarding federal government actions. We understand the interplay of cross-jurisdictional roles that various components of the Administration play in decision-making and the importance of building a comprehensive administrative record to support final agency decisions that may be challenged in the courts.

Our Indian Law Practice Group also represents Tribal interests before the Indian Health Service (IHS) on issues related to program funding, including start-up, pre-award, and transfer of funding to Tribal governments under ISDEAA and the Indian Health Care Improvement Act, and in lobbying efforts to secure appropriations to fund Tribal participation in IHS programs.

Our attorneys engage with the Department of Energy on a range of matters, including energy security, energy development, energy investment, and energy management.

Congress is often required to pass legislation to address issues of central importance to the welfare of Tribal communities. Our attorneys engage with the appropriate members of Congress to introduce and advance legislation. We work closely with members' offices and relevant committee staff to ensure that they are educated regarding the importance of the legislation and the need for consideration through the hearing process. Also, we work closely with Congressional leadership to maximize the opportunity for legislation to become law.

Representing and Advising Tribes on Environment and Energy Issues

Our attorneys have extensive experience representing and advising Tribes on virtually every major federal environmental law that affects Tribes, trust lands, and Tribal economic development projects, including the National Environmental Policy Act (NEPA), the Clean Water Act, the Clean Air Act, the Endangered Species Act, and the National Historic Preservation Act. Specifically, our practice includes:

- Advising on the environmental aspects of land-to-trust conveyances;
- Leasing of Indian lands under the HEARTH Act, including drafting and securing Department of Interior approvals of Tribal HEARTH Act regulations;
- Development of gaming, energy, infrastructure, transportation, flood control, and other economic development projects on Indian lands;
- Completing federal and Tribal environmental review requirements; and
- Securing necessary federal environmental permits and approvals.

In addition, we have significant experience working with federal agencies (including the Advisory Council on Historic Preservation), state historic preservation officers and Tribal historic preservation officers to ensure that

projects undertaken on or off Tribal lands protect our clients' historic and cultural resources to the maximum extent possible under federal and state laws.

Our attorneys are regularly recognized in publications such as Chambers USA, The Best Lawyers in America©, and Upstate New York Super Lawyers®.

FOCUS AREAS

Advisement of Tribal Courts	Indian Gaming & Gaming Issues	Self-determination & Self-governance Under ISDEAA
Challenges to Federal & State Actions	Indian Land Issues	Sovereignty & Sovereign Immunity
Contract Issues Including Gaming Compacts	Regulatory Issues	Taxation
Employment	Representation of Tribal Interests in Tribal, State, and Federal Courts & Arbitrations	Treaty Rights
Health Care	Representation of Tribes Before Federal Agencies and Congress	Tribal Economic Development Initiatives & Transactions
Indian Child Welfare Act Issues	Section 105(l) Agreements	Tribal Environment & Energy