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2012 INDIAN LAW CONFERENCE

*Learn Indian Law from national and local experts
and treat yourself to some fun at
Treasure Island Resort & Casino in Welch, Minnesota!*

Special Guest Speakers

Matthew L.M. Fletcher
Professor of Law & Director of the Indigenous Law and Policy Center
Michigan State University College of Law
East Lansing, Michigan

Patrice Kunesh
Deputy Solicitor – Indian Affairs
Office of the Solicitor
U.S. Department of the Interior
Washington, D.C.

Tracy Toulou
Director of the Office of Tribal Justice
U.S. Department of Justice
Washington, D.C.

Friday, May 18, 2012
Treasure Island Resort & Casino
5734 Sturgeon Lake Road ♦ Welch, Minnesota

Accommodation details and map inside.

2012 INDIAN LAW CONFERENCE

Friday, May 18, 2012
Treasure Island
Resort & Casino
5734 Sturgeon Lake Road
Welch, Minnesota

*Accommodation details
and map inside.*

Conference luncheon included
for all attendees.
Plus, you won't want to miss
the complimentary reception
sponsored by the Minnesota
American Indian Bar
Association in honor of
**STATE REPRESENTATIVE
SUSAN L. ALLEN,**
the first American Indian
woman member of the Minnesota
House of Representatives.

SCHEDULE

7:30 – 8:30 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

8:30 – 9:00 a.m.

PRAYERS & WELCOME

9:00 – 9:45 a.m.

Case Law Update

This session will address pending cases and recent decisions from the U.S. Supreme Court, 7th & 8th Circuits, and Minnesota State Courts.

- Colette Routel
Associate Professor
William Mitchell College of Law

9:45 – 10:30 a.m.

The Tribal Law and Order Act

Mr. Toulou will discuss the Tribal Law and Order Act, focusing on two areas. One, Mr. Toulou will discuss the general impact of the Act nationwide and what it represents for Indian Country. Two, Mr. Toulou will focus on the jurisdiction provisions of the Act and how they impact PL-280 states like Minnesota.

- Tracy Toulou
Director of the Office of Tribal Justice
U.S. Department of Justice

10:30 – 10:45 a.m. BREAK

10:45 a.m. – 12:00 p.m.

Breakout Session A

1) The Indian Child Welfare Act: Recent Developments

Over the past year, state courts in Minnesota, Michigan, South Dakota and Iowa have issued several important decisions interpreting and restricting the Indian Child Welfare Act. Our panelists will address these new developments, which include interpretations of ICWA's notice provisions, the active efforts requirement, and tribal court jurisdiction over adoptive and pre-adoptive placements. They will also address the continuing disparities in out-of-home placement of Indian children, and provide suggestions for reforming the system.

- Heidi A. Drobnick
Swanson Drobnick & Tousey PC
- Matthew L.M. Fletcher
Professor of Law & Director of the
Indigenous Law & Policy Center
Michigan State University College of Law
- Jeffrey S. Rasmussen
Fredericks Peebles & Morgan LLP

2) Internet Gaming: Current Landscape and Future Implications

Internet gaming has impacted the gaming industry in the past and is poised to potentially change accepted norms. This panel will explore internet gaming issues related to legality, federal and state legislative activity, taxation, and impacts on the tribal gaming industry.

- Andrew Adams III
Jacobson Buffalo Magnuson Anderson & Hogen PC
- Susan L. Allen
Fredericks Peebles & Morgan LLP

12:00 – 1:15 p.m.

CONFERENCE LUNCHEON (provided to attendees)

12:15 – 1:00 p.m.
LUNCHEON ADDRESS

Irreconcilable Differences or Multiple Modalities? Federal Indian Law in the 21st Century

Ms. Kunesh will begin with a short update on the work of the Solicitor's office in Indian Affairs, which is very important to Secretary Salazar and Solicitor Tompkins, both of whom are committed to strengthening the trust relationship and empowering tribes to shape and enhance their own destinies. She will also discuss the federal trust relationship and tribal sovereignty, preservation of tribal homelands, enrollment and identity issues, and labor and union issues.

- Patrice Kunesh
Deputy Solicitor – Indian Affairs, Office of the Solicitor
U.S. Department of the Interior, Washington, D.C.

1:15 – 2:15 p.m.

Breakout Session B

3) Environmental Protection: Defending Tribes From Off-Reservation Threats

This session will explore legal strategies for protecting tribal natural resources from the threats posed by dangerous facilities located off-reservation. The speakers will address how communities have used air and water quality standards, and other tools, to safeguard cultural property and uphold public health with a nuclear facility located near the Prairie Island Sioux Community and mines proposed near two Wisconsin Chippewa reservations.

- Phillip R. Mahowald
General Counsel, Prairie Island Indian Community
- Glenn Reynolds
Counsel for Sokaogon Chippewa
- Philomena Kebec (moderator)
Staff Attorney, Bad River Band of the Lake Superior Tribe
of the Chippewa Indians

4) Balancing Traditional Indian Values and the Minnesota Rules of Professional Responsibility in Tribal Court

1.0 ethics credit applied for

Attorneys who practice in Minnesota tribal courts must be aware of the traditional elements of justice that factor into the tribe's local rules of practice. The traditional elements of justice in tribal court may not mirror the Minnesota Rules of Professional Responsibility. The panel discussion will provide practical advice for attorneys who must comply with both state and tribal rules.

- Paul W. Day
Executive Director, Anishinabe Legal Services
- Phyllis O. Tousey
Public Defender, Bois Forte Band of Chippewa Tribal Court
- Korey Wahwassuck
Judge, Leech Lake Tribal Court

2:15 – 2:30 p.m. BREAK

2:30 – 3:30 p.m.

Breakout Session C

5) Becoming a Judge: How Do We Increase Diversity on the Bench?

1.0 elimination of bias credit applied for

Our distinguished panel will address the current selection process for state and federal judges, including the use of judicial selection panels, a critique of the process, and observations about efforts to improve the selection process and ensure that selected judges represent a diversity of backgrounds and experience. What obstacles prevent diverse candidates from being selected and what improvements could be made? How can judicial selection committees attract a diverse pool of candidates? What plans can you make to be a successful judicial candidate? In state court, is there a viable election alternative to becoming a judge?

- Matthew L.M. Fletcher
Professor of Law & Director of the Indigenous Law & Policy Center
Michigan State University College of Law
- George W. Soule
Former Chair, Minnesota Commission on Judicial Selection
Bowman & Brooke LLP
- Jennifer Beck-Brown (moderator)
Office of the Hennepin County Attorney

6) Tribal Financing Realities in 2012

This session will review current interest in financing in Indian Country; how tribes can prepare for financing; tribe to tribe lending; and the top 4 issues in tribal financing including big banks vs. regional banks; covenants; carve outs/exceptions; waivers of sovereign immunity and Lake of the Torches and other recent tribal restructuring fallout.

- Leonard M. Fineday
Best & Flanagan LLP
- Miko E. Hernandez
Faegre Baker Daniels LLP

3:30 – 3:45 p.m. BREAK

3:45 – 4:45 p.m.

Breakout Session D

7) Hot Topics in Indian Land

Terry Janis and Jamie Ford of the Indian Land Tenure Foundation will provide an overview of hot topics in Indian land, focusing largely on an overview of the status of the Cobell settlement; the Cobell Land Consolidation Program; and the impact of Cobell on landowners and Indian law practitioners.

- Jamie Ford
Indian Land Tenure Foundation
- Terry Janis
Indian Land Tenure Foundation

8) Piercing the Tribal Corporate Veil: An Unsettled Area of the Law

As most practitioners know, tribal business arms generally share the Tribe's sovereign immunity, as established by federal case law. Most practitioners also are familiar with the body of "alter ego" liability law in which the separate nature of a parent corporation and its shareholders is presumed but may be "pierced" as an equitable remedy to reach the assets of the parent. Does a tribal corporation have "alter ego" liability such that its corporate veil may be pierced and the assets of the tribe reached? Could a creditor reach tribal assets in the event of the insolvency of a tribal corporation? This session will outline this unsettled area of the law and propose practice pointers for transactional lawyers.

- Sara K. Van Norman
Jacobson Buffalo Magnuson Anderson & Hogen PC
- Wilda A. Wahpepah
Dorsey & Whitney LLP

4:45 p.m.

Complimentary Reception

All attendees are invited to join your friends and colleagues for complimentary hors d'oeuvres and beverages as we honor **State Representative Susan L. Allen**, the first American Indian woman member of the Minnesota House of Representatives.

Sponsored by the Minnesota American Indian Bar Association

HOTEL ACCOMMODATIONS

Treasure Island Resort and Casino is located in Welch, Minnesota. Minnesota CLE has reserved a block of rooms at the Resort at the special rate of \$64 for Thursday, May 17, and \$79 for Friday, May 18 (exclusive of state and local taxes). Please call 1-800-222-7077 by April 26, 2012 to make your reservation and ensure room availability at the best prevailing rates. Identify yourself as being part of the Minnesota Continuing Legal Education group. Reservations will be held on an individual basis. Check-in time is 4:00 p.m. and check-out time is 11:00 a.m.

Date & Location

★ Friday, May 18, 2012
Treasure Island Resort & Casino ♦ 5734 Sturgeon Lake Road ♦ Welch, MN
1-800-222-7077

For directions visit:
<http://www.treasureislandcasino.com/getting-here/driving-directions/>



Credits

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.5 standard CLE credits**. We anticipate that session #4 will qualify for **1.0 ethics credit** and that session #5 will qualify for **1.0 elimination of bias credit**. If you claim ethics or elimination of bias credits, you must deduct those special credits from the 6.5 hours of "standard" credit. (For example, if you attend breakout #4, you could claim 5.5 standard credits and 1.0 ethics credit for 6.5 total credits). In no case may you claim more than 6.5 credits for this seminar.

Cancellation / No-Show Policy

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the materials at 50% of the full retail price.

Tuition Assistance

Minnesota CLE is pleased to offer **free attendance for students and discounted pricing for Legal Aid and Government attorneys**. You may also apply for a discounted registration by completing a **scholarship** application.

NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota CLE has established a scholarship program for unemployed and underemployed lawyers admitted less than three years.

Contact Grant at 651-254-2111 or gdavies@minncle.org for details.

Accommodation

If you have a disability and need an accommodation in order to attend, contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

Questions?

Call Minnesota CLE at **651-227-8266** or **800-759-8840**. Or, see www.minncle.org.

4 Ways to Register!

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REGISTRATION / ORDER FORM

2012 INDIAN LAW CONFERENCE

Friday, May 18, 2012 ♦ Treasure Island Resort & Casino

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NEW LAWYER DISCOUNT!

☐ I was first admitted to the bar after May 18, 2009, and have deducted \$60 from the fee marked at left.

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