

OCTOBER 1, 2021

## 34<sup>TH</sup> ANNUAL INDIAN LAW SYMPOSIUM

UNIVERSITY OF WASHINGTON SCHOOL OF LAW  
NATIVE AMERICAN LAW CENTER  
SEATTLE, WASHINGTON

UW Law's Indian Law Symposium, an annual tradition for 33 years, will be held in two parts for the 2021 – 2022 academic year.

Part 1 will be held on Friday, October 1<sup>st</sup> and will feature a full set of topics from panelists across the country. The program will be held in a virtual format on Zoom. We are requesting approval for 7.5 CLE credits, with 6.75 General and 0.75 Ethics.

Part 2 will be held on April 21 & 22, 2022 and will focus exclusively on the forthcoming Restatement of [The Law of American Indians](#). The presenters will all be from the group of experts who participated in the drafting of the Restatement. The event will be co-sponsored with the [Washington Law Review](#) and supported by the [American Law Institute](#). More details will be available for Part 2 during the fall of 2021.

Early registration for Part 1 is \$150, before/on September 1, 2021. After September 1, 2021, standard registration will be \$200. Registration for new lawyers is \$75 (for lawyers admitted to the bar after June 30, 2020).

Click [here](#) to register for Part 1!



## **AGENDA**

**8:00 – 8:10 a.m.** **INTRODUCTION**

Eric Eberhard

**8:10 – 9:10 a.m.** **LITIGATION UPDATE**

Tom Schlosser

### ***Tom Schlosser***



Tom has been a principal attorney at Morisset, Schlosser, Jozwiak & Somerville since 1986. He represents Tribes in fisheries, timber, water, energy, cultural resources, contracting, tax and federal breach of trust, and 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. He is a founding member of the Indian Law Section of the Washington State Bar Association and also served on the WSBA Bar Examiners Committee.

**9:10 – 9:20 a.m.** **BREAK**

**9:20 – 10:00 a.m.** **A CLOSER LOOK AT *U.S. V. COOLEY* AND *YELLEN V. CONFEDERATED TRIBES OF CHEHALIS RESERVATION***

Joel West Williams

Cory J. Albright

### ***Joel West Williams***



Joel West Williams is a citizen of the Cherokee Nation and a Senior Staff Attorney at the Native American Rights Fund (NARF). Joel is NARF's lead attorney on the Tribal Supreme Court Project, which focuses on the strategy and coordination of Indian law cases before the United States Supreme Court. He earned his J.D. from Widener University Delaware Law School; and a LL.M. in Environmental Law summa cum laude from Vermont Law School. In addition to his work at NARF, Joel is also Past-President of the National Native American Bar Association, and an adjunct professor of law at Vermont Law School.



***Cory J. Albright***



Cory Albright graduated from Macalester College in 1994, received his J.D. from the University of Washington School of Law in 2001, and served as a clerk for the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington. He joined Kanji & Katzen in 2003 and became a member in 2012. Cory represents Indian Tribal and Nation governments on a variety of issues critical to their sovereignty, including attempts by state and local governments to tax and regulate persons in Indian country; Tribal exercise of jurisdiction over non-Indians; reservation boundary and other jurisdictional disputes; enforcement of treaty fishing, hunting, and gathering rights; and natural resources protection. Cory has successfully litigated many of these issues in federal court and is ranked nationally by Chambers U.S.A., which named Kanji & Katzen its 2021 Law Firm of the Year for Indian law.

**10:00 – 10:10 a.m. BREAK**

**10:10 – 10:50 a.m. ICWA AFTER BRACKEEN**

Kate Fort

***Kate Fort***



Kathryn E. Fort is the Director of Clinics and the Director of the Indian Law Clinic at Michigan State University College of Law. She started the Indian Child Welfare Act Appellate Project, which assists tribes in complex ICWA cases across the country. She teaches both the clinical class and traditional classes in federal Indian law. She recently published the casebook, *American Indian Children and the Law*, with Carolina Academic Press, and co-edits the popular Indian law blog, TurtleTalk.

**10:50 – 11:00 a.m. BREAK**



**11:00 – 11:45 a.m. LEGISLATIVE UPDATE ON THE 117<sup>TH</sup> CONGRESS**

Brian Gunn

***Brian Gunn***



Brian Gunn is a principal in the Powers Pyles Sutter & Verville Indian Tribal Governments group in Washington, D.C. and is a member of the Confederated Tribes of the Colville Reservation. Brian specializes in government relations and legal matters related to the federal budget and appropriations, natural resources, federal lands and federal land transfers, taxation, energy development, and Indian health. Brian has been the lead lobbyist for several bills that have been enacted into law, including the Indian Trust Asset Reform Act (Pub. L. 114-178) and a repeal of a longstanding prohibition on constructing distilleries in Indian country (Pub. L. 115-304). He received his law degree in 1999 from the University of Washington School of Law.

**11:45 – 12:30 p.m. LUNCH BREAK**

**12:30 – 1:15 p.m. COVID-19 TRIBAL BUSINESS INTERRUPTION CLAIMS IN TRIBAL COURTS**

Katie Pfeifer  
Tim Droske

***Katie Pfeifer***



Katie is Of Counsel at Dorsey & Whitney. Her work assists a wide variety of entities to identify and transfer risk through contracts and insurance, and to obtain the benefits of those risk transfer mechanisms when trouble arises. Katie provides insurance coverage analysis and advice and represents policyholders in coverage disputes and litigation. Her work includes all types of insurance lines, and ranges from assisting clients with assessing which policies may respond to a claim, tendering claims to insurers, reviewing and responding to insurer positions, negotiating with insurers over defense/reimbursement obligations and choice of counsel, coordinating coverage between different policies, and litigating coverage disputes. She also provides insurance review and analysis for commercial contracts and transactions.



***Tim Droske***



Tim Droske is Co-Chair of Dorsey & Whitney's Appellate Practice Group and an adjunct professor who teaches appellate advocacy at the University of Minnesota Law School. Tim regularly partners with trial counsel to craft an overall litigation strategy and brief jurisdictional, constitutional, and other complex legal issues, particularly before the appellate courts. This has included two unanimous victories before the U.S. Supreme Court after first successfully petitioning the Court for review, as well as work on numerous Indian law and insurance-related matters.

**1:15 – 1:25 p.m.      BREAK**

**1:25 – 2:10 p.m.      ETHICS AND RETURNING TO IN-PERSON PRACTICE: HAS ANYTHING CHANGED?**

Brenda Williams  
Stacey Lara

***Brenda Williams***

*Senior Lecturer, Tribal Defense Clinic, University of Washington School of Law*



Brenda received her law degree and her Master of Public Administration from the University of Washington. Her scholarly and policy work focus on the criminal justice system and Tribal Courts.



***Stacey Lara***

*Lecturer, Tribal Defense Clinic, University of Washington School of Law*



Stacey received her law degree from the University of Washington and her Master of Public Administration from Seattle University. Her scholarly and advocacy work focus on Indian child welfare, Tribal Courts and Justice Systems, wellness courts and cultural competence.

**2:10 – 2:20 p.m.      BREAK**

**2:20 – 3:00 p.m.      INTELLECTUAL PROPERTY – INTERNATIONAL APPROACHES TO  
PROTECTING INDIGENOUS AND TRADITIONAL KNOWLEDGE**  
Forrest Tahdooahnippah

***Forrest Tahdooahnippah***



Forrest Tahdooahnippah is a partner in Dorsey & Whitney's Intellectual Property Litigation Group and a member of the firm's Indian law practice group. Forrest's intellectual property experience includes litigation of patents, trade secrets, trademarks, and copyrights, in a variety of areas from manufacturing to medical devices to computer software. Forrest's Indian law experience includes currently serving as lead attorney for the Comanche Nation of Oklahoma, of which Forrest is also an enrolled member. Forrest is a 2010 graduate of the University of Minnesota Law School, and a 2007 graduate of Stanford University.

**3:00 – 3:10 p.m.      BREAK**



**3:10 – 4:00 p.m.      *WASHINGTON v. VOUGHT, SAND POINT ARCHIVES AND THE LAW OF TRIBAL CONSULTATION***

Gina Steiner  
Lauryn Fraas  
Gabe Galanda  
Ryan Dreveskracht

***Gina Steiner***



Gina is a citizen of the Port Gamble S'Klallam Tribe where she has been the managing attorney for the Tribe since 2007. Prior to that she was the Family Services attorney for the Tribe. She received her BA Degree from the Evergreen State College in 2000 and completed her JD Degree at the Seattle University School of Law in 2004. Gina is the mother of two adult daughters and one granddaughter.

***Lauryn Fraas***



Lauryn is a Section Chief in the Complex Litigation Division at the Washington State Attorney General's Office. Lauryn was a lead attorney in the coalition that successfully challenged the federal government's proposed sale of the National Archives at Seattle and led the FOIA litigation resulting in the production of thousands of documents revealing details of the proposed sale. She has also represented the State in numerous other successful challenges, including obtaining vacatur of regulations by the U.S. Department of Health and Human Services that would have allowed health care providers to deny lifesaving care to women and LGBTQ patients and rescission of guidelines promulgated by U.S. Immigration and Customs Enforcement impacting more than 25,000 foreign students in Washington. Prior to joining the AGO, Lauryn was litigation counsel at Skadden, Arps, Slate, Meagher & Flom in Washington, DC.



***Gabe Galanda***



Gabe is the managing lawyer at Galanda Broadman, PLLC. His practice focuses on complex, multi-party litigation and crisis management, representing Indigenous governments, businesses and citizens. He has been named to *Best Lawyers in America* in the field of Native American Law from 2007 to 2021, and dubbed a Super Lawyer by his peers from 2013 to 2021. Gabe is skilled at defending tribal parties against legal attack by governmental or private parties; advocating for tribal members in disenrollment and other civil rights defense; and representing tribal plaintiffs and defendants in catastrophic personal injury lawsuits.

***Ryan Dreveskracht***



Ryan's practice focuses on representing businesses and tribal governments in public affairs, gaming, taxation, and energy development. He is also devoted to defending individuals' constitutional rights and handles civil rights and intentional tort cases on local and national levels. His cases have often garnered public attention, resulting in changes in training, policy, design, and legislation, with the goal of preventing future injuries and deaths. Ryan currently serves as the Tribal Court Litigation Chair of the American Bar Association's Business & Corporate Litigation Committee and is a member of the ACLU of Washington's Legal Committee and the Washington State Association for Justice.

**4:00 – 4:10 p.m.      BREAK**



4:10 – 5:00 p.m.

**REPRESENTATIVE SIMPSON'S (R.-ID.) PROPOSAL FOR THE REMOVAL  
OF THE LOWER SNAKE RIVER DAMS**

Nez Perce Vice-Chairman Shannon Wheeler  
Julie Kane  
Dave Cummings

***Nez Perce Vice-Chairman Shannon Wheeler***



Vice-Chairman Wheeler is a lifelong resident of the Pacific Northwest. He is the son of William L. Wheeler Sr. and Barbara Johnson Wheeler. He is the 7<sup>th</sup> born of 11 siblings in the Wheeler family, which consists of 6-brothers and 5-sisters. His *Nimiipuutímt* name is *Weoweoktpu*, which was the name his great grandfather held who later became the Reverend William Wheeler, after the War of 1877. His immediate family tree includes Joseph Band People, Looking Glass Band People, and Delaware Indian. He graduated from Lapwai High School and attended Northwest Indian College. He was first elected to serve a three-year term on the Nez Perce Tribal Executive Committee (NPTEC) in May of 2016.

***Julie Kane***



Julie graduated from Washington State University with a Bachelor of Arts degree in Communications, and obtained her Juris Doctorate from University of Idaho, College of Law. Her first job out of law school was in the Vancouver Washington Attorney General's Office. After three years there, she moved back to Idaho and took a position as a staff attorney with the in-house legal office for the Nez Perce Tribe. Twenty-eight years later, Julie now serves as Managing Attorney for the Office of Legal Counsel for the Nez Perce Tribe. Enrolled in the Eastern Band Cherokee Tribe, Julie resides in Lapwai, Idaho, with her husband Dan, and has two adult children and two grandchildren.

***Dave Cummings***



David is a Senior Staff Attorney, Nez Perce Tribe Office of Legal Counsel. He has represented the Nez Perce Tribe on Treaty-reserved rights and salmon recovery for over twenty five years, including *United States v. Oregon* and the ongoing litigation over the adverse impacts of the federal dams on the lower Snake and mainstem Columbia rivers on salmon and the Tribe. David holds a Bachelors of Science degree in Zoology from Duke University, a Juris Doctorate degree from Case Western Reserve University (cum laude), and a Master of Laws degree in Environmental from the Northwestern School of Law of Lewis and Clark College (cum laude).