



2021 Wisconsin Law Review Symposium

“The Restatement of the Law of American Indians”

Friday, November 5th & Saturday, November 6th

University of Wisconsin Law School

Chaired by Professor Matthew Fletcher, American Law Institute Lead Reporter

Wisconsin Law Review 2021 Keynote Speaker, Symposium Chair, Editorial Board & Diversity Committee

Wisconsin Law Review 2021 Keynote Speaker

Professor Stacy Leeds (LLM '00)

Cherokee Nation Supreme Court (Ret.) &

Foundation Professor of Law and Leadership,

Arizona State University Sandra Day O'Connor College of Law

Wisconsin Law Review 2021 Symposium Chair:

Professor Matthew Fletcher

Poarch Band of Creek Indians Supreme Court &

Restatement Lead Reporter, American Law Institute &

Professor of Law, Michigan State University College of Law

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“The Restatement of the Law of American Indians”

The Restatement of the Law of American Indians is the product of the largest collection of experts in federal Indian law ever assembled, working collaboratively over 10 years. The Restatement project experts came from a diversity of experiences, from both public and private law backgrounds, as well as from tribal, state, and federal backgrounds. Lawyers who tended to represent tribal interests engaged with those that tended to represent federal, state, and private interests in opposition to tribes. In a field where disparate groups have rarely met to hash out the governing principles in the field outside of litigation or arms-length negotiations, the Restatement project was a historic grouping.

The goal of the Indian law Restatement, like all restatements, is to clarify, modernize, and assist in the improvement of the law. The Restatement project reporters and advisers sought to focus on default interpretive rules that limited judicial discretion to select policy preferences over law, instead leaving those policy consequences to tribal, state, and federal policymakers. For the ALI to restate Indian law, which is known more for its ambiguities and complexities than for its cohesion, was an intensely difficult task.

The project benefitted from a appears to be slow-moving sea change in the Supreme Court’s Indian law jurisprudence, beginning with *Michigan v. Bay Mills Indian Community*. There, the Supreme Court chose to apply long-standing default interpretive rules favoring tribal interests rather than assert its common-law authority in a tribal sovereign immunity case. *Bay Mills* was followed by several cases where the Court declined to impose the policy preferences of the justices in favor of default interpretive rules: *Nebraska v. Parker*, a reservation boundaries case; *United States v. Bryant*, a tribal criminal jurisdiction case; *Upper Skagit Tribe v. Lundgren*, another tribal immunity case; *Washington Dept. of Licensing v. Cougar Den Inc.*, an Indian tax case; *Herrera v. Wyoming*, a treaty rights case; and, finally and most importantly, *McGirt v. Oklahoma*, a reservation boundaries case. This sea change was marked by Justice Gorsuch’s dictum in *McGirt* that law controls over policy, that to abrogate tribal rights by judicial fiat would elevate “the rule of the strong, not the rule of law.”

Structured around the chapters of the newly-approved Restatement, the Wisconsin Law Review 2021 Symposium gathers the leading experts in federal Indian law to discuss critical practice areas, including: (1) The federal government’s role in federal Indian law, the powers of Congress, and the federal-tribal trust relationship (2) the powers of Indian tribes and tribal-federal sovereignty (3) the power of States and tribal sovereignty (4) tribal economic development, activity, and the Indian Gaming Regulatory Act and (6) tribal country resources, infrastructure, and hunting, fishing, and water rights. The Symposium seeks to provide a transparent and open forum for local, state, and national academics, practitioners, law professors and students, and non-legal parties to engage in an informative and substantive discussion of federal Indian law, its component practice areas, and the future impact of the Restatement on the Indian law practice.

Symposium Event Schedule

Schedule

Day 1: Friday, November 5th, 2021

8:00am **Breakfast in the Law School Atrium**

8:45am **Opening Tribal Ceremony in Godfrey & Kahn Hall,**

MadTown Singers

8:50am **Welcome Remarks in Godfrey & Kahn Hall**

Dylan Ochoa & Crystal Stonewall

WLR Symposium Editors

Dean Daniel Tokaji

Fred W. & Vi Miller Dean, University of Wisconsin Law School

9:00am **Keynote Address in Godfrey & Kahn Hall**

Professor Stacy Leeds (LLM '00)

Cherokee Nation Supreme Court (Ret.) &

Foundation Professor of Law and Leadership

Arizona State University Sandra Day O'Connor College of Law

10:00am **Our Shared Future**

Ho-Chunk Nation Flag Raising on Bascom Hill: Honor, Respect, Sacrifice

Invocation by Traditional Chief Clayton Winneshiek, Ho-Chunk Nation

Color Guard by Sanford WhiteEagle Legion Post 556 & Flag Song by the Wisconsin Dells Singers

Speakers

Vice President Karena Thundercloud

Ho-Chunk Nation

Aaron Bird Bear

Director of Tribal Relations at University of Wisconsin

Chancellor Rebecca Blank
University of Wisconsin-Madison

11:00am

Panel One: Federal-Tribal Relations in Godfrey & Kahn Hall

Moderator

Professor David Schwartz
Foley & Lardner Bascom Professor of Law
University of Wisconsin Law School

Speakers

Ambassador Keith Harper [Remote]
Former U.S. Ambassador to the United Nations Human Rights Council &
Partner, Jenner & Block LLP

Judge Diane Wood [Remote]
U.S. Seventh Circuit Court of Appeals &
Senior Lecturer, University of Chicago

Edwin Kneidler [Remote]
Former Acting U.S. Solicitor General, Department of the Interior &
Deputy Solicitor General, Department of the Interior

12:30pm

Lunch in the Law School Atrium (Sponsored by Hogen Adams LLP)

1:15pm

Comments on the Development of the Restatement of the Law of American Indians in Godfrey & Kahn Hall

Professor Wenona Singel
Associate Professor of Law, Michigan State University College of Law &
Restatement Associate Reporter, American Law Institute

Professor Kaighn Smith [Remote]
Adjunct Professor, University of Maine Law School &
Shareholder, Drummond Woodsum LLP &
Restatement Associate Reporter, American Law Institute

1:45pm

Panel Two: State Powers & Indian Gaming Regulatory Act in Godfrey & Kahn Hall

Moderator

Martina Gast (BA '08) (JD '11)
Pipestone Law LLC &
Chair, State Bar of Wisconsin, Indian Law Section

Speakers

Judge Gary Sherman (Ret.) (BA '70, JD '73)
Wisconsin Court of Appeals, District IV &
Former Wisconsin State Assemblyman for the 74th District

Kevin Wadzinski (JD '93)
Principal, Powers, Pyles, Sutter & Verville, P.C. &
Co-Founding Member, Native American Bar Association of Washington, D.C.

Professor Zeke Fletcher (JD '06)
Adjunct Professor, Indiana University Maurer School of Law &
Founding Member, Fletcher Law, PLLC

3:15pm

Coffee & Pastries in the Law School Atrium

3:20pm

Panel Three: Tribal Powers in Godfrey & Kahn Hall

Moderator

Professor Jason Yackee
Professor of Law & WISCONSIN LAW REVIEW Faculty Advisor
University of Wisconsin Law School

Speakers

Brian Pierson (JD '83)
Shareholder, Godfrey & Kahn, S.C.

Amanda WhiteEagle (BA '01, JD '05) [Remote]
Senior Tribal Counsel & Former Attorney General, Ho-Chunk Nation

Justice Andrew Adams III (JD '06) [Remote]
Muscogee Nation Supreme Court (Ret.) &
Founding Member, Hogen Adams LLP

4:50pm **Day One Closing Remarks in Godfrey & Kahn Hall**

Lorenzo Gudino (JD '20)
Attorney, Hogen Adams LLP &
Former ILSA President

Day 2: Saturday, November 6th, 2021

8:30am **Breakfast in the Law School Atrium**

9:00am **Day Two Opening Remarks in Godfrey & Kahn Hall**

Martina Gast (BA '08) (JD '11) [Remote]
Pipestone Law LLC &
Chair, State Bar of Wisconsin, Indian Law Section

9:15am **Panel Four: Indian Country Criminal Jurisdiction in Godfrey & Kahn Hall**

Moderator

Professor Cecelia Klingele (JD '05)
Associate Professor, University of Wisconsin Law School &
Faculty Associate, Frank J. Remington Center at UW Law School

Speakers

Dean Kevin Washburn
N. Williams Hines Dean, University of Iowa College of Law &
Former Assistant Secretary of Indian Affairs, U.S. Department of the Interior

Professor Angela Riley
Supreme Court of the Citizen Potawatomi Nation (Ret.) &
Director, Native Nations Law and Policy Center at UCLA School of Law

Troy A. Eid
Former U.S. Attorney for the State of Colorado &
Shareholder, Greenberg Traurig LLP

11:00pm **Lunch in the Law School Atrium (Sponsored by Powers, Pyles, Sutter & Verville, P.C)**

12:00pm **Panel Five: Reservation Economies and Resources in Godfrey & Kahn Hall**

Moderator

Dan Lewerenz (JD '10)
Staff Attorney, Native American Rights Fund &
Former Attorney-Advisor, U.S. Department of the Interior

Speakers

Dale White
General Counsel, Saint Regis Mohawk Tribe

John Clancy (BA '86)
Shareholder, Godfrey & Kahn, S.C.

Reid Peyton Chambers [Remote]
Founding Member, Sonosky, Chambers, Sachse, Endreson & Perry, LLP

1:30pm

Closing Remarks on the Restatement of the Law of American Indians in Lubar Commons

Professor Matthew Fletcher
Poarch Band of Creek Indians Supreme Court &
Lead Reporter, American Law Institute &
Professor of Law, Michigan State University College of Law

Dylan Ochoa & Crystal Stonewall
WLR Symposium Editors

1:45pm

Closing Tribal Ceremony in Lubar Commons

MadTown Singers

2:30pm

WLR Mixer & Closing Reception at Madison's (Sponsored by Powers, Pyles, Sutter & Verville, P.C)

Keynote Address: “Of Treaties and Treatises: The Law of American Indians”

Professor Stacy Leeds



Professor Stacy Leeds is an experienced leader in law, higher education, governance, economic development and conflict resolution. In 2021, she joined the faculty at Sandra Day O'Connor College of Law, Arizona State University as the Foundation Professor of Law and Leadership. Leeds was previously Dean Emeritus, University of Arkansas School of Law (2011-2018) and the first Indigenous woman to lead a law school. During her tenure as dean, Arkansas Law achieved the highest-ever rankings: No. 1 Best Value in Legal Education (*National Jurist* 2014) and 33rd among public law schools (*U.S. News* 2014).

Leeds served as the inaugural Vice Chancellor for Economic Development at the University of Arkansas (2017-2020). She planned and implemented the new Office of Economic Development to maximize university innovation for societal impact. Her portfolio included technology transfer, industry partnerships, small business and entrepreneurial support and programs seeking to increase access to capital.

Leeds is an educator and scholar of Indigenous law and policy. Her previous academic roles include: Salt River Pima-Maricopa Indian Community Distinguished Visiting Professor of Law at Arizona State University, director of the Tribal Law & Government Center at the University of Kansas, and director of the Northern Plains Indian Law Center at the University of North Dakota. She began her career in legal education as a William H. Hastie Fellow at University of Wisconsin School of Law. She is an elected member of the American Law Institute and a recipient of the American Bar Association's Spirit of Excellence Award.

Leeds is a former Justice on the Cherokee Nation Supreme Court and former Chairperson of the Cherokee Nation Gaming Commission. She is currently a district court judge for Muscogee (Creek) Nation and an appellate court judge for other Indigenous Nations. She is frequently tapped for conflict resolution and management roles, including arbitration, mediation and negotiations.

Leeds serves on the board of directors for Kituwah Economic Development (Kituwah LLC), American Indian Graduate Center, American Indian Resource Center, Inc. and as board president of Akiptan (CDFI). She previously served on the National Commission on American Indian Trust Administration and Reform for the United States Department of Interior.

Leeds holds law degrees from University of Wisconsin (LL.M.) and University of Tulsa (J.D.), a business degree from University of Tennessee (M.B.A.), and an undergraduate degree in history from Washington University in St. Louis (B.A.).

A former athlete and life-long sports enthusiast, Leeds was inducted into the Muskogee Athletic Hall of Fame in her hometown in Oklahoma. She played varsity basketball and tennis at Washington University. In 2016, she completed a 950-mile journey as a Cherokee Nation Remember the Removal cyclist.

Symposium Panelists, Moderators & Speakers:

Wisconsin Law Review 2021 Symposium Chair

Professor Matthew Fletcher



Matthew L.M. Fletcher is Foundation Professor of Law at Michigan State University College of Law and Director of the Indigenous Law and Policy Center. He has been a visiting professor at the University of Arizona Rogers College of Law, the University of Michigan Law School, the University of Montana Blewett School of Law, and Stanford Law School. He is a frequent instructor at the Pre-Law Summer Institute for American Indian students. He sits as the Chief Justice of the Poarch Band of Creek Indians Supreme Court and also sits as an appellate judge for the Colorado River Indian Tribes, the Hoopa Valley Tribe, the Mashpee Wampanoag Tribe, the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Pokagon Band of Potawatomi Indians, the

Nottawaseppi Huron Band of Potawatomi Indians, the Rincon Band of Luiseño Indians, the Santee Sioux Tribe of Nebraska, and the Tulalip Tribes. He is a member of the Grand Traverse Band of Ottawa and Chippewa Indians.

He is the Reporter for the American Law Institute's Restatement of the Law of American Indians. His newest book, *Ghost Road: Anishinaabe Responses to Indian-Hating*, will be published by Fulcrum Publishing in 2020. His most recent law review articles appeared in the *California Law Review*, *Michigan Law Review*, and *Stanford Law Review Online*. His hornbook, *Federal Indian Law* (West Academic Publishing), was published in 2016 and his concise hornbook, *Principles of Federal Indian Law* (West Academic Publishing), in 2017. Professor Fletcher co-authored the sixth and seventh editions of *Cases and Materials on Federal Indian Law* (West Publishing 2011 and 2017) and two editions of *American Indian Tribal Law* (Aspen 2011 and 2020), the only casebook for law students on tribal law. He also authored *The Return of the Eagle: The Legal History of the Grand Traverse Band of Ottawa and Chippewa Indians* (Michigan State University Press 2012), and *American Indian Education: Counternarratives in Racism, Struggle, and the Law* (Routledge 2008). He co-edited *The Indian Civil Rights Act at Forty* with Kristen A. Carpenter and Angela R. Riley (UCLA American Indian Studies Press 2012) and *Facing the Future: The Indian Child Welfare Act at 30* with Wenona T. Singel and Kathryn E. Fort (Michigan State University Press 2009). Professor Fletcher's scholarship has been cited by the United States Supreme Court, in more than a dozen federal, state, and tribal courts; in dozens of federal, state, and tribal court briefs, and in hundreds of law review articles and other secondary legal authorities. Finally, Professor Fletcher is the primary editor and

author of the leading law blog on American Indian law and policy, Turtle Talk, <http://turtletalk.wordpress.com/>.

Professor Fletcher graduated from the University of Michigan Law School in 1997 and the University of Michigan in 1994. He has worked as a staff attorney for four Indian Tribes—the Pascua Yaqui Tribe, the Hoopa Valley Tribe, the Suquamish Tribe, and the Grand Traverse Band. He previously sat on the judiciaries of the Grand Traverse Band, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Little River Band of Ottawa Indians, the Lower Elwha Klallam Tribe, and the Turtle Mountain Band of Chippewa Indians, and served as a consultant to the Seneca Nation of Indians Court of Appeals. He is married to Wenona Singel, a member of the Little Traverse Bay Bands of Odawa Indians, and they have two sons, Owen and Emmett.

Federal-Tribal Relations Panel

Ambassador Keith Harper



Ambassador Harper is a citizen of the Cherokee Nation and is the first Native American to be named a United States Ambassador. After graduating from New York University Law School, Ambassador Harper clerked with the Honorable Lawrence W. Pierce on the U.S. Court of Appeals for the Second Circuit. After his clerkship, Ambassador Harper was a Senior Staff Attorney and head of the Washington, D.C., office of the Native American Rights Fund. Ambassador Harper previously served as an Appellate Justice on the Mashantucket Pequot Tribal Court, and later, as a Supreme Court Justice, on the Supreme Court of the Poarch Band of Creek Indians.

Before Ambassador Harper served as Commissioner on the President’s Commission on White House Fellowships, he served as a chair for Native American policy in the 2008 Obama for America presidential campaign. He later served as a member of the Obama-Biden Presidential Transition Team in the Energy and Environment Cluster. From 2014 until 2017, he served as the U.S. Ambassador and Permanent Representative to the United Nations Human Rights Council in Geneva, Switzerland. Ambassador Harper is currently a partner at the international law firm Jenner & Block where he heads its Native American Law Practice.

Judge Diane Wood



Diane P. Wood is a Circuit Judge of the United States Court of Appeals for the Seventh Circuit and a Senior Lecturer in Law at the University of Chicago Law School. Judge Wood attended the University of Texas at Austin, earning her B.A. in 1971 (highest honors), and her J.D. in 1975 (Order of the Coif). She clerked for Judge Irving L. Goldberg on the U.S. Court of Appeals for the Fifth Circuit (1975-76), and for Justice Harry A. Blackmun of the U.S. Supreme Court (1976-77).

She began her career as a legal academic in 1980 after a brief period at the U.S. Department of State. From 1993 until she was appointed a Circuit Judge for the Seventh Circuit in 1995, she served as Deputy Assistant Attorney General in the Antitrust Division of the U.S. Department of Justice. She was Chief Judge of the Seventh Circuit from October 1, 2013 to July 4, 2020. Judge Wood is a Fellow of the American Academy of Arts & Sciences and is on the Council of the American Law Institute where she chairs the Academy's Council.

Judge Wood is married to Dr. Robert L. Sufit. She has three children, three step-children and five grandchildren. She enjoys playing the oboe and English horn in several Chicago-area amateur orchestras.

Edwin Kneedler



Edwin Kneedler is an American lawyer who served as Deputy United States Solicitor General since 1993. Mr. Kneedler attended Lehigh University where he earned his B.A. in Economics. Later, he attended the University of Virginia School of Law, where he earned his J.D. in 1974. After graduation, Mr. Kneedler clerked for Judge James R. Browning on the United States Court of Appeals for the Ninth Circuit. In 1975, Mr. Kneedler joined the Office of Legal Counsel in the U.S. Department of Justice, later joining the Office of the Solicitor General in 1979 and being appointed Deputy Solicitor General in 1993. On January 20, 2009, Mr. Kneedler became the Acting Solicitor General, a capacity in which he served until March 19, 2009, with the

confirmation of Elena Kagan. As of June 2020, Mr. Kneedler has argued more cases before the Supreme Court of the United States than any other active advocate.

Moderator: Professor David Schwartz



Professor David S. Schwartz teaches and writes in the areas of Constitutional Law, Evidence and Civil Procedure. His scholarship includes articles published in the Georgetown, Notre Dame, and University of Pennsylvania law reviews, and he has co-authored two casebooks: Constitutional Law: a Context and Practice Casebook, and An Analytical Approach to Evidence: Text, Problems and Cases. His book, The Spirit of The Constitution: John Marshall and the 200-Year Odyssey of McCulloch v. Maryland was published by Oxford University Press in September 2019.

Professor Schwartz joined the UW law faculty in fall 1999, after 12 years of law practice specializing in employment discrimination and civil rights litigation. For the three years just prior to joining the Law School, Prof. Schwartz was Senior Staff Attorney at the American Civil Liberties Union of Southern California, in Los Angeles. Previously, Prof. Schwartz was in private practice in San Francisco, representing plaintiffs in employment cases. After graduating law school, Prof. Schwartz clerked for the Honorable Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit.

State Powers & Indian Gaming Regulatory Act Panel

Judge Gary E. Sherman



Judge Gary E. Sherman served on the 4th District, Wisconsin Court of Appeals from May 12, 2010 until he retired on July 5, 2019. Before joining the bench, Gary was a representative in the Wisconsin State Legislature for the 74th Assembly District, one of the two largest districts in the state and which includes three Anishinabe reservations, from the fall of 1998 to April 2010. While in the legislature, Gary served on the Special Committee on State-Tribal Relations and on the Joint Committee on Finance. The Special Committee proposed a substantial amount of legislation to regularize relations between Wisconsin and the tribes residing within its borders, including such matters as cross deputizing GLIFWIC wardens, and broadening a number of statutes to make sure

that tribes had equal access to state programs and resources.

Gary has served on the State-Tribal Justice Forum, a body created by the Wisconsin Supreme Court composed of half Wisconsin state court judges and half Wisconsin tribal judges and for over 20 years has been an elected member of the American Law Institute. Gary was actively involved in the Institute's project drafting a Restatement of the Law of American Indians, the completion of which is the basis of this Symposium.

Gary attended the University of Wisconsin-Madison, where he acquired an undergraduate degree, and a J.D., from the UW Law School with cum laude honors. Outside the profession, Gary was an active volunteer firefighter for 23 years, built his own home, an endeavor that took a number of years and will never be entirely finished, and enjoys canoeing, kayaking, bicycling, and swimming.

Kevin Wadzinski



Kevin J. Wadzinski is a principal in the Powers Pyles Sutter & Verville Indian Tribal Governments group. Kevin's practice addresses a broad range of legal issues affecting Indian tribes and companies doing business with tribes. He counsels tribes, gaming companies, and tribal enterprises on all aspects of Indian gaming, as well as economic development, tribal business structures, joint ventures, financing matters, and federal and state tax issues. Kevin also advises tribes on fee-to-trust matters, leases, and other issues related to trust lands. He has built a national reputation addressing the impact of federal labor and employment laws on Indian tribes, and he advises tribal clients on all aspects of employment law. He also represents tribal governments before the U.S. Congress and federal agencies.

Kevin is an enrolled member of the Stockbridge-Munsee Band of Mohican Indians. He is a founding member of the Native American Bar Association of Washington, DC, and a member of the Wisconsin State Bar Association (Indian Law Section). Additionally, Kevin speaks and writes on a variety of topics including Indian gaming and regulatory matters, doing business in Indian Country, human resources law, Indian taxation, and federal labor and employment laws as they relate to Indian Tribal employers. He has also testified before the House Committee on Natural Resources on the complex issue of state and tribal taxation in Indian Country. Publications include *Unionization: Is Your Tribe Prepared?* and *Board Rules National Labor Relations Act Applies to Indian Tribal Casinos*.

Kevin received his JD from the University of Wisconsin Law School and his bachelor's degree from the University of Wisconsin.

Professor Zeke Fletcher



Zeke Fletcher is an enrolled citizen of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians (a/k/a Gun Lake Tribe) located in Michigan. Zeke is a graduate of the University of Michigan, and the University of Wisconsin Law School. He is licensed to practice in the state courts of Michigan and Wisconsin, federal courts in Michigan, Wisconsin, and Oklahoma, and numerous tribal court jurisdictions. Zeke has been a licensed attorney for over 15 years, and founded Fletcher Law, PLLC in 2012. Zeke represents tribes, tribal gaming operations, and other tribal entities in all forums, such as federal, state, and tribal court in litigation and in administrative proceedings. He has represented tribes in federal court litigation involving

tribal regulatory agencies, management contractors, as well as challenges to tribal trust land acquisitions by area landowners. State court litigation experience ranges with sovereign immunity issues, zoning disputes with local governments, to insurance cases involving torts relating to tribal governments and tribally-owned businesses including gaming facilities. Tribal Court litigation ranges from internal matters between branches of government, sovereign immunity matters, and enrollment/leadership disputes.

He has presented at several Indian law conferences and has written law review articles on various topics of federal Indian law including “De Facto Judicial Preemption of Tribal Labor and Employment Laws,” 2008 Mich. St. L. Rev. 435, and “Negotiating Meaningful Concessions from States in Gaming Compacts to Further Tribal Economic Development: Satisfying the Economic Benefits Test, 54 South Dakota Law Review 419 (2009). He has also served as an adjunct instructor of Native American Law at Indiana University Maurer School of Law, and also as an adjunct in Gaming Law at Michigan State College of Law.

Moderator: Martina Gast



Martina Gast is the founder of Pipestone Law, a specialized law firm dedicated exclusively to supporting the labor and employment needs of Indian tribes and tribal entities and defending the sovereign rights of tribal employers. Her legal experience covers all aspects of the employment relationship, including hiring, allegations of harassment and discrimination, discipline, compensation, trainings, investigations, and accommodations. She is a trusted advisor to tribal HR departments, tribal governing bodies, and in-house counsel on employment-related practices and policies. Prior to founding Pipestone Law, Martina served as the in-house employment attorney with the Forest County Potawatomi Community in Wisconsin and as an attorney specializing in Indian law and labor and employment law at law firms in Wisconsin and Arizona. Martina is a member of the Red Rock Indian Band, an Ojibwe First Nation. She currently serves as the Chair of the State Bar of Wisconsin Indian Law Section.

Tribal Powers Panel

Brian Pierson



Brian L. Pierson co-leads Godfrey & Kahn's Indian Nations Law Team. A 1983 graduate of the University of Wisconsin law school (cum laude), Brian clerked for federal district judge Myron L. Gordon before entering private practice. Brian has over 30 years of experience representing Indian tribes, beginning with his successful representation of Chippewa Indians in federal court litigation to permanently enjoin interference with treaty-reserved, off-reservation fishing rights. Brian's Indian country finance experience includes community and commercial development with numerous private and federal funding sources, including HUD programs, USDA programs, Department of Energy programs, Department of Interior programs, bonds, tax credits and commercial financing. Projects have included infrastructure, housing, gaming and other commercial development. Brian also has extensive experience assisting tribes in preparing tribal laws that facilitate development, including law relating to permitting, rights-of-way, leasing and business. He has frequently represented tribes in connection with sensitive governance issues involving alleged ethics violations, election disputes and internal investigations. Brian is the author of the NAIHC's Indian Country Housing Development Handbook and other articles relating to tribal and federal Indian law.

He is admitted to the bars of Wisconsin, both Wisconsin federal courts, Seventh Circuit Court of Appeals, the U.S. Supreme Court and various tribal courts. Brian is listed in Best Lawyers in America and has taught federal Indian law and tribal law at Marquette University Law School. He serves on the Board of the Ignace Indian Health Center in Milwaukee. For more information, see <http://www.gklaw.com/GodfreyKahn.html>

Amanda WhiteEagle



Amanda L. White Eagle (Ho-Chunk) serves as the clinical fellow for the Sovereignty Project. With more than 15 years of experience in tribal law, she provides advice and counsel to the Ho-Chunk Nation government as a Senior Tribal Counsel. She previously served as a judicial officer (an Interim Chief Judge and Associate Judge), as well as the tribe's Attorney General and Executive Director for the Ho-Chunk Nation Department of Justice. Additionally, she serves as a tribal court judge or justice, to tribal governments throughout the United States, including the Wampanoag Judiciary, Prairie Island Indian Community Court of Appeals, Santee Sioux Nation Judiciary. Previous experience includes serving as a State of Wisconsin County Court Commissioner, as well as an Adjunct Law Professor at the

University of Wisconsin Law School. She is admitted to the Ho-Chunk Bar Association, the State Bar of Wisconsin, the United States Supreme Court Bar, and the Federal Bar Association.

She graduated from the University of Wisconsin-Madison with liberal arts degrees (a BA in Anthropology and French as well as a Certificate in American Indian Studies). She attended the University of Wisconsin Law School, graduating with a juris doctor degree.

Andrew Adams



Andrew Adams III is a citizen of the Muscogee (Creek) Nation, member of Tvlahasse Wvkokaye Ceremonial Grounds, and founder of Hogen Adams PLLC. Andrew has experience in federal Indian law, treaty rights, tribal governance, litigation, and gaming law. Andrew serves as a Justice of the Muscogee Nation Supreme Court, Chief Justice of the Santee Sioux Nation of Nebraska Supreme Court, and Justice of the Gun Lake Supreme Court. Andrew received his B.A. (1996) and M.A. (1999) from the University of Michigan and J.D. (2006) from the University of Wisconsin Law School. Andrew also serves as Chairperson of the Indian Education Parent Committee for the White Bear Lake Area School District / ISD624 (where his children attend school).

Moderator: Professor Jason Yackee



Professor Yackee's research centers on international investment law, international economic relations, foreign arbitration, and administrative law and politics. He teaches Contracts, International Investment Law, International Arbitration, and International Business Transactions. Professor Yackee has published articles in a variety of peer-reviewed social science journals, student-edited law reviews, and edited volumes, including the *George Washington Law Review*, the *Harvard International Law Journal*, and the *Virginia Journal of International Law*. Professor Yackee has served as a contract consultant for a major developed country on investment treaty issues, and has presented his research at the Organization for Economic Cooperation and Development (OECD) in

Paris.

Professor Yackee graduated summa cum laude and Phi Beta Kappa from the University of Pittsburgh, earned an M.A. and Ph.D. in political science (International Relations) from the University of North Carolina at Chapel Hill, and earned a J.D., summa cum laude and Order of the Coif, from Duke University School of Law where he was an editor for the *Duke Law Journal*. He has also studied French and European law at L'Universite Pantheon-Assas (Paris-2), and he

was awarded a Fulbright fellowship to conduct research at the Thammasat University Faculty of Law, in Bangkok, Thailand.

Indian Country Criminal Jurisdiction Panel

Dean Kevin Washburn



N. William Hines Dean and Professor of Law Kevin Washburn joined Iowa Law as its 18th dean on June 15, 2018. Most recently he was a Regents Professor of Law at the University of New Mexico School of Law and had served as its dean from June 2009 to October 2012, when he was appointed by President Obama and confirmed by the Senate to be the Assistant Secretary of Indian Affairs at the U.S. Department of the Interior. He served in that role until January of 2016.

Washburn is a citizen of the Chickasaw Nation of Oklahoma. He earned a BA from the University of Oklahoma and a JD from the Yale Law School. Prior to entering academia, he clerked for a judge on the Ninth Circuit, worked as a trial attorney and then a prosecutor with the U.S. Department of Justice, and served as the general counsel of the National Indian Gaming Commission. As an academic, he has held faculty positions at Minnesota and Arizona, and taught for a year as a visitor at Harvard. He has taught and published casebooks in specialty subjects, primarily the law of gaming and gambling and federal Indian law.

Angela Riley



Angela R. Riley (Citizen Potawatomi Nation) is Professor of Law at UCLA School of Law and Director of UCLA's Native Nations Law and Policy Center. She directs the J.D./M.A. joint degree program in Law and American Indian Studies and serves on the UCLA campus Repatriation Committee. Professor Riley's research focuses on Indigenous peoples' rights, with a particular emphasis on cultural property and Native governance. Her work has been published in the Yale Law Journal, Stanford Law Review, Columbia Law Review, California Law Review, Georgetown Law Journal and numerous others. She received her undergraduate degree at the University of Oklahoma and her law degree from Harvard Law School.

Professor Riley began her career clerking for Chief Judge T. Kern of the Northern District of Oklahoma. She then worked as a litigator at Quinn Emanuel in Los Angeles, specializing in intellectual property litigation. In 2003 she was selected to serve on her tribe's Supreme Court,

becoming the first woman and youngest Justice of the Supreme Court of the Citizen Potawatomi Nation. In 2010 and again in 2016 she was elected by the tribe's General Council to serve as Chief Justice. She previously served as Co-Chair for the United Nations - Indigenous Peoples' Partnership Policy Board, with a dedicated mission to implement the UN Declaration on the Rights of Indigenous Peoples. She has also served in a judicial capacity for the Morongo Band of Mission Indians and for the Rincon Band of Luiseño Indians.

Professor Riley is a member of the American Law Institute and a co-editor of the Cohen's Handbook on Federal Indian Law. She served as the Oneida Indian Nation Visiting Professor of Law at Harvard Law School in Fall 2015 and Visiting Professor at Harvard Kennedy School in 2021. You can visit her website at www.angelarriley.com.

Troy Eid



Troy A. Eid is a principal shareholder in the Denver office of Greenberg Traurig, LP (www.gtlaw.com), co-chairs the firm's American Indian Law Practice Group, and represents companies in criminal and civil investigations and enforcement actions. Troy is also highly sought nationally as a mediator to resolve complex disputes between Indian tribes and energy companies, and between tribes and state governments.

Troy served as Colorado's 40th United States Attorney appointed by President George W. Bush. During the Obama Administration, Troy was appointed to chair the Indian Law and Order Commission, the national advisory board to the President and Congress for strengthening public safety for all 573 federally recognized tribes in the United States. Before joining GTLAW, Troy served on the cabinet of former Colorado Governor Bill Owens as Chief Legal Counsel to the Governor and later as the Executive Director of the Department of Personnel & Administration, where he directed Colorado's 72,000 member civil service system and provided mission-critical business, financial, technology, real estate, and operational services to the state's \$8 billion government.

Troy currently serves as the elected President of the Navajo Nation Bar Association. He has been honored for excellence by the Federal Bureau of Investigation, the U.S. Secret Service, and more than two dozen federal, state and tribal departments and agencies across the country.'

Moderator: Professor Cecelia Klingele



Cecelia Klingele is an Associate Professor at the University of Wisconsin Law School, where she teaches courses in criminal law, Constitutional criminal procedure, policing, and sentencing and corrections. She is also a faculty associate of the Frank J. Remington Center, the La Follette School of Public Affairs, and the Institute for Research on Poverty.

After receiving her J.D. from the University of Wisconsin Law School in 2005, Professor Klingele served as a law clerk to Chief Judge Barbara B. Crabb of the United States District Court for the Western District of Wisconsin, Judge Susan H. Black of the United States Court of Appeals for the Eleventh Circuit, and Associate Justice John Paul Stevens of the United States Supreme Court. She returned to the University of Wisconsin in 2009 as a visiting assistant professor, and has been a permanent faculty member since 2011.

Professor Klingele and her husband live in Madison. They have five grown children, and six more at home who ensure life is never boring.

Reservation Resources & Economies Panel

Dale White



Mr. White has been practicing Indian law for over forty years starting as a trial attorney in the U.S. Department of Justice, Indian Resources Section. From there, he went into private practice in Colorado with one of the first Indian-owned private law firms in the Country. In Colorado, Mr. White worked on a number of high-profile Indian law cases for tribes across the West involving water rights, treaty hunting rights, taxation and other significant tribal interests. Notably he argued eight cases in federal appellate courts and successfully argued a tribal water rights case in the U.S. Supreme Court in 1987.

In 1999, Mr. White shifted his practice to in-house representation and since then has served as in-house General Counsel for the Mohegan Tribe in Connecticut and since 2006 on the Mohawk Reservation for the Mohawk Tribe and for a private tribal member-owned business. Mr. White's work for the Mohawk Tribe and for the private business has involved a variety of tribal economic development issues including licensing and taxation of tobacco and fuel, regulatory work for a federally licensed tobacco product manufacturer, establishment of tribal LLC laws, creation and regulation of a tribal cannabis program and a transaction involving acquisition of well-known pharmaceutical patents

John Clancy



John L. Clancy leads Godfrey & Kahn's Environmental and Energy Strategies team and co-leads the firm's Indian Nations Law team. John's extensive experience with tribes and other clients includes advice on financing strategies for renewable energy, infrastructure and sustainable housing projects, siting and approvals for energy and other facilities, assertion of tribal regulatory and taxing authority and excluding state authority, and protection of reservation environmental and other resources, John is listed in The

Best Lawyers in America (Environmental Law), America's Leading Lawyers for Business and Wisconsin Superlawyers. For more information, see John's biography at www.gklaw.com.

Reid Peyton Chambers



Reid Peyton Chambers joined Sonosky, Chambers, Sachse, Endreson & Perry, LLP in 1976 as a founding partner. Mr. Chambers specializes in litigation, tribal reserved water rights and issues arising out of the federal trust responsibility. He has represented tribes and Alaska Native interests with respect to land claims, water rights, hunting and fishing rights, reservation boundary issues, Alaska tribal rights and immunities, gaming law, tribal court jurisdiction, state and tribal taxation and coal development. Mr. Chambers has also codified tribal

laws and engaged in advocacy on behalf of a variety of tribal interests before state and federal agencies and Congress.

Mr. Chambers practiced privately in Washington, D.C. from 1967 to 1970. From 1973 until joining the firm, Mr. Chambers served as Associate Solicitor for Indian Affairs of the U.S. Department of the Interior, the Department's chief legal officer with responsibility over Indian and Alaska Native matters. Mr. Chambers has argued numerous cases before federal district and courts of appeals, and before state tribal courts and appellate courts. In 2003, Mr. Chambers represented the Bishop Paiute Tribe before the U.S. Supreme Court in *Inyo County v. Paiute-Shoshone Indians of the Bishop Community*, 538 U.S. 701 (2003).

For over thirty years, Mr. Chambers has taught a seminar on federal Indian law at Georgetown University Law School. He has also taught this seminar several times at Yale Law School, and in 1988, served as the Chapman Distinguished Visiting Professor at Tulsa University Law School. Mr. Chambers taught law for three years (1970-1973) as a professor at the University of California at Los Angeles (UCLA), working extensively during those years with the Native American Rights Fund and California Indian Legal Services.

Moderator: Dan Lewerenz



Dan Lewerenz joined the Native American Rights Fund as a staff attorney in 2017. Before joining NARF, Dan was an attorney-advisor for the U.S. Department of the Interior, Office of the Solicitor, Division of Indian Affairs; a law clerk to the Hon. Claudia Wilken (N.D. Cal.) and the Hon. Leo I. Brisbois (D. Minn.); and an associate in the Oklahoma City office of Hobbs, Straus, Dean & Walker, LLP.

Dan earned his J.D. from the University of Wisconsin Law School, where he graduated cum laude and Order of the Coif. Before going to law school, Dan spent more than 10 years as a reporter and editor for The Associated Press, and was a board member, officer, and president of the Native American Journalists Association. He earned his bachelor's degree from Kansas State University.

Dan is a member of the Iowa Tribe of Kansas and Nebraska. He is admitted to the bar in the District of Columbia, Oklahoma, and Wisconsin.

“Development of the Restatement of the Law of American Indians”

Professor Wenona Singel



Wenona T. Singel is an Associate Professor of Law at Michigan State University College of Law and the Associate Director of the Indigenous Law & Policy Center. She teaches courses in the fields of federal Indian law and natural resources law, and her research and publications address the development of tribal legal systems and tribal accountability for human rights.

She served as Deputy Legal Counsel for the office of Governor Gretchen Whitmer from January of 2019 through January of 2021, advising Governor Whitmer on tribal-state affairs. Professor Singel, an enrolled member of the Little Traverse Bay Bands of Odawa Indians, was the first tribal citizen in Michigan's history to hold that position. Her other professional activities have included serving as the Chief Appellate Justice for the Little Traverse Bay Bands of Odawa Indians and service as the Chief Appellate Judge for the Grand Traverse Band of Ottawa and Chippewa Indians.

Kaighn Smith



Kaighn Smith Jr. has been fighting for Tribal Nations and their enterprises in the tribal, federal, and state courts and before federal administrative agencies across the country for over 25 years. He has garnered a national reputation for his committed advocacy for tribal sovereignty, winning cases in a wide range of areas, including jurisdiction disputes, gaming matters, labor and employment relations, land-in-trust and environmental matters, and fishing and water rights. He also regularly teaches federal Indian law as an adjunct professor, publishes articles in peer-reviewed law journals, and speaks at national conferences.

Kaighn's recent cases include representing the National Congress of American Indians and ten other inter-tribal organizations before the Supreme Court as amici curiae in *Yellin v. Confederated Tribes of the Chehalis Reservation*, to fight for the allocation of COVID-19 relief funds to tribal governments. He has represented the Penobscot Nation for over 12 years in protracted federal court litigation to secure the Nation's reservation hunting and fishing rights in the Penobscot River.

Symposium Sponsors:

University of Wisconsin Law School



The University of Wisconsin Law School is located on historic Bascom Hill in the heart of the beautiful UW-Madison campus. It boasts a renowned faculty, an extensive curriculum, and a dynamic student body. The UW Law School curriculum emphasizes the dynamics of the law—how the law relates to social change and to society as a whole—while at the same time stressing skill development. In addition to nationally recognized programs in several substantive areas, the Law School also has one of the largest clinical programs in the country. With a focus on skills-based learning, our students graduate practice-ready and prepared for success. The UW Law School’s nationally recognized faculty and staff work together to provide an outstanding learning environment for our students, come from a wide range of backgrounds, and bring varying experiences, views and approaches to the Law School. They are inspired by the UW’s distinctive law-in-action approach, and they are committed to helping student develop into confident, successful lawyers.

University of Wisconsin Law School Indigenous Law Students Association



The Indigenous Law Student Association (“ILSA”) is a student-run organization that provides a forum for students to advocate for the advancement of indigenous people, and social network for all students at the University of Wisconsin Law School. ILSA fosters communication between all law students, the UW law faculty and staff, and the community at large, on Indian law topics of regional and national importance. Additionally, ILSA supports and enhances its members’ academic and social experiences at the Law School by organizing weekly study groups, assisting with job placement, and hosting various social activities in the local Madison area. ILSA is proud of its rich cultural history and its alumni are placed among some of the most prestigious Indian law firms and non-profit groups in the United States.

Ho-Chunk Nation



The Ho-Chunk people, also known as the “People of the Sacred Voice,” have always lived here. Oral history tells the story of how the Creator made the Ho-Chunk people on Red Banks, the shores near Green Bay. The Ho-Chunk history tells us that we have been here for at least three ice ages and inhabited the lands now considered Wisconsin, Minnesota, Iowa, Missouri, and Illinois. Our story is the story of people who love the land of Wisconsin. In the last 170 years we faced tremendous hardship and overcame long odds to live here. The Ho-

Chunk people were removed from their land several times. There are 13 recorded removals on file in Washington, D.C.

The Ho-Chunk people became a federally-recognized sovereign tribe in 1963 and created a constitution with the help of the National Congress of American Indians. The name was changed from Winnebago to their original name “Ho-Chunk.” They eventually won compensation in 1974 for lands lost through fraudulent treaties. Today, there are more than 7,800 Ho-Chunk tribal members. The Ho-Chunk Nation own and operate six casinos, three hotels, four convenience stores and two campgrounds. The income from those enterprises help to fund many of our governmental operations, including health clinics, social services, language preservation efforts, housing, and educational support.

The Ho-Chunk people are proud and resilient people, who embrace their culture and heritage. They are determined to survive and keep their identity alive.

Native American Rights Foundation



Since 1970, the Native American Rights Fund (“NARF”) has provided legal assistance to Indian tribes, organizations, and individuals nationwide who might otherwise have gone without adequate representation. NARF has successfully asserted and defended the most important rights of Indians and tribes in hundreds of major cases and has achieved significant results in such critical areas as tribal sovereignty, treaty rights, natural resource protection, and Indian education. With credibility built over 50 years of service, NARF has become a respected consultant to policy makers and others engaged in

drafting legislation. As a consensus builder, NARF works with religious, civil rights, and other Native American organizations to shape laws that assure the civil and religious rights of all Native Americans. NARF is a non-profit 503c(3) organization that focuses on apply existing laws and treaties to guarantee that national and state governments live up to their legal obligations. NARF is governed by a volunteer board of directors composed of thirteen Native Americans from different tribes throughout the country with a variety of expertise in Indian matters.

American Law Institute



The American Law Institute was founded in 1923 and is the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law. ALI drafts, discusses, revises, and publishes Restatements of the Law, Model Codes, and Principles of Law that are enormously influential in the courts and legislatures, as well as in legal scholarship and education. By participating in the ALI's work, its distinguished members influence the development of the law in both existing and emerging areas, to work with other eminent lawyers, judges, and academics, to give back to a profession to which they are deeply dedicated, and to contribute to the public good.

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Godfrey & Kahn, S.C.



Godfrey & Kahn provides high-level service and creative legal solutions to its clients. For 60 years, our attorneys and staff have been guided by five core values: A focus on our clients' success, trust in one another and our clients, a culture of teamwork that helps us achieve more together, a work ethic to achieve whatever is possible, and an integrity that keeps us focused on the right thing to do for our clients, our employees, and our communities. Our firm was founded on a simple idea—judge our success by the success of our clients. Our attorneys are quick to collaborate in the interest of client success and service their needs with efficiency and responsiveness. With five locations across Wisconsin and in Washington D.C., our attorneys have made it a point to become an integral part of the communities they serve. Whether we are taking on pro bono cases, supporting environmental causes, or offering university scholarships to promising students, we're proud to be strengthening bonds with our neighbors, within our firm and in our global business community.

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Hogen Adams LLP



At Hogen Adams, our roots in Indian Country run deep. Every day, we address issues of jurisdiction, sovereignty, and tribal governance, but it's tough to put a picture on those ideas and ideals. Instead, we surround ourselves with art that represents where we come from and the clients we serve. In between the cases, the deals, the ordinances, and the resolutions, those pieces of art and artifact remind us of who we are and where we're going. "Specializing" in legal issues in Indian Country means understanding that every day is different for Tribes and their partners. Just as tribal governance and commerce covers the

water front of legal issues, so does our practice. We have successfully negotiated multi-million dollar deals, drafted a wide range of tribal laws – from day-care regulations to burial codes, and litigated cases about hunting rights, Indian gaming, and tribal laws. But our commitment to legal excellence in Indian Country runs throughout each of these areas.

Powers, Pyles, Sutter & Verville, P.C

POWERS
POWERS PYLES SUTTER & VERVILLE PC
ATTORNEYS AT LAW

When the firm was founded in 1983, each of the members shared a desire to establish a small Washington, D.C. healthcare law firm with a national practice. They planned to focus primarily on complex legal issues faced by hospitals, multihospital systems, physician groups, home health agencies, and the newer, evolving forms of healthcare delivery. The members also sought to establish a firm that would emphasize, as a first step, problem-solving skills rather than litigation-oriented strategies on behalf of the firm's clients. They also wanted to ensure the firm had a personal, rather than institutional, form of service to all clients. While keeping the primary focus on healthcare, Powers Pyles Sutter & Verville has gradually expanded capabilities to include a national education practice, public policy and government relations services, representation of nonprofit organizations, and representation of clients seeking expertise in other areas of administrative law. In 2014, the firm further expanded its capabilities to include an Indian tribal governments practice group, which provides a full range of legal and government relations services to tribal governments and organizations. The firm's approach is informal, but candid. Principals and associates view themselves as part of the client's team to solve problems, rather than as disinterested consultants retained to simply tell a client yes or no. The professionals at Powers seek not just solutions for a client, but a unique solution that best achieves the client's objective.