



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 and economic development in Indian country. To assist with accomplishing our clients' legal, political and business goals, our attorneys work with clients to design effective legal strategies, defend tribal rights and formulate innovative approaches to transactional issues.

Representing Tribal Interests in the Courts

Our attorneys understand that the protection of 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 has involved state and federal taxation, land claims, sovereign immunity, tribally-owned businesses, gaming compacts, IGRA, the Nonintercourse Act, insurance, the Indian Child Welfare Act, the Montana doctrine and tribal civil jurisdiction, property rights and land issues, trust land issues, constitutional claims, tort claims, treaty issues 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 matters.
- 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

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

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 data.

Given this breadth and depth of skill sets, we believe that 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 Native American attorney who concentrates his practice on federal Indian law.
- An attorney with more than 15 years of experience counseling Indian tribes on environmental, energy, and cultural resources issues.

Our team also includes a former deputy chief of staff to a senior member of the House of Representatives who has expertise in matters before various committees of jurisdiction relevant to Indian country, including the House Resources Committee.

Representing Tribal Parties in Economic Development Initiatives and Transactions

Our attorneys have transactional experience that includes formation of tribal chartered entities; gaming compacts; obtaining regulatory approvals from the Department of the Interior and 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 clients with drafting cannabis related regulations.
- Assisting clients with entity formation of cannabis retail dispensary businesses.

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.

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.

FOCUS AREAS

Economic Development Initiatives and Transactions	Representing Tribal Interests in the Courts
Environment and Energy	Representing Tribes Before Federal Agencies and Congress