

SPOKANE COUNTY BAR ASSOCIATION SEVENTH ANNUAL INDIAN LAW CONFERENCE

Hosts: Spokane County Bar Association Indian Law Section,
Gonzaga University School of Law, Gonzaga Native American Law Students Association

CO-SPONSOR: TRIBAL IN-HOUSE COUNSEL ASSOCIATION

Friday, March 4, 2016

**Gonzaga University School of Law,
Barbieri Court Room, Spokane, Washington**

6.5 CLE Credits pending in Washington and Idaho, including 1.5 ethics credits

- 8:30 a.m. – 8:45 a.m. *Registration & Continental Breakfast*
- 8:45 a.m. – 9:00 a.m. *Opening Prayer* - Francis Cullooyah, Director, Cultural Program, Kalispel Tribe
Welcome – Dan Rey-Bear, Chairperson, SCBA Indian Law Section; Nordhaus Law Firm, LLP
- 9:00 a.m. - 10:30 a.m. **Indian Country Criminal Law Issues**
Rudy Verschoor, Assistant U.S. Attorney & Tribal Liaison, Eastern District of Washington
M. Brent Leonhard, Tribal Attorney, Confederated Tribes of Umatilla Indian Reservation
Brendan Johnson, Robins Kaplan, LLP; former U.S. Attorney, District of South Dakota
- 10:30 a.m. - 10:45 a.m. *Morning Break* sponsored by Kalispel Tribe
- 10:45 a.m. – 12:15 p.m. **ICWA Guidelines, Regulations, and Litigation**
Khia Grinnell, Tribal Prosecutor, Tulalip Tribes
Jack Trope, Senior Director, Indian Child Welfare Programs, Casey Family Programs
Yolanda (Lana) Page, Staff Attorney, Confederated Salish and Kootenai Tribes
- 12:15 p.m. – 1:00 p.m. *Lunch* at Herak Room in McCarthy Athletic Center
Sponsored by Gonzaga University School of Law and Tribal In-House Counsel Association
- 1:00 p.m. – 1:30 p.m. **Keynote Address: Reflections on Both Sides of the Tribal Counsel Attorney-Client Relationship** – Fawn Sharp, President, Quinault Indian Nation and Affiliated Tribes of Northwest Indians; former managing attorney, Quinault Indian Nation; former Governor, Washington State Bar Association
- 1:45 p.m. – 3:15 p.m. **Current Washington Tax Preemption Litigation**
Tulalip Tribes v. Smith – Sarah Roubidou Lawson, Schwabe, Williamson & Wyatt
In re Cougar Den – Craig Dorsay, Dorsay & Easton, LLP
King Mtn. Tobacco v. McKenna – Dolph Barnhouse, Johnson, Barnhouse & Keegan, LLP
- 3:15 p.m. – 3:30 p.m. *Afternoon Break* sponsored by Kootenai Tribe of Idaho
- 3:30 p.m. – 5:00 p.m. **Tribal In-House Counsel Ethics**
Lorraine Parlange, Tribal Attorney, Kalispel Tribe
Doreen Hobson McPaul, Special Counsel to Chairman, Tohono O’odham Nation
Peter Ortego, General Counsel, Ute Mountain Ute Tribe
- 5:00 p.m. *Adjourn*; SCBA Indian Law Section meeting;
Social sponsored by Northwest Indian Bar Association

SPEAKER BIOGRAPHIES

RANDOLPH (DOLPH) BARNHOUSE is an AV rated lawyer and Certified Appellate Specialist who represents Native American Tribes and tribal businesses in connection with highly regulated matters including gaming, tobacco and marijuana operations. Dolph has argued cases before the United States Supreme Court, the Navajo Nation Supreme Court, the New Mexico Supreme Court, and the Second, Fifth, Seventh and Ninth US Courts of Appeals. Dolph holds both a JD (cum laude) and an MBA (summa cum laude) from the University of New Mexico and is licensed in Washington, Arizona and New Mexico. Before returning to private practice, Dolph was executive director of DNA-People's Legal Services, serving members of seven Native American tribes in three states. Dolph is a recipient of the State Bar of New Mexico's Courageous Advocacy Award, the University of New Mexico Zia Award, and the New Mexico Foundation for Open Government's Dixon award for his appellate work on public records issues.

CRAIG J. DORSAY is a partner in the firm of Dorsay & Easton, LLP. He has practiced exclusively in the field of Indian law since 1979. Craig primarily represents tribal governments and has represented the Siletz Tribe since 1989 and the Samish Tribe since 1998 as general counsel. He represents three Indian gaming operations. He has represented numerous other Indian tribes on a variety of specific issues or projects. Craig has extensive experience in the fields of tribal jurisdiction and sovereignty; Indian gaming law; hunting, fishing and gathering rights; fee-to-trust and other land issues; natural resources matters; social and health services; government and private contracting; and tribal recognition. Craig has over 40 reported appellate decisions on a variety of Indian law issues. Craig is a nationally recognized expert in the Indian Child Welfare Act. Craig earned a B.S. in Natural Resources from the University of Michigan in 1974 and a J.D. from the University of Oregon in 1978. He was an editor of the 1982 edition of the Cohen Federal Indian Law Treatise and was an Assistant Attorney General for the Navajo Nation for three years. He taught Indian Law at the both the University of Oregon Law School and Lewis & Clark Law School. He teaches on a wide variety of Indian law subjects.

KHIA GRINNELL, Jamestown S'Klallam and Lummi, is with the Tulalip Tribes Reservation Attorney's Office. Prior to joining Tulalip, Khia interned with Salt River Pima Maricopa Indian Community and Indian Legal Clinic at Arizona State University. Khia is a graduate of the Sandra Day O'Connor College of Law at Arizona State University and received her BA from St. Lawrence University.

BRENDAN V. JOHNSON - Mr. Johnson's experience comes from his time at the Department of Justice as well as his political and public advocacy work. While serving as the United States Attorney for the District of South Dakota, Mr. Johnson was selected by the Attorney General of the United States to chair the Department of Justice's Native American Issues Subcommittee and to serve on the Attorney General's Advisory Committee. He was also a member of the Justice Department's Terrorism/National Security and Cybercrime Subcommittees. In addition, he was named one of the nation's top 40 political rising stars under the age of 40 by the Washington Post, and Campaigns and Election listed him as one of the 500 most influential people in politics.

Mr. Johnson has also received numerous awards for his advocacy. These include the University of South Dakota's Women in Law Attorney of the Year Award, the South Dakota Violence

Against Women Prosecutor of the Year Award and, following his successful argument in the case of *United States v. Jungers* in the Eighth Circuit Court of Appeals, Shared Hope's 2014 Pathbreaker Award. When summarizing the impact of Mr. Johnson's career with the Justice Department, former Attorney General Holder stated that, "As a lawyer and as a leader, Brendan has set a standard of excellence that will not soon be surpassed. Particularly with regard to public safety challenges on tribal lands, he has served as a key advisor to senior Justice Department officials-including me."

M. BRENT LEONHARD is an Attorney in the Office of Legal Counsel for the Confederated Tribes of the Umatilla Indian Reservation. He helped lead the CTUIR in being the first jurisdiction to implement the Adam Walsh Act (along with the State of Ohio), implement the Tribal Law and Order Act (TLOA) felony sentencing in March 2011, house the first two criminals in the federal Bureau Of Prisons TLOA Pilot Program, implement VAWA 2013's non-Indian criminal jurisdiction, and obtain full input and retrieval access to federal criminal databases under USDOJ's Tribal Access Program. In 2011 he was appointed to Attorney General Eric Holder's Federal/Tribal Domestic Violence Taskforce. In 2015 he was appointed to the United States Sentencing Commission's Tribal Issues Advisory Group. He is a contributing author of tribal amicus briefs in *State v. Kurtz*, 350 Or. 65 (Or. Mar 25, 2011) (tribal officers have the powers and protections of state officers), and *State v. Jim*, 2012 WL 402051 (Wa. Feb. 9, 2012) (treaty access fishing sites are "established Indian reservations"). He has also authored several law review articles and a book on tribal contracting. Previously he was the City of Walla Walla's Assistant City Attorney, lead prosecutor for the White Mountain Apache Tribe, and program manager for the Colville Tribe's public defender office.

DOREEN NANIBAA McPAUL is a graduate of Princeton University and earned her JD from Arizona State University College of Law in 2001, where she also received a Certificate in Federal Indian Law. During law school, she worked for NARF in D.C. and for the PLSI program in Albuquerque. She also served as the President of ASU NALSA and as a staff writer for the ASU Law Journal.

After law school, she served as a judicial law clerk at the Arizona Court of Appeals for Judge Jefferson L. Lankford (retired). She then worked as a staff attorney for the Navajo Nation Judicial Branch at the Chinle Judicial District Court before joining the Nordhaus Law Firm as an Associate Attorney in Albuquerque, NM. She spent a year as a visiting clinical law professor and Interim Director of the Indian Legal Clinic at ASU. Since 2009, Ms. McPaul has worked for the Tohono O'odham Nation, first as an Assistant Attorney General and now as Special Counsel to the Chairman and Vice-Chairman. She has been a lawyer for 15 years and has spent 14 of those years practicing Indian law. She is admitted to practice law in Arizona and New Mexico, as well as before several tribal and federal courts. She is a founding Board member of the Tribal In-House Council Association and has served as President of TICA since 2013.

Ms. McPaul is Navajo and Irish, and grew up on the Navajo Reservation in Chinle, Arizona. She is a proud military spouse and mom. She is married to SFC Mark McPaul and they have three boys ages 7, 5, and 2.

PETER ORTEGO has been representing the Ute Mountain Ute Tribe in all legal matters since 2000 and has been the Tribe's General Counsel since 2002. Peter received a Bachelor of Arts in Philosophy from the University of California in 1989 and a Juris Doctor from the University of Colorado, Boulder in 1993. Ever since then Peter has committed his practice of law to assisting the under-privileged, having served as a municipal public defender in Denver, Colorado, and working as a court-appointed lawyer for indigent parties for six years prior to working for the Tribe. Peter sits on various commissions and boards on behalf of the Tribe that concern issues of law enforcement, juvenile justice, water resources, resource development, and others. Peter has lectured at Colorado Law Schools, conferences and presentations on various issues such as NHPA, energy development, ICWA, tribal governance and environmental regulations.

YOLANDA (LANA) PAGE is an enrolled member of the Confederated Salish and Kootenai Tribes of Montana. Currently, she is employed as a staff attorney with the Confederated Salish and Kootenai Tribes Legal Department where she works daily with the Indian Child Welfare Act. She earned her Bachelor of Science degree in Environmental Science from Salish Kootenai College and then obtained her J.D. degree from the University of Montana School of Law.

LORRAINE PARLANGE currently works as in-house counsel for the Kalispel Tribe of Indians. During most of her 20+ years in practice she has represented tribes as in-house counsel in a wide range of matters. She initially focused in the area of Indian Child Welfare. In this capacity she has successfully litigated tribal, state, and international matters resulting in the transfer of cases from multiple jurisdictions to tribal courts. Some of the jurisdictions have included other tribal jurisdictions, state, and international jurisdictions including Washington, Montana, California, Colorado, Idaho, Arizona, Oregon, Arkansas, Oklahoma, Mexico, and Canada. Ms. Parlange has also represented tribes in the areas of criminal law, education, social work, administrative law, TANF, and employment law. Most recently her practice has focused in the areas of tribal economic development and gaming. Ms. Parlange has taught classes at Eastern Washington University in the areas of social work and counseling techniques with Native American families. She has presented in the area of special education focusing on advocacy for children and for parents of children with special education needs and navigating the special education process. Prior to her legal work, Ms. Parlange worked as a counselor in New York with at-risk youth and survivors of sexual abuse. She has her Master's degree in education with a focus on special education and applied behavioral analysis. Ms. Parlange earned her J.D., cum laude, from Gonzaga University.

SARAH ROUBIDOUX LAWSON is an attorney with Schwabe, Williamson & Wyatt in Seattle, Washington. Prior to joining Schwabe, Lawson spent over ten years working in tribal government with tribes in Arizona and Washington. She is an appellate judge with the Northwest Intertribal Court System, and has taught courses in Indian Law and Tribal Government at Northwest Indian College. Lawson earned her B.A. from the University of Michigan, her J. D. from the University of Wisconsin, and is currently pursuing an L.L.M. in Tax at the University of Washington. She is an enrolled member of the Iowa Tribe of Kansas and Nebraska.

FAWN SHARP, a member of the Quinault Indian Nation, received her J.D. from the University of Washington, School of Law. She also holds an advanced certificate in International Human Rights Law from Oxford University. President Sharp attended Gonzaga University in Spokane, Washington, where she received a Bachelor of Arts degree in Criminal Justice.

Fawn Sharp is serving her fourth term as President of the Quinault Indian Nation (2013-2018), was recently reelected as President of the Affiliated Tribes of Northwest Indians (ATNI) for a second term (2014-2016), and serves a concurrent term as the Northwest Regional Vice President for the National Congress of American Indians (NCAI).

President Sharp was selected by United States Secretary of the Interior Kenneth Salazar to chair the Secretarial Commission on Trust Administration and Reform (2011-2013). She is also a member of the Board of Trustees for Grays Harbor College in Aberdeen, Washington.

Prior positions include Managing Attorney/Lead Counsel for the Quinault Indian Nation, Quinault Tribal Court Associate Judge; Administrative Law Judge for the Washington State Department of Revenue Tax Appeals Division, and practiced law with the law firm of Phillips, Krause & Brown. Prior to becoming an attorney, Fawn held positions at the US Central Intelligence Agency and the Washington State Department of Corrections.

President Sharp resides on the Quinault Indian Reservation at Lake Quinault with her husband Dan Malvini and their three sons, Daniel, Alijah, and Jonas, and daughter, Chiara.

JACK F. TROPE is a Senior Director in Indian Child Welfare Programs at Casey Family Programs where he works on national legal and policy initiatives to promote compliance with the Indian Child Welfare Act and improve child welfare outcomes for children and families in state and tribal systems. Prior to joining Casey, he served as Executive Director of the Association on American Indian Affairs (AAIA) for more than 13 years and as Director of the Western Area Office in Albuquerque for the Save the Children Federation. Before joining Save the Children, Mr. Trope held a number of legal positions, including having been a partner with the law firm of Sant'Angelo & Trope for 8 years, a senior staff attorney with AAIA for 6 years and an Assistant Counsel to two New Jersey governors in the 1980s. He has worked on Indian child welfare matters since 1985.

RUDY VERSCHOOR is an Assistant United States Attorney for the Eastern District of Washington where he has been defending civil lawsuits and prosecuting mostly violent crime cases in Indian Country for the past six years. He has been the Tribal Liaison for the U.S. Attorney's Office until January of this year, coordinating prosecutions between the U.S. Attorney's Office and Tribal Prosecutors on the Colville, Kalispel, and Spokane Indian Reservations. After graduating from law school at the University of Idaho, he worked as a Law Clerk for two state court judges in Nez Perce County, Idaho. He has been a deputy prosecutor in Nez Perce and Kootenai Counties in Idaho, and served for two and a half years as the Tribal Prosecutor for the Coeur d'Alene Tribe. He also worked in private practice for five years in Idaho focused mostly on civil cases. He joined the U.S. Attorney's Office for the Eastern District of Washington in 2010.