

Indian Law Practitioners

Lawyers expert in federal Indian law are a tribal nation's first line of defense against federal and state intrusions on treaty rights and sovereignty

BY SUZETTE BREWER

Righting historic wrongs is just one piece of the legal puzzle. For Indian law experts, navigating a path for Native interests means delving into the arcane and arbitrary rules and regulations that create a thicket of interference. The body of knowledge possessed by the following attorneys is impressive on an individual and collective level.

The Go-To

Growing up in Delaware, Paul Moorehead didn't anticipate a career in Indian country. After law school at Temple University, however, he began volunteering at the National Congress of American Indians in Washington, D.C., where he eventually became general counsel and government affairs director. On Capitol Hill, he worked on a wide array of policies important to tribal nations, including federal appropriations, land-into-trust, taxation, Indian child welfare, housing and veterans affairs, among others. "It was a baptism by fire," says Moorehead. "We had very few staff people, so everyone had to wear two or three hats, and it was intense."

When former U. S. Senator Ben Nighthorse Campbell became chairman of the Senate Committee on Indian Affairs in 1996, Moorehead was appointed chief counsel, and later became staff director. Moorehead guided the SCIA through the explosive growth of the Indian gaming industry, when tribes came under pressure to waive sovereign immunity

and submit to "means testing" in regards to federal appropriations. Both initiatives, he notes, failed.

Moorehead, along with his colleagues Brian Gunn and Kevin Wadzinski, are now a principal in the Indian Tribal Governments Group at **Powers Pyles Sutter and Verville** in Washington, D.C.

The Upstarts

It was a moment of truth for Bryan Newland. As a partner at **Fletcher Law PLLC**, the young lawyer was representing a small tribe in gaming compact re-negotiations in New Mexico when he pointed out that the percentage of revenues the state was demanding should be reduced, not increased, per federal policy. Indignant, one of the lawyers for New Mexico said, "Have you ever negotiated gaming compacts before?"

Realizing his youth and ponytail were under scrutiny, Newland smiled. "I spent three years as Counselor and Senior Policy Advisor to the Assistant Secretary of the Interior developing federal policies on gaming, Indian land and

reviewing tribal-state compacts," he replied calmly. "So yes, I've done this before. What would you like to know?"

The five tribes got their compact fees reduced. It was not the first time Newland and his law partner, Zeke Fletcher, had been underestimated.

Fletcher and Newland had talked about becoming partners since they were in law school at the University of Wisconsin and Michigan State, respectively. And in 2012, they did just that, but rather than take the usual course of setting up shop in Washington, D.C., they decided to build their practice in Michigan. "Bryan and I became partners because we share the same vision that we only wanted to work for Indian tribes," says Fletcher, a citizen of Grand Traverse Band of Ottawa & Chipewewa Indians. "We want to keep our practice intimate and provide legal and business expertise at affordable rates."

But the biggest determining factor in their decision to stay local was the simple calculus of being able to raise their families in their home communities.

ment of unearched ancestral Indian graves. "We only work for tribes. We have defended the tribes from the states and the federal government, and we've defended treaty rights," says Galanda. "But we're also focused on Indian civil rights, individual Indians who have been attacked by the tribes, the states, and the federal government. We have the flexibility to pick and choose the cases we want and we are proud of those cases."

The Precisionists

As chair of Denton's Native American Law and Policy practice, V. Heather Sibbison has worked on nearly every subject related to American Indian, Alaska Native, and Native Hawaiian issues. Sibbison, along with her colleagues, George Skibine, Matthew Adams and Paula Yost, are one of the pre-eminent Indian law teams in the country.

In July, **Denton's** Native Law team was awarded a "Band One" ranking by Chambers USA, the oldest and most renowned attorney ranking organization in the U.S. Prior to joining Denton's in 2001, Sibbison served in various capacities at the Office of the Secretary at the Department of the Interior and the Department of Justice, specializing in fee-to-trust and Indian gaming, Indian land claims, Indian water rights and treaty fishing rights.

Last year, Sibbison's team secured a major victory in defending the federal government's decision to take land into trust for the Cowlitz Tribe of Washington State to establish a reservation. The Cowlitz decision is the first case to address the complications that arose after the Supreme Court's controversial *Carieri v. Salazar* decision. Sibbison worked on the case for over a decade.

"It really gives you a sense you're just one piece of this much longer history, and it's both really fun and really humbling," Sibbison told Law360. "To have that kind of end result for the tribe, it would never have happened but for all these other people who did all this other stuff before me."

The Lioness

Arlinda Locklear is one of the most revered Indian law practitioners in the United States. A solo practitioner, she is the first Native American woman to argue before the United States Supreme Court.

In 1984, Locklear won a landmark decision in *Solem v. Bartlett*, which challenged South Dakota's authority to prosecute Indians for crimes on the reservations. In 1985, she prevailed in *Oneida Indian Nation v. County of Oneida*, holding that the tribes have a federal common law right to sue for possession of tribal land taken in violation of federal law. *Oneida* is the precedent upon which all other Indian land claim litigation since has been based.

A member of the Lumbee Indian Community of North Carolina, Locklear graduated from Duke University School of Law in 1976 and went straight to work for the Native American Rights Fund. For over 40 years, she has represented tribal nations in a wide range of complex federal issues, including water rights, treaty rights, tax issues, reservation boundary disputes, and federal recognition. These days, Locklear is ever-vigilant in regards to the erosion of Native rights. "We are always at risk because we are always in the minority," says Locklear. "Whether it's land, water, governing authority, everything that was unthinkable 10 years ago is now a very real threat to the extent that Congress is becoming more recalcitrant toward Indian policy. Therefore, we have to be ready to protect our interests."

The Progressives

When Gabe Galanda went to work at a local law firm as a junior in high school, he watched lawyers take clients regardless of their ability to pay. That impressed the 16-year-old, who knew he wanted to follow in their footsteps. "That these guys were so compassionate and community-focused in the way they practiced law was just so inspiring to me," says Galanda, who was raised in Sequim, Washington. "The idea of being able to use the law for good, as a way to approach social justice, I just fell in love with it."

Galanda pursued his law degree at the University of Arizona with the mission of working for Indian tribes.

In 2010, after working for a large corporate firm in Seattle, Galanda and his best friend, Anthony Broadman, decided to go out on their own. At first, they worked from home with a small roster of clients, but **Galanda Broadman** has emerged as one of the most progressive Native-owned law firms in the United States, tackling a wide range of complex issues for Indian tribes from coast to coast. Notable cases include the recent *Alexander v. Confederated Tribes of Grand Ronde*, which reversed the disenrollment of 66 tribal members; and *Lower Elwha Klallam Tribe v. State of Washington*, compelling the return of an ancestral burial ground and the re-intern-

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▼ Left to right: Arlinda Locklear, Bryan Newland, V. Heather Sibbison, Paul Moorehead

