

Regulatory and Government Affairs

Indian Law

Contacts

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As the business and legal needs of Indian tribes evolve, so do the services Garvey Schubert Barer provides to tribes. When we first began representing tribes in 1971, our legal work focused primarily on treaty rights and relations between tribes and the federal government. Today, because of the tribes' ever-expanding commercial ventures, our legal work focuses on issues involving labor and employment, mergers and acquisitions, financings, real estate development, land use, the environment, media and communications.

Nationwide Practice

We represent a number of Pacific Northwest tribes — the Tulalip and Muckleshoot are examples — but we also represent tribes in other parts of the country, including the South and Southwest.

Because of decades of experience representing tribes, we understand the business and legal issues unique to tribes. These include compliance with Indian law, the sovereign status of tribes and their emphasis on economic development that provides employment and job training for tribal members.

Economic Development Projects

We help tribes plan and operate a broad range of commercial ventures. These include everything from a casino, a racetrack, and a power plant.

We provide advice on tax issues, joint venture structures, environmental considerations and needed Bureau of Indian Affairs approvals. We negotiate financing, acquisitions, and management and operating agreements. In addition, our lawyers help draft tribal ordinances and tax codes, and create tribal enterprises.

Tribal projects are designed to be profitable, but also to provide employment for tribal members and help them develop needed job skills. When advising tribes about economic development, we tailor our services to these key objectives.

Labor and Employment Law

As tribes' commercial activities grow, so do the number of people they employ. Increasingly, tribes need practical advice about labor and employment issues, many of which, if not handled properly, can expose tribes to substantial liability. The advice must be sophisticated yet tailored to account for the unique issues applicable in the tribal employment context. Our services in this area encompass all the usual issues that arise in an employment context, informed by our years of experience working with tribes. They include training managers and staff about sexual harassment, family and medical leave, and other key issues, drafting employment policies and manuals, counseling on personnel decisions, developing tribal employment-related ordinances and policies, and conducting audits to address best HR practices.

At one time, tribal casinos on reservation lands were not subject to the jurisdiction of the National Labor Relations Board. They now are, and we currently help tribes with strategies for potential union activity on reservation lands.

Communications and Media

Tribes are becoming more involved in telecommunications and media ventures, including radio, television, telephone, and satellite and wireless services. We represent tribes applying for licenses for commercial and noncommercial radio stations and tribes that hold these licenses. These stations provide unique news and entertainment programming, preserve indigenous languages, and provide information about social and governmental services. We work with the Federal Communication Commission's Indian Telecommunications Initiative to help tribes acquire spectrum and convert to digital media.

Federal Representation

Some legal problems can be addressed only by Congress or federal agencies. We represent tribes before these bodies to promote the adoption of laws and regulations beneficial to tribes.

Gaming

The firm provides analysis and advice regarding noncasino off-reservation gaming opportunities and the conduct of Class III gaming pursuant to the Indian Gaming Regulatory Act of 1988. We have also represented clients before the Washington Horse Racing Commission.

Land Use and Environmental Issues

Because tribes are increasingly involved in real estate development and investment, land use permitting and environmental law compliance have become critical issues. We represent tribes with state and federal environmental agencies such as Washington State's Department of Transportation, the U.S. Army Corps of Engineers and the Bureau of Indian Affairs, and under such laws as the National Environmental Policy Act and the State Environmental Policy Act.

Financing

Indian tribes increasingly make direct investments in nontraditional assets. Our corporate finance lawyers help tribes structure and document such investments, including equity and debt investments in real estate development partnerships and early stage companies. In addition, we advise tribes with respect to investor's rights and corporate governance of their portfolio companies and the economic impact of state taxes, including B&O, sales, admissions and leasehold excise taxes.

Litigation

The firm has an extensive litigation practice, including substantial experience litigating issues unique to tribes. We represent tribes in tribal courts, in U.S. federal courts and before administrative agencies. The issues we have litigated or analyzed include fishing rights, tribal status, environmental issues, breach of contract, contract enforceability under 25 U.S.C. § 81, construction disputes, business torts, employment and ERISA claims, and sovereign immunity.