GARVEY SCHUBERT BARER

Indian Tribes

Contact
Lael Echo-Hawk | 206.816.1355 | lechohawk@gsblaw.com

Garvey Schubert Barer has a long history in Indian Country. 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 as Tribes, Alaska Natives and Native Hawaiians expand their governments and diversify their economies, we provide representation and advice designed to assist those clients with their unique challenges and opportunities. Our attorneys provide advice on issues such as tribal affairs, developing clean energy resources on tribal land, health care, labor and employment, economic development, financings, real estate development, construction, land use, government contracting, the environment, gaming, hospitality and tourism, media and communications and governmental affairs at the state and Federal level. Our decades of experience representing tribes combined with our knowledge of Indian law and policy help us understand the business and legal landscape of Indian Country. Our clients are located across the United States from Alaska to Massachusetts and, with offices located in the Pacific Northwest, Washington, D.C., and Alaska, we are positioned to provide full services to our clients no matter their location; including 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

Economic development projects are designed to assist Tribes, Alaska Native villages or regional corporations, and Native Hawaiians in developing the financial resources needed to provide essential government services to their membership. We help Tribes, Alaska Natives and Native Hawaiians plan and operate a broad range of commercial ventures such as gaming operations, hotels, a racetrack, power plant and seafood company. Our lawyers help draft tribal ordinances, tribal preference policies, and incorporate tribal enterprises. We provide advice on tax issues, joint venture structures, environmental considerations and required Federal approvals. We negotiate financing, acquisitions, and management and operating agreements.

Labor and Employment Law

As commercial activities for Tribes, Alaska Natives and Native Hawaiians expand and grow, so do the number of people they employ. Increasingly, Tribes, Alaska Natives and Native Hawaiians 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 of 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 such as drafting employment policies and manuals, counseling on personnel decisions, developing tribal employment-related ordinances and policies, and conducting audits to address best HR practices.

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 with licenses for commercial and noncommercial radio stations as well as those applying for 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

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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 in their dealings with 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

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, 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.

Read more about our practice and stay current on issues facing Tribes by visiting our Smoke Signals: Indian Law Blog.

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