

SERVICES

Tribal Law Specialty Team

In today's rapidly changing legal landscape, the Nations confront special issues when they employ tribal and non-tribal members in governmental or commercial enterprises on or off tribal land, when they enter into agreements or acquire or convey property, when they operate health care clinics, when they provide employee benefit plans to their tribal members and to casino employees, and when they interact with federal, state or local governments. These special issues include:

- Tribal sovereignty and tribal sovereignty immunity
- Self-governance charters and ordinances
- Availability of pandemic funds for variously constituted tribes
- Application of federal laws on tribal land & treaty exclusions, including federal labor laws and employee benefit laws
- Interaction with non-tribal members
- Issues arising under federal statutes, such as the Indian Gaming Regulatory Act, the Land Claims Settlement Acts, and the Trade and Non-Intercourse Acts
- Tribal standing to act for the BIA to improve the health of tribal citizens and the consequences of ISDEAA funding sources
- Application of the Affordable Care Act mandates, HIPAA, and ERISA
- Tribal-State compacts
- Intergovernmental agreements
- Authority of Tribal Courts and federal or state court jurisdiction before or after exhaustion of Tribal Court procedures
- Audit compliance
- Land-to-trust submission and agency review
- Pre-construction and construction contracts
- Land acquisition and conveyance

People

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- Environmental concerns
- Renewable energy sources
- Trademark protection
- Government to Government Consultation – missing and murdered Indigenous women
- New economic development
- Cannabis enterprises
- Internet sports betting/gambling and geofencing

Drawn from across several practice groups, seasoned team members bring their collective wisdom and experience with matters to bear on these special issues. We also stay abreast of the rapidly changing legal landscape. In recent years the US Supreme Court has granted leave at an accelerated pace in cases involving tribal sovereignty issues.

Our tribal clients continue to react to climate change and to seek new sources of economic self-sufficiency. We have reviewed and addressed issues arising under state gaming regulations, construction development agreements, consultant agreements, land acquisition documents (including state wetland mitigation concerns), intergovernmental agreements, health care facility agreements, data cybersecurity, and affordable housing projects, among others.

We have drafted new employee benefit health care plans and retirement plans and have updated plan documents (including prototype retirement plans and their adoption agreements) to keep them current with ever-changing federal regulations. We proactively review service provider agreements and third-party administrator agreements that tribal may wish to sign to address issues unique to Tribal Nations and to reduce litigation risk. We draft QMSCO procedures as required by law for recognition by Tribal Courts. We scrutinize the Business Associate Agreements for compliance with HIPAA and in light of the increased cybersecurity requirements under federal and state laws, in conjunction (where needed) with members of Butzel's Cybersecurity and Privacy Specialty Team. Our litigators work to resolve business disputes but gird for litigation when informal resolution fails.

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