

## Tribal Governments & Enterprises

### Understanding Tribal Sovereignty and Communities

At Foster Garvey, we take immense pride in our longstanding tradition of serving Native American and Alaska Native tribes and tribal entities. With a deep understanding of tribal governments and culture, we assist tribes and tribal entities in advancing indigenous communities and fostering economic growth. Our firm deeply values its relationships with Native communities, recognizing the importance of enhancing opportunities and well-being for every community member.

With our extensive experience representing tribes, we have developed a deep understanding of the unique business and legal issues inherent to tribal communities. This includes a focus on the sovereign status of tribes and facilitating economic development to provide jobs to tribal communities and resources for governmental programs. Our comprehensive service portfolio includes complex transactional and high-stakes litigation matters addressing a broad spectrum of legal areas such as treaty rights, jurisdiction and sovereign immunity issues, intergovernmental relations, financing, real estate, construction, employment, tax, gaming, liquor and cannabis regulation, tribal entity formation and business development, commercial transactions, education, environmental law, healthcare, and intellectual property protection.

We actively represent tribes before Congress and federal agencies, advocating for laws and regulations that benefit tribal communities. We assist with federal regulatory compliance and navigating federal processes, including services ranging from fee-to-trust applications to administrative challenges before the Interior Board of Indian Appeals.

With Foster Garvey, tribes and tribal enterprises benefit from a unique blend—a comprehensive understanding of Indian country issues typically associated with in-house teams or specialized boutique Indian law firms, combined with the extensive resources and diverse subject-matter expertise characteristic of a large national law firm. We take pride in delivering practical,

### Service Contacts

R. Daniel Carter  
T 918.732.9355  
daniel.carter@foster.com  
Chloe Thompson Villagomez  
T 206.447.5145  
chloe.villagomez@foster.com

### Related Professionals

Joseph A. Brogan  
Vincent P. Cacciottoli  
R. Daniel Carter  
Marc R. Greenough  
Claire F. Hawkins  
Jon G. Hongladarom  
Kelly A. Mennemeier  
Steven R. Peltin  
Nancy V. Stephens  
William G. Tonkin  
Chloe Thompson Villagomez  
David R. West  
Rylan Weythman

### Related Services

Appellate  
Commercial & IP Transactions  
Construction  
Environmental Litigation  
Labor, Employment & Immigration  
Litigation  
Public Finance & Municipal Government  
Real Estate, Land Use & Environmental

well-reasoned, and actionable legal advice; producing high-quality work product at cost-effective rates; and delivering desired results through proven dispute resolution strategies and innovative problem-solving solutions. As opposed to merely telling clients what we think they want to hear, tribal clients can rely on us to provide a realistic assessment of possible outcomes, which facilitates the fully informed decision-making necessary to mitigate risks and attain desirable results.

Beyond legal services, Foster Garvey offers educational programming, pro bono assistance, and legal training across the Pacific Northwest, Alaska, and nationwide.

### **Full-Service Capabilities**

Business & Economic Development: Our attorneys are adept at guiding tribes in economic development, including assisting with federal and tribal charters, formation and operation of tribal 8(a) entities, government contracting, gaming, tribal economic development bonds, HUBZones, energy projects, and a wide range of commercial enterprises (including construction companies, convenience stores, liquor and cannabis stores, golf courses, event centers, and hospitality enterprises). While staying up to date on the latest developments in federal laws and programs to ensure maximum legal advantages, we are able to assist tribes in all stages of new economic development projects, including entity formation, planning and financing, construction, permitting, regulatory compliance, employment, and full-scale operations.

Litigation: Our team comprises highly experienced attorneys skilled in litigation and dispute resolution. We offer effective and efficient advocacy in tribal, state, and federal courts (including appellate courts), and administrative tribunals on a broad spectrum of legal issues, including treaty and sovereign rights, tax and jurisdictional challenges, contract disputes, resource and cultural protection, environmental issues, and employment matters.

Tribal Governmental Operations: We have decades of experience assisting tribes in managing their governmental legal affairs, including through serving as tribal general counsel and attorney general. We are well versed in the legal issues that tribal leaders face on a day-to-day basis, such as questions about internal operating authority, employment matters, regulatory compliance, business transactions and policymaking. We also assist tribes with strengthening tribal legal infrastructure, including drafting tribal laws, developing tribal courts, improving election processes, and creating balanced governmental and administrative processes.

Gaming: Our experience in gaming matters is among the most effective and extensive in the country. Our representation in gaming matters includes gaming compact negotiations and litigation, on- and off-reservation casino financing and development, licensing disputes, management agreements, drafting gaming ordinance and tribal internal control standards, Indian Gaming Regulatory Act compliance, vendor contracts, terminal allocation agreements, sports and online betting development, tribal-state relations, intellectual property disputes, and

navigating state and federal regulatory environments.

Construction: Our attorneys have worked extensively both with tribal construction companies and with tribal governments and enterprises on construction matters. We work with tribal construction companies on entity formation, SBA 8(a) matters, government contracting, private contracting, other operational matters and litigation/arbitration of claims. We also work extensively with tribal governments and enterprises on their construction and design issues, ranging from contract preparation, to resolution of mid-project disputes and warranty claims, to litigation/arbitration of complex disputes.

Employment & Employee Benefits: We provide comprehensive advice on labor and employment issues, focusing on risk management, policy development, compliance audits and the handling of sensitive employment issues, including disciplinary issues. Our employee benefits services include drafting employee benefit plans, including those relating to retirement and health care benefits. If the need arises, we also represent tribal employers in the resolution of employment disputes, whether in courts or administrative agencies.

Real Estate, Land Use & Environmental: We collaborate on tribal development projects, coordinating with various tribal, federal and state agencies to ensure compliant and sustainable development. Our experience includes fee-to-trust transactions, environmental compliance and permitting, property leasing and rights-of-ways, real estate acquisitions, ownership disputes, land claims, takings and condemnation, cultural resources and treaty rights issues, and dispute resolution.

Public Finance: Since 1965, we have served as bond counsel for Native American Tribes and Alaska Native Corporations, advising on public finance matters.

Communications, Telecom & Media: We support tribes venturing into telecommunications and media, assisting in acquiring licenses for radio stations, preserving indigenous languages and converting to digital media. Our partnership with the Federal Communication Commission's Indian Telecommunications Initiative exemplifies our commitment.

Intergovernmental Relations: We facilitate dialogues and negotiations between tribal governments and other governments, enhancing collaboration and mutual understanding.

Indian Country Taxation: With tribal governments expanding and the scope of tribal jurisdiction becoming more complex, we provide vital assistance to tribes and tribal enterprises in resolving important tax jurisdictional disputes and navigating complex tax questions.

Cultural Resource Protection: We assist in protecting and repatriating cultural items, including human remains, ensuring the preservation of tribal heritage and traditions.

Tribal Healthcare & Social Services: Our services extend to Indian health care centers and tribal healthcare programs, among other social services programs, to maximize the well-being of tribal members. We assist tribal health centers and Indian Health Service facilities with federal regulatory compliance, business agreements, operational advice and dispute resolution, among other legal issues.

Education & Youth Programs: We recognize and understand the importance to tribes of nurturing future generations. We represent tribal schools in matters such as employment issues, student disciplinary issues, intergovernmental relations, vendor contracts, policy advice and general operational advice. We also work with tribal governments in the development of various programs for their youth, including extracurricular programs, language and culture camps, participation in cultural events such as Canoe Journey, and the creation and administration of general welfare programs benefitting tribal youth. Our firm frequently donates to programs benefitting tribal youth, and our attorneys often mentor Native students who are interested in the law, which further illustrates our commitment to supporting tribal youth.

Public Service: Our dedication to pro bono services for Native American and Alaska Native communities involves collaboration with nonprofits and educational institutions on legal projects and initiatives.

### **A Dedicated Partner for Tribal nations**

Foster Garvey's comprehensive legal services, combined with our deep respect for tribal sovereignty and community development, position us as the ideal partner for tribes and tribal entities seeking legal counsel and advocacy. We are committed to supporting the growth and prosperity of Native American and Alaska Native communities – now and into the future.

### **Recognition**

Foster Garvey is a leading full-service law firm that has proudly advised tribes and tribal government agencies and enterprises for decades. Our attorneys have garnered exceptional reputations and accolades for technical excellence, client commitment and community service, including in Chambers USA, Super Lawyers, Best Lawyers and Best Law Firms.