

SPOKANE COUNTY BAR ASSOCIATION TWELFTH ANNUAL INDIAN LAW CONFERENCE

Hosts: Spokane County Bar Association Indian Law Section
and the Center for Civil and Human Rights at Gonzaga University School of Law

March 4 and 5, 2021 – online only

Thursday, March 4, 2021

- 8:30 am Virtual conference webinar lines open
- 8:45 - 9:00 am *Welcome:* Dan Rey-Bear, Chair of the SCBA Indian Law Section
Dean Jacob Rooksby, Gonzaga University School of Law
Opening Prayer
- 9:00 - 10:30 am **Post-Election Indian Policy Outlook**
The New President – Clara Pratte, Biden-Harris Transition Team
The 117th Congress – Loretta Tuell, Tuell Law P.C.
Washington State – Terri Parr, Exec. Director, Affiliated Tribes of Northwest Indians
- 10:30 - 10:45 am Break
- 10:45 - 12:15 pm **Native Identity and Current Enrollment Issues**
Impact of Early Policy on Enrollment Law – Paul Spruhan, Assistant Attorney General, Navajo Nation Department of Justice
Real Indians and Native Identity – Gyasi Ross, author and attorney
Beyond Blood Quantum: The Legal Implications of Tribal Enrollment – Tommy Miller, Methow Law

Friday, March 5, 2021

- 8:30 - 8:45 am Virtual conference webinar lines open
Welcome and Opening Prayer
- 8:45 - 9:15 am **Keynote Address:** Raquel Montoya-Lewis, Justice, Washington State Supreme Court
- 9:15 - 10:45 am **Current Indian Country Issues**
McGirt v. Oklahoma civil jurisdiction issues – Dylan Hedden-Nicely, Director, Native American Law Program, College of Law, University of Idaho
Post-*McGirt* opportunities for tribal-state relations – O. Joseph Williams, O. Joseph Williams Law Office, PLLC
Gron dal v. Mill Bay Members Association – Bruce Didesch
- 10:45 - 11:00 am Break
- 11:00 am - 12:30 pm **Elimination of Bias in the Law**
Ada Shen-Jaffe, Lead Coach, JustLead Washington
Juliana Repp, Managing Attorney, Spokane Unemployment Law Project; Member, Kalispel Tribal Gaming Board; Vice-Chair, Water Protector Legal Collective
Upendra Acharya, Professor, Gonzaga Law School
- 12:30 pm *Closing Remarks & Adjourn;* SCBA ILS Annual Meeting

Washington State Bar Ass'n CLE approval pending for 6.5 credits, including 1.5 ethics credits
To register, please visit <https://www.spokanebar.org/events-calendar/>. Tax-deductible donations may be made for the SCBA ILS bar scholarship and CLE registration is \$150.

SPEAKER BIOGRAPHIES



PROFESSOR UPENDRA ACHARYA is a professor and Norman & Rita Roberts Scholar at Gonzaga University School of Law. He served as an associate professor at the Faculty of Law, Tribhuvan University and practiced law in the Supreme Court of Nepal. He has represented landmark cases in the Supreme Court of Nepal, including a daughter's right to inherent property, and the Godabary Marble case that resulted in the passage of the first Environmental Protection Act in Nepal. He has been visiting professor at several law schools, including in Brazil, France, China, India, Italy, Lebanon, Philippines, and Mexico. He is currently a vice president of Asian Society of International Law and a co-chair of the Planning Committee of the AsianSIL Biennial Conference 2019. He also serves as the chair of the Human Rights Special Interest Group of the

Society. He is a founding member of Global Policy Forum for Nepal, a global think tank headquartered in London. Professor Acharya has presented papers on human rights, humanitarian law, international economic law and other areas of international law in North and South America, Middle East, Europe and Asia. He has written extensively on cutting-edge issues of international law, including terrorism, U.S. Foreign Policy, globalization, international economic law, and human rights and human security.



BRUCE DIDESCH - Since graduating in 1980 from the University of Idaho College of Law Mr. Didesch has devoted his professional life as an advocate for Indian people working as a lawyer, business executive and teacher. Currently Mr. Didesch is semi-retired and continues to work on a limited basis as counsel to the Colville Tribal Federal Corporation. He was recently re-appointed to serve as a judge on the Suquamish Tribal Court of Appeals.

From 2003 to 2009 Bruce was in-house counsel for the Colville Tribal Enterprise Corporation and served as its CEO from 2005-2007. The Kalispel Tribe hired Mr. Didesch in 2000 to assist the Tribe in opening Northern Quest Casino where he served as General Manager.

Mr. Didesch was an Assistant United States Attorney and special assistant for tribal relations with the Colville, Kalispel Spokane and Yakama Tribes in the U.S. Attorney's Office for the Eastern District of Washington from 1995-2000. Prior to moving with his family to Spokane he was privileged to work for the Confederated Tribes of the Colville Reservation for 16 years where he acquired extensive experience in Indian country matters.

Mr. Didesch has served as an adjunct professor at Gonzaga University since the 1997 teaching Federal Indian Law for and as coach to the Native American Law Students Association Moot Court Team. He is a graduate of Colorado College and the University of Idaho College of Law and attended the University of Goettingen. He is a former Chairperson of the Standing Committee on Legal Aid, served as a trustee of the Indian Law Section, and is a member of the Indian Law Sections of the Washington State Bar and Spokane County Bar Associations.



DYLAN R. HEDDEN-NICELY is a citizen of the Cherokee Nation of Oklahoma. He is Associate Professor of Law at the University of Idaho College of Law and Director of the University of Idaho Native American Law Program. Professor Hedden-Nicely graduated from the University of Idaho College of Law, magna cum laude, with an emphasis in Native American law, as well as natural resources & environmental law. Concurrently, Professor Hedden-Nicely earned a master's degree in water resources (science & engineering). After law school, Professor Hedden-Nicely focused on litigation and negotiation of issues related to Native American natural resources and water rights. Professor Hedden-Nicely teaches a variety of courses, including Native American law, Native American natural resources law, tribal nation economics & law, water law, law science & the environment, and civil procedure. His research interests include Native American natural resources and water law, tribal treaty rights, tribal civil and regulatory jurisdiction, water rights law, the interrelationship of law and science with applications to natural resources law, as well the under-representation of Native people in the legal profession. He continues to consult with tribes related to water rights and natural resources and can be reached at dhedden@uidaho.edu.



TOMMY MILLER is a member of the Colville Confederated Tribes and a graduate of Harvard Law School. He is also the founder of Methow Law, which was built on the principle that as Tribes continue to grow on the national and international stages, it is more important than ever for Tribes to build a strong foundation at home, and make the most effective use of their economic and legal sovereignty. Methow Law was created to help Tribes in these pursuits, by ensuring high-quality legal representation in business deals and litigation, and helping Tribes develop legal infrastructure that is well-crafted, comprehensive, and takes into account the past and future generations and traditions of each individual Tribe.

Tommy has also written and spoken on the topic of Tribal enrollment and the cultural, personal, and legal impacts of different Tribal enrollment policies.



JUSTICE RAQUEL MONTOYA-LEWIS served as a Superior Court Judge for Whatcom County until her appointment to the Washington State Supreme Court in December of 2019. Governor Jay Inslee appointed her the Whatcom County Superior Court in December 2014 and she was elected to her position in 2015 and 2016. During her time on the Superior Court, she heard a wide variety of cases, ranging from felony criminal cases, family law matters, child welfare, civil jury and bench trials on a wide range of civil matters.

Prior to serving on the Superior Court bench, she combined judicial and academic careers, serving as Chief Judge for the Lummi Nation, the Nooksack Indian Tribe and the Upper Skagit Indian Tribe and as an Associate Professor of Law at Fairhaven College of Interdisciplinary Studies at Western Washington University. She also served as an appellate judge for the Nisqually Tribe and the Northwest Intertribal Court System. Her work as a tribal court judge spanned 15 years. During that time, she worked with tribes all over the country, hearing trials as well as working on tribal court development, working with tribal communities to create legal systems that reflected the needs of those communities and their approaches to conflict resolution and justice.

As a professor at Western Washington University, she taught law-related courses to students at Fairhaven College, as well as created courses on Cultural Identity Development, Transgender Histories and Identities, Children and the Law, Federal Indian Law, Property Law, and Legal Writing. Prior to her work at WWU, she taught Legal Research and Writing at the University of New Mexico School of Law. During her time as a professor, she conducted research and writing on tribal courts, court development, child welfare, and juvenile justice.

She presents nationally on implicit bias, cultural identity, engaging families and youth in dependency and juvenile court, Indian Child Welfare compliance and tribal trial and appellate court practice. She has served as faculty for the

Washington State Judicial College, as well as the National Judicial Institute on Domestic Violence. She has presented at conferences held by the National Association of Women Judges, the National Council of Juvenile and Family Court Judges, the Office of Juvenile Justice, and the Washington State Bar Association.

She served on the Washington State Advisory Group on juvenile justice and served two terms on the Federal Advisory Committee on Juvenile Justice, which advises the Office of Juvenile Justice and Delinquency Prevention, Congress and the President on juvenile justice policy. In addition, she has served as a Trustee for the Superior Court Judges' Association, as well as the SCJA's Family and Juvenile Law Committee and the Judicial Education Committee. She has been a member of the Family Violence Advisory Board for the National Council of Juvenile and Family Court Judges and the Judicial Engagement Network, a joint project of the NCJFCJ and the Center for Court Innovation. In 2010, she became a fellow of the Georgetown University Public Policy Institute's Center for Juvenile Justice Reform, receiving a certificate in Juvenile Justice and Child Welfare Reform: Multi-System Integration.

In 2018, she was awarded the Children's Advocacy Center Community Leadership Award from the Brigid Collins Family Support Center. In 2015, she received the Dean's Leadership Award from the University of Washington School of Law. In 2010, she was recognized by the NW Asian Weekly as a Women of Color Empowered-Law and received the 2009 Community Building Award from the Whatcom Family and Community Network.

As a practicing attorney, she represented Indian tribes across the United States and served as a judicial law clerk for Justice Pamela B. Minzner. She holds a Juris Doctorate from the University of Washington School of Law (1992) and a Master of Social Work degree from the University of Washington Graduate School of Social Work (1996) and is a 1992 graduate of the Pre-Law Summer Institute for American Indians housed at the American Indian Law Center in Albuquerque, New Mexico. She received her Bachelor of Arts degree from the University of New Mexico. She is an enrolled member of the Pueblo of Isleta and a descendant of the Laguna Indian Tribe, two federally recognized tribes in New Mexico.



TERRI PARR, a citizen of the Coeur d'Alene Tribe, is a graduate of Washington State University. Terri has provided staff leadership for nearly 15 year for the Affiliated Tribes of Northwest Indians (ATNI), the regional policy and advocacy organization representing nearly fifty tribal nations from across the greater Northwest. In addition to working with member Tribes, Terri also engages with different levels of governments and agencies on behalf of the organization. Ms Parr's work and career supports and serves promoting Tribal Sovereignty and Self Determination and bettering tribal communities.



CLARA PRATTE has advocated for tribal communities nationwide on economic development and sustainable growth. She grew up on the Navajo reservation and has committed her work to poverty alleviation, economic empowerment, and advancing tribal sovereignty. Today she assists and advises tribes nationwide on economic development matters. She founded Strongbow Strategies, a government services firm, in 2013 and joined the Navajo Power leadership team in 2018 to implement new energy development models on the Navajo Nation.

Her past experience includes serving as the Tribal Engagements Director for the Biden / Harris Campaign and transition, Navajo Nation Chief of Staff, the Navajo Nation Executive Director of the Washington DC office, the National Director of the Office of Native American Affairs of the U.S. Small Business Administration and as a trade specialist/business analyst with the U.S. Department of Commerce International Trade Administration Foreign and Commercial Service. She has had the privilege of working for 2 U.S. Presidential Administrations, 4 Navajo Presidential Administrations, and for a member of the United States Congress. She was named the Tim Wapato Public Advocate of the Year in 2009 (NCAIED), a 40 under 40 in Indian Country in 2010 (NCAIED), a top 50 business leader in Indian Country in 2019 (Native Business Magazine), 2020 Pritzker Emerging Environmental Genius Award (UCLA) and 2020 Native Disruptor Award (Native Business Magazine).

JULIANA (Julie) C. REPP, a member of the Nez Perce Tribe, has devoted much of her career to representing the underprivileged and underrepresented, especially Native American interests and causes. She is currently the managing attorney for the Spokane office of the Unemployment Law Project, a non-profit law firm where she oversees staff and legal interns with a primary focus on representing claimants in administrative law hearings and as they seek to secure their unemployment benefits. The office also assists with policy initiatives and legal rights education on behalf of workers in WA state. Ms. Repp is a member of the Kalispel Tribal Gaming Board, a position she has held for over twenty years. She also serves as Vice-President of the Water Protector Legal Collective (WPLC), which works to support Indigenous-led movements on national and international levels to preserve and protect environment and combat climate change. She also volunteered as part of the WPLC civil team and on-the-ground Legal Team at the Legal Tent at the No Dakota Access Pipeline (NODAPL) Indigenous-led peaceful resistance camps at Oceti Sakowin within the Standing Rock Sioux Reservation, making over four trips in 2016/2017 to volunteer to support water protectors who endured atrocities and arrest by militarized police protecting DAPL interests.

She is a founding member and was the founding Chair of the Spokane County Bar Association Indian Law Section in 2009-2010 and continues to serve on that Executive Board. She received her Bachelor's degree cum laude from Gonzaga University and her juris doctor from Gonzaga University School of Law in December 1995. She has practiced law in the following tribal courts: Coeur d' Alene, Colville, Kalispel, Nez Perce, Spokane, Yakama, Standing Rock. She is also admitted to practice law within Washington State; US District Court for the Eastern District of Washington; and the US Court of Federal Claims. In 2017, Ms. Repp was awarded the YWCA Women of Achievement Carl Maxey Racial and Social Justice Award. Recently, she was awarded the 2020 Spokane Human Rights Champion Award by the Spokane County Human Rights Task Force and the City of Spokane Human Rights Commission.



GYASI ROSS (Blackfeet) is an essayist and writer, poet and speaker, lawyer and activist. Through a life of service, listening and living within Native communities, Gyasi profoundly understands the needs of his people and has dedicated his life to forging change within his communities.

Part of Gyasi's mission is raising the profile of the reservation populace, often viewed with ignorance as a shadowy world, as well as instilling a sense of pride among the people. He has taken his message to hundreds of colleges and universities, high schools and community venues nationwide. He has become a voice on racism and social justice and has been a keynote speaker at national conferences on racial equity, social justice and white privilege.

"My point in everything is helping my community and the various populations therein to influence the systems that affect them. My goal in life is about mentorship, about figuring out how to instruct others to fulfill their purpose and understand the sense of self-awareness and application of spirituality to everyday life. To understand that we are worthwhile: economically, politically, educationally, and spiritually. We have a lot to offer."

Ross is the author of two books, *Don't Know Much about Indians (but I wrote this book about us anyway)* (2011) and *How to Say I Love You in Indian* (2013). "I come from a family of storytellers. My family tells long stories, drinking coffee and blowing smoke in your face. It just fit for me to tell stories, and then I started writing them. My standard for writing stories is, if I can't explain it to my niece or nephew, or my grandpa who dropped out of school then I need to understand this topic better. People have a love affair with over-academicizing things."

Gyasi has taken his poetry into the hip hop realm by releasing a spoken word/hip hop album in 2015 entitled *Isskootsik (Before Here was Here)*.

Ross has written for Huffington Post, Indian Country Today, Deadspin and Gawker and is often tapped to appear on various talk shows and news programs (including MSNBC and ESPN) on topics about Indian Country and beyond (immigration, climate change, sports). Despite early educational struggles (attending six colleges, including two

tribal colleges, before graduating from Columbia Law School), Gyasi continues in the family business of working within the community and telling his people's stories.

Always believing in his mission, Ross first and foremost just wants things to be right with the complex world of the Indian nations. "Gratification is internal and I'm comfortable with that," Ross says, "I'm just trying to figure out how to help my folks."



ADA SHEN-JAFFE has served as an equity & justice organizational leader, teacher, trainer and coach throughout her career, using powerful frameworks for furthering anti-oppression work, multi-dimensional and multi-forum approaches to advocacy, community-engagement, and leadership skills. She currently serves as lead faculty and mentor for JustLead's Leadership Academy, as a national trainer and coach for the Sargent Shriver National Center on Poverty Law's Racial Justice Training Institute, and as a race equity & leadership consultant, coach and trainer for organizations and advocacy teams around the country. Among her many leadership roles, Ada served as the Statewide Director for Columbia Legal Services and Evergreen Legal Services and as a Distinguished Practitioner from Practice and Professor from Practice at the Seattle University School of Law. Previous key roles include helping to establish the Legal Aid for Washington Fund, now the Campaign for Equal Justice, the Washington Endowment for Equal Justice, the WA Supreme Court-created Access to Justice Board, the Leadership Academy, and the Washington State Race Equity & Justice Initiative (REJI).

PAUL SPRUHAN is Assistant Attorney General of the Litigation Unit at the Navajo Nation Department of Justice in Window Rock, Arizona. He received his A.B. in 1995 and his A.M. in 1996 from the University of Chicago. He received his J.D. in 2000 from the University of New Mexico. He has several Indian law articles published in law reviews, including *A Legal History of Blood Quantum in Federal Indian Law to 1935*, 51 South Dakota Law Review 1 (2006). His latest article, *CDIB: The Role of the Certificate of Degree of Indian Blood in Defining Native American Identity*, was published by the American Indian Law Journal in May, 2018. He and his wife, Bidtah Becker, have two children and live in Fort Defiance on the Navajo Nation.



LORETTA A. TUELL is the Managing Principal at Tuell Law. Loretta is an attorney, former senior government manager, and legislative advisor in the field of Indian Affairs and government relations. As the Principal, she provides legal services, strategic planning and lobby advice on the myriad of governmental regulatory, legislative and institutional matters impacting Native people.

In the private legal sector, Loretta was most recently a Partner at the international law firm, Greenberg Traurig, L.L.P. Her public service includes serving as the Majority Staff Director and Chief Counsel for the Senate Committee on Indian Affairs to Chairman, Senator Daniel K. Akaka and formerly served as Staff Counsel to Senator Daniel K. Inouye. Loretta has held several senior positions at the Department of Interior and was appointed by President Clinton to be the Director of the Office of American Indian Trust. In 2009, Loretta was recognized as one of five women—and the first American Indian woman in history—to receive the prestigious Margaret Brent Women Lawyers of Achievement Award from the American Bar Association. She is a graduate of UCLA School of Law.

Loretta also serves on the Board of Trustees for the International Association of Gaming Advisors (IAGA), the Board of Trustees for the Smithsonian National Museum of the American Indian (NMAI) in

Washington, D.C. and is the Chair of the Board of Trustees for the national non- profit serving Native youth development - the United National Indian Tribal Youth (UNITY) organization. Ms. Tuell is a citizen of the Nez Perce Tribe and grew up on the reservation in Lapwai, Idaho.

O. JOSEPH "JOE" WILLIAMS (Mississippi Choctaw) is an attorney in private practice in Okmulgee, Oklahoma. He has nineteen years of experience in the area of Federal Indian law and policy and has worked for many tribes and tribal entities in Oklahoma as well for his own tribe on the Mississippi Choctaw Reservation. He proudly serves on the Board of Directors for Oklahoma Indian Legal Services, Inc., is past Chair for the Oklahoma Bar Association-Indian Law Section, is former Secretary for the Oklahoma Indian Bar Association, and is currently Chief Justice for the Supreme Court of the Sac & Fox Nation located in Stroud, Oklahoma.