

Fourth Annual Tribal Government E-Commerce CLE Conference
Presented by: Rosette, LLP American Indian Economic Development Program



Wiring the Rez:

Innovative Strategies for Business Development Via E-Commerce Conference

February 1–2, 2018

Wild Horse Pass Hotel & Casino, Chandler, Arizona

ASU Sandra Day O'Connor
College of Law
Arizona State University
Indian Legal Program

8:00 – 8:30 a.m.

Check-In / Continental Breakfast

8:30 – 9 a.m.

Welcome & Blessing

- Governor Stephen Roe Lewis, *Gila River Indian Community*
- Lieutenant Governor Robert Stone, *Gila River Indian Community*
- Doug Sylvester, *Dean, Sandra Day O'Connor College of Law at Arizona State University (ASU)*
- Robert J. Miller, *Professor of Law, Sandra Day O'Connor College of Law at ASU*

9:00 – 10:30 a.m.

The Shifting Political Landscape in Indian Country

After one year in office, what have we learned about opportunities for tribes in working with the current administration? The landscape has changed substantially and while tribal leaders have rightly focused on defending past accomplishments in the changing political tide, this panel will also focus on potential opportunities for expanding economic development. Political experts from the current administration, past administration, and tribal perspective of working with both will share their thoughts on what is ahead for Indian Country.

- Charles W. Galbraith, *Partner, Kilpatrick Townsend & Stockton, LLP (Moderator/Panelist)*
- Mike Connor, *Partner, WilmerHale*
- Derrick Beetso, *Senior Counsel, National Congress of American Indians*
- Dr. Gavin Clarkson, *former Deputy Assistant Secretary for Policy and Economic Development, Office of the Assistant Secretary, Indian Affairs, Associate Professor, New Mexico State University (on leave)*

10:30 – 10:45 a.m.

Break

10:45 a.m. – 12:30 p.m.

Wiring the Rez: Bridging the Digital Divide

Many tribal communities lack the critical infrastructure necessary to access the most current broadband services and technologies. Broadband and wireless technologies are now essential duty services for tribal community residents. Access to these technologies is also playing an increasingly larger role in enabling economic and commercial development in Indian Country. This panel will focus on the importance of the broadband technology infrastructure, deployment, and development issues in tribal communities as well as strategies and advice on how to utilize available Federal programs and how banks can assist tribal communities to address these infrastructure issues.

- Emily Donnellan, *Assistant Professor, Public Services Librarian, Concordia University School of Law (Moderator/Panelist)*
- Geoffrey C. Blackwell, *Chief Strategy Officer and General Counsel, AMERIND Risk*
- Tedd Buelow, *National Native American Coordinator, Rural Development, United States Department of Agriculture*
- Craig Nolte, *Regional Manager, Community Development, Federal Reserve Bank of San Francisco*

12:30 – 12:50 p.m.

Buffet Lunch

12:50 – 1:30 p.m.

Lunch Keynote Speaker

(Introduced by Robert Miller)

Native American Business and Tribal Economic Development in the Age of Technology

Chris James

*President & Chief Executive Office,
National Center for American Indian Enterprise Development*

1:30 – 2:45 p.m.

Legal Update: Pioneering into New Business Sectors

The world is evolving into a robust economy centered around ideas, technology and innovation. Pioneering companies are making billions of dollars in this new economy by creating inventive mechanisms to become involved in e-commerce or other high-tech, intellectual property intensive industries. Indian tribes, particularly those not located near a population center or blessed with massive natural resources, are recognizing the ability to utilize tribal sovereignty as an economic development resource to participate in these high-tech business sectors. This panel explores traditional notions of tribal sovereignty and how it is evolving in such a novel business environment.

- **Robert Rosette**, *Partner, Rosette, LLP Moderator/Panelist*)
- **Brendan V. Johnson**, *Partner & Co-Chair, American Indian Law & Policy Group, Robins Kaplan LLP*
- **Dale White**, *General Counsel, Saint Regis Mohawk Tribe*

2:45 – 3:00 p.m.

Break

3:00 – 4:15 p.m.

Sound Regulation that Promotes Innovative Economic Development Opportunities in the E-Commerce Arena

This panel will discuss the regulation of tribal commerce, with an overview of Federal Indian law and policy, lessons learned from the past few decades of Indian gaming regulations, how those regulations may be considered in tribal e-commerce opportunities, and the implications of outside regulation in e-commerce on tribal sovereignty. This panel will also include a case study of a current tribal regulation in tribal lending in Indian Country.

- **Joe Sarcinella**, *Chief Operations Officer, General Counsel, Native American Financial Services Association (Moderator/Panelist)*
- **Jonodev Chaudhuri**, *Chairman, National Indian Gaming Commission*
- **Richard Fulkerson**, *Regulatory/Financial Consultant, Beltzer Call Lausten Schwartz, LLP*

4:15 – 5:00 p.m.

Comments from Former Assistant Secretaries of Indian Affairs

- **Carl J. Artman**, *Attorney and Faculty Associate, Sandra Day O'Connor College of Law at ASU*
- **Lawrence S. Roberts**, *Counsel, Kilpatrick Townsend & Stockton, LLP*

DAY TWO / FRIDAY, FEBRUARY 2

8:00 – 8:30 a.m.

Check-In & Continental Breakfast

8:30 – 8:35 a.m.

Opening Remarks

- [Robert J. Miller](#), *Professor of Law, Sandra Day O'Connor College of Law at ASU*

8:35 – 9:15 a.m.

Featured Speaker

(Introduced by Patty Ferguson-Bohnee)

Organizing for the Eighth Fire

Winona LaDuke

Executive Director, Honor the Earth

9:15 – 10:15 a.m.

Hacking the Rez: Cyber Threats to Online Tribal Enterprises

Recent computer hacks of Sony Pictures, the Democratic National Committee, the Chairman of the Clinton Presidential Campaign and federal government personnel files highlight the vulnerability of any online activity to persistent threats from foreign governments, black hat hackers, and organized international criminal gangs, all of which may sometimes collaborate with one another. Tribal online commerce collects and maintains all sorts of sensitive personal information on both employees and customers. In addition, tribal business records sometimes are vulnerable to such attacks. This panel will discuss such vulnerabilities and the risks for tribal e-commerce and how to mitigate them.

- [Robert N. Clinton](#), *Foundation Professor of Law, Sandra Day O'Connor College of Law at ASU (Moderator)*
- [Skip Durocher](#), *Partner, Dorsey & Whitney, LLP*
- [Chris Bolton](#), *Chief Information Officer, Gila River Gaming Enterprises, Inc.*

10:15 – 10:30 a.m.

Break

10:30 a.m. – Noon

The Future of Sports Betting: A New Playing Field?

The U.S. Supreme Court is currently considering the constitutionality of the Professional and Amateur Sports Protection Act (PASPA), which was designed to limit legal sports betting to a few states, primarily Nevada. While the outcome of the case is not certain, many jurisdictions are preparing for the federal ban to sports betting to be lifted. This panel will explore the federal case and its possible outcomes, with an emphasis on what it could mean for tribal governments and the tribal gaming industry. Panelists will also provide data on the current state of the sports betting industry, legal and illegal, to evaluate whether it is an amenity that tribal governments should pursue or ignore and the political tradeoffs that may be required for each approach.

- [Kate Spilde, Ph.D.](#), *Associate Professor, L. Robert Payne School of Hospitality and Tourism Management, San Diego State University and the Sycuan Institute on Tribal Gaming (Moderator)*
- [Keith Miller](#), *Ellis and Nelle Levitt Distinguished Professor of Law, Drake University Law School*
- [Kate C. Lowenhar-Fisher](#), *Member, Dickinson Wright, PLLC*
- [Steve M. Bodmer](#), *General Counsel, Pechanga Band of Luiseño Indians*

Noon – 12:30 p.m.

Buffet Lunch

12:30 – 1:15 p.m.

Keynote Speaker

(Introduced by Patty Ferguson-Bohnee)

Tribes, Technology, and Tradition

Hilary C. Tompkins

Partner, Hogan Lovells US LLP

1:15 – 2:15 p.m.

Exploring Sales Tax Issues for Indian Country Online Transactions

Established rules governing state and local taxation may be obsolete as transactions increasingly take place on the “Web” and in the “Cloud,” and both goods and services are “digital”. The U.S. Supreme Court just agreed to address online tax issues for the first time, and it may overturn or significantly modify the bright-line physical presence test it recognized in *Quill* (1992). The panel will discuss current issues related to online transactions and the unique effects Indian law has on those issues, as well as how the Court and Congress could change the rules.

- **Patrick Irvine**, *Director, Fennemore Craig P.C. (Moderator/Panelist)*
- **Russell A. Brien**, *Founder, Brien Law, LLC*

2:15 – 3:45 p.m.

Exploring Innovative Strategies and Models for E-Commerce

Internet and reservation based commerce has provided a platform for tribes and Native American entrepreneurs to reach consumers in a multitude of new industries. This panel will provide a legal update on tribal marijuana production, a discussion on tribal industrial hemp production and marketing, and the Colville Tribes ongoing project. In addition, two experts on banking issues will address an innovative idea for tribal internet banking.

- **Robert J. Miller**, *Professor of Law, Sandra Day O'Connor College of Law at ASU (Moderator/Panelist)*
- **Lael Echo-Hawk**, *General Counsel, National Indian Cannabis Coalition, Of Counsel, Hobbs Strauss Dean & Walker, LLP*
- **Doug Fine**, *Author, Journalist, Storyteller, Humorist, Hemp Farmer*
- **J.D. Colbert**, *President, Holisso Haky Inc.*
- **W. Gregory Guedel, Ph.D.**, *Attorney at Law, Hobbs Strauss Dean & Walker, LLP*

3:45 p.m.

Closing Remarks

CLE: The State Bar of Arizona does not approve or accredit CLE activities for the Mandatory Continuing Legal Education requirement. This activity may qualify for up to 13 general credit hours toward your annual CLE requirement for the State Bar of Arizona. This conference has been approved for 12 general CLE credit hours by the New Mexico MCLE Board.

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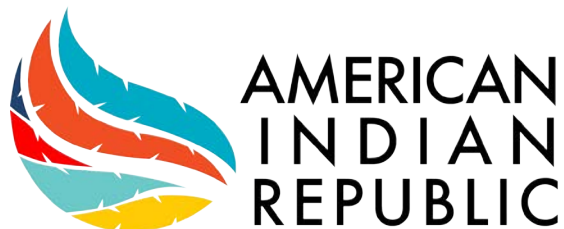
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- **Robert A. Rosette**, *Partner, Rosette, LLP*
- **Katherine Spilde, Ph.D.**, *Associate Professor, L. Robert Payne School of Hospitality and Tourism Management, San Diego State University and the Sycuan Institute on Tribal Gaming*
- **John B. Lewis**, *Chairman, Gila River Indian Community Utility Authority*

ILP MISSION

The Indian Legal Program (ILP) was established in 1988 to provide legal education, generate scholarship in the area of Indian law, and undertake public service to tribal governments. The ILP trains students to effectively engage the representation of Native peoples and seeks to promote an understanding of the differences between the legal systems of Indian Nations and those of the state and federal governments.