

Sovereignty and E-Commerce: Innovating and Reshaping the Borders of Indian Country

3rd Annual Tribal Government E-Commerce
CLE Conference

February 2-3, 2017

Acacia Ballroom, Wild Horse Pass Hotel & Casino, Chandler, Arizona

Presented by the
Rosette, LLP American Indian
Economic Development Program

7:30 – 8:00 a.m.

Check-In / Breakfast Buffet

Sponsored by the Gila River Indian Community

8:00 – 9:00 a.m.

Welcome, Blessing & Opening Remarks

- **Governor Stephen Roe Lewis**, *Gila River Indian Community*
- **Councilman Robert Stone**, *Gila River Indian Community*
- **Douglas J. Sylvester**, *Dean and Professor of Law, Sandra Day O'Connor College of Law at Arizona State University (ASU)*
- **Patty Ferguson-Bohnee**, *Faculty Director, Indian Legal Program; Director, Indian Legal Clinic, Clinical Professor of Law, Sandra Day O'Connor College of Law at ASU*
- **Robert J. Miller**, *Professor of Law, Sandra Day O'Connor College of Law at ASU*
- **Chairman Brian Cladoosby**, *President, National Congress of American Indians (NCAI)*

9:00 – 11:00 a.m.

The Shifting Political Landscape in Indian Country

What does the recent change in administration mean for tribes? Many tribes are expanding economic development ventures, protecting natural resources, implementing alternative energy models and improving communication with its state and federal counterparts. Will a Trump/republican administration work to support tribes in these efforts or roll back years of progress? Political experts from both parties share their thoughts on what is ahead for Indian Country.

- **Charles W. Galbraith**, *Counsel, Kilpatrick Townsend & Stockton, LLP (Moderator/Panelist)*
- **Troy A. Eid**, *Shareholder, Greenberg Traurig, LLP*
- **Carl J. Artman**, *Attorney and Faculty Associate, Sandra Day O'Connor College of Law at Arizona State University (ASU)*
- **Marshall Pierite**, *CEO-Founder, The Pierite, LLC*
- **Chairman Brian Cladoosby**, *President, NCAI*
- **Kory Langhofer**, *Managing Attorney, Statecraft, PLLC 2016*

11:00 – 12:15 p.m.

Broadband Infrastructure Development and Deployment in Indian Country

Many tribal communities lack the critical infrastructure necessary to access the most current broadband services and technologies. Broadband and wireless technologies are now essential utility 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 and strategies and advice on how to utilize available Federal programs to address these infrastructure issues.

- **John B. Lewis**, *Chairman, Gila River Indian Community Utility Authority, (Moderator)*
- **Lael Echo-Hawk**, *Of Counsel, Hobbs Straus, Dean & Walker, LLP*
- **Lyle Ishida**, *Acting Chief Director, Federal Communications Commission, Office of Native Affairs and Policy (ONAP)*
- **Keith B. Adams**, *Assistant Administrator, United States Department of Agriculture, Rural Development, Rural Utilities Services (RUS)*

12:15 – 12:45 p.m.

Buffet Lunch

Sponsored By Tribal Business Journal

12:45 – 1:30 p.m.

Luncheon Keynote Speaker

The Honorable Kenneth L. Salazar

Partner, Wilmer Cutler Pickering Hale and Dorr, LLP

The Obama Years - A New Beginning with First Americans

(introduced by Robert A. Rosette, Partner, Rosette, LLP)

1:30 – 2:45 p.m.

Consultation with State & Federal Counterparts

Indian nations are the third sovereign existing and operating within the borders of the United States. As such, they deserve the respect, and demand the rights, of consultation with federal, state and local governments before they make decisions that might impact tribal rights and assets. This panel will examine the legal and political dimensions surrounding the obligation of consultation with Indian nations.

- **Robert J. Miller**, *Professor of Law, Sandra Day O'Connor College of Law at ASU (Moderator)*
- **Matthew L.M. Fletcher**, *Professor of Law & Director of the Indigenous Law & Policy Center, Michigan State University College of Law*
- **David M. Nyberg**, *Deputy Legal Counsel & Director of Northern Michigan Office, Office of Governor Rick Snyder, Michigan*
- **Rita C. Aguilar**, *former Deputy Associate Attorney General, U.S. Department of Justice*

2:45 – 3:00 p.m.

Break

3:00 – 4:00 p.m.

Jurisdiction, E-Commerce & State Regulation Panel

Can Tribes and States work together and agree on jurisdiction and regulations? Where are the jurisdictional boundaries? Can the public consent to tribal jurisdiction? Tribal and state panelists will share their experiences and ideas going forward.

- **Gavin Clarkson, Ph.D.**, *Associate Professor, Finance Department, College of Business, New Mexico State University (Moderator/Panelist)*
- **Chairperson Sherry Treppa**, *Habelmatolet Pomo of Upper Lake*
- **Alissa Gardenswartz**, *Deputy Attorney General, Consumer Protection Section, Colorado Department of Law*
- **Gary K. King, Ph.D.**, *former Attorney General of the State of New Mexico*

4:00 – 5:00 p.m.

Cyber Liability Insurance – Is Your Tribe Covered?

This panel will discuss the very timely topic of insuring cyber risks in Indian country. The panel will first discuss various cyber risks that tribes and tribal organizations face, and what they can do to try to prevent and manage those risks. But despite the best precautions, the risk of a cyber event cannot be eliminated, and one way a tribe or tribal organization can further protect itself is through the purchase of cyber insurance. The panel will explain what types of cyber insurance are available, what sorts of protections are offered, and what questions you should be asking your insurance broker when you are in the market to purchase cyber insurance.

- **Robert N. Clinton**, *Foundation Professor of Law, Sandra Day O'Connor College of Law at ASU (Moderator)*
- **Skip Durocher**, *Partner, Dorsey & Whitney, LLP*
- **Patrick Jewell**, *Risk Management Consultant, Tribal First*
- **Eric Ramos**, *SVP Native American Risk & Insurance, Wells Fargo Insurance Services, USA, Inc.*

5:00 – 6:30 p.m.

Reception / Ocotillo Ballroom

Sponsored by Plain Green, LLP

8:00 – 8:30 a.m.

Check-In / Breakfast Buffet

8:30 – 8:35 a.m.

Opening Remarks

- **Patty Ferguson-Bohnee**, *Faculty Director, Indian Legal Program, Director, Indian Legal Clinic, Clinical Professor of Law*

8:35 – 10:00 a.m.

Legal Update on Tribal E-Commerce – what's new?

This panel will provide a broad overview of the legal landscape for tribal e-commerce including case studies of statutory interpretation, consumer protection, jurisdiction, lending, and current industry trends. As part of this update, this panel will discuss strategies for tribal businesses in light of recent court decisions and the changing regulatory environment.

- **Patty Ferguson-Bohnee**, *Faculty Director, Indian Legal Program, Director, Indian Legal Clinic, Clinical Professor of Law*
- **Jennifer H. Weddle**, *Co-Chair, American Indian Law Practice, Greenberg Traurig, LLP*
- **Karrie S. Wichtman**, *Partner, Rosette, LLP*

10:00 – 10:15 a.m.

Break

10:15 – 11:45 a.m.

What can I-Gaming, Fantasy Sports, Sports Betting and eSports do for Indian Country?

This panel provides an overview of recent developments in the Internet Gaming space, including the latest legal and industry information related to i-gaming, fantasy sports, sports betting and eSports. The panel will focus on the way legal constraints on internet gaming and other online industries that require financial transactions have been evolving at the federal, tribal and sometimes state, level. Panelists will comment on how these changes may provide opportunities for tribal governments and gaming operators to expand their potential gaming customer base and tribal economy through use of the internet.

- **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)*
- **Anthony N. Cabot**, *Partner, Gaming Practice Group, Lewis Roca Rothberger Christie LLP*
- **Brett Abarbanel, Ph.D.**, *Director of Research, International Gaming Institute University of Nevada, Joint Appointment at the UCLA Gambling Studies Program*

12:00 – 12:30 p.m.

Buffet Lunch

12:30 – 1:15 p.m.

Featured Speaker

Lawrence S. Roberts

former Principal Deputy Assistant Secretary, U.S. Department of Indian Affairs

***Reflections on progress over the past eight years
and pathways forward to strengthening the Nation-to-Nation Relationship***
(introduced by Ann Marie Bledsoe Downes, former Deputy Assistant Secretary,
U.S. Department of Indian Affairs)

1:15– 3:00 p.m.

E-Commerce Entrepreneurship: Internet Commerce in Real Life

The internet and E-Commerce has provided a platform for Tribes and Native American entrepreneurs to reach consumers in a multitude of new industries. In this panel, industry leaders from a variety of diversified market segments will share their experience and practical advice on engaging in E-Commerce based businesses, including telecommunications, financial services, food products and IT infrastructure.

- **Blake M. Trueblood**, Chief of Staff, Native American Financial Services Association
- **Robert J. Miller**, Professor of Law, Sandra Day O'Connor College of Law, ASU
- **Godfrey Enjady**, Founder & General Manager, Mescalero Apache Telecom Inc.
- **Preston Eagleheart**, Chief of Staff, Cayuse Technologies
- **Jay Abbasi**, Chief Executive Director, Plain Green Loans, LLC
- **Karlene Hunter**, Native American Natural Foods, LLC (Tanka)

3:00 p.m.

Closing Remarks / Adjourn

- **Robert J. Miller**, Professor of Law, Sandra Day O'Connor College of Law, ASU

This conference may qualify for approximately 10.5 general CLE (Continuing Legal Education) credits for the state bar associations of Arizona and California. Approval is pending for New Mexico MCLE. Please contact the conference co-coordinator at ILP@asu.edu for information about CLE accreditation for other states.

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