

Fifth 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

January 31 - February 1, 2019

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**

*(Sponsored by Habematolel Pomo of Upper Lake)*

**8:30 – 9:00 a.m.**

**Welcome & Blessing**

- Governor Stephen Roe Lewis, Gila River Indian Community
- Lieutenant Governor Robert Stone, Gila River Indian Community
- Douglas 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 – 9:30 a.m.**

**Introductory Keynote**

*(Introduced by Robert A. Rosette, Partner, Rosette, LLP)*

**The Honorable Ken Salazar**

*Partner, Wilmer Cutler Pickering Hale and Dorr, LLP*

*Former Colorado Attorney General, U.S. Senator, and Secretary of the Interior*

**9:30 – 11:00 a.m.**

**The Shifting Political Landscape in Indian Country**

Indian Country is no longer bound to geographic borders with the growth of e-commerce. With that growth comes a need to build government-to-government relationships at all levels to garner influence. Our panelists will explore the ever-changing and constantly evolving world of politics – from what to expect from the Trump administration to the priorities of a divided 116th Congress to the growing pressure from the states and the role of the Courts in the absence of legislation.

- Greg D. Porter, Partner, Catalyst (Moderator)
- Aurene M. Martin, Managing Partner, Spirit Rock Consulting Inc.
- Thomas L. Strickland, Partner, WilmerHale, LLP
- Gary Davis, Executive Director, Native American Financial Services Association

**11:00 – 11:15 a.m.**

**Break**

**11:15 a.m. – 1:00 p.m.**

**Litigation Trends in Tribal Financial Services**

Today many of the most important fights over tribal sovereignty are occurring in the field of tribal financial services. Aggressive class action attorneys are taking tribal lending enterprises to court and challenging their “arm of the tribe” status. These attorneys seek to impose state law restrictions on tribal lending enterprises and curtail tribal sovereignty. This panel will provide insights from litigators who have been on the front lines of these cases, an overview of the top cases to watch in 2019, and thoughts on potential future federal and state enforcement actions against the industry.

- Brendan V. Johnson, Partner & Co-Chair, American Indian Law & Policy Group, Robins Kaplan LLP (Moderator)
- Maranda S. Compton, Partner, Van Ness Feldman LLP
- Justin Gray, Partner, Rosette, LLP
- Charles W. Galbraith, Partner, Kilpatrick Townsend & Stockton, LLP

1:00 – 1:30 p.m.

### **Buffet Lunch**

*(Sponsored by Big Picture Loans)*

1:30 – 3:15 p.m.

### **The Future of Tribal Financial Services Regulation**

One of the great myths in U.S. financial services is that all “tribal lenders” are illegal and “unregulated.” In fact, a significant and growing number of American Indian tribal governments have financial services regulatory agencies to fill the same role as financial regulators at the state and federal level. Tribes that legally and safely regulate financial services have enormous potential for growing their economic development abilities, well beyond internet loans into broader markets like business and secured lending, insurance or other financial industries. This panel provides an overview of how tribes have exercised their sovereignty and laid a foundation for economic growth and jobs development by empowering tribal financial services regulatory authorities.

- **Sarah J. Auchterlonie**, *Shareholder, Brownstein Hyatt Farber Schreck (Moderator)*
- **Kevin Cline**, *Regulatory Agent, Tribal Lending Regulatory Authority, Guidiville Band of Pomo Indians*
- **Terry Goddard**, *Principal, Goddard Law PLC*
- **Sunshine M. Nicholson**, *Administrator, Tribal Lending Regulatory Authority, Fort Belknap Indian Community*
- **David Tomas**, *Regulatory Commissioner, Tribal Consumer Financial Services, Habematolel Pomo of Upper Lake*

3:15 – 3:30 p.m.

### **Break**

3:30 – 5:00 p.m.

### **Upcoming Tribal Tax Issues and Opportunities**

Indian tribal governments are constantly faced with providing services and programs to their citizens, but are hampered by the lack of a strong tax base and the lack of the necessary resources and tools to develop their tax bases. This panel will explore recent court decisions, and several other opportunities for engagement with Congress and the Administration to help further tribal tax initiatives.

- **Derrick Beetso**, *Senior Counsel, National Congress of American Indians (Moderator)*
- **Lance G. Morgan**, *President & Chief Executive Officer, Ho-Chunk Inc.*
- **Patrick Irvine**, *Director, Fennemore Craig P.C.*

5:00 – 7:30 p.m.

### **Conference Reception: Ocotillo Ballroom**

*(Sponsored by Native American Financial Services Association)*

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)*

#### **Lance G. Morgan**

*President & CEO, Ho-Chunk, Inc.*

*The Evolutionary Pattern of Tribal Internet Business Partnerships*

9:15 – 10:15 a.m.

### Blockchain: Applications for Tribal Governments

Tribal governments are complex organizations that manage and allocate a variety of tribal resources and assets through multiple channels. As both governments and business operators, tribal governments must manage land, data government funds, tribal business revenues, tribal citizenship data and other valuable assets. Blockchain offers a system for tribal government management and allocation transparency that could revolutionize tribal management and reduce mistakes, save money and strengthen tribal efficiency and accountability.

- **Katherine (Kate) Spilde, Ph.D.**, *Associate Professor, L. Robert Payne School of Hospitality and Tourism Management, San Diego State University (Moderator)*
- **David R. Jarczyk**, *Principal, Ignition - Innovation, KPMG LLP*
- **Gary Marchant**, *Regents' Professor of Law and Director of the Center for Law, Science and Innovation, Professor of Law, Sandra Day O'Connor College of Law at ASU*

10:15 – 10:30 a.m.

### Break

10:30 a.m. – Noon

### The Future of Sports Betting

The Supreme Court's May 2018 ruling in *Murphy v. NCAA* struck down the entirety of the Professional and Amateur Sports Protection Act as unconstitutional. What were the immediate impacts of that ruling as it affects states and tribes? This panel will discuss the proliferation of sports betting that has occurred since the ruling as well as discuss what is on the horizon in jurisdictions where tribes have significant political influence within the state. This panel will consider sports betting from the view of the legal practitioner as well as the sports betting operator.

- **Steve M. Bodmer**, *General Counsel, Pechanga Band of Luiseño Indians (Moderator)*
- **Keith C. Miller**, *Ellis and Nelle Levitt Distinguished Professor of Law, Drake Law School*
- **Stephen M. Hart**, *Partner, Lewis Roca Rothgerber Christie LLP*
- **Seth A. Young**, *Chief Innovation Officer, PointsBet*

Noon – 12:30 p.m.

### Buffet Lunch

12:30 – 1:10 p.m.

### Keynote Lunch Speaker

*(Introduced by Robert A. Rosette, Partner, Rosette, LLP)*

#### **Chairman John R. Shotton**

*Otoe-Missouria Tribe*

*The Otoe-Missouria Tribe: Lessons Learned From Owning and Operating a Successful E-Lending Company*

1:10 – 3:10 p.m.

### Exploring Innovative Strategies and Models for E-Commerce

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 web-based businesses, including telecommunications, media and marketing, commercial government contracting and tribal economic development.

- **Preston Eagleheart**, *Chief of Staff, Cayuse Technologies, LLC (Moderator)*
- **Eric S. Trevan, Ph.D.**, *Faculty, The Evergreen State College*
- **Vicki Vasques**, *President & CEO, Tribal Tech, LLC*
- **Acee Agoyo**, *Editor-in-Chief, Indianz.com, Ho-Chunk, Inc.*
- **Randall (Randy) Willis**, *Chief Growth Officer, Cayuse Technologies, LLC*
- **Andrew Metcalfe**, *Founder & CEO, Native Network Inc.*

3:10 - 3:15 p.m.

### Closing Remarks & Adjourn

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

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 12 general credit hours toward your annual CLE requirement for the State Bar of Arizona. This conference has been approved for 11.9 general credits by the State Bar of New Mexico MCLE Board. Contact [ilp@asu.edu](mailto:ilp@asu.edu) for information on approval for other state bar associations.

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## ILP MISSION

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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.