



Native American Law

WilmerHale is uniquely positioned to counsel tribal governments and to advocate for the rights of tribes (and their partners) because we marry deep Washington DC experience and litigation prowess with a strong presence in the western United States, where many of the most contentious and significant legal issues involving these tribal rights have arisen. Our interdisciplinary team focuses on sophisticated litigation and regulatory matters, representing tribes on issues that include energy and natural resource development, land acquisition, water rights, gaming matters and issues of tribal sovereignty.

PRACTICE AT A GLANCE

- Some of our lawyers previously worked on Native American law matters while holding government positions, including at the US Department of the Interior (DOI) and the US Department of Justice (DOJ). Their insight enhances our ability to work productively and strategically with Congress, the DOJ, the DOI, the Office of Management and Budget, the National Indian Gaming Commission, and other government agencies. At the same time, we can capably oppose adverse actions by the government, when necessary.
- With some of the nation's most well-respected litigators on our team, we have substantial experience representing Native American tribes, bands and nations at every stage of dispute resolution, from strategic planning to litigation in trial and appellate courts around the country, including the US Supreme Court.
- WilmerHale has three offices in the western United States. Our roots in the region strengthen our ability to offer a deep understanding of the complex interplay of federal law, state law, and the priorities of the many constituencies that define natural resources issues in the region.

50+

WilmerHale lawyers with
experience counseling
Native American clients

“Clients describe the team as ‘superb,’ and add that they would ‘recommend them very highly in terms of their professionalism and dedication.”

— *Chambers USA*

EXPERIENCE

- On behalf of five tribes in San Diego and two non-Indian entities, negotiated a settlement agreement with the United States and secured the passage of congressional legislation to bring an end to a century-old dispute and 40-plus years of litigation.
- Represented the Tohono O’odham Nation in complex land-into-trust and gaming litigation, ultimately obtaining a very favorable settlement permitting the Nation to proceed with the project at issue.
- Secured, on behalf of a New Mexico tribe, a nine-figure settlement of 10-year-old litigation against the United States alleging mismanagement of the tribe’s resources.
- Assisted in securing, on behalf of the Chickasaw and Choctaw Tribes, a nine-figure settlement of 10-year-old litigation against the United States alleging mismanagement of the tribes’ resources.
- Represent the Sault Ste. Marie Band of Chippewa Indians in litigation presenting land-into-trust and gaming issues, including obtaining the reversal of a preliminary injunction against the tribe on appeal to the Sixth Circuit, and obtaining the dismissal of a subsequent suit against tribal officers.
- Represent the North Fork Rancheria of Mono Indians in complex land-into-trust and gaming litigation, including obtaining summary judgment upholding the Interior Department’s decision to take land into trust for gaming and successfully defending that judgment on appeal, obtaining summary judgment in other challenges to related agency actions, and obtaining a favorable judgment against the State of California, resulting in the issuance of Secretarial procedures to govern Class III gaming.
- Obtained a favorable judgment against California for the Estom Yumeka Maidu Tribe of the Enterprise Rancheria, resulting in the issuance of Secretarial procedures.
- Represented the National Congress of American Indians as amicus in multiple cases involving the application of the National Labor Relations Act to tribes.
- Secured a victory for the Spokane Tribe of Indians in litigation brought by the Kalispel Tribe of Indians and by Spokane County, Washington, challenging the Interior Department’s decision to take land into trust for the Spokane Tribe for gaming pursuant to a two-part determination.

RECOGNITION

- **Chambers USA 2023:** Nationwide recognition for Native American Law practice; Seth Waxman ranked as a leading lawyer in Native American Law
- **The Legal 500 US 2023:** Recognized for Native American Law; Seth Waxman named an elite Leading Lawyer and Daniel Volchok recognized as a “Next Generation Lawyer” for Native American Law
- **U.S. News and World Report and Best Lawyers:** Recognized WilmerHale among the best law firms for Native American Law
- **Law360:** 2018 Native American Practice Group of the Year



For more information, please contact:

Seth Waxman — Co-Chair, Appellate and Supreme Court Litigation Practice | +1 202 663 6800 | seth.waxman@wilmerhale.com
Tommy Beaudreau — Co-Chair, Energy, Environment & Natural Resources Practice | +1 202 663 6259 | tommy.beaudreau@wilmerhale.com