

Indian Law Practice

Fennemore Craig's interaction with the American Indian Tribes of the Southwest covers a wide range of practice areas related to business and development both on and off Indian lands. As one of the Southwest's oldest and largest firms, Fennemore Craig's experience with business intersecting tribal lands extends to the early 1900s. Then, as now, federal law, tribal governments, state law, the U.S. Bureau of Indian Affairs, and the U.S. Department of Interior frequently intersect on transactions or litigation involving tribes and entities doing business on Indian lands and with tribal governments.

Representation of client interests in the area of Indian Law often draws upon the diverse and substantial specialized resources within the firm ranging from government relations to taxation. This includes drawing upon knowledge of the challenges of commercial transactions in Indian Country, which the firm's managing partner, Tim Berg, helped address through a new national model secured transactions law for America's tribes. Released in 2005, the Model Tribal Secured Transactions Act was drafted by a committee of the National Conference of Commissioners on Uniform State Laws, chaired by Mr. Berg. The model act provides a secured transactions law for American Indian tribes modeled after the Uniform Commercial Code Article 9, which is the basis for commercial transactions across the country and is designed to assist the country's tribes, tribal entities and members to secure financing for commercial ventures.

Development

There is a growing trend toward increased commercial development on Indian lands, particularly near urban centers. Fennemore Craig represents commercial development and industrial interests, as well as retail businesses with existing or planned projects on Indian lands. Real estate work includes master ground leases, intergovernmental agreements, commercial leases, CC&Rs and development agreements for both large and small-scale projects.

Commercial Transactions

Fennemore Craig's commercial transactional experience on Indian lands includes such diverse matters as site selection and contracts for a proposed sports stadium, fuel contracts, construction and design contracts, and sale of real property involving tribal assets, as well as businesses sold to tribal entities.

Tax

Conducting business on Indian lands often entails complex taxation questions, such as taxation of leasehold interests. Fennemore Craig's tax attorneys are experienced in property and possessory interest taxation on Indian lands for a wide range of businesses, such as energy and natural resource-based projects, utility infrastructure, and commercial ventures.

Litigation

Litigation experience includes property and possessory interest tax, construction defects, commercial finance, product liability, professional services, and jurisdiction and trespass disputes that involve either tribal lands or interests. Fennemore Craig attorneys represent clients on a variety of commercial disputes, as well as tort claims, including personal injury, professional disputes and product liability matters.

Indian Law Practice Group

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