

Sara A. Dutschke

Sara Dutschke is keenly aware of the challenges facing Indian Country. Sara has advised and supported tribal clients on complex matters involving tribal sovereignty and governance, government-to-government relations and business and economic development which includes gaming, energy, conventional and bond financing, and tax analysis. She has drafted and reviewed tribal governing documents and intergovernmental agreements; assisted with the federal land acquisition process (aka fee-to-trust) for gaming and non-gaming projects; advised on other Indian lands issues including land claims, leasing and rights-of-way and Section 81 approval requirements; advised tribal clients regarding labor and employment matters; and represented tribal clients in Indian Child Welfare Act matters.

Sara has also represented tribal interests in litigation involving tribal sovereign immunity, intratribal disputes, contract-related claims, and tribal jurisdictional issues. Her litigation experience involves briefing and oral argument in the California superior, federal district court, and Ninth Circuit Court of Appeals.

Before and during law school, Sara was a member of the staff of the BIA's Pacific Regional Office where she focused on federal land acquisitions, administration, forestry, and fire-related issues. During law school, Sara also participated in the Geneva Institute on Indigenous Peoples Law and Human Rights in Switzerland which included, in addition to coursework on the social, cultural, and political rights of native peoples throughout the world, participation in a Working Group on Indigenous Peoples under the auspices of the United Nations Office at Geneva.

Sara is a member of, and elected Chairwoman for, the Lone Band of Miwok Indians. Prior to joining the Firm, Sara worked at an international firm as a member of their Native American Law and Policy and Federal Regulatory and Compliance practice groups.

Representative Experience

Greenfield Gaming

Secured a first-of-its-kind agreement with the U.S. Department of the Interior regarding the gaming eligibility of potential tribal trust lands under the Indian Gaming Regulatory Act for the development of a large-scale, greenfield gaming project

Financing in Indian Country

Represented tribal clients in five separate refinancing matters which involved coordination and negotiations with lending institutions and federal agencies and resulted in over half a



Partner

San Francisco Office
628.209.4152
sdutschke@kaplankirsch.com

Areas of Practice

Government and Public Policy
Litigation
Native American Law
Real Estate, Land Use, and
Zoning

Education

J.D., with distinction, University
of the Pacific, McGeorge School
of Law, 2006
M.A. in Native American
Studies, University of California
at Davis, 2002
B.S., California State University,
Chico, 1999

Bar and Court Admissions

California
District of Columbia
Morongo Tribal Court
U.S. Court of Appeals for the
Ninth Circuit
U.S. District Court for the
Central, Northern, Southern,
and Eastern Districts of
California



KAPLAN KIRSCH ROCKWELL

billion dollars in financing for gaming projects in California

Tribal Exhaustion Doctrine Victory

Successfully defended a client in a contract dispute in state and federal court which resulted in a ruling that the tribal exhaustion doctrine required that the Peacemakers' Court of the Seneca Nation rule on the parties' claims in the first instance

Protecting Sovereign Immunity

Participated in a team effort on an amicus brief to the US Supreme Court, joined by 21 federally recognized tribes, in support of sovereign immunity for tribal officials. *Lewis v. Clarke*, 2016 WL 7634669

Tribal Labor and Employment

Assisted a tribal client with overhaul of personnel policies and procedures to ensure protection of tribal sovereign immunity and jurisdiction and the implementation of best practices vis-à-vis employees of the tribe's government

Fee-to-Trust Transfers

Represented tribal clients in both gaming and non-gaming fee-to-trust acquisitions, resulting in the restoration of over 2,000 acres to tribal trust status in California

Professional and Civic Activities / Awards

- Chairperson, Ione Band of Miwok Indians (2018-Present)
- *Chambers USA*, Native American Law (2018–Present)
- *Best Lawyers in America*® for Native American Law (2020-2021)
- *Law 360*, Rising Star in Native American Law (2017)
- Elected Member, California Tribal College, Board of Regents (2018–Present)
- Tribal Council Secretary, Ione Band of Miwok Indians (2017-2018)
- Recipient, Witkin Award for Academic Excellence: International Advocacy (2005)
- Member, International Advocacy Honors Board (2005-2006)
- Member, Traynor Honor Society (2003-2006)
- Member, National Native American Bar Association, Board of Directors (2013–2015)
- Member, California Indian Law Association (2010–Present)

Publications

Official Immunity After *Lewis v. Clarke*: A Check Against Further Erosion of Tribal Sovereign Immunity?

Bloomberg Law: The United States Law Week

06.01.17

State Control of Federal Lands Would Erode Protections of



KAPLAN KIRSCH ROCKWELL

Indian Resources
New York Times Room for Debate
01.17.17

Branding the Band: Protecting Tribal Identities Through
Trademark Law
The Federal Lawyer
April 2014

Enforcement of Native American Gambling Debts
15 Gaming Law Review and Economics 10
October 2011

Presentations

Land Into Trust for Gaming Under the Trump Administration
National Indian Gaming Association 34th Annual Indian Gaming
Tradeshaw & Convention
April 2018

The Violence Against Women Act 2013 Reauthorization & Tribal
Jurisdiction
California Rural Indian Health Board VIBE Conference
April 2018

Fee-To-Trust Under the Trump Administration
23rd Annual Western Indian Gaming Conference & Tradeshaw
February 2018

Tribal Disenrollment and Exclusions: A Discussion of Tribal
Interests
California Indian Law Association 17th Annual Indian Law
Conference
October 2017

Tribal Leadership and Governance Certificate Program
California Tribal College
2016–2017

Congressional Update and Overview of the New Administration
Coalition of Large Tribes Meeting
December 2016

Home Lands: Tribal Water Rights, Stewardship & The
Environment
University of the Pacific Native American Heritage Month Panel
Presentation
November 2016

Fee-to-Trust in the Pacific Region: Rebuttal to “Extreme Rubber
Stamping”
21st Annual Western Indian Gaming Conference & Tradeshaw
February 2016

Federal Indian Law



KAPLAN KIRSCH ROCKWELL

Santa Clara University School of Law
Spring 2013

Tribal Tax Exempt and Economic Development Bonds
California Association of Tribal Government Council Fire
October 2011

Tribal Rights Under ICWA
Morongo Annual ICWA Conference
October 2009

Tribal Disenrollment
19th Annual National Indian Justice Center For All My Relations
Conference
July 2008

News

Nine Attorneys Named Among The Best Lawyers in America
2021
08.20.20

Ione Band of Miwok Indians Trust Land Acquisition
05.29.20

Kaplan Kirsch & Rockwell Ranked Among Nation's Top Law
Firms by Chambers USA 2020
04.23.20

Indian Country COVID-19 Updates
04.06.20

Seven Attorneys Named in The Best Lawyers in America 2020
08.15.19

Presentations

Matthew Adams and Sara Dutschke Present at Tribal Land Staff
National Conference
03.22.21