

NATIVE AMERICAN LAW



OVERVIEW

Foulston Siefkin's Native American law practice focuses on providing counsel to individuals as well as public and private entities doing business with Native American tribes and within Indian Country. Our attorneys are knowledgeable about the many unique legal issues involved in contracting with Native American tribes, tribal entities, and doing business on tribal lands, such as tribal sovereign immunity considerations, forum selection considerations, criminal and civil jurisdictional issues, and obtaining federal approval of certain types of contracts.

Our attorneys have litigated a range of issues involving Native American tribes and tribal members in both tribal and federal courts. We are currently handling a complex matter involving contract, eminent domain, and federal administrative issues. We have also had significant involvement in tribal water rights (called federally "reserved water rights" or "Winters Doctrine" water rights). Our attorneys have also defended product liability, medical malpractice, and personal injury cases in tribal courts.

Foulston Siefkin also provides estate planning services to individual tribal members throughout Kansas. Native American estate planning became particularly complex when the American Indian Probate Reform Act (AIPRA) went into effect in 2006. AIPRA is a federal act that governs transfers of Indian trust and restricted land and Individual Indian Money accounts. Individuals owning Indian trust land or Individual Indian Money accounts need to specifically address these assets as part of a comprehensive estate plan or run the risk of potentially having their property distributed under AIPRA's intestate provisions, which could result in the forced sale of a Native American's trust or restricted lands.

As the state's largest law firm, with three offices strategically located throughout Kansas, Foulston Siefkin is uniquely positioned to handle the issues and challenges that our clients face both inside and outside of Indian Country.

ATTORNEYS/OTHER PROFESSIONALS

PRIMARY CONTACTS



ROBERT SMITH

Partner

T: 316.291.9779
rsmith@foulston.com

ADDITIONAL SUPPORTING MEMBERS



DAVID M. TRASTER

Special Counsel

T: 316.291.9725
dtraster@foulston.com