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DICKINSON WRIGHT JOINS FORCES WITH LEADING MACAU LAW FIRM MDME

Dickinson Wright and MdME are pleased to announce that they have entered into a cooperation agreement to provide comprehensive legal services to their respective business and gaming clients.

Macau is now the largest gaming market in the world. MdME, one of Macau's leading full-service law firms, is highly regarded and ranked in the Global and Asia Editions of Chambers and Partners. The firm's nine lawyers have practices that focus on banking and finance, gaming, real estate, corporate, mergers and acquisitions, intellectual property, litigation, and human resources. MdME is also part of the MLGTS Legal Circle, an international alliance focusing on outbound investments of Asian enterprises into Portuguese-speaking countries. Under the leadership of Gonçalo Mendes da Maia, João Encarnação, Luís Mesquita de Melo, and Rui Pinto Proença, MdME serves an impressive array of business and gaming clients. Luís Mesquita de Melo, in particular, is the main contact of the firm for gaming work in Macau, having previously served as Executive Vice President and General Counsel of Sands China.

Dickinson Wright, with ten offices in the United States and Canada, is a full-service law firm well known for the breadth and depth of its international expertise in land-based gaming and i-gaming, automotive, finance, corporate, intellectual property, and immigration. Dickinson Wright has recognized the growing importance of the Asian gaming market for some time, and its relationship with MdME is an expression of that recognition. The cooperation agreement with MdME expands Dickinson Wright's access to the largest and strongest gaming market in the world – Asia. The cooperation arrangement with MdME solidifies Dickinson Wright's reach into the Asian marketplace and provides an important resource for the firm's clients seeking to enter the Asian market and for MdME's clients seeking to enter the North American, South and Central American, and European markets.

With working relationships now in place in Macau (MdME), Malta (WH Partners), and South and Central America (Varela & Fonseca Abogados in Lima, Peru), Dickinson Wright extends its gaming law presence into most of the key land-based and i-gaming markets of the world. The working relationships that exist between the firms enhance and

strengthen the depth and breadth of legal services that each of the firms can provide to their respective clients and other businesses seeking to enter the Asian, North American, European, and South and Central American markets.

TRIBAL ENROLLMENT FIGHTS: COULD THEY BE RELATED TO GAMING REVENUES?

by Dennis J. Whittlesey

Over the past several years, there has been a continuing string of news stories concerning tribes that have disenrolled members of long-standing tribal families. The explanation always is that it was discovered that a critical family ancestor was not a tribal member and, therefore, everyone tracing ancestral ties to that person was not eligible for tribal membership without regard to intervening history or even involvement in tribal affairs.

Moreover, disenrolled members have included the very people who helped their tribes attain federal recognition and even served as tribal officials during tribal political organization and economic development. And, this includes the development and operation of tribal casinos.

One such tribe in California has disenrolled hundreds of members over the past several years, including people who have served as senior tribal officials. Another eliminated an estimated 40 percent of its membership through the “determination” that the affected members’ common ancestor did not qualify despite having long been identified and revered as an elder and wise leader.

It is not necessary to identify those tribes for the purpose of this discussion. Besides, many readers will recognize them from the foregoing terse description. But they are only two among what likely is scores of tribes who have “discovered” ineligible members on their membership rolls.

While every tribe is different, many of the disenrollments have one thing in common, which is that they own and operate successful tribal casinos and are making periodic per capita payments to their members. Some cynics have suggested that these facts are interrelated.

To date, the Bureau of Indian Affairs has largely refused to become involved in tribal enrollment disputes, regardless their origins, with the explanation that tribal membership is a matter exclusively within the tribe’s control and decision making. However, there are some indications that some federal officials are starting to pay attention, and we even may see some direct BIA intervention sometime soon. The stakes are high, and the impacts of disenrollment can be devastating to those who have lost their tribal rights and entitlements. Without even considering receipt of casino revenue shares, those members face loss of such benefits as education, health care, and housing assistance. And the list goes on from there.

The most recent and genuinely antagonistic intra-tribal fight is at Chukchansi in Madera County, California, where rival factions have taken turns occupying the tribal headquarters, elections have been ignored in whole or in part, and a scheduled swearing in of a new Tribal Council was cancelled this week.

All of this can be traced to a disputed election in December following months of a bitter fight between the two tribal groups vying for control. The tribal faction then in control of the tribal government rejected the election results and declared that it would remain in control, despite ostensibly losing four Council seats to the second faction. Not to be outdone, the losing faction immediately swore in its elected members as Members of the Tribal Council, an action that the control faction cited in stripping the opposition group of all tribal benefits for 10 years and imposing a 5-year ban on attending tribal meetings. That, in turn, led to 50 opposition members seizing and occupying a tribal building in late February, fist fights, several people being injured, and the County Sheriff’s Department being summoned.

The “dissident” group has asked the BIA to intercede, but no decision has been announced as to whether federal officials will do so.

Meanwhile, the Chukchansi Gold Resort & Casino is operating 24 hours a day, 7 days a week, and is often cited as a “very profitable” property, and percentages of casino revenues have been distributed to tribal members. However, there have been a number of highly publicized disenrollments of tribal families, meaning that each member of the reduced tribal membership population receives a higher payment. The current denial of tribal benefits to the dissident group further decreases the number of tribal members participating in tribal programs.

If a tribe is making per capita distributions from a designated set aside of money, the simple math says that fewer members receiving a share from the set aside increases the distribution to each participating member. Whether that is a motivating factor in disenrollments, including those at Chukchansi, is neither known nor conceded by the tribes themselves. However, the reduction in tribal rolls continues, and it seems particularly concentrated among tribes with successful casinos.

Tribal disenrollments may have nothing to do with casino revenues, but the anger and disruption at Chukchansi demonstrates that *something* is driving this recent trend. It is time for a federal assessment of what that may be and how to deal with it in a manner that respects both the tribal governments and their members.