

Sisseton Wahpeton Oyate

Job Description

Job Title: In-House Attorney I

Reports to: Tribal Chairman while Tribal Council is not in session & Tribal Council while in session.

Summary:

Under the administrative direction of the Tribal Chairman and Tribal Council, the In-House Attorney directs all affairs of a legal nature and represents the Tribe on the highest policy matters.

The In-House Attorney I consists of an on-site attorney, with one or more staff, employed directly by the Sisseton-Wahpeton Oyate. The In-House Attorney I handles the day to day legal matters by providing legal oversight and advice to the Tribal Council on all Tribal issues and areas, including but not limited to: tribal administrative matters, gaming operation matters, education, natural resources, water, health and welfare, cultural resources, fish and wildlife, and law and order.

The In-House Attorney I assists and advises the Tribal Council in matters related to the Tribe's treaty rights and interests as necessary through the drafting of legislation, monitoring of agency actions and litigation. The mission of the In-House Attorney I is: protection and restoration of natural resources, protection of Treaty reserved rights, tribal sovereignty and trust resources, and improved implementation and fulfillment of federal responsibility.

Duties and Responsibilities:

- Research, prepares, presents and/or critiques all manner of legal and other documents as directed by the Tribal Chairman or Tribal Council.
- Provides regular and periodic legal reviews to the Tribal Chairman or Tribal Council of the implications on Tribal interests of enacted and pending federal and state legislative actions.
- Plans, guides and directs the development of legal strategies and tactics in all areas of law effecting Tribal interest.
- Investigates and proceeds with legal enforcement actions where violations of Tribal codes and regulations have occurred or alleged to have occurred, with the exception of criminal prosecution which is handled by the Tribal Prosecutor.
- Attends Tribal Council meetings, participates in discussions and provides legal advice as appropriate.
- Represents the Tribe before all courts of law as legal advisor.
- Provides expert testimony as a witness and/or a Tribal advocate before various courts, council, legislative committees, commissions, and other administrative, state or federal assemblies.

- Provides legal advice on intra-tribal personnel matters when requested by the Tribal Chairman and/or Tribal Council to provide such advice.
- Administers, manages and directs all areas of Tribal activities affecting a change or revision of the legal structures and content of the Tribal codes and regulations.
- Administers, manages, and directs all areas of one or more staff areas as directed by the Tribal Chairman or Tribal Council.
- Responsible for tracking activities and coordinating with federal, state land and resource management agencies.
- Acts as legal advocate for the Tribal Council or Tribe in all ongoing litigation or prospective anticipated litigation.
- Reviews and provides legal advice to the Tribal Council of the legal implications of all draft tribal regulations and codes.
- Provides legal reviews of Tribal contractual documents.
- Responsible for (1) may represent the Sisseton-Wahpeton Oyate in the application of the Indian Child Welfare Act in foreign jurisdictions; (2) Advise Tribal Council on whether to the provisions of the Sisseton-Wahpeton Oyate's Personnel Policies and Procedures are applied properly; (3) Shall assist Tribal Council on Tribal Code Civil/Criminal revisions and provide legal representation for the tribe as assigned by tribal council; (4) Represent the Tribe's interest in Indian Gaming issues; (5) Provide legal opinions to Tribal Council on proper application of Tribal Constitution provisions and Tribal Bylaws; and (6) Responsible for coordinating the continued and regular development of EPA approved water quality standards on Reservation and use tribal statutory language to implement other task assigned by Tribal Council.
- May represent the Tribe at national conferences, state and federal agency events, societies and associations where legal issues that affect the Tribe are presented or discussed.
- Present and/or facilitate meetings.
- Represent the SWO Reservation Election Board in tribal wide elections.
- That the Tribal Government and its entities is the sole client of Attorney. May be able to provide pro bono representation if approved by the Tribal Chairman upon the request of the Attorney and if such representation does not conflict with work for the Tribe.

Qualification Requirements:

- Must be tribal, state and federally licensed and be in good standing in all jurisdictions.
- Comprehensive knowledge of the Indian law and tribal, state and federal laws and regulations, particularly in regards to administrative and regulatory functions. Knowledge of the methods and techniques of legal research, use of law books, lobbying tactics, state and federal court legal processes and procedures. Knowledge of the principle, methods and practices of the self-determination Act, P.L. 93-638, related federal and state laws affecting Tribal activities and processes.
- Ability to analyze, appraise and organize facts, evidence and precedents; to present such material in clear and logical form for oral, written, or extemporaneous presentation; to exercise initiative and good judgement in creating, interpreting, and applying law, policies, regulations procedures, and

administrative methods. Ability to stimulate and administer the In-House Attorney staff toward achievement of defined goals. Ability to establish and maintain effective working relations with Tribal Council members, Tribal Executive staff, Court officials, Tribal, State and Federal governmental officials and political figures, Tribal Program staff and the general public. Ability to be sensitive to current and potential legal and political problems and be able to objectively and analytically devise practical solutions quickly and effectively.

- Knowledge of the Sisseton-Wahpeton Oyate history and culture as this is important in representation of the Tribe.

Education and/or Experience:

- Graduate from an accredited school of law, with at least five (5) years experience in the practice of law, governmental service or similar legal endeavor and substantial experience in the administration and management of law firms or offices must have litigation experience in Tribal, Federal and State Courts. Three of the five years must be experience working in the legal context of Indian Tribes.
- Excellent written and oral skills.
- Must successfully pass a pre-employment drug screening test and willing to submit to a criminal background check.

Application Process

Applicants must submit a cover letter, resume, writing sample (minimum of 5 pages, maximum of 10 pages), and a minimum of at least three professional references. All applicants must submit their information by mail or electronic mail to the following individuals:

1. Colleen Eastman
Human Resources Director
Sisseton-Wahpeton Oyate
P.O. Box 509
Agency Village, SD 57262
ColleenE@swo-nsn.gov

Listing will remain open until filled.

Approved:  Date: 10/16/2015
Tribal Chairman