Indian Affairs - Office of Public Affairs

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WASHINGTON, D.C. – Assistant Secretary – Indian Affairs Kevin K. Washburn today announced that the Bureau of Indian Affairs Office of Justice Services/Tribal Justice Support (BIA-OJS/TJS) and the Indian Affairs Office of Indian Energy and Economic Development (IEED) have partnered with the Federal Reserve Banks of Minneapolis, San Francisco, and Kansas City, Mo., to present three training workshops designed specifically for tribal judges and attorneys on the topic of secured transactions.

The "Commercial Law for Tribal Judiciary: The Model Tribal Secured Transactions Act" workshops are designed to provide intensive training to tribal judges, attorneys and court staff on specific issues that arise in secured transaction litigation. The two-day workshops, which are free and open to the public, will be held from January through May 2013 in three cities.

"In order for tribes to develop sustainable economies, it is vital they create a solid foundation that respects and enforces the rights of sellers, buyers and lenders," Washburn said. "The 'Commercial Law for Tribal Judiciary: The Model Tribal Secured Transactions Act' training will provide a greater understanding and appreciation in the tribal court judiciary system for the roles, rights and responsibilities of consumers, businesses and tribal government in Indian Country in the area of secured transactions."

"I am deeply grateful to the Federal Reserve Banks for partnering with us to provide this training, and to all of those who have worked with the federally recognized tribal governments on this important matter," Washburn said. Outreach has begun to past participants in OJS/TJS training sessions, tribal courts and other agencies listed in OJS databases. In this collaborative effort, the OJS/TJS is fulfilling its statutory responsibility under 25 USC 3602 to provide training and technical assistance to tribal courts.

Tribal secured transactions commercial codes enable tribal businesses and individuals residing on federal Indian trust lands to obtain credit for making off-reservation purchases, such as cars, appliances and other durable goods, by allowing sellers to enforce liens or security interests in such items after they have been transported onto a reservation. The Model Tribal Secured Transactions Act (MTSTA) covers, among other things, the use of all types of personal property as collateral for lenders and sellers, and the conditions which must be satisfied for an enforceable interest in collateral to arise.

The dates and locations for the workshops are:

January 30-31, 2013 Seattle, Wash.

March 21-22, 2013 Oklahoma City, Okla.

May 8-9, 2013 Minneapolis, Minn.

The MTSTA was designed to assist tribes in identifying roadblocks and solutions to securing business transactions in Indian Country, explaining the significance of commercial laws to borrowers, and discussing why lenders and sellers must have the ability to secure their transactions.

The tribal court MTSTA workshops build on MTSTA training to tribal governments, tribally affiliated organizations and American Indian businesses by training tribal court judges and tribal attorneys on the scope and application, as well as specific nuances, of tribal secured transaction codes. Training will be based on materials developed by the Uniform Law Commission (ULC), a principal sponsor of the Uniform Commercial Code (UCC), which have been used to inform tribal governments considering or that have enacted secured transactions laws based on MTSTA.

The ULC developed the Model Tribal Secured Transactions Act based on principles derived from Article 9 of the Uniform Commercial Code with the aid of tribal attorneys and economic development officers and the support of the Minneapolis Fed, who, along with other sponsors, has helped the ULC train tribal governments. The principal lecturers for the tribal courts training will be William H. Henning, a Distinguished Professor of Law at the University of Alabama School of Law and ULC member, and Professor Maylinn Smith, director of the University of Montana Indian Law Clinic. Professor Henning served on the ULC committee that drafted the MTSTA as nationally recognized expert in secured transactions law and Professor Smith has worked extensively on secured transaction models for tribal entities and tribal organizations.

Key to any modern secured transactions regime is a central filing system that serves as the place for lenders and sellers to file public notices of their interests in collateral. The workshops will provide attendees with an understanding of how the system works and the consequences of filing or failing to file. They also will be instructed on the importance of understanding the rights, in the event of a default, of a lender or seller to realize on its collateral, as well as the protections provided to a defaulting borrower or buyer.

The IEED has funded several federally recognized tribes in developing their own tribal secured transactions commercial codes. They include the Blackfeet Tribe, the Crow Nation and the Chippewa-Cree Tribe in Montana; the Sac and Fox Nation and the Seminole Nation in Oklahoma; the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Reservation in Oregon; the Oglala Sioux Tribe in South Dakota; the Tulalip Tribes in Washington State; and the Shoshone and Arapaho Tribes of the Wind River Reservation in Wyoming.

The Secretary of the Interior created the Indian Affairs Office of Indian Energy and Economic Development to encourage economic development in Indian Country. The IEED’s mission is to foster strong tribal communities by creating jobs, American Indian-owned businesses and a trained workforce, helping tribes develop their energy and mineral resources, and increasing tribes’ access to capital. The IEED believes that thriving economies and opportunities for work are the best solutions to Indian Country’s economic and social challenges.

The BIA Office of Justice Services’ mission is to enhance public safety and protect property in Indian Country by funding or providing law enforcement, corrections and tribal court services to the nation’s federally recognized tribes. It also coordinates emergency preparedness support on federal Indian lands by working cooperatively with other federal, state, local and tribal law enforcement agencies throughout Indian Country. It also operates the Indian Police Academy in Artesia, N.M., which provides training and professional development to BIA and tribal law enforcement personnel.

For information on the Commercial Law for Tribal Judiciary: The Model Tribal Secured Transactions Act workshops, please contact Danica D. Kaydahzinne, IPA Training, at 575-746- 5751 or Danica.Kaydahzinne@bia.gov, or Katherine Scotta, BIA Office of Justice Support, Office of Tribal

Justice, at 202-208-6711.

Persons interested in attending may register online at:
http://www.frbsf.org/community/resources/2013/0131-Tribal-Courts-and-Se....
