

Introduction to the Office of the Solicitor

2016 Partners in Action
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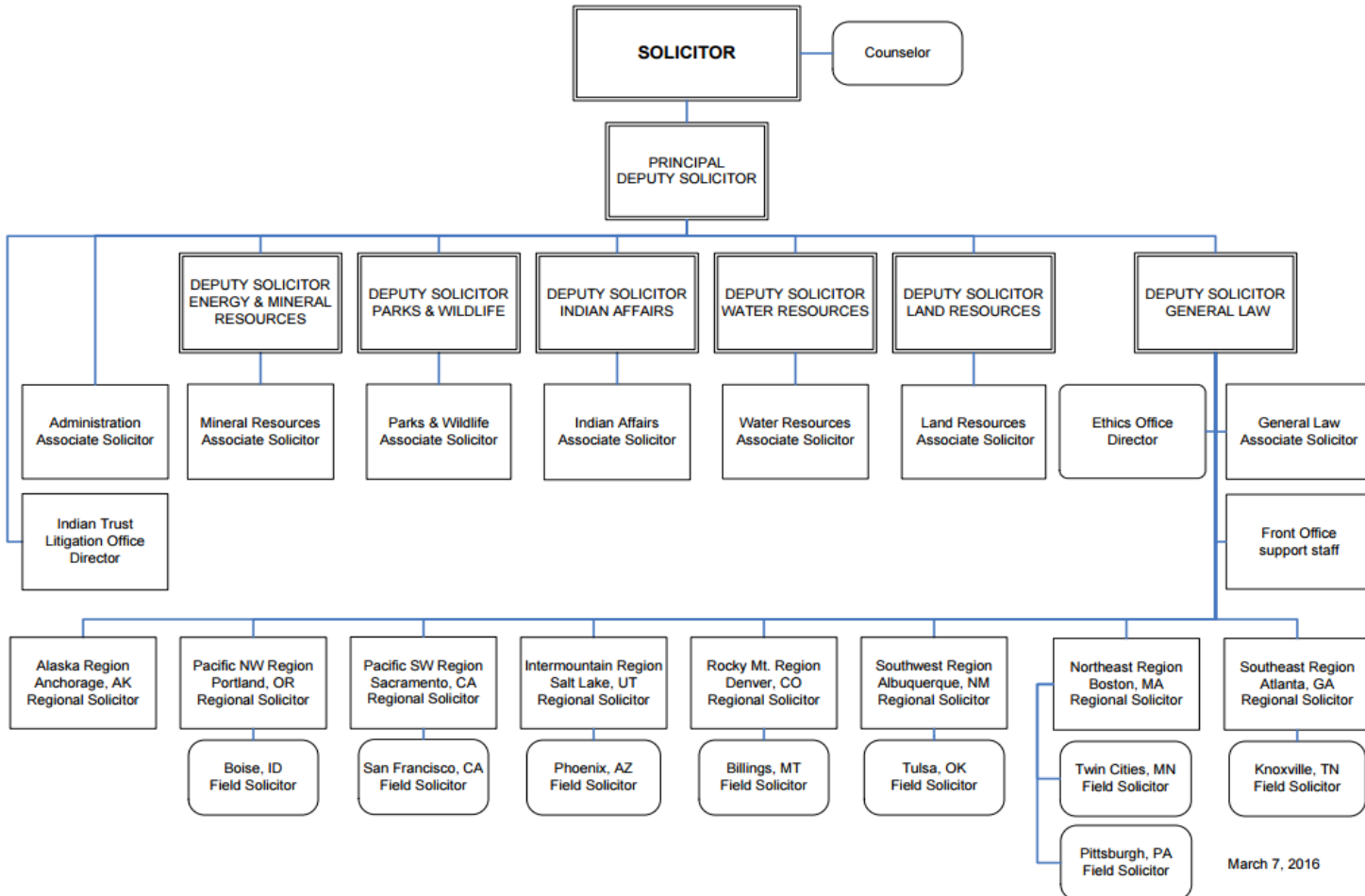
Office of the Solicitor

Who are we?

- The Office of the Solicitor is organized into the Immediate Office of the Solicitor, the Ethics Office, the Indian Trust Litigation Office, six legal divisions, an administrative division, and twenty-one regional and field offices located throughout the United States.
- The Solicitor is the chief attorney for the Department of the Interior. She is assisted by Senior Counselors, a Principal Deputy Solicitor, six Deputy Solicitors, an Ethics Office Director, seven Associate Solicitors, an Indian Trust Litigation Office Director, eight Regional Solicitors, eight Field Solicitors and a staff of more than three hundred attorneys and four hundred total employees.
 - About half of the attorneys are assigned to regional and field offices.
 - The other attorneys are assigned to divisions located at headquarters in Washington, DC.
- The legal divisions located in Washington, DC include General Law, Parks and Wildlife, Land Resources, Water Resources, Mineral Resources, and Indian Affairs.

Office of the Solicitor (SOL)

DEPARTMENT OF THE INTERIOR OFFICE OF THE SOLICITOR ORGANIZATIONAL CHART



March 7, 2016

SOL - What do we do?

- The Office of the Solicitor (SOL) maintains the focal mission of providing quality legal counsel and advice to the Department of the Interior (Department) and inspiring high ethical standards.
- SOL provides advice, counsel, and legal representation to the Immediate Office of the Secretary, the Assistant Secretaries, and all other bureaus and offices overseen by the Secretary, ensuring that the Department's bureaus carry out their responsibilities in accordance with the law.
- SOL attorneys act as in-house counsel and represent the Department in administrative hearings and appeals, and provide subject matter expertise and work in conjunction with the Department of Justice in representing the Department in judicial proceedings.

SOL Division of Indian Affairs (DIA)

Washington, DC

- DIA is responsible for legal matters related to the programs and activities of the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education and also provides legal assistance and counsel to the Assistant Secretary - Indian Affairs.
- DIA has an Associate Solicitor and four branches, each headed by an Assistant Solicitor, with a total of approximately 30 attorneys.
- DIA's four branches include:
 - Branch of Tribal Government Services;
 - Branch of Trust Services;
 - Branch of Self-Governance and Economic Development; and
 - Branch of Environment & Lands.
- The Branch of Environment & Lands, among other things, does the following:
 - Land into Trust, Review Gaming Opinions, *Carcieri* Legal Opinions, Land Claims, Trust Land Acquisition, Federal Land Transfers, Environmental Issues, Indian Lands Determinations, Reservation Boundaries, Trust Land Leasing and Realty, Natural Resources Management, and Alaska.
 - Fields issues of national importance on work in fee-to-trust.

SOL Regional and Field Offices

- To the extent practicable, legal services are provided based on bureau regional boundaries, rather than SOL regional boundaries.
- Because regional boundaries vary from bureau to bureau, the actual areas served by the Solicitor's Regional and Field Offices overlap to a considerable extent, with the result that more than one Regional or Field Solicitor's Office may handle legal matters for different bureaus within a single state.
- In addition, Regional and Field offices are responsible for legal matters arising in Interior's offices within their jurisdiction, including all elements of the Office of the Secretary, the Assistant Secretary – Policy, Management, and Budget, and organizations affiliated with Interior.

SOL's role in litigation

- SOL attorneys act as in-house counsel and represent the Department in administrative hearings and administrative appeals.
- Additionally, SOL attorneys provide subject matter expertise and work in conjunction with the Department of Justice (DOJ) in representing the Department in judicial proceedings.
 - SOL attorneys work with DOJ attorneys at all steps throughout the life of litigation, from initiation to trial and, if applicable, settlement.

What SOL does with its time?

- How an SOL attorney spends his or her time greatly depends on whether the attorney sits in Washington, DC or in a Regional or Field Office.
- SOL attorneys in Washington, DC work on issues that will have a national impact or alternatively affect multiple tribes.
- Regional or Field SOL attorneys work on issues that directly impact the tribes and programs in their regions.
- Often SOL attorneys in Washington, DC, Regional and Field Offices work together on legal issues.

A day in the life of an SOL Attorney-Advisor at Main Interior...

- Administrative Appeals
- Litigation
- Rulemaking
- Congressional Issues
- Indian Lands Opinions
- *Carcieri* Opinions
- Meetings with Tribal Leaders and Counsel
- Develop Training Materials

A Day in the Life of a Field Solicitor

Twin Cities

Staff: 10 Staff Attorneys, 1 Administrative Assistant, 1 Paralegal

CLIENTS: BIA-MRO; BIA-GPRO; BIE; OJS; FWS-R3

WORKLOAD: Average 1030 New “Matters” Per Year
Currently 398 Pending/83 MRO Matters

Field Solicitor Responsibilities: Partner With Clients to Help Them Achieve Their Missions; Maximize Work on Highest Priority Matters; Work with Department of Justice on Judicial Litigation, Manage A Group of High Functioning Attorneys

.....A “Typical” Day

How to work with SOL

- SOL attorneys take the trust responsibility seriously.
- Make it easy for the Department (and DOJ if necessary) to support your position.
 - SOL has a finite number of attorneys working on Indian law issues.
 - Help SOL help you by providing SOL attorneys a synthesized package of all information and arguments.
- Be ready to answer tough questions. And know that the reason for the tough questions is to give SOL the opportunity to understand all arguments in support of and in opposition to tribal asks.

How to work with SOL

- Bring your issues to the Regional/Field Offices if they are appropriately before the Region/Field.
 - DC, Regional and Field Offices speak to each other and respect the proper procedures and protocols for various legal issues. All offices will coordinate to ensure the proper office is taking on appropriate issues.
 - Tribes, feel free to keep DC officials and employees informed of your issues, but work through your Regional Director and Regional Solicitor on issues appropriately before them.

How to work with SOL

- Build relationships with the SOL attorneys in both the Washington, DC and your local Solicitor's Office.
 - You will provide critical “on the ground” perspective that can assist SOL attorneys in working on your issues.

Questions?

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