



UAA Justice Center
UNIVERSITY of ALASKA ANCHORAGE

North to the Future:
Opportunities and Change in Alaska's Emerging Frontiers

Thursday, October 16, 2014
8:30 - 4:00 p.m.
UAA/APU Consortium Library, LIB 307

Sponsored by
UAA Justice Center
Alaska Law Review
Arctic Law Section, Alaska Bar Association




Approved for 4.5 general CLE credits by the Alaska Bar Association

Justice Center
University of Alaska Anchorage
Anchorage, Alaska 99508

Copyright © 2014 *Alaska Law Review*, Duke University School of Law

Printed in the United States of America

 UNIVERSITY of ALASKA ANCHORAGE

UAA is an EEO/AA employer and educational institution.

Agenda

- 8:30am–9:00am: Arrivals & CLE Registration (Light Breakfast)
- 9:00am–9:15am: Welcome and Introductory Comments -- Prof. Tom Metzloff, *Alaska Law Review Advisor* and Dr. André Rosay, UAA Justice Center
- 9:15am–10:00am: Keynote Speaker - Fran Ulmer, Arctic Research Commission
- 10:00am-10:15am: Break
- 10:15am–11:30am: Panel I — “Alaska Native Participation in the Territorial Governance of the North”
- Moderator: Prof. Ryan Fortson, UAA Justice Center
Presenters: Mara Kimmel, Barrett Ristroph
Commentators: Joe Evans, City Attorney of Kotzebue; Dan Cheyette
Attorney at the Bristol Bay Native Corporation
- 11:30am-11:45am Alaska Bar Arctic Law Section, Section Meeting
- 11:45am–1:00pm: Lunch with Keynote Speaker - Willie Hensley, UAA Visiting Distinguished Professor
- 1:00pm–2:15pm: Panel II— “Alaska’s Role in Managing the Development of the Arctic North”
- Moderator: Prof. Thomas Metzloff, Duke University School of Law
Presenters: Betsy Baker, Barry Zellen
Commentators: Bruce Anders, Attorney at CIRI – Cook Inlet Region, Inc.
- 2:15pm-2:30pm Break
- 2:30pm–3:45pm: Panel III— “Regulatory Oversight of Alaska’s Arctic Shores”
- Moderator: Prof. Kristin Knudsen, UAA Justice Center
Presenters: Mike LeVine, Hari Osofsky
Commentators: Matt Findley, Attorney at Ashburn & Mason; Alaska Superior Court Judge Sen Tan (Ret.)
- 3:45pm–4:30pm: Follow-up question and answer with panelists (Light Refreshments)

Biographical Information

Keynote Speakers

- **Morning Keynote: Fran Ulmer, Arctic Research Commission**

Ms. Ulmer is chair of the U.S. Arctic Research Commission, where she has served since being appointed by President Obama in March 2011. Secretary John Kerry appointed her Advisor for Arctic Science and Policy in June 2014, to assist the US Chairmanship of the Arctic Council.

In June 2010, President Obama appointed her to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. From 2007 to 2011, Ms. Ulmer was Chancellor of Alaska's largest public university, the University of Alaska Anchorage (UAA). Before that, she was a Distinguished Visiting Professor of Public Policy and Director of the Institute of Social and Economic Research at UAA. She is a member of the Global Board of the Nature Conservancy and on the Board of the National Parks Conservation Association.

Ms. Ulmer served as an elected official for 18 years: as the mayor of Juneau, as a state representative and as Lieutenant Governor of Alaska. Ms. Ulmer served as Director of Policy Development for the State of Alaska, under Governor Jay Hammond. Ms. Ulmer earned a J.D. cum laude from the University of Wisconsin Law School, and has been a Fellow at the Institute of Politics at the Kennedy School of Government. She lives in Anchorage, Alaska.

- **Luncheon Keynote: Willie Hensley, UAA Visiting Distinguished Professor**

Born in a small house where Kotzebue Sound washes seafoam onto the Baldwin Peninsula's gravel shores, William Iggiagruk Hensley is an Inupiaq and lifelong Alaskan. Mr. Hensley was a Legislator in the Alaska House and Senate for ten years; was a founder of the Northwest Alaska Native Association (now Maniilaq Association); served Alaska Federation of Natives as a founding member, former President, Executive Director, Co-Chair and President Emeritus; was the founding President of Alaska Village Electric Cooperative from 1967-1971; was a Director of NANA Regional Corporation for twenty years, serving as President and Secretary, as well as President of NANA Development Corporation; is a former Commissioner of Commerce for the State of Alaska; retired from Alyeska Pipeline Service Company, which he represented in Washington, D.C. for nine years; author and spokesman.

Mr. Hensley is currently Chair of the First Alaskans Institute. He has spent the last few years promoting his book, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People*, and discussing Alaska with people across the country and throughout the state, with the goal of clarifying and deepening people's understanding of our history - as Inupiat, as Alaska's indigenous people, as Alaskans, and as Americans. He also is currently Visiting Distinguished Professor of Business and Public Policy at the University of Alaska Anchorage teaching "Alaska Policy Frontiers", an exploration of Alaska's history, economics, colonization, indigenous impacts and modern day issues.

Panel members

- **Bruce Anders, *Cook Inlet Region, Inc. (CIRI):***

Bruce Anders is CIRI's lead in-house counsel, responsible for CIRI's legal and corporate compliance matters. Anders has practiced for most of his over 20 years as an attorney in Alaska, and has experience in private, public, and corporate legal sectors.

Before joining CIRI, Anders was Chief of the State of Alaska Oil and Gas Division's Leasing and Permitting Section, and served on the Governor's Natural Gasline Team.

Anders previously litigated insurance defense cases at a Madison, Wisconsin law firm; represented rural Alaskans as a partner in a Bethel, Alaska, law firm; litigated environmental matters as an Assistant Attorney General with the Alaska Department of Law; represented BLM and MMS at the Department of Interior Regional Solicitor's office; and represented the United States as a Judge Advocate General in the U.S. Army.

Anders earned a Bachelor of Arts cum laude from Duke University in 1989 and a Juris Doctor from the University of Oregon School of Law in 1992. In addition to his duties at CIRI, Anders represents the State of Alaska as a delegate to the Interstate Oil and Gas Compact Commission, sits on the Board of Directors of Special Olympics Alaska, is a Co-Chair of the Alaska Bar Association's Native Law Section, and is active in Boy Scouts of America.

- **Betsy Baker – *Visiting Professor & Counsel to the Dean – Alaska Programs, University of Washington School of Law***

Professor Baker represents the University of Washington Law School full time in Alaska, where her research on Arctic Ocean governance and the law of northern resource development has taken her regularly since 2008. She clerked for Judge John T. Noonan, Jr. of the Ninth Circuit Court of Appeals, and has taught at Vermont Law School, the University of Minnesota Law School and Harvard Law School, where she was the John Harvey Gregory Lecturer on International Organizations Law. Her teaching ranges from property and comparative law to international environmental law and law of the sea.

Among Professor Baker's recent policy papers are reports for the Alaska Arctic Policy Commission, the Arctic Council and Inuit Circumpolar Council. In 2012-2013 she was Visiting Scholar with the inter-agency Extended Continental Shelf Task Force at the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, U.S Department of State. Professor Baker was appointed to the National Academy of Sciences Polar Research Board in 2014.

- **Dan Cheyette, *Bristol Bay Native Corporation:***

Mr. Cheyette has been an Alaska resident for 18 years. After graduating from Northwestern School of Law, Mr. Cheyette clerked for the Superior and U.S. District Courts in Anchorage. Following his time with the courts, Mr. Cheyette worked as an Assistant District Attorney and then Assistant Attorney General in the areas of Oil and

Natural Resources. During this time he also served as a Special Assistant United States Attorney where he assisted in prosecuting environmental and natural resource crimes.

He is currently In-house Counsel for Bristol Bay Native Corporation where he advises on natural resources and lands issues affecting Bristol Bay region and corporate lands.

- **Joe Evans, *City Attorney for Kotzebue:***

Mr. Evans lived in Alaska from 1966 to 1998 and moved to Washington in 1999. He served in the U.S. Marine Corps from 1967 to 1970, with a tour of duty in Vietnam from 1968 to 1969. Joe earned his B.A. in political science from the University of Kentucky in 1973 and received his J.D. from Duke University in 1976. He was admitted to the Alaska Bar in 1976 and the Washington State Bar in 2000.

Joe served on the Anchorage Municipal Assembly from 1985 to 1991. He was on the Board of Directors of the Alaska Municipal League from 1985 to 1991. He has been a member of the Alaska Municipal League/Joint Insurance Association Board of Trustees since it was founded in 1988.

Since 1999, Joe has served as the City Attorney for the City of Kotzebue, Alaska, an Inupiaq community in the Northwest Arctic Borough. In 2008, Joe was hired as the City Attorney for the City of Nuiqsut, an Inupiaq community in the North Slope Borough. His practice also includes matters involving labor arbitration, police liability, employment, construction and contract disputes for other municipalities and private clients.

- **Matt Findley, *Ashburn & Mason:***

Before joining the firm, Matt served as a law clerk for Justice Robert L. Eastaugh of the Alaska Supreme Court, and for the Honorable Andrew J. Kleinfeld of the United States Court of Appeals for the Ninth Circuit.

Matt's practice includes commercial and complex litigation, oil & gas, fisheries, utilities, appellate litigation, and administrative law. Since joining the firm, he has litigated cases in both Alaska state and federal court as well as briefed and argued appeals to both the Alaska Supreme Court and the Ninth Circuit. Matt has an extensive oil & gas practice representing the State of Alaska in oil & gas litigation, and representing ENSTAR Natural Gas Company (the local gas distribution utility in Alaska) in regulatory and commercial matters.

Matt recently received a pro bono award of merit from Alaska Legal Services and a Certificate of Appreciation for pro bono service from the Alaska Immigration Justice Project. Matt has also been recognized as a litigation star by Benchmark Litigation.

Matt is a member of the Alaska, California, and Illinois bar associations and is a member of the Alaska Bar Association Fee Arbitration Committee. He is also Board President of the Alaska Hemophilia Association, and Board Secretary of the Alaska Center for Collaborative Child Therapy dba Adam's Camp Alaska.

- **Professor Ryan Fortson**, *University of Alaska Anchorage Justice Center*:

Ryan Fortson, Ph.D., J.D., joined the faculty of the UAA Justice Center in Fall 2012, teaching courses in the Justice and Legal Studies programs. Prior to his appointment as an Assistant Professor he was an adjunct faculty member for the Justice Center and the UAA Political Science Department. He has worked for the Alaska Legal Services Corporation (ALSC) as a staff attorney dealing primarily with family law, landlord/tenant relations, and public benefits cases. He was also a partner of the Northern Justice Project, the only private civil rights law firm in Alaska. Prior to his ALSC work, Prof. Fortson was a senior associate with the law firm of Dorsey & Whitney LLP. His legal experience there included regulation of public utilities. Prof. Fortson received a J.D. from Stanford Law School and a Ph.D. in Political Science from the University of Minnesota — Twin Cities.

- **Mara Kimmel, J.D.**, *Adjunct Faculty, Institute of Social and Economic Research, University of Alaska Anchorage*

Mara Kimmel is a Senior Fellow at the Institute of the North, and a Ph.D. candidate at Central European University studying the intersection of land rights, governance and well-being in Alaskan communities. Mara has a long career in Alaskan public policy focused on issues of rights and justice, most recently as a Professor of Political Science at the University of Alaska Anchorage. Mara has practiced law in Alaska since 1996, and co-founded the Alaska Institute for Justice - Alaska's only non-profit agency providing low cost immigration legal services, language access services and research and policy analysis on issues impacting human rights in Alaska. Prior to becoming a lawyer, Mara worked with Alaska Native tribes on environmental governance issues. Mara is the recipient of the Alaska Bar Association's Distinguished Service Award, and currently serves on the Alaska Supreme Court's Access to Civil Justice Committee. Mara has a J.D. from the University of Minnesota, a Master's Degree for the University of Alaska Fairbanks (Natural Resources Management), and a bachelor's degree from the University of California (Political Science).

- **Professor Kristin Knudsen**, *University of Alaska Anchorage Justice Center*

Kristin Knudsen, J.D., joined the faculty of the UAA Justice Center in Fall 2012, teaching courses in the Justice and Legal Studies programs. Prior to her appointment as an Assistant Professor she was an adjunct faculty member for the Justice Center. She is the past Chair of the Alaska Workers' Compensation Appeals Commission where she presided over appeals hearings and drafted decisions and regulations. Prior to that, she was a member of the Special Litigation Section of the Alaska Office of the Attorney General. Prof. Knudsen received a J.D. from Santa Clara University (1978) and a Master of Judicial Studies degree from the University of Nevada Reno and the National Judicial College.

- **Mike LeVine** – *Pacific Senior Counsel, Oceana*

Mr. LeVine represents Oceana in matters relating to protection of the Arctic and Pacific large marine ecosystems. He works to ensure that good decisions are made about offshore oil and gas activities and large-scale commercial fishing. Prior to joining Oceana, Mr. LeVine worked for the Juneau office of Earthjustice. He received his J.D. and M.E.M degrees at Duke University.

- **Professor Thomas Metzloff**, *Duke University School of Law*

Professor Metzloff is a native of Buffalo, N.Y. He earned his B.A. from Yale College in 1976 and his J.D. from Harvard Law School in 1979. He began his professional career with a judicial clerkship on the 5th U.S. Circuit Court of Appeals in New Orleans, followed by a clerkship with the Supreme Court of the United States. He then practiced with a private firm in Atlanta doing civil litigation matters before accepting a position at Duke Law School in 1985. He teaches civil procedure, ethics, and dispute resolution, as well as a specialized course on the American legal system for international LLM students. He has taught that course regularly at Duke's Geneva and Hong Kong summer institutes as well as at Tsinghua University in Beijing. He served as the Law School's senior associate dean for academic affairs from 1998-2001, and currently serves as a member of the executive committee of Duke University's Academic Council. Professor Metzloff advises the *Alaska Law Review*.

- **Hari Osofsky** – *Professor of Law, University of Minnesota Law School*

Hari Osofsky is a Professor of Law; the 2013-14 Fesler-Lampert Chair in Urban and Regional Affairs; the Faculty Director of the Energy Transition Lab; and the Director of the Joint Degree Program in Law, Science, and Technology at the University of Minnesota Law School. She also is on the faculty of the Conservation Biology Graduate Program; an adjunct professor in the Department of Geography, Environment and Society; and a Fellow with the Institute on the Environment. She received a B.A. and a J.D. from Yale University, and a Ph.D. in Geography from the University of Oregon. Osofsky's interdisciplinary law and geography scholarship, which has been published with Cambridge University Press and leading law and geography journals, focuses on governance and justice concerns related to energy and climate change. Her article on governance and the BP *Deepwater Horizon* oil spill was selected for inclusion in *Land Use and Environment Law Review's* annual compilation of the top land use and environmental law articles, and she has been awarded the Daniel B. Luten Award for the best paper by a professional geographer by the Energy and Environment Specialty Group of the Association of American Geographers. Osofsky assisted with the Inuit Circumpolar Conference's petition on climate change to the Inter-American Commission on Human Rights and has supervised course contributions to the American Wind Energy Association, Earthjustice, Great Plains Institute, Minnesota Pollution Control Agency, Minnesota Public Utilities Commission, Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling, the National Regulatory Research Institute, the Phillips Community, the Southern Environmental Law Center, the University of Minnesota, and the Western Environmental Law Center. Her professional leadership roles have included serving as President of the Association for Law, Property, and Society; chairing the

American Association of Law School's Section on Property; and being a member of the Executive Council of the American Society of International Law; the International Law Association's Committee on the Legal Principles of Climate Change; and the Board of Governors of the Society of American Law Teachers.

- **Barrett Ristroph, J.D.**, *Arctic Program Representative, The Wilderness Society*

Barrett Ristroph is a planner and lawyer pursuing a Ph.D. in climate change adaptation at the University of Hawaii Manoa. She currently works at the National Disaster Preparedness Training Center in Honolulu, where she helps design courses on coastal community resilience and climate change adaptation. Most recently, she worked in Anchorage on Arctic lands conservation and the protection of subsistence and Alaska Native rights. Prior to that, she worked as an attorney and planner for the world's largest municipality, the North Slope Borough, in Arctic Alaska. She has also held positions with the American Bar Association Rule of Law Initiative in the Philippines and the Northern Marianas Superior Court in Saipan. She has researched and published on a wide range of topics, including climate change, comparative environmental law, Arctic shipping, oil and gas, hydraulic fracturing, and the integration of traditional knowledge with Western science.

- **The Honorable Sen K. Tan** (Retired), *Alaska Court System:*

Judge Sen K. Tan was the presiding Superior Court Judge for the Third Judicial District in Anchorage, Alaska. Judge Tan was appointed on December 4, 1996, by Governor Tony Knowles. He retired on July 1, 2014 after having served as the Presiding Judge of the court from 2011 to through 2013.

Judge Tan graduated from the University of Kent in 1978 with a Bachelor of Arts in Law. In 1982 he graduated with his Juris Doctor from the Northeastern University School of Law in Massachusetts. Following graduation from law school Judge Tan clerked for Superior Court Judge Brian Shortell in Anchorage. He subsequently worked as an assistant public defender, assistant Attorney General, and prior to his appointment to the Superior Court was the Supervising Assistant Attorney General.

- **Barry Zellen**, *Author; Arctic Geopolitics Specialist*

Mr. Zellen is an author, editor, and journalist specializing in war and strategy, Arctic geopolitics, indigenous cultures, and the tribal dimensions of world politics. Much of his early research and writing covers the Arctic and Subarctic regions of North America, including the Northwest Territory, the Yukon Territory, and Alaska.