

Rising Star: Kilpatrick Townsend's Rob Roy Smith

By **Caroline Simson**

Law360, New York (May 6, 2016, 8:05 PM ET) -- Kilpatrick Townsend & Stockton LLP's Rob Roy Smith has amassed numerous victories on behalf of his tribal clients over his career, including a win in a recent discrimination case involving the Quinault Indian Nation, earning him a spot as one of three Native American law practitioners under age 40 honored by Law360.

Smith, 39, is the co-chairman of Kilpatrick Townsend's nationally recognized Native American affairs team, and he advises tribal clients on all aspects of federal, state and tribal law, including economic development, natural and cultural resource protection, taxation, tribal sovereignty and gaming.

For more than a decade, he has successfully represented Native American tribal governments, individuals, and tribal businesses in complex litigation before state and federal trial and appellate courts. Under his leadership, Kilpatrick Townsend's Native American affairs team has grown — not only in Seattle but across the firm — and continues to garner national recognition.

Smith told Law360 recently that he was lucky enough to begin working as in-house counsel for the Nez Perce tribe in Idaho straight out of law school at age 24, where he was charged with arguing several significant cases. While his youth wasn't always viewed as a positive attribute in those early days, he said he never let negativity get to him. As the first in his family to attend college, he said he felt like he'd already accomplished so much by that point.

"I was constantly talked down to by white-haired lawyers, and there was even some of that from my client. I had to earn their respect and earn their trust as well," he said. "How do you overcome that? The answer is doing good work, and of course success helps a lot too."

And success he has had. Smith led the successful negotiation and close of the Snoqualmie Tribe's innovative \$310 million comprehensive casino refinancing transaction completed in January 2014, allowing the tribe to save millions of dollars in the first year alone.

In May 2015, Smith convinced a federal judge to dismiss a suit filed against the Quinault Indian Nation alleging that under state and federal law, Lake Quinault — which is part of the Quinault Nation's Reservation — had to be open to the public and could not be regulated by the Nation.

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Earlier this year, Smith obtained a favorable ruling from a California federal court that could pave the way for the Agua Caliente Band of Cahuilla Indians to control more than \$23 million in tax revenue that is collected each year from the tribe's trust land.

Earlier in his career, Smith successfully overturned a tribal banishment on behalf of nine individuals from a Western Washington state tribe. The individuals had been banished from the Snoqualmie Indian Tribe for political reasons, but during a two-day trial in federal court, Smith convinced the judge to reverse their banishment on due process grounds. It was the first such case to have been tried in federal court under the 1968 Indian Civil Rights Act, and it was a case that numerous other attorneys had turned down, Smith said.

He represented a coalition of tribes in a 2002 appeal asking the Ninth Circuit to consider whether the U.S. government should be allowed to study 9,600-year-old skeletal remains that had been found near Kennewick, Washington, or whether the remains should be turned over to several tribes for immediate burial.

But the case that's been most meaningful for him over the course of his career came when he represented the Washington-state based Quinault Indian Nation in its lawsuit against four school districts over alleged racial discrimination in violation of Title VI of the Civil Rights Act of 1964 and Washington state law.

The Nation filed the lawsuit on behalf of its tribal member students at the Taholah School District in an effort to allow Taholah student-athletes equal opportunity to participate in inter-school extracurricular athletic activities.

In March 2015, he secured a settlement that achieved all of the Nation's goals. Under the deal, the defendant school districts agreed to schedule games with the Taholah School District starting with the fall 2015 season, implemented reforms through a new league constitution and adopted procedural safeguards to avoid similar situations. The defendants also agreed to receive yearly civil rights trainings and to adopt a complaint procedure for students and administrators who believe they are a victim of discrimination.

The case reminded him of why he chose his line of work, he said.

"I feel as though I'm one of the luckiest lawyers I know because I love what I do," he said. "What I get to do on behalf of tribes is directly help improve the lives of native people, and that is very important for me. I always thought I wanted to be a public interest lawyer, and so by being able to work for tribes, I'm able to fulfill that personal goal."

--Editing by Emily Kokoll.
