Derek Red Arrow

Associate

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Services

Litigation

Native American

Native American Litigation

Derek Red Arrow is an enrolled member of the Nez Perce Tribe (the Nimiipuu) focusing his practice on Native American affairs and litigation. Derek represents and advises tribal governments, tribal enterprises, nonprofit tribal organizations, and Indian-owned businesses in all matters of federal, state, and tribal law, including litigation and commercial disputes involving land-back programs, treaty rights, tribal natural resources, taxation, inter-tribal trade, jurisdictional disputes, and other matters of Federal Indian Law.

Prior to joining the firm, Derek was an associate at a law firm based in Yakima, Washington where he co-founded and co-led its American Indian Law practice group and assisted clients with litigation and business disputes involving taxation, trade, contract, and issues of Federal Indian law. Previously, Derek worked as a staff attorney for the Yakama Nation Office of Legal Counsel where he represented the Yakama Nation in administrative, state, and federal trial and appellate courts on issues involving treaty rights, water rights, economic development, and tribal sovereignty. He is also a former federal law clerk to the Honorable Brian M. Morris in the U.S. District Court for the District of Montana.

While attending law school, Derek was the Editor-in-Chief of the *American Indian Law Journal* (2017-2018) and Co-Vice President of the Native American Law Student Association (2015-2017). He also served as a law clerk for the Nez Perce Tribe, Earthjustice, and the Civil Rights Unit at the Washington State Attorney General's Office.

Derek was recognized as one of the "Best Lawyers: Ones to Watch" in 2023 and 2024 for Native American Law and again in 2025, 2026 and 2027 for both Commercial Litigation and Native American Law by *The Best Lawyers in America*®. He was recognized as a Washington "Rising Star" in 2025 and 2026 for Native American Law by *Super Lawyers* magazine. Derek received the National 40 Under 40 Award from the National Center for American Indian Economic Development (NCAIED). This award recognizes 40 emerging American Indians from across Indian Country who have demonstrated leadership, initiative, and dedication, and made significant contributions in business and/or in their community. Other 2024 NCAIED class members include groundbreaking Indigenous trailblazers like Golden Globe-winning actress Lily Gladstone. He was named to *Puget Sound Business Journal*'s 2025 Class of 40 Under 40. Derek received Yakima's "39 under 39" award for his leadership and impact throughout his community. Notably, in 2022, he was named a "Successful Indigenous Role Model" for Nez Perce Tribe's Lapwai School District. Derek was also named to the "Top 20 Restorative People Leaders Watchlist" in 2024 by Intersectional Innovations.

Experience

Represents Indian tribes in Washington and Oregon in ongoing treaty fishing rights litigation (*United States v. Washington* and *United States v. Oregon*).

Successfully defended the off-reservation Treaty Right to Travel on all public highways for the purpose of inter-tribal trade.

Drafted first-of-its-kind Traditional Restorative Justice and Therapy Plan supported by the Yakama Nation Tribal Court, Yakama Nation Prosecutor's Office, and a panel of Yakama Nation Elders.

Provides on-going general counsel services to tribal marijuana enterprises regarding the production, distribution, and retail sales of marijuana products in Indian Country.

Represented coalition of four treaty tribes in the acquisition of a shared sacred site adjacent to the second largest waterfall in the continental United States.

Successfully litigated the re-recognition of over 200,000 acres of reservation land for eastern Washington-based tribe.

Provides on-going general counsel services to tribal enterprises, strengthening tribal economic sovereignty, and inter-tribal trade and cooperation.

Drafted USDA approved Tribal Hemp Program and Code to establish complete jurisdiction to tribal government over all hemp production activities within tribe's territory.

Represented tribal-member enterprise's interests as amici-curiae regarding the treatment and supremacy of treaty rights in the Supreme Court of the United States.

Represented tribe's interest in development of treaty tax exemption policies for all tribal members within Washington state.

Education

Seattle University School of Law J.D. (2018) *Douglas R. Nash Native American Law Scholar Award*, Editor-in-Chief American Indian Law Journal

Seattle University B.A. (2015) Political Science and Business Administration

Admissions

Washington (2019)

Court Admissions

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Eastern District of Washington

U.S. District Court for the Western District of Washington

Yakama Nation Tribal Court

Clerkships

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Professional & Community Activities

Heritage University, Board of Directors (2024-Present)

Tribal Economic & Tax Reform Advocacy Alliance, Member (2022-Present)

Washington State Bar Association, Cannabis Law Section, Member (2022-Present)

Washington State Bar Association
- Indian Law Section, Member (2021-Present)
- At-Large Executive Board, Member
- CLE Committee, Member
- Mentorship Committee, Member

Nez Perce Tribe's Lapwai School District, Successful Indigenous Role Model (2022-Present)

Tribal Tax Advisory Group, Washington Department of Revenue (2019-Present

Yakima County Bar Association, Member (2019-Present)

Washington State Department of Revenue, Tribal Tax Advisory Group Treaty Right Sub-Committee, Chair (2019-2021)

Western Environmental Law Center, Board of Directors (2022-2023)

Seattle University Law School, Contemporary Issues in Indian Law, Guest Speaker (2021)

Bellevue College, Environmental Justice Class (indigenous and environmental advocacy), Guest Lecturer

Nez Perce Culture Camp, Guest Lecturer

Seattle University, Indigenous People’s Day, Student Keynote Speaker (2017)

Seattle University’s transition from Columbus Day to Indigenous People’s Day, NALSA Advocate

Traditional Prairie Chicken Powwow Dancer

Division IV Ironman 140.6 World Championship Team, Coach (2013)

Boy Scouts of America, Eagle Scout Award (2005)

Insights

News Releases

Kilpatrick Attorneys Recognized in 2027 Edition of Best Lawyers: Ones to Watch® in America

August 20, 2026

Events

Prediction Markets and the Future of Tribal Enterprise

March 24, 2026

Events

Introduction to Federal Indian Law

February 5, 2026

Events

State Tax Policy Update

February 3, 2026

News Releases

Over 100 Kilpatrick Attorneys Named 2025 Super Lawyers and Rising Stars

November 25, 2025