Insights: Publications

Tribes Really Need More Than Sovereign Immunity Defense

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The title of this article might seem familiar — it should. A year ago we published an article titled “Tribes Need More Than Just The Sovereign Immunity Defense.” In that article, we advised tribes about the value of liability insurance despite the fact that (as noted below) sovereign immunity had recently received a boost by the Connecticut Supreme Court in Lewis et al. v. Clarke. We emphasized that although tribes and their commercial enterprises generally enjoy sovereign immunity, they still should buy liability insurance to cover both the costs of defending against lawsuits and, in the event that a court determined that the sovereign immunity doctrine does not apply, a resulting judgment or settlement.