

Former Arizona chief justice to mediate between California and tribes

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The tribes claim Gov. Gavin Newsom violated the Indian Gaming Regulatory Act in negotiations over renewing their casino gaming compacts.

Four tribes and the state of California have agreed to allow former Arizona Chief Justice W. Scott Bales to mediate their long-running disputes over renewing gaming compacts.

Bales served two years as Arizona's solicitor general after a two-decade career as a private attorney and federal prosecutor. He led the state's high court from 2014 to 2019. Bales is now an independent arbitrator, mediator and investigator based in Phoenix.

He is known for an opinion on "release time," in which Bales found a contract allowing a Phoenix police union representative

to do union work on the job did not violate the state's constitution, turning back a suit by a conservative think tank, the Goldwater Institute. Bales also wrote a 2016 dissent warning that under the vague language of the state's new child abuse law, a parent could be prosecuted for changing a diaper.

On Wednesday, U.S. District Court Judge Ana de Alba signed off on stipulations naming Bales as mediator in four related cases: *Cachil Dehe Band of Wintun Indians v. State of California*, 2:20-cv-01585-ADA-SKO (E.D. Cal., filed Aug. 7, 2020) *Cahuilla Band of Indians v. State of California*, 2:20-cv-01630-ADA-SKO (E.D. Cal., filed Aug. 13, 2020), *Soboba Band of Luiseno Indians v. State of California*, 1:20-cv-01147-ADA-SKO (E.D. Cal., filed Aug. 15, 2020), *Bear River Band of Rohnerville Rancheria v. State of California*, 1:20-cv-01539-ADA-SKO (E.D. Cal., filed Oct. 30, 2020).

In cases filed about three years ago, these tribes and several others said Gov. Gavin

Newsom violated the Indian Gaming Regulatory Act in negotiations over renewing their casino gaming compacts. They say the act bars Newsom from bringing up topics unrelated to gaming, but his administration has repeatedly tried to compel them to enforce state labor, environmental and family court laws. Several other tribes have signed compacts in recent months containing these kinds of provisions.

De Alba wrote, "Each party is directed to submit to the mediator 'a proposed compact that represents their last best offer for a compact,'" within 10 days. Bales must select the proposal that best comports with the act. If the state does not comply within 60 days after that, she ordered, each tribe may then agree on gaming procedures with U.S. Secretary of Interior Deb Haaland and continue operating.

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