

April 19, 2024

Membership Committee
Indian Law Section
Washington State Bar Association

RE: Indian Law Section Executive Committee Application

Dear Membership Committee,

I am writing to express my interest in serving in one of the At-Large Member positions for the WSBA Indian Law Section. Thank you for reaching out to encourage applications. I've considered getting more involved with the Section but your latest email spurred me to take action.

Indian Law has been a part of my legal practice for as long as I've worked for the Attorney General's Office (which now stands at 21 years). For some of our attorneys, Indian Law comprises a significant portion of their legal practice. For others, the questions are less frequent so it is part of my job to ensure all our attorneys are competent and prepared. For the last five years I've served as the coordinator for Indian Law and Tribal issues for the AGO (filling very large shoes after the retirement of Fronda Woods). That role involves tracking significant cases and legal advice issues and serving as a resource, consultant and mentor for our attorneys. I team with our Tribal Liaison, Asa Washines, on policy and legislative work and we also work with our AGO training unit to plan and host internal CLEs on Indian Law and bring guest speakers to the AGO.

During my career, I've worked to expand my knowledge of Indian law so I can help prepare our attorneys for the future. In the past few years, we've seen a growing recognition of the importance of tribal consultation and an increasing emphasis on protection of tribal cultural resources. We've also seen legislation to improve coordination between tribal and state and local law enforcement. The AGO has a lot of history to overcome but I believe our future should be one of cooperation and mutual support rather than competition and adversity. Part of preparing for the future is taking a greater role in the broader legal community. In that vein, I am excited to have the opportunity to join Section Leadership and advance this important area of law.

Sincerely,

Kristen Mitchell
Deputy Attorney General
Washington State Attorney General's Office

KRISTEN K. MITCHELL

WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL, 2003 to Present

Deputy Attorney General, Administration Division, 2017 to Present

- Oversees the areas of environmental law, natural resources and clean energy and utilities for the AGO and manages attorneys and staff in six legal divisions: Agricultural and Health, Ecology, Environmental Protection, Public Lands and Conservation, Utilities and Transportation, and the University of Washington.
- Serves as the legal coordinator of Indian law issues for the AGO.

Division Chief for the Agriculture and Health Division, June 2014 to 2017.

- Supervised a division of 35 attorneys and professional staff serving four large agencies and more than 30 small agencies and boards and commissions, including the Departments of Health, Agriculture, Commerce and Archaeology and Historic Preservation.

Section Chief, Agriculture and Health Division, 2011 to 2014.

- Supervised a team of 6 attorneys and paralegals working in the areas of agriculture, and environmental, natural and cultural resources.

Assistant Attorney General, Agriculture and Health Division, 2003 to 2011.

- Advised Departments of Health and Agriculture and represented client programs in administrative and civil litigation. Counsel for the Northwest Interstate Compact on Low-Level Radioactive Waste Management.

Representative Clients:

Washington State Department of Agriculture (WSDA):

Served as the lead attorney and counsel for the Director from 2011 to 2017, advising on agricultural law, administrative law, public records and open public meetings law, rulemaking, legislation, contracting, emergency planning, and environmental issues. Represented and advised the state's 23 agricultural commodity commissions. Represented the WSDA in administrative actions and civil matters in State Superior Courts and the Court of Appeals including declaratory judgment actions, public records suits, taxpayer suits and enforcement actions.

Northwest Interstate Compact on Low-Level Radioactive Waste Management:

Advised the Compact, a Congressionally ratified interstate compact of eight member states who regulate two disposal sites for low-level radioactive waste within the Compact region. Represented the Compact in a lawsuit challenging the Compact's statutory and constitutional authority to regulate the disposal of low-level radioactive waste within the Compact region in Federal District Court in Utah and the Tenth Circuit Court of Appeals. The Compact prevailed on appeal in a published opinion, *EnergySolutions v. NWIC*, 625 F.3d 1261 (10th Cir. 2010).

Washington State Department of Commerce:

Advised the Growth Management Services Program within the Department of Commerce and represented the Program before the Growth Management Hearings Board and in appeals in State Superior Courts and the Court of Appeals. Represented the State Energy Office, represented Commerce before the Energy Facility Site Evaluation Council (EFSEC) and reviewed and negotiated contracts and grants.

KING COUNTY SUPERIOR COURT, Seattle, Washington

Law Clerk/Bailiff for Judge Douglass A. North, 2002-2003

EDUCATION

University of Washington School of Law, Seattle, Washington
Juris Doctor with Concentration in Environmental Law, 2001

University of Wyoming, Laramie, Wyoming
Master of Science, Plant Ecology, 1994

Washington University, St. Louis, Missouri
Bachelor of Arts, Biology, 1992