

## Mark H. Reeves

### Partner

Enterprise Mill

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### Services

Appellate Litigation

Complex Commercial Litigation

Native American

Native American Litigation

Product Liability



Mark Reeves focuses his practice on trial and appellate litigation, predominantly on behalf of Indian tribes. He has represented and advised tribes in a broad range of litigation in federal, state, and tribal courts and before federal administrative agencies, including a number of cases before federal appellate courts and the Interior Board of Indian Appeals. Mr. Reeves has significant experience litigating issues relating to tribal sovereignty and immunity, the acquisition, development, and protection of tribal land and water rights, the taxation of Indian lands and property, litigation over easements, rights-of-way, and trespasses on Indian lands, the application of federal and state laws to Indian tribes and tribal enterprises, and the enforcement of the United States' trust responsibilities to tribes.

Mr. Reeves has also assisted and advised tribes in numerous non-litigation contexts, including fee-into-trust land acquisitions, right-of-way and easement negotiations, the negotiation of self-governance compacts and funding agreements, the acquisition of Johnson O'Malley Act funds for Indian education programs, and the drafting, interpretation, and application of tribal legal codes.

In addition to his work on behalf of Native American clients, Mr. Reeves has substantial experience in medical malpractice defense litigation and in representing businesses in civil litigation, including products liability work and commercial contract disputes. He also has represented numerous individual plaintiffs who were victims of catastrophic injuries.

Mr. Reeves was recognized in 2020 by *The Best Lawyers in America*<sup>®</sup> for Native American Law. He was recognized by the Augusta Metro Chamber of Commerce as a "Top 10 in 10 Young Professional" in 2014. He



was also recognized as a Georgia “Rising Star” in the area of Native American Law by *Super Lawyers* magazine each year from 2015-2018 and included on *Benchmark Litigation’s* “40 & Under Hot List” for Appellate and Native American Law in 2018.

## Experience

Lead counsel for the Poarch Band of Creek Indians in response to a suit by the State of Alabama seeking to enjoin the Tribe’s gaming activity. The State alleged that the Tribe’s gaming was either a public nuisance under state law or in violation of criminal provisions of the Indian Gaming Regulatory Act. Removed case from state to federal court, then successfully moved for dismissal of all of the State’s claims, including *Carciari*-based arguments attacking the status of the Tribe’s land. Also served as lead counsel in the Tribe’s successful defense of the trial court’s ruling before the Eleventh Circuit Court of Appeals.

Counsel for the Agua Caliente Band of Cahuilla Indians in its case against California water districts seeking a declaration and quantification of Agua Caliente’s federally reserved rights to groundwater. The Tribe also seeks to enjoin the water districts from infringing on its federal reserved water rights by degrading groundwater quality in the Coachella Valley and overdrafting the aquifer. The Ninth Circuit Court of Appeals ruled in favor of the Tribe, holding that it has a federally reserved right to groundwater. This matter is pending.

Lead counsel for the Poarch Band of Creek Indians in a lawsuit against a county tax assessor who sought to assess taxes on Tribe’s trust lands based on a *Carciari*-style argument. The United States District Court for the Southern District of Alabama issued a preliminary injunction against the tax assessor, which was affirmed by the Eleventh Circuit after oral argument. Based on the Eleventh Circuit ruling, the tax assessor submitted to a permanent injunction against any further efforts to assess tribal trust property.

Successfully represented a tribe and over 1,000 allottees in a complex class action trespass claim against the United States regarding an expired transmission line right-of-way. The matter involved obtaining favorable rulings from both the United States Court of Federal Claims and the District Court for the District of Arizona.

Represented the Poarch Band of Creek Indians before the Eleventh Circuit Court of Appeals when a former employee appealed the trial court’s dismissal of an Age Discrimination in Employment Act (ADEA) claim against the Tribe. The Eleventh Circuit affirmed dismissal of the claim after oral argument, and the United States Supreme Court denied certiorari.

Represented a major Georgia hospital in numerous cases alleging professional malpractice against hospital employees and contractors.

Represented multiple tribes in the successful settlement of tribal trust lawsuits against the United States alleging mismanagement of tribal trust assets.



Pro bono work on behalf of the Southeastern Natural Sciences Academy, a non-profit entity using groundbreaking research and public education initiatives to promote responsible stewardship of fresh water resources and environmentally sustainable economic development in the Savannah River watershed and beyond.

### **Education**

Vanderbilt University Law School, J.D. (2004) *Order of the Coif, Vanderbilt Law Review, John W. Wade Scholar*  
University of Georgia, B.A. (2001) *summa cum laude, First Honor Graduate*

### **Admissions**

Georgia (2005)  
District of Columbia (2016)

### **Court Admissions**

United States Supreme Court (2017)  
U.S. Court of Appeals for the Fifth Circuit (2019)  
U.S. Court of Appeals for the Ninth Circuit (2015)  
U.S. Court of Appeals for the Eleventh Circuit (2005)  
Poarch Band of Creek Indians Tribal Court (2012)  
U.S. District Court for the District of Columbia (2019)  
Georgia Supreme Court (2009)  
Georgia Court of Appeals (2009)  
U.S. District Court for the Northern District of Georgia (2009)  
U.S. District Court for the Southern District of Georgia (2007)  
U.S. District Court for the Middle District of Georgia (2005)

### **Clerkships**

U.S. Court of Appeals for the Eleventh Circuit - R. Lanier Anderson, III (Sep 2004-Aug 2005)

### **Professional & Community Activities**

State Bar of Georgia, 2008 Young Lawyers' Division Leadership Academy  
Augusta Bar Association, Treasurer (2014-2015)  
Augusta Bar Foundation, Board Member (2014-2015)



Young Lawyers of Augusta, President (2011)

Sacred Heart Cultural Center, Board Member (2006-2011)

Phinizy Center for Water Sciences (f/k/a Southeastern Natural Sciences Academy), Secretary & Board Member (2008-2017)

Tri My Best Triathlon, Volunteer

## Insights

### [In The News](#)

Kilpatrick Townsend Recognized with Washington Lawyers' Committee's 2020 Outstanding Achievement Award  
July 22, 2020

### [News Releases](#)

Kilpatrick Townsend Achieves Strong Rankings in Benchmark Litigation 2020  
January 6, 2020

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020  
August 15, 2019

### [Perspectives](#)

KT Client Success | Big Win in Water Rights Fight  
April 3, 2019

### [News Releases](#)

Three Kilpatrick Townsend Attorneys Named to 2018 Benchmark 40 & Under Hot List  
July 18, 2018

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2018 Georgia Super Lawyers  
February 28, 2018

### [Publications](#)

Tribal Rights to Groundwater  
July 15, 2017



### [In The News](#)

Kilpatrick Townsend Counsels Agua Caliente in Win "9th Circ. Upholds Calif. Tribe's Groundwater Rights"

March 7, 2017

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2017 Georgia Super Lawyers

February 28, 2017

### [In The News](#)

David Smith and Mark Reeves Noted as Counsel for the Poarch Band of Creek Indians in Law360's "Ala. Tribe Wins Permanent Block On Local Tax Assessments"

December 6, 2016

### [In The News](#)

KT is...Trending, November 5-11, 2016

November 11, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report, October 22 - November 4, 2016

November 7, 2016

### [In The News](#)

KT is...Trending, October 15-21, 2016

October 24, 2016

### [In The News](#)

Kilpatrick Townsend's Mark Reeves Quoted in Law360 re: "11th Circ. Finds Tribe Immune To Ex-Worker's Age Bias Suit"

October 19, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report September 9-15, 2016

September 16, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report August 5-11, 2016



August 12, 2016

[In The News](#)

Kilpatrick Townsend's Media Report July 15-21, 2016

July 22, 2016

[In The News](#)

Kilpatrick Townsend's Media Report July 1-14, 2016

July 15, 2016

[In The News](#)

Kilpatrick Townsend's David Smith and Mark Reeves Noted as Counsel to The Poarch Band of Creek Indians by Law360 re: "11th Circ. Backs Blocking State Taxes On Ala. Tribal Lands"

July 11, 2016

[In The News](#)

Kilpatrick Townsend's Media Report April 29 - May 5, 2016

May 5, 2016

[In The News](#)

Kilpatrick Townsend's Media Report April 22-28, 2016

April 29, 2016

[In The News](#)

Kilpatrick Townsend's Media Report March 24 - April 14, 2016

April 15, 2016

[In The News](#)

Kilpatrick Townsend's Media Report February 17-25, 2016

February 26, 2016

[In The News](#)

Catherine Munson and Mark Reeves noted as Counsel for Agua Caliente Band of Cahuilla Indians in the Law360 article, "Water Districts' Defenses Cut From Tribe's Groundwater Suit."

February 25, 2016



### [In The News](#)

Kilpatrick Townsend's Media Report February 4-11, 2016

February 12, 2016

### [Publications](#)

Dealing With Expired Rights-Of-Way In Indian Country

February 1, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report January 15-21, 2016

January 22, 2016

### [News Releases](#)

Kilpatrick Townsend Elects Mark Reeves to Partner

January 6, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report December 11-24, 2015

December 24, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report October 30 - November 5, 2015

November 6, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report October 23-29, 2015

October 30, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report September 11-24, 2015

September 25, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report August 28-September 3, 2015

September 4, 2015



### [In The News](#)

Kilpatrick Townsend's Adam Charnes, David Smith, and Mark Reeves Noted as Counsel to The Poarch Band of Creek Indians by Law360 re: "Ala. Can't Bring Casino Suit Against Tribe, 11th Circ. Says"

September 3, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report August 14-27, 2015

August 28, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report July 17-23, 2015

July 24, 2015

### [In The News](#)

Kilpatrick Townsend's David Smith and Mark Reeves Noted as Counsel to The Poarch Band of Creek Indians by Law360 re: "Ala. Tribe Wins Injunction On County's Property Taxes"

July 23, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report July 10-16, 2015

July 17, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report June 26 - July 9, 2015

July 10, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report June 19-25, 2015

June 26, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report June 5-11, 2015

June 12, 2015

### [Alerts](#)

Divided Sixth Circuit Panel Upholds NLRB Jurisdiction to Enforce NLRA against Tribes Even When the Act





Conflicts with Tribal Employment Laws

June 10, 2015

#### [Alerts](#)

En Banc Ninth Circuit Rejects Untimely, Collateral Challenge to Legal Status of Tribe's Trust Lands and Federal Recognition

June 5, 2015

#### [In The News](#)

Kilpatrick Townsend's Media Report May 29 - June 4, 2015

June 5, 2015

#### [In The News](#)

Kilpatrick Townsend's David Smith and Mark Reeves Noted as Counsel to The Poarch Band of Creek Indians by Law360 re: "Ala. Tribe Wants To Halt Tax Assessments On Casino Land"

June 5, 2015

#### [In The News](#)

Kilpatrick Townsend's Media Report May 22-28, 2015

May 29, 2015

#### [In The News](#)

Kilpatrick Townsend Attorneys Noted as Counsel to The Poarch Band of Creek Indians by Law360 re: "Ala. Tribe Says Trust Land Used For Casino Is Tax-Exempt"

May 27, 2015

#### [In The News](#)

Kilpatrick Townsend's Media Report April 23-30, 2015

May 1, 2015

#### [In The News](#)

Kilpatrick Townsend Attorneys Noted as Counsel to the Agua Caliente Band of Cahuilla Indians by Law360 re: "5 Native American Environmental Cases To Watch In 2015"

April 28, 2015

#### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers



February 26, 2015