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EDUCATION

University of Michigan Law School—*Juris Doctor* (1997)

- *Recipient*—International Academy of Trial Lawyers Association Award (1997)
- *Recipient*—Student Funded Fellowship for the Public Interest (1996)
- *Executive Note Editor*—MICHIGAN JOURNAL OF RACE & LAW: Vol. 2 (1996-97)
- *Associate Editor*—MICHIGAN JOURNAL OF RACE & LAW: Vol. 1 (1995-96)

University of Michigan—*Bachelor of Arts in English Language & Literature* (1994)

PUBLICATIONS

BOOKS, ARTICLES, AND BOOK CHAPTERS

Forthcoming

TRIBAL LAW DESKBOOK (American Bar Association Publishing) (with Wenona T. Singel & Kathryn E. Fort) (under contract)

Tribal Disruption and Labor Relations, __ NATIONAL LAWYERS GUILD REVIEW __ (forthcoming 2017) (with Kathryn E. Fort & Wenona T. Singel)

2017

CASES AND MATERIALS ON FEDERAL INDIAN LAW (West Academic Publishing) (7th ed. 2017) (with Charles F. Wilkinson, Robert A. Williams, Jr., and Kristen A. Carpenter) (responsible for chapters 6, 7, 8, and 9)

PRINCIPLES OF FEDERAL INDIAN LAW (Concise Hornbook Series) (West Academic Publishing 2017)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Council Draft No. 4* (Sept. 1, 2017)

* *approved at American Law Institute Council meeting (Oct. 20, 2017) (sections 15-16, 20-32, 34-35)*

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* *cited in* Lomayesva v. Talayumptewa, No. 2015-CV-0088 (Hopi Tribal Court, Nov. 6, 2015), *available at* <https://turtletalk.files.wordpress.com/2015/11/final-order-and-opinion-case-no-2015-cv-0088a.pdf>

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2015

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* *approved at* the American Law Institute Annual Meeting (May 19, 2015) (Sections 1-9)

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2014

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2010

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2009

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2008

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* *cited extensively in* Brief of United South and Eastern Tribes, Inc. as Amicus Curiae, *State of Alabama v. PCI Gaming Authority*, 801 F.3d 1278 (11th Cir. 2015) (No. 14-12004), <https://turtletalk.files.wordpress.com/2014/09/uset-amicus-brief.pdf>

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2007

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- * *cited in* Plaintiff’s Opposition to Defendant’s Motion to Dismiss for Lack of Personal Jurisdiction, Clark v. Tucker, No. CV-14-00972 R (RZx) (C.D. Cal., June 28, 2014)
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SELECTED RECENT PRESENTATIONS (2015-2017)

2017

Columbia Law School, Indigenous Conference: New York, NY (Nov. 4, 2017)

Federal Bar Association — D.C. Indian Law Conference: Restoring Tribal Homelands: The Current Landscape Panel, Washington, D.C. (Nov. 3, 2017)

Adrian College — Romney Institute: “On the Indian Child Welfare Act,” Adrian, MI (Nov. 2, 2017)

American Law Institute: Reporter, ALI Council Meeting, New York, NY (Oct. 20, 2017) (with Wenona Singel & Kaighn Smith)

Pre-Law Summer Institute 50th Anniversary CLE: “Supreme Court Trends and Predictions: Revisiting Claiborne, Chambers, and Endreson,” Pueblo of Isleta (Sept. 29, 2017)

Rockey Mountain Mineral Law Foundation – Indian Law and Natural Resources: The Basics and Beyond: “Tribal Civil, Criminal, and Regulatory Jurisdiction over Nonmembers,” Westminster, CO (Sept. 26-27, 2017)

University of Colorado Law School – WIPO IGC TK, GR & TCE Instrument, Tribal Position and Drafting Session: “U.S. Constitutional and Tribal Law Considerations,” Boulder, CO (May 4-5, 2017)

University of Arizona Rogers College of Law: “Retconning Tribal Civil Jurisdiction,” Tucson, AZ (March 30, 2017)

Arizona State University O’Connor College of Law: “Indian Children and the Federal Trust Responsibility,” Phoenix, AZ (March 24, 2017) (with Wenona Singel)

University of Michigan Law School – Native American Law Students Association: “Statutory Divestiture of Tribal Sovereignty,” Ann Arbor, MI (March 20, 2017)

University of Arizona Rogers College of Law – Who Belongs? From Tribal Kinship to Native Nation Citizenship to Disenrollment: Introduction to the Epidemic of Disenrollment/Loss of Community/Weakening of Sovereignty/Policy Implications, Tucson, AZ (March 10, 2017)

American Law Institute: Reporter, Board of Advisors & Members Consultative Group Meeting, *Restatement of the Law of American Indians*, Philadelphia, PA (Feb. 8, 2017)

2016

Muskegon Community College: “Indian Children and American History,” Muskegon, MI (November 18, 2016)

Michigan State University: “Taking Charge of Change: Community Organizing and Community Activism” panel, East Lansing, MI (November 18, 2016)

Michigan State University College of Law: “Rights of Indigenous Women” panel, East Lansing, MI (November 16, 2016)

University of Kansas School of Law, Native American Law Students Association: “The Future of Tribal Sovereignty,” Lawrence, KS (November 10, 2016)

American Law Institute Council Meeting: *Restatement of the Law, The Law of American Indians*, Council draft presentation (October 21, 2016)

Harvard Law School – The Indigenous Rights Movement, Tribal, Domestic & International Law Dimensions: “HotTopics: The Indian Child Welfare Act,” Cambridge, MA (October 14, 2016)

Poarch Band of Creek Indians Tribal Bar Association: “Federal Indian Law” CLE, Atmore, AL (September 15-16, 2016)

Michigan State University College of Law, Native American Law School Admissions Workshops: “Why Law School?”, East Lansing, MI (August 5-6, 2016)

UCLA School of Law: Indian Law Works in Progress Presentation, Los Angeles, CA (June 2, 2016)

Mashpee Wampanoag Tribe – Criminal Jurisdiction/Indian Law Workshop: Mashpee Wampanoag Criminal Justice System Panel, Mashpee, MA (April 25, 2016)

University of Michigan Law School, Native American Law Students Association: The Immediate Future of Indian Law in the Supreme Court, Ann Arbor, MI (April 14, 2016)

Federal Bar Association Indian Law Conference: Keynote Speaker, Salt River Pima-Maricopa Indian Reservation, Scottsdale, AZ (April 7-8, 2016)

National Council of Juvenile and Family Court Judges, National Conference on Juvenile Justice: Keynote Speaker, “The Crisis in American Indian Juvenile Justice,” and Presentation, “Indian Law 101,” Las Vegas, NV (Mar. 22, 2016)

2016 Native American Critical Issues Conference: Keynote Address: “Where Is the Tuition Waiver Today?,” Michigan Indian Education Council, Mt. Pleasant, MI (March 12, 2016)

University of Colorado Law School, 2016 Martz Winter Symposium, A Celebration of the Work of Charles Wilkinson: Boulder, CO (Mar. 10-11, 2016)

American Law Institute: Reporter, Board of Advisors & Members Consultative Group Meeting, *Restatement of the Law of American Indians*, Philadelphia, PA (Feb. 25, 2016)

Case Western Reserve Law School: “Indian Children and the Federal-Tribal Trust Relationship,” Faculty Workshop, Cleveland, OH (Feb. 16, 2016)

Arizona State University, 2nd Annual Tribal Government E-Commerce CLE Conference: Chandler, AZ (Feb. 11-12, 2016)

Radcliffe Institute – American Universities, Indigenous Dispossession, and the Question of Commemoration: Cambridge, MA (Jan. 28-29, 2016)

Harvard Law School: *Dollar General* Historians’ Brief Panel, Cambridge, MA (Jan. 27, 2016)

University of Florida, Levin College of Law: *Johnson v. McIntosh*, Gainesville, FL (Jan. 14, 2016)

2015

Tribal In-House Counsel Association – Board Meeting: “Ethical Obligations of Nonprofit Board Members,” East Lansing, MI (Nov. 4, 2015)

Michigan State University College of Law, Faculty Workshop: “Tribal Jurisdiction – A Historical Bargain,” East Lansing, MI (October 21, 2015)

University of Michigan Law School Informal Faculty Lunch Talk: “Historical Practices and Modern Jurisdiction in Indian Country,” Ann Arbor, MI (Sept. 22, 2015)

American Law Institute Annual Meeting: *Restatement of the Law of American Indians*, Tentative Draft Presentation, Washington, DC (May 18-20, 2015) (with Wenona T. Singel and Kaighn Smith, Jr.)

University of Arizona School of Law – Indigenous Peoples Law & Policy Program: “Down to the 7th Edition: Revising Federal Indian Law, 1979-2015” Panel, Tucson, AZ (April 16, 2015)

Michigan State Law Review Symposium – Persuasion in Civil Rights Advocacy: “Bullshit and the Tribal Client,” East Lansing, MI (April 10, 2015)

National Native American Law Students Association: Careers in Law Teaching Panel, Salt River Pima-Maricopa Indian Reservation, Scottsdale, AZ (April 9, 2015)

University of Michigan Law School – Native American Law Day: “Keystone XL Pipeline,” Ann Arbor, MI (April 3, 2015)

University of Wisconsin Law School – Indigenous Law Student Association Annual Conference: Keynote Address, “21st Century Tribal Sovereignty,” and Panelist, “A Look at Wisconsin and Michigan Tribal Gaming” Panel, Madison, WI (March 21, 2015)

Responsibility 2015: “Tribal Governance and Reparations,” New York, NY (March 15, 2015)

2015 Native American Critical Issues Conference: “Michigan Indian Law Students on the Legal Job Market,” Michigan Indian Education Council, Battle Creek, MI (March 14, 2015)

Spokane County Bar Association, Indian Law Section: “Why the Restatement of Indian Law Matters to Everyday Practitioners,” Gonzaga University School of Law, Spokane, WA (March 6, 2015)

Gonzaga University School of Law – Native American Law Students Association: “Foundational Principles of Indian Law and How They Work in Real Life,” Gonzaga University School of Law, Spokane, WA (March 5, 2015)

American Law Institute: Reporter, Board of Advisors & Members Consultative Group Meeting, *Restatement of the Law of American Indians*, Washington, DC (February 20, 2015)

Arizona State University College of Law – Inaugural Tribal Government E-Commerce: Innovating a New Geography of Indian Country: Panelist, “Federal Government Initiatives That Can Shape the Future of E-Commerce” and “E-Commerce in Indian Country: Protecting the Consumer” Panels, Chandler, AZ (February 12-13, 2015)

Tribal Judicial Center at the National Judicial College – Walking on Common Ground Symposium for the Eastern Tribes: “Combating Non-Indian Violence by Using Cross-Deputization & Cooperation” and “Incorporating Traditional Justice into Tribal Court Adjudications,” Asheville, NC (February 4, 2015)

Michigan State University College of Law – Diversity Consortium: “Seven Generations,” East Lansing, MI (January 27, 2015)

American Law Institute Council Meeting: *Restatement of the Law of American Indians*, Council draft presentation (January 15, 2015)

ACADEMIC APPOINTMENTS

MICHIGAN STATE UNIVERSITY COLLEGE OF LAW: Full Professor (July 2011 to present); Associate Professor (July 2008 to June 2011; tenure awarded December 2009); Assistant Professor (July 2006 to July 2008); Director, Indigenous Law and Policy Center (July 2006 to present)

Classes Taught (MSU)

Advanced Topics in Indian Law (Spring 2008, Spring 2011, Spring 2012, Spring 2015, Spring 2016)

Constitutional Law I (Spring 2007, Spring 2008, Spring 2009, Spring 2014)

Federal Jurisdiction (Spring 2016)

Federal Law and Indian Tribes (Fall 2006, Fall 2008, Fall 2009, Fall 2010 (with Ann Tweedy), Fall 2013 (with Wenona Singel), Fall 2016, Fall 2017)

Foundations of Law (Fall 2011, Fall 2012, Fall 2013, Fall 2014, Fall 2015, Fall 2016)

Lawyers and Ethics (Fall 2011, Fall 2012, Fall 2013, Fall 2014 – two sections)

Indian Law and Policy Center Class (Fall 2006, Fall 2007, Fall 2008, Spring 2010, Fall 2010 (with Ann Tweedy), Spring 2012, Fall 2012, Spring 2013)

Jurisprudence (Fall 2015, Fall 2016)

Awards and Grants (MSU)

Summer Research Stipend (2006 – 2016)

UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW: Assistant Professor (June 2004 to May 2006); Director, Northern Plains Indian Law Center (June 2004 to May 2006)

Classes Taught (UND)

Federal Indian Law (Fall 2004)
Contracts (Spring 2005; Fall-Spring 2005-2006)
Tribal Law (Spring 2005, Spring 2006)

Awards and Grants (UND)

University of North Dakota New Faculty Scholar Award (2005)
University of North Dakota School of Law Summer Research Grant (2005)

UNIVERSITY OF ARIZONA ROGERS COLLEGE OF LAW: Visiting Professor (Spring 2017), teaching Tribal Courts & Tribal Law

UNIVERSITY OF MICHIGAN LAW SCHOOL: Visiting Associate Professor (Spring 2011, Fall 2013, Fall 2015, Fall 2017), teaching Federal Indian Law

UNIVERSITY OF MONTANA SCHOOL OF LAW: Visiting Professor (Summer 2016, Summer 2017), teaching Supreme Court Jurisprudence and Indian Country (2016) and Economic Development in Indian Country: Tribal Business Law (2017) (one week short courses)

MICHIGAN STATE UNIVERSITY – AMERICAN INDIAN AND INDIGENOUS STUDIES

(formerly American Indian Studies Program)
Affiliated Faculty (September 2006 to present)

AMERICAN INDIAN LAW CENTER PRE-LAW SUMMER INSTITUTE

Instructor – Federal Indian Law (Summer 2005; Summer 2010; Summer 2015, Summer 2018 (expected))

TURTLE MOUNTAIN COMMUNITY COLLEGE

Adjunct Professor – Contracts/Torts (Fall 2005)

SERVICE

Advisory Committee of the Attorney General’s Task Force on American Indian/Alaska Native Children Exposed to Violence: Member (2013-2014)

Report: ENDING VIOLENCE SO CHILDREN CAN THRIVE (Nov. 2014), *available at* <https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/1/18/finalaianreport.pdf>

* *cited in* United States v. Bryant, ___ U.S. ___, 136 S. Ct. 1954 (2016)

TRIBAL COURT APPOINTMENTS

Grand Traverse Band of Ottawa and Chippewa Indians Appellate Court

Peshawbestown, MI

Appellate Judge—August 2013 to present

Authored Opinions:

- *Cholewka v. Grand Traverse Band Tribal Council*, Order Dismissing Objection to Appearance of William Rastetter as Attorney, No. 2013-000016-AP (Grand Traverse Band of Ottawa and Chippewa Indians Appellate Court, Dec. 11, 2013)
- *Raphael v. Grand Traverse Band of Ottawa and Chippewa Indians Election Board*, No. 13-2189-CV-CV (Grand Traverse Band of Ottawa and Chippewa Indians Tribal Judiciary, May 21, 2014)
- *In the Matter of Judge John A. Kern*, Procedural Order, No. 2014-2331-CV-CV (Grand Traverse Band of Ottawa and Chippewa Indians Judicial Commission, June 3, 2014)
- *In the Matter of Judge John A. Kern*, Protective Order and Witness List, No. 2014-2331-CV-CV (Grand Traverse Band of Ottawa and Chippewa Indians Judicial Commission, June 5, 2014)
- *In the Matter of Judge John A. Kern*, Order Denying Motion to Dismiss, No. 2014-2331-CV-CV (Grand Traverse Band of Ottawa and Chippewa Indians Judicial Commission, June 13, 2014)
- *In the Matter of Judge John A. Kern*, No. 2014-2331-CV-CV (Grand Traverse Band of Ottawa and Chippewa Indians Judicial Commission, June 27, 2014)
- *Cholewka v. Grand Traverse Band of Ottawa and Chippewa Indians*, No. 2-13-16-AP (Grand Traverse Band of Ottawa and Chippewa Indians Tribal Appellate Court, Oct. 14, 2014)
- *Grand Traverse Band of Ottawa and Chippewa Indians Tribal Council v. Grand Traverse Band of Ottawa and Chippewa Indians Election Board*, No. 2014-2324-CV-CV (Grand Traverse Band of Ottawa and Chippewa Indians Tribal Judiciary 2014)
- *In re Spears*, No. 2017-22-AP (Grand Traverse Band of Ottawa and Chippewa Indians Appellate Court, Oct. 19, 2017)
- *In re Spears*, No. 2017-24-AP (Grand Traverse Band of Ottawa and Chippewa Indians Appellate Court, Oct. 19, 2017)

Hoopa Valley Tribal Court of Appeals

Hoopa, California

Appellate Judge—February 2006 to present

Authored Opinions:

- *Ferris v. McCovey*, 7 NICS App. 123, No. C-02-044/A-06-001 (Hoopa Valley Tribal Court of Appeals, November 16, 2006) (per curiam)
- *Hodge v. Hoopa Valley Wildfire Suppression*, 7 NICS App. 159, No. T-05-06/A-06-002 (Hoopa Valley Tribal Supreme Court, December 21, 2006) (per curiam)
- *Cooper v. Hoopa Valley Tribal Council*, 8 NICS App. 35, No. C-03-065/AA-06-001/A-07-001 (Hoopa Valley Tribal Court of Appeals, December 20, 2007)

- *Joseph v. Ingram-Marshall*, 9 NICS App. 55, No. PO-09-019/A-09-003 (Hoopa Valley Tribal Court of Appeals, February 9, 2010)
- *Hoopa Valley Tribe v. Marshall*, 10 NICS App. 111, No. C-10-002/A-10-001 (Hoopa Valley Tribal Court of Appeals, June 11, 2012) (concurring opinion)
- *Hoopa Valley Tribe v. Jones*, Order Denying Motion to Dismiss and Motion for Sanctions, No. A-12-002 (Hoopa Valley Tribal Court of Appeals, July 15, 2013) (unpublished order signed by Chief Judge)
- *Hoopa Valley Tribe v. Jones*, 10 NICS App. 100, No. C-12-042/A-12/002 (Hoopa Valley Tribal Court of Appeals, July 30, 2013)
- *Cummings v. K'ima:w Medical Center*, No. A-14-004 (Hoopa Valley Tribal Court of Appeals, October 1, 2014) (concurrence)
- *Grant v. Rickaby*, No. A-16-001 (Hoopa Valley Tribal Court of Appeals, Sept. 9, 2016)
- *Bernardo v. Hoopa Valley Tribe*, No. A-17-001 (Hoopa Valley Tribal Court of Appeals, July 19, 2017)
- *Frank v. Jackson*, No A-17-002 (Hoopa Valley Tribal Court of Appeals, Oct. 4, 2017)

Lac du Flambeau Band of Lake Superior Chippewa Indians

Lac du Flambeau, Wisconsin

Judge Pro Tempore—May 2013 to present

Authored Opinion:

- *Lake of the Torches Economic Development Corp. v. Saybrook Tax Exempt Investors, LLC*, Order on Defendants' Motions to Dismiss and Related Matters, No. 13 CV 113 (Lac du Flambeau Band of Lake Superior Chippewa Indians Court, Aug. 27, 2013)

Little River Band of Ottawa Indians

Manistee, Michigan

Judge Pro Tempore—November 2006 to June 2007; August 2009

Authored Opinions:

- *Little River Band of Ottawa Indians v. Champagne II*, No. 06-178-AP (Little River Band of Ottawa Indians Tribal Court of Appeals, December 2006)
- *Little River Band of Ottawa Indians v. Champagne III*, No. 06-178-AP (Little River Band of Ottawa Indians Tribal Court of Appeals, January 2007)
- *Little River Band of Ottawa Indians v. Champagne V*, No. 06-178-AP, 35 Indian L. Rep. 6004 (2007) (Little River Band of Ottawa Indians Tribal Court of Appeals, June 2007), *excerpted in* JUSTIN B. RICHLAND & SARAH DEER, INTRODUCTION TO TRIBAL LEGAL STUDIES (2d ed. 2010); JOHN J. BORROWS & LEONARD I. ROTMAN, ABORIGINAL LEGAL ISSUES: CASES, MATERIALS & COMMENTARY (4th ed. 2012); John Borrows, *(Ab)Originalism and Canada's Constitution*, 58 SUP. CT. L. REV. 2d 351 (2012)
- *Ossignac v. Sam*, No. 09-012-AP (Little River Band of Ottawa Indians Tribal Court of Appeals, August 2009)

Lower Elwha Klallam Tribe

Port Angeles, WA
Appellate Justice—October 2011 to March 2012

Mashpee Wampanoag Tribe

Mashpee, MA

Supreme Court Judge—September 2015 to present

- Appointed to eight year term on September 25, 2015

Authored Opinions:

- *Hendricks v. Mashpee Wampanoag Tribal Council*, Order Denying Defendants' Motion To Transfer To The Mashpee Wampanoag Tribal Supreme Court (No. CV-17-004) (Mashpee Wampanoag Tribal Court, Mar. 29, 2017) (sitting by designation)
- *Stone v. Mashpee Wampanoag Tribal Council*, Order Denying Defendants' Motion To Transfer To The Mashpee Wampanoag Tribal Supreme Court (No. CV-17-002) (Mashpee Wampanoag Tribal Court, Mar. 29, 2017) (sitting by designation)
- *Hendricks v. Mashpee Wampanoag Tribal Council*, Order Granting Defendant's Motion to Dismiss (No. CV-17-004) (Mashpee Wampanoag Tribal Court, May 1, 2017) (sitting by designation)

Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians—Gun Lake Tribal Supreme Court

Dorr, MI

Justice—December 2014 to present

- Member of First Gun Lake Tribal Supreme court—Appointed December 4, 2014 to four-year term

Nottawaseppi Huron Band of Potawatomi Supreme Court

Fulton, Michigan

Associate Justice—December 2010 to present (reappointed 2014)

- Member of First Nottawaseppi Supreme Court—Appointed December 16, 2010 to four-year term; Re-appointed December 11, 2014 to six-year term

Authored Opinions:

- *Spurr v. Nottawaseppi Huron Band of Potawatomi Indians*, No. 12-005APP (Nottawaseppi Huron Band of Potawatomi Supreme Court, Feb. 21, 2012)

Poarch Band of Creek Indians Supreme Court

Atmore, Alabama

Chief Appellate Judge—April 2009 to present, reappointed November 2015

Appellate Judge Pro Tem—July 2008 to April 2009

Authored Opinions:

- *Poarch Band of Creek Indians v. English* (Poarch Band of Creek Indians Supreme Court, September 2008) (per curiam)
- *White v. Poarch Band of Creek Indians I* (Poarch Band of Indians Supreme Court, May 2011)

- *White v. Poarch Band of Creek Indians III* (Poarch Band of Indians Supreme Court, August 2013)
- *Carter v. Creek Casino Montgomery* (Poarch Band of Indians Supreme Court, August 2016)
- *Colbert v. McGhee* (Poarch Band of Indians Supreme Court, February 2017)

Pokagon Band of Potawatomi Indians Tribal Court of Appeals

Dowagiac, Michigan

Appellate Judge—February 2003 to present

- Member of First Pokagon Band Tribal Judiciary—Appointed February 14, 2003 to one-year term; Re-appointed February 14, 2004 to four-year term; Re-appointed February 14, 2008 to an additional four-year term; Reappointed February 2012 to an additional four-year term; Reappointed February 2016 to an additional four-year term
- Drafted and Approved Court Rules—Rules of Appellate Procedure; Rules for Small Claims Procedure; Rules for Recognition and Entitlement to Enforcement of Foreign Court Judgments; Rules for Adoption and Publication for Public Comment of Court Rules; Rules of Judicial Conduct; Rules of Professional Responsibility; Tribal Court System Personnel Policy; Rules of Ethics for Tribal Court System Personnel; Rules for the Appointment of Counsel
- Representative to the Michigan Tribal State Federal Judicial Forum—October 2014 to present

Authored Opinions:

- *Rangel v. Pokagon Band of Potawatomi Indians*, No. 13-002-AP (Pokagon Band of Potawatomi Indians Court of Appeals, Oct. 14, 2014)

Seneca Nation of Indians Court of Appeals

Irving, New York

Consultant—May 2006 to January 2010

Santee Sioux Nation Supreme Court

Niobrara, NE

Associate Justice—August 2013 to present

Authored Opinions:

- *Jones v. Santee Sioux Nation Tribal Council*, No. AP 13-01 (Santee Sioux Nation Supreme Court, Dec. 16, 2013)

Turtle Mountain Band of Chippewa Tribal Court of Appeals

Belcourt, North Dakota

Appellate Justice—November 2004 to November 2008

Authored Opinions:

- *Mathiason v. Gate City Bank*, No. TMAC 04-2002, 2005.NATM.0000002 (Feb. 1, 2005)
- *Turtle Mountain Judicial Board v. Turtle Mountain Band of Chippewa Indians*, No. TMAC 04-007 (June 15, 2005)

- *LaDue v. Trenton Indian Service Area Election Board*, No. TMAC 05-012 (Sept. 6, 2005)
- *Malaterre v. St. Claire*, No. TMAC 05-007 (Jan. 19, 2006)

<p>PREVIOUS LEGAL EXPERIENCE</p>

Grand Traverse Band of Ottawa and Chippewa Indians

Peshawbestown, MI

Staff Attorney – October 2001 to May 2004

Contract Attorney – May 2004 to present (intermittent)

Representative Duties:

- Lead negotiator for Grand Traverse Band in motor fuels, tobacco products, sales and use, Single Business Tax, and individual income tax agreement negotiations with State of Michigan (2001-2004); tax agreement available at http://www.michigan.gov/documents/GTBTaxAgreement_96417_7.pdf
- Lead negotiator for Grand Traverse Band in county road maintenance agreement negotiations leading to *Authority of county road commission to enter agreements to maintain roads with Indian Tribes*, MICH. ATTY. GEN. OP. No. 7134 (May 21, 2003)
- Co-Counsel for Band in *Grand Traverse Band of Ottawa and Chippewa Indians v. United States Attorney for the Western District of Michigan*, 198 F. Supp. 2d 420 (W.D. Mich. 2002), *aff'd*, 369 F.3d 960 (6th Cir. 2004)
- Due diligence relating to purchase by Grand Traverse Band Economic Development Corporation of Grand Traverse Resort in Acme, Michigan (2003)

Suquamish Tribe

Suquamish, WA

Staff Attorney – June 2001 to October 2001

Contract Attorney – April 2001 to June 2001

Hoopa Valley Tribe

Hoopa, CA

Deputy Tribal Attorney – July 2000 to October 2000

Acting Senior Tribal Attorney – October 2000 to February 2001

Pascua Yaqui Tribe of Arizona

Tucson, AZ

Deputy Tribal Attorney – June 1998 to November 1999

National Wildlife Federation—Great Lakes Natural Resources Center

213 W. Liberty, Suite 200

Ann Arbor, Michigan 48104-1398

Legal Intern—Summer 1996

- Assisted on N.W.F. briefs in *American Iron and Steel Inst. v. Environmental Protection Agency*, 115 F.3d 979 (D.C. Cir. 1997), and *Rivers Unlimited, Inc. v. Schregardus*, 86 Ohio Misc. 2d 78, 685 N.W.2d 603 (Ohio Ct. Com. Pl. 1997).

- Drafted complaint and performed case research in project involving wetlands in the City of Superior Special Area Management Plan

United States District Court for the Eastern District of Michigan

Magistrate Donald Scheer

Theodore Levin United States Courthouse

231 W. Lafayette Blvd.

Detroit, Michigan 48226

Judicial Clerk—Summer 1995

- Drafted Report and Recommendations—*Daniels v. United States*, No. 94-CV-75136-DT (E.D. Mich., Aug. 28, 1995) (habeas petition); *Rutledge v. Chater*, No. 94-CV-75193-DT (E.D. Mich., July 25, 1995) (social security denial appeal); *Scott v. Kolb*, No. 94-CV-74782-DT (E.D. Mich., July 27, 1995) (social security denial appeal); *McLaurin v. McGinnis*, No. 94-CV-73533-DT (E.D. Mich., June 27, 1995) (habeas petition)

REPRESENTATIVE CASES

Grand Traverse Band of Ottawa and Chippewa Indians v. Scotta, No. 2006-423-CV-CV (Grand Traverse Band Tribal Court 2006-2007) (en banc) (briefed)

Barrientoz v. Grand Traverse Band Election Board, No. 2006-316-CV-CV (Grand Traverse Band Tribal Court 2006) (en banc) (briefed)

Wilson v. Grand Traverse Band of Ottawa and Chippewa Indians Economic Development Corporation, No. 04-08-566-CV (Grand Traverse Band Court of Appeals 2006) (briefed)

United States v. Michigan, No. 2:73-CV-26 (W.D. Mich. 2004) (co-counsel)

Grand Traverse Band of Ottawa and Chippewa Indians v. United States Attorney for the Western District of Michigan, 369 F.3d 960 (6th Cir. 2004) (on brief)

In re Menefee, No. 97-12-092 (Grand Traverse Band Tribal Court, May 5, 2004) (briefed and argued)

Fall v. Grand Traverse Band of Ottawa & Chippewa Indians, No. 03-04-308-CV (Grand Traverse Band Tribal Court, June 26, 2003) (briefed)

Grand Traverse Band of Ottawa and Chippewa Indians v. Comer, No. 02-09-1351-CV (Grand Traverse Band Tribal Court, Feb. 25, 2003) (briefed and argued)

Stewart v. Grand Traverse Band of Ottawa and Chippewa Indians, No. 02-01-784-CV (Grand Traverse Band Tribal Court, Oct. 21, 2002) (briefed and argued)

Bordeaux v. Chippewa, No. 01-5604-NO (13th Circuit Court – Leelanau County, Michigan 2002) (co-counsel)

Grand Traverse Band of Ottawa and Chippewa Indians v. Michigan Department of Natural Resources, No. 01-57840CV (13th Circuit Court – Leelanau County, Michigan 2001-2003) (co-counsel)

Shananaquet v. Grand Traverse Band Housing Department, No. 02-03-895-CV (Grand Traverse Band Tribal Court, Apr. 23, 2002) (briefed and argued)

Association of Property Owners/Residents of Port Madison Area (APORMPA) v. Individual Council Members of the Suquamish Tribal Council, No. C01-5317FDB (W.D. Wash., Apr. 17, 2002) (briefed), *aff'd*, 76 Fed. Appx. 126 (9th Cir., Sept. 9, 2003)

Short v. Hoopa Health Associates, No. A-99-008, 6 NICS App. 67 (Hoopa Valley Tribal Supreme Court, Aug. 15, 2001) (briefed and argued)

Hoopa Valley Tribe v. LeMieux, No. A-00-005, 6 NICS App. 43 (Hoopa Valley Tribal Court of Appeals, April 13, 2001) (briefed)

AMICUS BRIEFS

Brief of *Amicus Curiae* Grand Traverse Band of Ottawa and Chippewa Indians et al., *Taxpayers of Michigan against Casinos v. State of Michigan*, 471 Mich. 306, 685 N.W.2d 221 (Mich. 2004), *available at* <http://courts.michigan.gov/supremecourt/Clerk/03-04/122830/122830-Amicus-GrTraverse.pdf> (drafted amicus brief for Grand Traverse Band of Ottawa and Chippewa Indians and four other tribes)

Brief *Amicus Curiae* of the Mississippi Band of Choctaw Indians, *Carcieri v. Kempthorne*, 497 F.3d 15 (1st Cir. 2007) (en banc), *available at* <http://www.narf.org/sct/carcieri/1stcircuit/ms-band-of-choctaw-indians-amicus-brief.pdf> (drafted Tenth Amendment section in amicus brief filed by Mississippi Band of Choctaw Indians)

Brief of Amici Indian Tribes and Tribal Organizations, *San Manuel Indian Bingo and Casino v. National Labor Relations Board*, 475 F.3d 1306 (D.C. 2007), *available at* http://www.narf.org/sct/sanmanuelvnlrb/amicus_brief_of_niga_and_ncai.pdf (signed amicus brief on behalf of Grand Traverse Band of Ottawa and Chippewa Indians)

Brief of Law Professors Specializing in Federal Indian Law, *Carcieri v. Salazar*, 555 U.S. 379 (2009) (No. 07-526), *available at* http://www.narf.org/sct/carcieri/merits/law_professors.pdf (amicus)

Brief of *Amicus Curiae* National Congress of American Indians et al., *Ottawa Tribe of Oklahoma v. Logan*, 577 F.3d 634 (6th Cir. 2009) (No. 08-3621), *available at*

<http://turtletalk.files.wordpress.com/2008/09/02-brief-amici-curiae.pdf> (signed amicus brief on behalf of Grand Traverse Band of Ottawa and Chippewa Indians)

Brief of *Amici Curiae* American Indian Studies Professors Dr. Suzanne L. Cross and Dr. K. Tsianina Lomawaima, *A.A. v. Needville Independent School District*, 611 F.3d 248 (5th Cir. 2009) (No. 09-20091), *available at* <http://turtletalk.files.wordpress.com/2009/06/needville-historian-amicus-brief.pdf> (primary drafter)

Amicus Curiae Brief of the American Indian Law Section of the State Bar of Michigan, *In re Lee*, 483 Mich. 300; 770 N.W.2d 853 (Mich. 2009) (No. 137653), *available at* <http://courts.michigan.gov/supremecourt/Clerk/03-09/137653/137653-AmIndianSBMAmicus.pdf> (primary drafter)

Amici Curiae Brief of the Indigenous Law and Policy Center, the Leech Lake Band of Ojibwe, and the Mille Lacs Band of Ojibwe, *In the Matter of the Welfare of the Child of R.S. and L.S.*, 805 N.W. 2d 44 (Minn. 2011) (No. A10-1390), *available at* <http://turtletalk.files.wordpress.com/2011/04/in-re-rs-completed-brief.pdf> (co-drafter)

Brief Amici Curiae of Law Professors in Support of Petitioners, *United States v. New York*, __ U.S. __, 132 S.Ct. 452 (2012) (Nos. 10-1404, 10-1420), *available at* <http://turtletalk.files.wordpress.com/2011/06/law-prof-cert-stage-amicus-brief.pdf> (amicus and co-drafter)

Amicus Curiae Brief of the American Indian Law Section of the State Bar of Michigan, *In the Matter of C.I. Morris*, 491 Mich. 81, 815 N.W.2d. 62 (Mich. 2012) (No. 142759), *available at* <http://courts.michigan.gov/supremecourt/Clerk/01-12/142759/142759-Amicus-AILS-SBM.pdf> (amicus and co-drafter)

Amicus Brief on Behalf of Petitioners, *Onondaga Nation of N.Y. v. State of New York*, 500 Fed. Appx. 87, 2012 WL 5075534 (2d Cir., Oct. 19, 2012) (No. 10-4273), *available at* http://turtletalk.files.wordpress.com/2012/03/onondaga_amicus_brief_final.pdf (amicus and co-drafter)

Brief of Amici Curiae American Indian Law Scholars, Te-Moak Tribe of Western Shoshone Indians of Nevada v. *United States Dept. of Interior*, __ F.3d __ (9th Cir.) (No. 12-15412), *available at* <http://turtletalk.files.wordpress.com/2012/06/ecf-amicus-brief.pdf> (amicus)

Brief of Professors of Indian Law as Amici Curiae in Support of Respondents, *Adoptive Couple v. Baby Girl*, __ U.S. __, 133 S. Ct. 2552 (2013) (No. 12-399), *available at* <http://turtletalk.files.wordpress.com/2013/03/12-399-bsac-professors-of-indian-law.pdf> (amicus)

Brief of Amicus Curiae American Indian Law Scholars, *Little River Band of Ottawa Indians Tribal Government v. National Labor Relations Board*, __ F.3d __ (6th Cir.)

(Nos. 13-1464/13-1583), *available at* <http://turtletalk.files.wordpress.com/2013/07/2013-07-16-american-indian-law-scholars-amicus-brief.pdf> (amicus and co-drafter)

Brief of Amicus Curiae American Indian Law Scholars, Saginaw Chippewa Indian Tribe v. National Labor Relations Board, __ F.3d __ (6th Cir.) (Nos. 13-1569 & 13-1629), 2013 WL 6705219 (amicus and co-drafter); *refiled in* Soaring Eagle Casino v. National Labor Relations Board, __ F.3d __ (6th Cir.) Nos. 14-2405, 14-2558

Brief of Amicus Curiae American Indian Law Scholars, Chickasaw Nation v. National Labor Relations Board, __ F.3d __ (10th Cir.) (Nos. 13-9588, 13-9578), 2013 WL 6777206 (amicus and co-drafter)

Professor Amicus Brief, United States v. Washington, __ F.3d __ (9th Cir.) (Nos. 13-35474, 13-35519), 2014 WL 534789 (amicus)

Brief of Amicus Curiae Indigenous Law and Policy Center, Two Shields v. Wilkinson, __ F.3d __ (8th Cir.) (No. 13-3773), 2014 WL 906040 (amicus and co-drafter)

Indian Law Professors' Amicus Brief in Support of Intervenor Eastern Shoshone Tribe and In Favor of Affirmance Of Agency Action, Wyoming v. Environmental Protection Agency, __ F.3d __ (10th Cir.) (Nos. 14-9512, 14-9514), *available at* <https://turtletalk.files.wordpress.com/2014/10/wyoming-v-epa-10th-circuit-law-professor-brief.pdf> (amicus)

Brief of Amici Curiae Scholars of Statutory Interpretation and Native American Law in Support of Petitioners, Sac and Fox Nation v. Borough of Jim Thorpe (No. 14-1419), *available at* <https://turtletalk.files.wordpress.com/2015/07/15-07-02-scholars-amicus-brief-sac-fox-nation-v-borough-of-jim-thorpe-no-14-1419.pdf> (amicus)

Brief for Amici Curiae Historians and Legal Scholars in Support of Respondents, Dollar General Corp. v. Mississippi Band of Choctaw Indians, __ U.S. __, 136 S.Ct. 2159 (2016) (No. 13-1496), *available at* <https://turtletalk.files.wordpress.com/2015/07/13-1496-bsac-historians-and-legal-scholars.pdf> (amicus)

Brief of the Indigenous Law & Policy Center at Michigan State University College of Law as Amicus Curiae in Support of Defendant-Appellant, Star Tickets v. Chumash Casino Resort (Mich. 2016) (No. 152753), *available at* <https://turtletalk.files.wordpress.com/2016/02/chumash-casino-amicus-final.pdf> (amicus)

Brief of Amici Curiae Native American Organizations in Support of Appellees, Pro-Football, Inc. v. Blackhorse (4th Cir. 2016) (No. 15-1874), *available at* <https://turtletalk.files.wordpress.com/2016/02/59blackhorse.pdf>

Brief of Amici Curiae Federal Indian Law Professors et al. in Support of Petitioner, Shinnecock Indian Nation v. State of New York, __ U.S. __ (No. 15-1215), *available at* <https://turtletalk.files.wordpress.com/2016/04/15-1215afederalindianlawprofessors.pdf>

Brief of Amici Curiae Federal Courts and Federal Indian Law Scholars in Support of Respondents, *Patchak v. Zinke*, __ U.S. __ (No. 16-498), 2017 WL 4483910, available at <https://turtletalk.files.wordpress.com/2017/09/16-498-bsac-fed-cts-and-indian-law-scholars.pdf> (amicus and co-author)

LEGISLATIVE TESTIMONY AND COMMISSION REPORTS

Department of Justice, Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence, Ending Violence So Children Can Thrive (November 2014), available at <https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf> (committee member)

* cited in *United States v. Bryant*, __ U.S. __, 136 S. Ct. 1954 (2016)

Fulfilling the Federal Trust Responsibility: The Foundation of the Government-to-Government Relationship, Oversight Hearing before the Senate Committee on Indian Affairs, 112th Cong. (May 17, 2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2060395

* cited in Carla F. Fredericks, *Operationalizing Free, Prior, and Informed Consent*, 80 ALB. L. REV. 429 (2016-2017)

Statement of the Michigan State University College of Law Indigenous Law and Policy Center on the Tribal Law and Order Act (November 10, 2011), available at <http://www.aisc.ucla.edu/iloc/files/MSU%20ILPC%20Statement%20to%20the%20Indian%20Law%20and%20Order%20Commission.pdf>

* cited in Laura C. Saylor, Note, *Back to Basics: Special Domestic Violence Jurisdiction in the Violence against Women Reactivation Act of 2013 and the Expansion of Inherent Tribal Sovereignty*, 2014 CARDOZO L. REV. DE NOVO 1 (2013)

Applicability of the Michigan Civil Rights Initiative on State Laws and Programs Relating to Indians and Indian Tribes, Michigan Law Revision Commission (Dec. 18, 2006) (with Kathryn E. Fort), available at <http://www.law.msu.edu/indigenous/papers/2006-05.pdf>

Bay Mills Indian Community Land Claims Settlement Act, Hearing before the Committee on Indian Affairs, United States Senate, 107th Cong. (Oct. 10, 2002) (co-drafted Prepared Statement of George Bennett)

BAR MEMBERSHIPS

Michigan – 1997 to present (Bar #P61593)
Arizona – 1999 to present (Bar #19464) (inactive)
Washington – 2001 to present (Bar # 32174) (inactive)
United States Supreme Court – 2015 (Bar # 296546)
Sixth Circuit Court of Appeals – 2003

United States District Court for the Western District of Michigan
Suquamish Tribal Court – 2001
Hoopa Valley Tribal Court – 2000-2001
Pascua Yaqui Tribal Court – 1998-1999

TRIBAL AFFILIATION

Grand Traverse Band of Ottawa and Chippewa Indians
Member No. 197

Pokagon Band of Potawatomi Indians of Michigan and Indiana
Potawatomi Descendancy Roll # P-03230 (Not enrolled; eligible for membership)