

KEVIN K. WASHBURN

The University of Iowa College of Law
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PRINCIPAL ACADEMIC APPOINTMENTS

University of Iowa College of Law, N. William Hines Dean and Professor of Law, June 2018 to the present. Courses: Introduction to Law (one-week first year orientation course), Federal Indian Law.

University of New Mexico School of Law, Regents Professor of Law and Dean (on leave for federal public service in the Obama Administration from October 2012 until January 1, 2016). Served as Dean from July 2009 to October 2012 and as Regents Professor from January 2016 to June 2018. As dean, I led the School of Law, chaired the State of New Mexico's Judicial Nomination Commission and Judicial Compensation Commission, and served on other state boards and commissions. Courses: Contracts, Constitutional Law, Criminal Law, Criminal Law in Practice, Federal Indian Law, Federal Indian Law and Policy in Congress, the Administration and the Court, Federal Jurisdiction, Gaming/Gambling Law, and Masters of Practice. Committee work: Admissions, Colloquium, Honors and Awards, Natural Resources Program.

University of Arizona James E. Rogers College of Law, Rosenstiel Distinguished Professor of Law, Fall 2008 to June 2009. Courses: Contracts, Criminal Law, Gaming/Gambling Law. Committee work: Appointments Committee.

Harvard Law School, Oneida Indian Nation Visiting Professor, August 2007 to May of 2008. Courses: American Indian Law, Criminal Law, Gaming/Gambling Law.

University of Minnesota Law School, Associate Professor of Law, July 2002 through June 2008 (on leave at Harvard Law School during 2007-08 academic year). Earned tenure in May 2006; voted full professor by the faculty in December 2007. Courses taught: American Indian Law, Criminal Law, Administrative Law, Gaming/Gambling Law, Property. Committee Work: Adjunct Professors, Admissions, Appointments, Community Life, Education Policy, Honor Code Council, International Programs, Various Search Committees. Faculty Advisor: American Indian Law Students Association, Law School Democrats. Fesler Research Fellowship, 2006-2007; Faculty Secretary, 2002-2003.

PROFESSIONAL EXPERIENCE

Captain, Department of the Interior Agency Review Team – Biden Harris Transition, Washington, D.C. August 2020 to January 2021. Managed a staff of 13 who developed plans to staff the U.S. Department of the Interior and implement campaign promises related to climate change, racial justice, environmental justice, and other significant values to create a successful beginning for the Biden-Harris Administration. Led a team of professionals who met daily for more than six weeks and held hundreds of meetings with thousands of stakeholders, ultimately producing more than 50 planning memoranda in less than eight weeks. Assisted in early preparation of the Secretary-designate for Senate confirmation.

Assistant Secretary – Indian Affairs, U.S. Department of the Interior, Washington, D.C., 2012 to 2016. Nominated by President Barack Obama in August 2012 and confirmed unanimously by the United States Senate in October 2012. Served as the principal advisor to the Secretary of the Interior and the President of the United States on matters involving tribal nations and served as the principal link between the federal government and the country's 567 tribal nations. Represented the Obama Administration in approximately 30 Congressional hearings. Represented the United States before international bodies on indigenous issues. Managed the Bureau of Indian Affairs, the Bureau of Indian Education, and other offices within the area of Indian Affairs, including approximately 8000 employees nationwide and a \$2.8 billion annual budget.

General Counsel, National Indian Gaming Commission, Washington, D.C., 2000-2002. Provided legal advice to the Presidentially-appointed Chairman and the Associate Commissioners of the independent federal regulatory agency responsible for regulating Indian gaming, then a \$13 billion industry existing in 28 states. Supervised a staff of twelve. Developed enforcement policy, strategy and regulatory initiatives. Advised the Commission on enforcement actions, administrative and judicial litigation, Congressional testimony and rulemaking. Engaged the Solicitor General of the United States and other Department of Justice officials on appellate matters.

Assistant United States Attorney, Albuquerque, N.M., 1997-2000.

Handled all aspects of prosecutions in the Violent Crime Section, including supervising investigations by the FBI and other law enforcement agencies, handling indictments before federal grand juries, arraignments, preliminary hearings and detention hearings, and jury trials and appeals before the courts of the United States. Primarily handled violent crimes in Indian country. Argued before the United States Court of Appeals for the Tenth Circuit, the United States District Court for the District of New Mexico, and the New Mexico Supreme Court.

Trial Attorney, United States Department of Justice, Washington, D.C. 1994-97.

Appointed through the Attorney General's Honors Program to the Environment and Natural Resources Division – Indian Resources Section. Litigated affirmative cases on behalf of the United States in its role as trustee for Indian tribes. Defended programs of the Department of the Interior and the Environmental Protection Agency in actions by states and other non-Indian parties. Argued before the United States Court of Appeals for the Ninth Circuit, and state and federal courts in Arizona, Montana and Nevada.

Summer Law Clerk, Steptoe & Johnson (Phoenix, Arizona, and Washington, D.C.) Summer 1993; Kaye Scholer Fierman Hays & Handler (now Arnold & Porter Kaye Scholar) (Washington, D.C.) Summer 1992; Meyer Hendricks Victor Osborn & Maledon (Phoenix, Arizona) Summer 1992; Montgomery & Andrews (Albuquerque and Santa Fe, New Mexico) Summer 1991; and McAfee & Taft (Oklahoma City, Oklahoma) Spring 1990.

JUDICIAL CLERKSHIP

Law Clerk, Hon William C. Canby, Jr., U.S. Court of Appeals for the Ninth Circuit, Phoenix, AZ, 1993-94 (former professor of Constitutional Law and Indian law and author of West's Nutshell on American Indian law).

EDUCATION

Yale Law School, J.D., 1993. Editor-in-Chief, *Yale Journal on Regulation*; Arnold & Porter Scholar.

Washington University (St. Louis) School of Law, 1990-1991. Gustavus A. Buder Scholar (full tuition scholarship); American Jurisprudence Awards: Torts, Civil Procedure.

University of Oklahoma, B.A. (*Economics*) with Honors, 1989.

JUDICIAL EXPERIENCE

Presiding Judge, Court of Appeals, Cabazon Band of Missions Indians (Indio, California), 2021.

Chief Judge, Court of Appeals, Saginaw Chippewa Tribe of Indians (Mt. Pleasant, Michigan), 2008 to 2011.

Justice of the Appellate Court, Sac & Fox Tribe of the Mississippi in Iowa, also known as the Meskwaki Nation (Tama, Iowa), 2008-09.

BOOKS AND BOOK CHAPTERS

Editor/Author, COHEN'S HANDBOOK OF FEDERAL INDIAN LAW 4th Edition (2012), primary authorship and editorial responsibility for Chapter 9 (Criminal Jurisdiction), Chapter 12 (Indian Gaming) and Chapter 21 (Economic Development). Member of the Executive Board of Editors.

Sole Author, THE LAW OF GAMING/GAMBLING: CASES AND MATERIALS (Aspen 2011).

Editor/Author, INDIAN LAW STORIES (with co-editors Carole Goldberg and the late Philip Frickey) (Foundation Press 2010).

Author/Editor, CAROLE GOLDBERG, REBECCA TSOSIE, ELIZABETH RODKE WASHBURN AND KEVIN K. WASHBURN, AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM: CASES AND MATERIALS, 6th Ed. (Lexis/Nexis 2010).

Author, Chapter 9, *Restoring the Grand Jury*, in GRAND JURY 2.0: MODERN PERSPECTIVES ON THE GRAND JURY, Roger Fairfax, Editor (Carolina Academic Press) (2010).

Editor/Author, COHEN'S HANDBOOK OF FEDERAL INDIAN LAW 3d Edition (2005), primary authorship and editorial responsibility for *Tribal Voting Rights and Election Law*, Section 4.06, and 2007 and 2009 updates to Chapter 9 (Criminal Jurisdiction), Chapter 12 (Indian Gaming) and Chapter 21 (Economic Development). Member of the Executive Board of Editors.

LEGAL SCHOLARSHIP

Facilitating Tribal Co-Management of Federal Public Lands (October 27, 2021). U Iowa Legal Studies Research Paper No. 2021-45, published in draft form at SSRN: <https://ssrn.com/abstract=3951290>.

Agency Pragmatism in Addressing Law's Failure: the Curious Case of Federal "Deemed Approvals" of Tribal-State Gaming Compacts, 52 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 49 (2018).

Explaining the Modernized Leasing and Right of Way Regulations for Indian Lands, PROCEEDINGS OF THE ROCKY MOUNTAIN MINERAL LAW FOUNDATION 2017 INDIAN LAW CONFERENCE (with Jody Cummings) (2017); <https://ssrn.com/abstract=3055854>.

What the Future Holds: The Changing Landscape of Federal Indian Law and Policy, 130 HARVARD LAW REVIEW FORUM 200 (2017); <https://ssrn.com/abstract=2896916>.

Recurring Issues in Indian Gaming Compact Approval, 20 GAMING LAW REVIEW AND ECONOMICS 388 (2016), cited in *Flandreau Santee Sioux v. Noem*, 938 F.3d 928, 935 (8th Cir. 2019).

Elena Kagan and the Miracle at Harvard, 61 JOURNAL OF LEGAL EDUCATION 67 (2011).

The Next Great Generation of Indian Law Judges, 81 UNIVERSITY OF COLORADO LAW REVIEW 959 (2010).

Conflict and Culture: Federal Implementation of IGRA by the National Indian Gaming Commission, the Bureau of Indian Affairs, and the Department of Justice, 42 ARIZONA STATE LAW JOURNAL 303 (2010).

Book Review, *Felix Cohen, Anti-Semitism, and American Indian Law*, 33 AMERICAN INDIAN LAW REVIEW 583 (2009) (peer reviewed) (review of DALIA TSUK MITCHELL, ARCHITECT OF JUSTICE: FELIX S. COHEN AND THE FOUNDING OF AMERICAN LEGAL PLURALISM).

Remembering DeGiacomo, 38 N.M. L. REV. 235 (2008).

Paternalism or Protection?: Federal Review of Tribal Economic Decisions in Indian Gaming, 12 GAMING LAW REVIEW AND ECONOMICS 435 (2008).

Sex Offender Registration in Indian Country, 6 OHIO STATE JOURNAL OF CRIMINAL LAW 3 (peer reviewed) (2008) (with Virginia Davis), cited in *United States v. Begay*, 622 F.3d 1187 (9th Cir. 2010).

The Legacy of Bryan v. Itasca County: How an Erroneous \$147 State Property Tax on a Mobile Home Provided the Legal Foundation for \$200 Billion in Indian Gaming Revenues, 92 MINNESOTA LAW REVIEW 919 (2008).

Restoring the Grand Jury, 76 FORDHAM LAW REVIEW 2333 (2008).

Tribal Self Determination at the Crossroads, 38 CONNECTICUT LAW REVIEW 777 (2006).

Federal Criminal Justice and Tribal Self-Determination, 84 NORTH CAROLINA LAW REVIEW 779 (2006), cited in *Mitchell v. United States*, 790 F.3d 881 (9th Cir. 2015) (dissenting opinion of Circuit Judge Reinhardt); *United States v. Martinez*, 505 F.Supp.2d 1024 (D. N.M. 2007).

American Indians, Crime and the Law, 104 MICHIGAN LAW REVIEW 709 (2006).

The Federal Criminal Justice System in Indian Country and the Legacy of Colonialism, 52 THE FEDERAL LAWYER 40 (March/April 2005).

Reconsidering the Commission's Treatment of Tribal Courts, 17 FEDERAL SENTENCING REPORTER 209 (February 2005) (this article is immediately followed by commentaries evaluating the proposal by three federal judges and a federal public defender).

Tribal Courts and Federal Sentencing, 36 ARIZONA STATE LAW JOURNAL 403 (2004).

A Different Kind of Symmetry, 34 NEW MEXICO LAW REVIEW 263 (2004).

The Mechanics of the Indian Gaming Management Contract Approval Process, 9 GAMING LAW REVIEW 333 (2004), *cited in* Wells Fargo Bank v. Lake of the Torches Economic Development Corp., 658 F.3d 684, 701 n.16 (7th Cir. 2015).

Lara, Lawrence, Supreme Court Litigation and Lessons from Social Movements, 40 TULSA LAW REVIEW 25 (2004) (Essay in Symposium on *United States v. Lara*, 124 S. Ct. 1628 (2004)).

A Legacy of Public Law 280: Comparing and Contrasting Minnesota's New Rule for the Recognition of the Tribal Court Judgments with the Recent Arizona Rule, 31 WILLIAM MITCHELL LAW REVIEW 479 (2004) (Essay in Annual Symposium on Developments in Minnesota Law) (with Chloe Thompson).

Federal Law, State Policy and Indian Gaming, 4 NEVADA LAW JOURNAL 285 (2004) (Essay in Symposium on Cross-Border Issues in Gaming).

Recurring Problems in Indian Gaming, 1 WYOMING LAW REVIEW 427 (2001), *cited in* In re: Gaming Related Cases, 331 F.3d 1094 (9th Cir. 2003) (majority opinion by Circuit Judge W. Fletcher); *Navajo Nation v. Dalley*, 896 F.3d 1196 (10th Cir. 2018); *excerpted in* ROBERT N. CLINTON, ET AL., AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM: CASES AND MATERIALS 954-57 (4th Ed. 2003).

Recent Developments, 21 AMERICAN INDIAN LAW REVIEW 183 (1997).

**CONGRESSIONAL AND OTHER INVITED TESTIMONY
(TESTIMONY MADE IN OFFICIAL CAPACITY AS ASSISTANT SECRETARY - INDIAN
AFFAIRS IS DENOTED WITH AN ASTERISK)**

Prepared Statement (and live testimony), Legislative Hearing on H.R. 375, To amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes (Carcieri-fix legislation), United States House of Representatives Committee on Natural Resources, Subcommittee for Indigenous People of the United States (Ruben Gallego, Chair), 116th Congress, 1st Session (April 3, 2019).

Prepared Statement (and live testimony), Legislative Hearing on H.R. 3764, Tribal Recognition Act of 2015, United States House of Representatives Subcommittee on American Indian, Insular and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (October 28, 2015).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 872, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2015, United States House of Representatives Subcommittee on American Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (September 28, 2015).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 286, the Little Shell Tribe of Chippewa Indians Restoration Act of 2015, United States House of Representatives Subcommittee on American Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (September 28, 2015).*

Prepared Statement (and live testimony), Oversight Hearing entitled, A Path Forward: Trust Modernization & Reform for Indian Lands, United States Senate Committee on Indian Affairs (John Barrasso, Chair), 114th Congress, 1st Session (July 8, 2015).*

Prepared Statement (and live testimony), Oversight Hearing entitled, Lack of Adequate Standards for Trust Land Acquisition in the Indian Reorganization Act of 1934, United States House of Representatives Subcommittee on American Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (May 14, 2015).*

Prepared Statement (and live testimony), Oversight Hearing on the Federal Acknowledgement Process, United States House of Representatives Subcommittee on American Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (April 22, 2015).*

Prepared Statement (and live testimony), Hearing on the President's Fiscal Year 2016 Budget Request for Indian Programs in the Department of the Interior, United States House of Representatives Subcommittee on Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (March 18, 2015).*

Prepared Statement (and live testimony), Legislative Hearing on S. 438 The Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies Act, United States Senate Committee on Indian Affairs (John Barrasso, Chair), 114th Congress, 1st Session (March 4, 2015).*

Prepared Statement (and live testimony), Hearing on the President's Fiscal Year 2016 Budget Request for Indian Affairs, before the Committee on Appropriations, United States House of Representatives Subcommittee on Interior, Environment, and Related Agencies (Ken Calvert, Chair), 113th Congress, 1st Session (February 28, 2015).*

Prepared Statement (and live testimony), Hearing on the President's Fiscal Year 2016 Budget Request for Indian Programs in the Department of the Interior, United States Senate Committee on Indian Affairs (John Barrasso, Chair), 114th Congress, 1st Session (February 25, 2015).*

Prepared Statement (and live testimony), Oversight Hearing entitled, Indian Gaming – The Next 25 Years, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (July 23, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 4867, The "Economic Development Through Tribal Land Exchange Act," United States House of Representatives Subcommittee on American Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 2nd Session (July 15, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 4546, the Department of the Interior Tribal Self Governance Act of 2014, United States House of Representatives Subcommittee on Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 2nd Session (July 15, 2014).*

Prepared Statement (and live testimony), Oversight Hearing, entitled, Wildfires and Forest Management: Prevention is Preservation, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 14, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1603, the Gun Lake Trust Land Reaffirmation Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1818, the Pyramid Lake Paiute Tribe – Fish Springs Ranch Settlement Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 2040, the Blackfoot River Land Exchange Act of 2014, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 2188, a Bill to Amend the Act of June 18, 1934, to Reaffirm the Authority of the Secretary of the Interior to Take Land Into Trust for Indian Tribes, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 2041, the May 31, 1918 Act Repeal Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 2132, the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (April 30, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1474, S. 1574, S. 1622, and S. 2160, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (April 2, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 4002, United States House of Representatives Subcommittee on American Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 2nd Session (March 27, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 3822, the “Fort Wingate Land Division Act of 2014”, United States House of Representatives Subcommittee on American Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 2nd Session (March 27, 2014).*

Prepared Statement (and live testimony), Hearing on the President's Fiscal Year 2015 Budget Request for Indian Programs in the Department of the Interior, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (March 26, 2014).*

Prepared Statement (and live testimony), Oversight Hearing on the Law and Order Commission Report: "A Roadmap for Making Native America Safer," United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (February 12, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 919, the Department of the Interior Tribal Self Governance Act of 2013, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (January 29, 2014).*

Prepared Statement (and live testimony), Hearing on Carcieri: Bringing Certainty to Trust Land Acquisitions, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (November 20, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1132, S. 161, and S. 1074, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (October 30, 2013).*

Prepared Statement (and live testimony), Oversight Hearing on "Executive Branch Standards for Land-In-Trust Decisions for Gaming Purposes," United States House of Representatives Subcommittee on Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 1st Session (September 19, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1448, Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (September 10, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1447, New Mexico Native American Water Settlements Technical Corrections Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (September 10, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1219, the Pechanga Band of Luiseño Indians Water Rights Settlement Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (September 10, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 434, Blackfeet Water Rights Settlement Act of 2013, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (May 8, 2013).*

Prepared Statement (and live testimony), Hearing on the President's FY 2014 Budget Request for Indian Programs in DOI, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (April 24, 2013).*

Prepared Statement (and live testimony), Oversight Hearing on Authorization, Standards, and Procedures for Whether, How, and When Indian Tribes Should be Newly Recognized by the Federal Government:

Perspective of the Department of the Interior, United States House of Representatives Subcommittee on Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 1st Session (March 19, 2013).*

Prepared Statement (and live testimony), Hearing on the President's Fiscal Year 2014 Budget request for Indian Affairs, before the Committee on Appropriations, United States House of Representatives Subcommittee on Interior, Environment, and Related Agencies (Mike Simpson, Chair), 113th Congress, 1st Session (February 27, 2013).*

Prepared Statement (and live testimony), Confirmation Hearing on the Nomination of Kevin Washburn for the Position of Assistant Secretary for Indian Affairs U.S. Department of the Interior, United States Senate Committee on Indian Affairs (Daniel K. Akaka, Chair), 112th Congress, 2nd Session (September 14, 2012).

Live testimony, Field Hearing, on Holding Federal Court in Indian Country, United States Indian Law and Order Commission (Troy Eid, Chairman), Santa Fe, New Mexico (April 19, 2012).

Prepared Statement (and live testimony), Oversight Hearing on Internet Gaming Law: What's at Stake for Indian Tribes?, United States Senate, Committee on Indian Affairs (Daniel K. Akaka, Chairman), 112th Congress, 2nd Session (February 9, 2012).

Prepared Statement (and live testimony), Natural Gas as a Transportation Fuel: Response to House Memorial 41 Requesting a Study" (with co-authors Kevin Boberg and Jeffrey Kendall), Hearing before the State of New Mexico 51st Legislature, Science, Technology and Communication Interim Committee, Santa Fe, New Mexico (November 28, 2011).

Prepared Statement (and live testimony), "The Implications of the Tribal Law and Order Act of 2010 for Sentencing Reform," Field Hearing, United States Sentencing Commission (Chief Judge William K. Sessions, III, Chair), Phoenix, Arizona (January 21, 2010).

Prepared Statement (and live testimony), Oversight Hearing on the Department of the Interior's New Guidance on Land-Into-Trust for Gaming for Indian Tribes, United States House of Representatives, Committee on Natural Resources (Nick. J. Rahall, Jr., Chairman), 110th Congress, 2^d Session (February 27, 2008).

Prepared Statement (and live testimony), Oversight Hearing on Law Enforcement In Indian Country, United States Senate, Committee on Indian Affairs (Byron Dorgan, Chairman), 110th Congress, 1st Session (June 21, 2007).

Prepared Statement (and live testimony), Oversight Hearing on the Minimum Internal Control Standards in Indian Gaming, United States House of Representatives, Committee on Resources (Richard Pombo, Chairman), 109th Congress, 2^d Session (May 11, 2006).

Prepared Statement (and live testimony), Oversight Hearing on the Regulation of Class III Indian Gaming following the Decision by the United States District Court for the District of Columbia in Colorado River Indian Tribe v. NIGC, United States Senate, Committee on Indian Affairs (John McCain, Chairman), 109th Congress, 1st Session (September 21, 2005).

Prepared Statement (and live testimony), Oversight Hearing on the Regulation of Indian Gaming, United States Senate, Committee on Indian Affairs (John McCain, Chairman), 109th Congress, 1st Session (April 27, 2005).

In Re Minnesota General Rules of Practice, Minnesota Supreme Court. Provided oral and written testimony to the Minnesota Supreme Court in October 2002 on the need for a rule recognizing tribal court judgments in state courts. The court adopted such a rule in December 2003.

ADVOCACY IN INTERNATIONAL FORUMS

Senior Member, United States Delegation, led by Ambassador Keith Harper, U.S. Representative to the Human Rights Council and State Department Acting Legal Adviser Mary McLeod, to the United Nations to present the Universal Periodic Review Report of the United States to the United Nations Human Rights Council, Second Periodic Report. Geneva, Switzerland, May 11, 2015.

Senior Member, United States Delegation, led by State Department Acting Legal Adviser Mary McLeod, to the United Nations to defend United States compliance with the International Covenant on Civil and Political Rights, a legally binding international treaty, before the UN Human Rights Committee, Geneva Switzerland, March 13-14, 2014.

Senior Member, United States Delegation, led by State Department Legal Advisor Harold Koh, to the United Nation concerning U.S. implementation of the Covenant on the Rights of the Child's Optional Protocol to the on the Sale of Children, Child Prostitution and Child Pornography before the UN Committee on the Rights of the Child, January 15-16, 2013.

BOARDS AND COMMITTEES

American Association of Law Schools, Deans Forum Steering Committee, appointed 2021.

Federal Reserve Bank of Minneapolis, Legal/Policy Fellow, Center for Indian Country Development, appointed November 2021.

Resources Legacy Fund, Member, Board of Directors, appointed 2021.

American Bar Association Accreditation Committee, Member, 2017 to 2018.

American Indian Law Center, Member Board of Directors, 2017 to 2018.

American Law Institute, Elected Member since 2007, and Member of the Consultative Committee (2011-2021) for the ALI Restatement of American Indian Law, approved by the Institute in full as of 2021.

Conservation Lands Foundation, Member, Board of Directors, 2017 to 2020.

Gaming Law Review and Economics: Regulation, Compliance and Policy, a law and economics journal published ten times per year, Member, Editorial Board, 2012 to present.

National Conference of Bar Examiners, Criminal Law and Procedure Drafting Committee; Member 2006 to present (except during federal service); current term runs through 2022 (principal duties are to draft questions for the Multistate Bar Examination/Uniform Bar Examination).

New Mexico Judicial Nomination Commission, Chair (judicial selection process for the State of New Mexico), July 2009 to October 2012.

Cohen's Handbook of Federal Indian Law (2005 and 2012 editions and biennial supplements), Executive Committee of Board of Authors and Editors, 2005 to present (except during federal service); editor responsible for Chapter 9 (Criminal Jurisdiction), Chapter 12 (Indian Gaming), Chapter 21 (Economic Development) and Chapter 22 (Government Services for Indians).

Law School Admission Council, Immediate Past Chair, Board of Trustees, June 2021 to June 2022; Chair, June 2019 to June 2021; Chair-elect, June 2018 to June 2019; Trustee, June 2006 to June 2009; June 2012 to October 2012; June 2016 to June 2019. Member or Liaison to Minority Affairs Committee, 2003 to 2007; Test Development and Research Committee, 2007 to 2009 (served under LSAC Chairs Kent Syverud and Steven Willborn); Audit Committee, 2016 to the present (serving under LSAC Chairs Susan Krinsky and Christina B. Whitman); Member, 2017 Presidential Search Committee (which resulted in the hiring of President Kellye Testy)

Center for Civic Education, Consultant on Curriculum (assisted in preparing curriculum for "We the People" civics competition program) 2004 to 2006.

United States Department of Justice, Served as advisor on a committee that met in various locations to plan Attorney General Eric Holder's Listening Conference in St. Paul, Minnesota, 2009-10; Served as informal advisor to then-United States Attorney Tom Heffelfinger, Chair of the Native American Issues Subcommittee of the Attorney General's Advisory Committee, 2004 to 2005.

United States Sentencing Commission

Member, Tribal Issues Advisory Group, Washington, D.C., 2015 to 2016; Assisted in Preparation of Report Presented to the Sentencing Commission in Washington, D.C., at a Public Hearing on July 21, 2016.

Member - Ad Hoc Advisory Committee on Native American Sentencing Issues, Washington, D.C., 2002 to 2004; Co-Drafted Report Presented to the Sentencing Commission at a Public Hearing in Washington, D.C., on November 4, 2003.

Innocence Project of Minnesota, Member, Board of Directors, 2002 to 2003.

New Mexico Bar Association Indian Law Section, Member of Board of Directors, 1998 to 2002, and Chair, Indian Law Writing Competition, 1998 to 2003.

Minnesota American Indian Bar Association (MAIBA), Member, Scholarship Committee 2002-2004.

Yale Law School Fund,

Member, Board of Directors, 1998-2004

Class Agent, Class of 1993, 1992 to 2009

Yale Law School Class Reunion Committee 1998, 2003, 2008.

PROFESSIONAL AWARDS AND PERSONAL INFORMATION

National Congress of American Indians Governmental Leader Award, 2016.

NICWA Champion for Native Children Award, National Indian Child Welfare Association, 2016.

American Bar Association Spirit of Excellence Award, 2015.

Contribution to Indian Law Award, Native American Bar Association of Washington, D.C. 2014.

Inaugural Alumni Achievement Award, Yale Law School Native American Law Students Association, 2014.

Excellence in Government Service Award, Native American Bar Association of Washington, D.C. 2013.

CLE Summit Award, State Bar of New Mexico, 2013 (awarded based on participant evaluations for best presentations at the 2012 State Bench and Bar Annual Conference).

Fesler-Lampert Research Fellowship, University of Minnesota Law School, 2006-2007.

Bronze Medal For Commendable Service, Environmental Protection Agency (for representing the agency in successful Clean Air Act litigation), June 7, 2000.

Award for Sustained Superior Performance, United States Attorney's Office, September 13, 1999 (cash award).

Special Commendation for Outstanding Service, United States Department of Justice, May 7, 1998 (for successfully litigating *Montana v. EPA*, 941 F. Supp. 945 (D. Mont. 1996) and 137 F.3d 1135 (9th Cir. 1998)).

Special Commendation for Outstanding Service, United States Department of Justice, April 8, 1997.

Elected Member, American Law Institute (since 2007).

Member, State Bars of Minnesota and New Mexico.

Member, Chickasaw Nation of Oklahoma, a Federally Recognized Indian Tribe.