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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

*Muskrat Textualism*, 115 NORTHWESTERN UNIVERSITY LAW REVIEW, No. 4 (forthcoming Jan. 2022), *manuscript available at* [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3767096](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3767096)

*Intimate Choice and Autonomy: Adoptive Couple v. Baby Girl*, in CRITICAL RACE JUDGMENTS (Cambridge Univ. Press, eds. Bennett Capers, Devon Carbado, Robin A. Lenhart, and Angela Onwuachi-Willig) (forthcoming), *available at* [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3762553](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3762553)

#### 2020

THE GHOST ROAD: ANISHINAABE RESPONSES TO INDIAN HATING (Fulcrum Publishing, 2020)

AMERICAN INDIAN TRIBAL LAW (2d ed. 2020) (Aspen Coursebook Series, Wolters Kluwer Legal Publishing)

*Politics, Indian Law, and The Constitution*, 108 CALIFORNIA LAW REVIEW 495-555 (2020)  
\* Winner, Michigan State University College of Law Faculty Scholarship Award (2019)

*Indian Lives Matter: Pandemics and Inherent Tribal Powers*, 73 STANFORD LAW REVIEW ONLINE 38-47 (2020), available at <https://www.stanfordlawreview.org/online/indian-lives-matter/>

*Textualism's Gaze*, 25 MICHIGAN JOURNAL OF RACE & LAW 111-146 (2020)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *PROPOSED FINAL DRAFT* (MARCH 30, 2021)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Tentative Draft No. 4* (April 29, 2020)

## **2019**

*Failed Protectors: The Indian Trust and Killers of the Flower Moon*, 117 MICHIGAN LAW REVIEW 1253-69 (2019) (reviewing DAVID GRANN, *KILLERS OF THE FLOWER MOON: THE OSAGE MURDERS AND THE BIRTH OF THE FBI* (2017))

*Indian Children and the Fifth Amendment*, 80 MONTANA LAW REVIEW 99-120 (2019) (Browning Symposium)

*The Restatement of the Law of American Indians: The Process and Why It Matters*, 80 MONTANA LAW REVIEW 1-10 (2019) (Browning Symposium Keynote Address)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Council Draft No. 6* (December 2, 2019)

\* approved at American Law Institute Council meeting (January 16, 2020) (sections 10, 33, 36-43, 52-55, 63, 67-68, 75-82, 120-126, 128, 130 & 140-145)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Tentative Draft No. 3* (March 19, 2019)

\* approved at the American Law Institute Annual Meeting (May 22, 2018) (Sections 15-16, 20-32, and 34-35)

## **2018**

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Preliminary Draft No. 7* (Oct. 9, 2018)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Council Draft No. 5* (Sept. 13, 2018)

\* approved at American Law Institute Council meeting (Oct. 19, 2018) (sections 44-51, 58-62, 64-66)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Tentative Draft No. 2* (March 22, 2018)

\* *approved at* the American Law Institute Annual Meeting (May 22, 2019) (sections 44-51, 58-62, 64-66)

## **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)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Preliminary Draft No. 5* (January 20, 2017)

*Indian Children and the Federal-Tribal Trust Relationship*, 95 NEBRASKA LAW REVIEW 885-964 (2017) (with Wenona T. Singel)

\* *cited in* In the Matter of the Dependency of Z.J.G. and M.E.J.G, 471 P.3d 853 (Wash. 2020)

\* *cited in* En Banc Brief for Amicus Curiae Professor Gregory Ablavsky in Support of Defendants-Appellants and Reversal, *Brackeen v. Bernhardt* (5th Cir.) (No. 18-11479) (en banc), *available at* <https://turtletalk.files.wordpress.com/2019/12/2019-12-12-mot-to-file-amicus-brief-iso-appellants-ablavsky.pdf>

\* *cited in* Brief for Amicus Curiae Professor Gregory Ablavsky in Support of Defendants-Appellants and Intervenor Defendants-Appellants and Reversal, *Brackeen v. Zinke*, 937 F.3d 406 (5th Cir.) (No. 18-11479), *available at* <https://turtletalk.files.wordpress.com/2019/01/abalskyamicusbrief.pdf>

\* *cited in* Brief of Amici Cherokee Nation et al., *Oglala Sioux Tribe v. Fleming*, 904 F.3d 603 (8th Cir.) (No. 17-1135), 2017 WL 2684637

\* *cited extensively in* Brief of Amicus Curiae 123 Federally Recognized Indian Tribes et al., *Brackeen v. Zinke* (N.D. Tex.) (No. 4:17-CV-00868-O), *available at* <https://turtletalk.files.wordpress.com/2018/05/125-tribal-amicus-brief.pdf>

\* *cited in* Reply Brief in Support of Motion for Accelerated Review, *In re Dependency of S.E.L.*, \_\_ P.3d \_\_ (Wash. Ct. App.) (No. 79151-6-I), 2019 WL 4645932

\* *cited in* Brief of Intervenor – Appellees Township of Bear Creek et al., *Little Traverse Bay Bands of Odawa Indians v. Whitmer*, \_\_ F.3d \_\_ (6th Cir.) (No. 19-2070), 2020 WL 2749162

*Tribal Jurisdiction – A Historical Bargain*, 76 MARYLAND LAW REVIEW 593-628 (2017)  
(with Leah Jurss)

*States and Their American Indian Citizens*, 41 AMERICAN INDIAN LAW REVIEW 319-343  
(2017) (symposium)

*We Need Protection from Our Protectors: The Nature, Issues, and Future of the Federal Trust Responsibility to Indians*, 6 MICHIGAN JOURNAL OF ADMINISTRATIVE AND ENVIRONMENTAL LAW 397-461 (2017) (with Daniel I.S.J. Rey-Bear)

*Anishinaabe Law and The Round House*, 10 ALBANY GOVERNMENT LAW REVIEW 88-111  
(2017) (symposium)

*Rights Without Remedies*, 11 NEW YORK UNIVERSITY JOURNAL OF LAW & LIBERTY 236-56 (2017) (symposium)

## **2016**

FEDERAL INDIAN LAW (West Hornbook Series) (West Academic Publishing) (2016)

\* *quoted in* Grondal v. Mill Bay Members Assn., Inc., No. 2:09-CV-18-RMP, 2020 WL 4590528 (E.D. Wash., Mar. 26, 2020)

\* *cited in* State v. Thompson, 929 N.W.2d 21 (Minn. Ct. App. 2019)

\* *quoted in* United States v. Antonio, 2017 WL 3149361, 2017 U.S. Dist. LEXIS 85436, No. CR 16-1106 JB (D. N.M., June 5, 2017)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Preliminary Draft No. 4* (Jan. 27, 2016)

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Council Draft No. 3* (Sept. 7, 2016)

*Bullshit and the Tribal Client*, 2015 MICHIGAN STATE LAW REVIEW 1435-1472  
(symposium)

\* *cited in* Lomayesva v. Talayumtewa, 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>

*The Indian Child Welfare Act*, in CHILD WELFARE LAW AND PRACTICE: REPRESENTING CHILDREN, PARENTS, AND STATE AGENCIES IN ABUSE, NEGLECT, AND DEPENDENCY CASES §§ 13.1 – 13.6, at 311-35 (Donald N. Duquette, Ann M. Haralambie, and Vivek S. Sankaran eds., 3d ed. 2016) (“The Red Book”) (with Kathryn E. Fort)

## **2015**

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Tentative Draft No. 1* (April 22, 2015)

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

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Preliminary Draft No. 3* (February 5, 2015)

*Tribal Disruption and Federalism*, 76 MONTANA LAW REVIEW 97-126 (2015) (symposium)

## **2014**

RESTATEMENT OF THE LAW: THE LAW OF AMERICAN INDIANS, *Council Draft No. 2* (December 18, 2014)

\* *approved by the American Law Institute Council (Jan. 15, 2015)*

RESTATEMENT OF THE LAW THIRD: THE LAW OF AMERICAN INDIANS, *Discussion Draft No. 2* (April 24, 2014)

*A Unifying Theory of Tribal Civil Jurisdiction*, 46 ARIZONA STATE LAW JOURNAL 779-843 (2014)

*The Seminole Tribe and the Origins of Indian Gaming*, 9 FLORIDA INTERNATIONAL UNIVERSITY LAW REVIEW 255-75 (2014)

*Tribal Disruption and Indian Claims*, 112 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 65-72 (with Kathryn E. Fort and Nicholas J. Reo) (2014), *available at* <http://www.michiganlawreview.org/articles/tribal-disruption-and-indian-claims>

## **2013**

RESTATEMENT OF THE LAW THIRD: THE LAW OF AMERICAN INDIANS, *Council Draft No. 1* (Dec. 11, 2013)

RESTATEMENT OF THE LAW THIRD: THE LAW OF AMERICAN INDIANS, *Discussion Draft No. 1* (April 11, 2013)

RESTATEMENT OF THE LAW THIRD: THE LAW OF AMERICAN INDIANS, *Preliminary Draft No. 1* (Jan. 29, 2013)

*American Indian Legal Scholarship and the Courts: Heeding Frickey's Call*, 4 CALIFORNIA LAW REVIEW CIRCUIT 1-22 (2013) (symposium), *available at* [http://www.californialawreview.org/assets/circuit/Fletcher\\_4-1.pdf](http://www.californialawreview.org/assets/circuit/Fletcher_4-1.pdf)

*Indian Children and Their Guardians ad Litem*, 95 BOSTON UNIVERSITY LAW REVIEW ANNEX 59-63 (2013) (with Kathryn E. Fort), available at <http://www.bu.edu/bulawreview/files/2013/11/FLETCHER-AND-FORT.pdf>

*Indian Courts and Fundamental Fairness: Indian Courts and the Future Revisited*, 84 UNIVERSITY OF COLORADO LAW REVIEW 59-96 (2013) (symposium)

\* cited in *Norton v. Ute Indian Tribe of the Uintah and Ouray Reservation*, 862 F.3d 1236 (10th Cir. 2017)

*(Re)Solving the Tribal No-Forum Conundrum: Michigan v. Bay Mills Indian Community*, 123 YALE LAW JOURNAL ONLINE 311-19 (2013), available at <http://yalelawjournal.org/2013/11/18/fletcher.html>

\* quoted extensively in *Ex parte Poarch Band of Creek Indians*, 155 So. 3d 224 (Ala., May 23, 2014) (Moore, C.J., concurring specially)

*Tribal Membership and Indian Nationhood*, 37 AMERICAN INDIAN LAW REVIEW 1-17 (2012-13) (symposium)

\* cited in *EEOC v. Peabody Western Coal Co.*, 768 F.3d 962 (9th Cir.), amended and superseded, 773 F.3d 977 (9th Cir. 2014)

*The Utility of Amicus Briefs in the Supreme Court's Indian Cases*, 2 AMERICAN INDIAN LAW JOURNAL 38-75 (Fall 2013), available at <http://www.law.seattleu.edu/Documents/ailj/Fall%202013/Fletcher-Final.pdf>

*A Perfect Copy: Indian Culture and Tribal Law*, in *CENTERING ANISHINAABEG STUDIES: UNDERSTANDING THE WORLD THROUGH STORIES* 191-212 (Jill Doerfler, Niigaanwewidam James Sinclair, and Heidi Kiiwetinepinesiik Stark, eds. 2013)

## **2012**

THE EAGLE RETURNS: THE LEGAL HISTORY OF THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS (Michigan State University Press 2012)

FORTY YEARS OF THE INDIAN CIVIL RIGHTS ACT (co-edited with Kristen A. Carpenter and Angela R. Riley, UCLA American Indian Studies Press 2012)

*Resisting Congress: Free Speech and Tribal Law*, in *FORTY YEARS OF THE INDIAN CIVIL RIGHTS ACT* 133-158 (Kristen A. Carpenter, Matthew L.M. Fletcher, and Angela R. Riley, eds., UCLA American Indian Studies Press 2012)

*Tribal Consent*, 8 STANFORD JOURNAL OF CIVIL RIGHTS AND CIVIL LIBERTIES 45-121 (2012) (invited submission)

*The Past and Future of American Indian Legal Scholarship: An Introductory Essay for the American Indian Law Journal*, 1 AMERICAN INDIAN LAW JOURNAL 1-27 (2012) (inaugural

essay), *available* at <http://www.law.seattleu.edu/Documents/ailj/Fall%20Issue/FletcherIntroductionFinal.pdf>

*Indian Wars: Old and New*, 15 JOURNAL OF GENDER, RACE & JUSTICE 201-230 (2012) (with Peter S. Vicaire) (symposium)

## **2011**

AMERICAN INDIAN TRIBAL LAW (Aspen 2011)

- \* *cited in* FMC Corp. v. Shoshone-Bannock Tribes, 942 F.3d 916 (9th Cir. 2019)
- \* *cited in* Norton v. Ute Indian Tribe of the Uintah and Ouray Reservation, 862 F.3d 1236 (10th Cir. 2017)
- \* *cited in* Stone v. Cromwell, No. CV-12-001 (Mashpee Wampanoag Tribal Court, March 2, 2012)

CASES AND MATERIALS ON FEDERAL INDIAN LAW (West, 6th ed. 2011) (with David H. Getches, Charles F. Wilkinson, and Robert A. Williams, Jr.) (responsible for chapters 6, 7, 8, 9B, and 12)

- \* *cited in* Tavares v. Whitehouse, 851 F.3d 863 (9th Cir. 2017)

*Laughing Whitefish: A Tale of Justice and Anishinaabe Custom*, in ROBERT TRAVER, LAUGHING WHITEFISH vii-xxiii (1965) (Michigan State University Press reprint, 2011) (foreword to reprinting of Robert Traver's *Laughing Whitefish*)

*The Indian Child Welfare Act: Implications for American Indian and Alaska Native Children's Development*, in AMERICAN INDIAN AND ALASKAN NATIVE CHILDREN'S MENTAL HEALTH 269-284 (Michelle C. Sarche, Paul Spicer, Patricia Farrell, and Hiram E. Fitzgerald eds., ABC-CLIO, Inc. 2011)

*Race and American Indian Tribal Nationhood*, 11 WYOMING LAW REVIEW 295-327 (2011) (symposium)

## **2010**

*Rebooting Indian Law in the Supreme Court*, 55 SOUTH DAKOTA LAW REVIEW 510-527 (2010) (University of South Dakota School of Law's 2010 Dillon Lecture)

*Resisting Federal Courts on Tribal Jurisdiction*, 81 UNIVERSITY OF COLORADO LAW REVIEW 973-1025 (2010) (symposium)

## **2009**

FACING THE FUTURE: THE INDIAN CHILD WELFARE ACT AT 30 (co-edited with Wenona T. Singel and Kathryn E. Fort) (Michigan State University Press 2009)

*Factbound and Splitless: The Certiorari Process as a Barrier to Justice for Indian Tribes*, 51 ARIZONA LAW REVIEW 933-81 (2009)

*Red Leaves and the Dirty Ground: The Cannibalism of Law and Economics*, 33 AMERICAN INDIAN LAW REVIEW 33-52 (2008-2009) (peer reviewed) (symposium)

*The Origins of the Indian Child Welfare Act: A Survey of the Legislative History*, Indigenous Law & Policy Center Occasional Paper 2009-04 (April 10, 2009), available at <http://www.law.msu.edu/indigenous/papers/2009-04.pdf>

*Introduction – Indian Experience and Randall Kennedy’s Mythology*, in THE INDIAN CHILD WELFARE ACT AT 30: FACING TO THE FUTURE xiii-xvii (with Wenona T. Singel) (book chapter) (Matthew L.M. Fletcher, Kathryn E. Fort, and Wenona T. Singel, eds., Michigan State University Press 2009)

*ICWA and the Commerce Clause*, in THE INDIAN CHILD WELFARE ACT AT 30: FACING TO THE FUTURE 28-49 (Matthew L.M. Fletcher, Kathryn E. Fort, and Wenona T. Singel, eds., Michigan State University Press 2009) (book chapter)

## **2008**

AMERICAN INDIAN EDUCATION: COUNTERNARRATIVES IN RACISM, STRUGGLE, AND THE LAW (Routledge 2008)

*The Supreme Court’s Indian Problem*, 59 HASTINGS LAW JOURNAL 579-642 (2008)

*The Original Understanding of the Political Status of Indian Tribes*, 82 ST. JOHN’S LAW REVIEW 153-181 (2008)

*On Black Freedmen in Indian Country*, in JUSTICE UNVEILED: AFRICAN AMERICAN CULTURE AND LEGAL DISCOURSE 57-73 (Lovalerie King & Richard Schur, eds., Palgrave Macmillan 2009) (book chapter)

*Indian Tribal Businesses and the Off Reservation Market*, 12 LEWIS & CLARK LAW REVIEW 1049-1063 (2008) (symposium)

*Truck Stop*, 76 UMKC LAW REVIEW 843-849 (2008) (symposium)

*Tribal Courts, the Indian Civil Rights Act, and Customary Law: Preliminary Data*, MSU Legal Studies Research Paper No. 06-05 (March 8, 2008), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1103474](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1103474)

## **2007**

*Preconstitutional Federal Power*, 82 TULANE LAW REVIEW 510-565 (2007)

*Rethinking the Role of Custom in Tribal Court Jurisprudence*, 13 MICHIGAN JOURNAL OF RACE & LAW 57-97 (2007)

*Bringing Balance to Indian Gaming*, 44 HARVARD JOURNAL ON LEGISLATION 39-95 (2007)

\* *cited in* *Texas v. United States*, 497 F.3d 491, 522 (5th Cir. 2007) (Dennis, C.J., dissenting)

\* *cited in* *Wisconsin v. Ho-Chunk Nation*, 512 F.3d 921, 932 (7th Cir. 2008)

\* *quoted in* *McCracken and Amick v. Perdue*, 687 S.E.2d 690, 697-98 (N.C. App. 2009)

\* *cited in* *Rincon Band of Luiseño Mission Indians of the Rincon Reservation v. Schwarzenegger*, 602 F.3d 1019, 1063 n. 10 & n. 11 (9th Cir. 2010) (Bybee, J., dissenting)

\* *quoted in* *Stand Up for California! v. State of California* (Cal. Ct. App. 2016) (No. F069302) (Franson, J., concurring and dissenting)

*Retiring the “Deadliest Enemies” Model of Tribal-State Relations*, 43 TULSA LAW REVIEW 73-87 (2007) (symposium)

*The Supreme Court’s Legal Culture War against Tribal Law*, 2 INTERCULTURAL HUMAN RIGHTS LAW REVIEW 93-127 (2007) (symposium)

## **2006**

*Toward a Theory of Intertribal and Intratribal Common Law*, 43 HOUSTON LAW REVIEW 701-741 (2006)

*The Supreme Court and Federal Indian Policy*, 85 NEBRASKA LAW REVIEW 121-185 (2006)

\* *quoted in* *Adoptive Couple v. Baby Girl*, 570 U.S. 637 (2013) (Thomas, J., concurring)

\* *quoted in* *Mashantucket Pequot Tribe v. Town of Ledyard*, 722 F.3d 457 (2d Cir. 2013)

\* *cited in* *MMMG, LLC v. Seminole Tribe of Florida, Inc.*, 196 So. 3d 438 (Fla. Ct. App. 2016)

\* *quoted in* *On-Auk-More Trade Center LLC and State of Arizona E S A Tax Unit*, Appeals Board No. T-1629122-001-B (Ariz. Dept. of Econ. Sec. Appeals Board, May 14, 2020), available at <https://turtletalk.files.wordpress.com/2020/05/2020-05-20-amtc-opinion3224.pdf>

*Same-Sex Marriage, Indian Tribes, and the Constitution*, 61 UNIVERSITY OF MIAMI LAW REVIEW 53-85 (2006)

*Dibakonigowin: Indian Lawyer as Abductee*, 31 OKLAHOMA CITY UNIVERSITY LAW REVIEW 209-236 (2006)

*Looking to the East: The Stories of Modern Indian People and the Development of Tribal Law*, 5 SEATTLE JOURNAL OF SOCIAL JUSTICE 1-26 (2006)

*Indian Treaties and the Survival of the Great Lakes*, 2006 MICHIGAN STATE LAW REVIEW 1285-1297 (with Wenona T. Singel) (symposium)

*The Iron Cold of the Marshall Trilogy*, 82 NORTH DAKOTA LAW REVIEW 628-696 (2006) (symposium)

*Power, Authority, and Tribal Property*, 41 TULSA LAW REVIEW 21-50 (2006) (with Wenona T. Singel) (symposium)

*Politics, History, and Semantics: The Federal Recognition of Indian Tribes*, 82 NORTH DAKOTA LAW REVIEW 487-518 (2006) (reviewing RENÉE ANN CRAMER, CASH, COLOR, AND COLONIALISM: THE POLITICS OF TRIBAL ACKNOWLEDGMENT (2005) & MARK EDWIN MILLER, FORGOTTEN TRIBES: UNRECOGNIZED INDIANS AND THE FEDERAL ACKNOWLEDGMENT PROCESS (2005)) (book review essay)

## **2005**

*Tribal Employment Separation: Tribal Law Enigma, Tribal Governance Paradox, and Tribal Court Conundrum*, 38 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 273-343 (2005)

*Comparative Rights of Indispensable Sovereigns*, 40 GONZAGA LAW REVIEW 1-126 (2004-2005)

\* cited extensively in *Klamath Tribe Claims Committee v. United States*, 106 Fed. Cl. 87 (2012)

*The Insidious Colonialism of the Conqueror: The Federal Government in Modern Tribal Affairs*, 19 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 273-311 (2005) (symposium)

*Theoretical Restrictions on the Sharing of Indigenous Biological Knowledge: Implications for Freedom of Speech in Tribal Law*, 15 KANSAS JOURNAL OF LAW & PUBLIC POLICY 525-549 (2005) (symposium)

*The Legal Fiction of Lake Matchimanitou Indian School*, 13 AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY, AND THE LAW 597-634 (2005)

*The Legal Fiction of Gridiron Cowboys and Indians*, 2 INDIGENOUS PEOPLES' JOURNAL OF LAW, CULTURE & RESISTANCE 11-21 (2005)

*Stick Houses in Peshawbestown*, 2 CARDOZO PUBLIC LAW, POLICY, AND ETHICS JOURNAL 189-287 (2004)

## **2004**

*The Power to Tax, the Power to Destroy, and the Michigan Tribal-State Tax Agreements*, 82 UNIVERSITY OF DETROIT MERCY LAW REVIEW 1-46 (2004)

*Sawnowgezewog: “The Indian Problem” and the Lost Art of Survival*, 28 AMERICAN INDIAN LAW REVIEW 35-105 (2003/2004)

*In Pursuit of Tribal Economic Development as a Substitute for Reservation Tax Revenue*, 80 NORTH DAKOTA LAW REVIEW 759-807 (2004) (symposium)

\* *quoted in* Michigan v. Bay Mills Indian Community, 572 U.S. 782 (2014) (Sotomayor, J., concurring)

\* *cited in* Colorado ex rel. Suthers v. Cash Advance, 242 P.3d 1099 (Colo. 2010)

\* *cited in* State of Colorado v. Cash Advance, No. 05CV1143, 2012 WL 3113527 (Denver Dist. Ct., Feb. 13, 2012)

## **2003**

*The Drug War on Tribal Government Employees: Adopting the Ways of the Conqueror*, 35 COLUMBIA HUMAN RIGHTS LAW REVIEW 1-70 (2003)

*“I Shall Hear You No Further”*, 27 VERMONT LAW REVIEW 565-648 (2003)

*The Legal Fiction of Standardized Testing*, 21 LAW & INEQUALITY: A JOURNAL OF THEORY AND PRACTICE 397-414 (2003)

## **1998**

*Listen*, 3 MICHIGAN JOURNAL OF RACE & LAW 523-540 (1998)

## **WORKING PAPERS**

*Muskrat Textualism*

*The Rise and Fall of the Ogemakaan*, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3535656](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3535656)

## **OTHER SHORTER ARTICLES**

*Indian Lives Matter: Pandemics and Inherent Tribal Powers*, 73 STANFORD LAW REVIEW ONLINE 38-47 (2020), available at <https://www.stanfordlawreview.org/online/indian-lives-matter/>

*Indian Law Reality Television, or How to Stop Worrying When Losing in the Supreme Court*, 67 FEDERAL LAWYER, March/April 2020, at 46-51

*Buddha, Felix Cohen, and Nanaboozhoo Walk Into a Bar: A Tribute to Frank Pommersheim*, 65 SOUTH DAKOTA LAW REVIEW ii-x (2020)

*The Creek Reservation Cases and the Great Conflict of Modern Day Federal Indian Law*, 24:3 TYL (ABA YOUNG LAWYER DIVISION), Spring 2020, at 12-16

*The Indian Child Welfare Act as the “Gold Standard”*, 31:2 APSAC ADVISOR 36-39 (2019) (with Kathryn E. Fort); *Response to: The Indian Child Welfare Act: In the Best Interests of Children?*, 31:2 APSAC ADVISOR 47-48 (2019) (with Kathryn E. Fort)

*Statutory Divestiture of Tribal Sovereignty*, 64 FEDERAL LAWYER 38-47 (April 2017)

*Tribal Civil, Criminal, and Regulatory Jurisdiction over Nonmembers*, in INDIAN LAW AND NATURAL RESOURCES: THE BASICS AND BEYOND 2-1 (Rocky Mt. Min. L. Fdn. 2017)

*Contract and (Tribal) Jurisdiction*, 126 YALE LAW JOURNAL FORUM 1-7 (April 11, 2016), available at <http://www.yalelawjournal.org/forum/contract-and-tribal-jurisdiction>

*The Growing Market for Indian Lawyering*, 27:2 TRIBAL COLLEGE JOURNAL 19-21 (Winter 2015)

*A Short History of Indian Law in the Supreme Court*, 40:4 ABA HUMAN RIGHTS MAGAZINE, May 2015, at 3-6

*A Restatement of Federal Indian Law?*, 40:4 ABA HUMAN RIGHTS MAGAZINE, May 2015, at 23

*Treaties as Recognition of the Nation-to-Nation Relationship; Avoiding Removal: The Pokagon Band of Potawatomi Indians; and Arthur Duhamel: Treaty Fisherman*, in NATION TO NATION: TREATIES BETWEEN THE UNITED STATES & AMERICAN INDIAN NATIONS (Suzan Shown Harjo, ed. 2014)

*Response to Sanders: Ma'iingan as Property*, 2013 WISCONSIN LAW REVIEW ONLINE 69-72 (with Nicholas J. Reo), available at <http://wisconsinlawreview.org/wp-content/files/Fletcher-Reo-Final.pdf>

*California v. Cabazon Band: A Quarter-Century of Complex, Litigious Self-Determination*, 59 FEDERAL LAWYER, April 2012, at 50-54

*David Getches: A Tribute to a Scholar and a Leader*, 59 FEDERAL LAWYER, April 2012, at 42-43, 49 (with Kristen A. Carpenter)

*The Tenth Justice Lost in Indian Country*, 58 FEDERAL LAWYER, March/April 2011, at 36-41, 58

*Indian Country Law Enforcement and Cooperative Public Safety Agreements*, 89 MICHIGAN BAR JOURNAL, February 2010, at 42-45 (with Kathryn E. Fort and Wenona T. Singel)

*Sovereign Comity: Factors Recognizing Tribal Court Criminal Convictions in State and Federal Courts*, 45:1-2 COURT REVIEW 12-19 (2009)

*"A Perfect Copy": Indian Culture and Tribal Law*, 2 YELLOW MEDICINE REVIEW 95-118 (Fall 2007) (peer-reviewed), available at [http://works.bepress.com/matthew\\_fletcher/17/](http://works.bepress.com/matthew_fletcher/17/)

*Addressing the Epidemic of Domestic Violence in Indian Country by Restoring Tribal Sovereignty*, American Constitutional Society Issue Brief (March 2009), available at <http://www.acslaw.org/files/Fletcher%20Issue%20Brief.pdf>; reprinted in 3:1 ADVANCE: THE JOURNAL OF THE ACS ISSUE GROUPS 31-41 (2009), available at <http://www.acslaw.org/AdvanceVol3No1>

\* quoted in *Jones v. Jones*, No. 2012 CVPD 3167 (Lummi Tribal Court of Appeals)

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### **SHORT BOOK REVIEWS**

Book Review, 26 GREAT PLAINS QUARTERLY 304 (2006) (reviewing PAUL VANDEVELDER, COYOTE WARRIOR: ONE MAN, THREE TRIBES, AND THE TRIAL THAT FORGED A NATION (2005))

Book Review, 31 AMERICAN INDIAN CULTURE AND RESEARCH JOURNAL 225-227 (2007) (reviewing CHRISTIAN W. McMILLEN, MAKING INDIAN LAW: THE HUALAPAI LAND CASE AND THE BIRTH OF ETHNOHISTORY (2007))

Book Review, 16:1 GREAT PLAINS QUARTERLY 135-36 (2009) (reviewing REBUILDING NATIVE NATIONS: STRATEGIES FOR GOVERNANCE AND DEVELOPMENT (Miriam Jorgensen, ed. 2007))

Book Review, 24:2 WICAZŌ ŠA REVIEW 188-90 (2009) (reviewing DAVID W. WILKINS, AMERICAN INDIAN POLITICS AND THE AMERICAN POLITICAL SYSTEM (2007))

Book Review, FEDERAL INDIAN LAW: NEWSLETTER OF THE FEDERAL BAR ASSOCIATION INDIAN LAW SECTION, Spring 2009, at 14-15 (reviewing DESTROYING DOGMA: VINE DELORIA, JR. AND HIS INFLUENCE ON AMERICAN SOCIETY (Steve Pavlik & Daniel R. Wildcat, eds. 2006))

Book Review, 125:1 POLITICAL SCIENCE QUARTERLY 151-52 (2010) (reviewing JOHN H. VINZANT, THE SUPREME COURT'S ROLE IN AMERICAN INDIAN POLICY (2009))

Book Review, 30:1&2 CANADIAN JOURNAL OF NATIVE STUDIES 430-432 (2010) (reviewing CRIMINAL JUSTICE IN NATIVE AMERICA (Marianne O. Nelson & Robert A. Silverman eds. 2009))

Book Review, 30:3 JOURNAL OF AMERICAN ETHNIC HISTORY 88-89 (Spring 2011) (reviewing DANIEL M. COBB, NATIVE AMERICAN ACTIVISM IN COLD WAR AMERICA: THE STRUGGLE FOR SOVEREIGNTY (2008))

Book Review, 31:2 GREAT PLAINS QUARTERLY 170-71 (Spring 2011) (reviewing LAUGHLIN McDONALD, AMERICAN INDIANS AND THE FIGHT FOR EQUAL VOTING RIGHTS (2010))

Book Review, 23:4 STUDIES IN AMERICAN INDIAN LITERATURE 133-36 (2011) (reviewing GERALD VIZENOR, NATIVE LIBERTY: NATURAL REASON AND CULTURAL SURVIVANCE (2009))

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Book Review, 71:1 JOURNAL OF ANTHROPOLOGICAL RESEARCH 143-44 (reviewing WILLIAM Y. ADAMS, INDIAN POLICIES IN THE AMERICAS: FROM COLUMBUS TO COLLIER AND BEYOND (2014))

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Book Review, 2:1&2 TRANSMOTION 161-164 (2016) (reviewing DAVID CARLSON, IMAGINING SOVEREIGNTY: SELF-DETERMINATION IN AMERICAN INDIAN LAW AND LITERATURE (2016))

Book Review, 93:1 NEW MEXICO HISTORICAL REVIEW 109-110 (2018) (reviewing DEWI IONE BALL, *THE EROSION OF TRIBAL POWER: THE SUPREME COURT'S SILENT REVOLUTION* (2016))

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#### **COMMENTARIES, EDITORIALS, AND OP-EDS**

*The U.S. Shouldn't Get to Decide If a Navajo Man Dies*, The Atlantic, August 21, 2020, available at <https://www.theatlantic.com/ideas/archive/2020/08/us-shouldnt-get-decide-if-lezmond-mitchell-dies/615367/> (with Tamera Begay)

*Why Tribes Should Have the Power to Enforce Strict Coronavirus Policies*, The Atlantic, July 18, 2020, available at <https://www.theatlantic.com/ideas/archive/2020/07/tribes-coronavirus-enforcement/614242/>

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*Tribal Immunity: A Perfect Storm Against Tribal Interests?*, Law360.com, October 14, 2016, available at <https://www.law360.com/articles/851682>

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*‘Native American Fiction’ tough on Indian culture*, INDIAN COUNTRY TODAY, August 3, 2007, <http://www.indiancountry.com/content.cfm?id=1096415493>

*The Cherokee Freedmen: The U.S. shouldn’t step in*, NATIONAL LAW JOURNAL, April 16, 2007, at 23

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*The Indian land-claims time bomb*, INDIAN COUNTRY TODAY, January 19, 2007, at A3

*Means case a supreme affirmation of tribal authority*, INDIAN COUNTRY TODAY, October 20, 2006, at A3

### **UNPUBLISHED MANUSCRIPTS**

*Tribal Disruption and Labor Relations* (with Kathryn E. Fort & Wenona T. Singel)

*Litigation Update on Cases Addressing the “Under Federal Jurisdiction” Requirement of the Indian Reorganization Act (Plus Other Things)*, Federal Bar Association, D.C. Indian Law Conference (Nov. 1, 2017), available at <https://ssrn.com/abstract=3063458>

*Tribal Disruption and Labor Relations*, MSU Legal Studies Research Paper No. 12-2 (February 27, 2014) (With Kathryn E. Fort & Wenona T. Singel), available at <http://ssrn.com/abstract=2401711>

*Tribal Justice Systems*, MSU Legal Studies Research Paper No. 11-23 (January 14, 2014), available at <http://ssrn.com/abstract=2378526>

*Native Voting Rights*, Paper prepared for the University of Texas/Mexican Electoral Tribunal Workshop (September 5-6, 2014), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2486824](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2486824)

*On Becoming an American Indian Law Professor*, MSU Legal Studies Research Paper No. 10-12 (May 14, 2012), available at <http://ssrn.com/abstract=2058557>

*American Indian Legal Scholarship and the Courts*, MSU Legal Studies Research Paper No. 12-25 (Oct. 2, 2012), available at <http://ssrn.com/abstract=2155150>

*American Indian Legal Scholarship and the Courts: The Appendices*, MSU Legal Studies Research Paper No. 12-23 (Sept. 24, 2012), available at <http://ssrn.com/abstract=2151257>

*Supreme Court Update*, Materials prepared for 2010 Federal Bar Association Mid-Year Indian Law Conference (date) (with Kathryn E. Fort)

*Trends in Tribal Business Litigation*, Materials prepared for Sixth Annual Reemerging Northwest Tribal Economies (August 19, 2010) (with Kathryn E. Fort), available at <http://www.law.msu.edu/indigenous/papers/2010-07.pdf>

*Advising – and Suing – Tribal Officials: On the Scope of Tribal Official Immunity*, Materials prepared for the 2009 Federal Bar Association’s Annual Indian Law Conference (April 2-3, 2009) (with Kathryn E. Fort), MSU Legal Research Paper No. 07-02, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1346977](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1346977)

*The Indian Child Welfare Act: A Case Update (August 2008—August 2009)*, Materials prepared for the State Bar of Michigan’s American Indian Law Section Annual Meeting (September 17, 2009), MSU Legal Research Paper No. 07-21, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1474741](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1474741)

*“Occupancy” and “Settlement”: Anishinaabemowin and the Interpretation of Michigan Indian Treaty Language*, MSU Legal Studies Research Paper No. 08-04, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1557943](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1557943)

*“Now What the Hell You Gonna Do in Those Days?” A Research Note on Practical Barriers to Indian Land Claims*, MSU Legal Studies Research Paper No. 06-07 (May 2, 2008), available at <http://ssrn.com/abstract=1128153>

*The Ethics of Pushing the Envelope in Indian Law Cases*, Materials prepared for the University of Colorado Law School Conference “Race, Native Americans, and the Constitution” (Feb. 27, 2009), MSU Legal Research Paper No. 07-01, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1346938](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1346938)

*A Primer on Tribal Court Contempt Power*, Materials prepared for the Michigan Indian Judicial Association Quarterly Meeting (May 16, 2008), MSU Legal Studies Research Paper No. 06-08, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1134936](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1134936)

*Tribal Economic Development: Nuts and Bolts*, Materials prepared for the First Annual Great Lakes Tribal Economic Development Symposium, Indigenous Law and Policy Center Working Paper 2006-03 (Oct. 25-26, 2006), available at <http://www.law.msu.edu/indigenous/papers/2006-03.pdf>

*Tribal Court Litigation Update: January 2005-February 2006*, Materials prepared for the Federal Bar Association’s 31st Annual Indian Law Conference (April 6-7, 2006), available at [http://www.abanet.org/jd/tribalcourts/pdf/tribal\\_court\\_litigation\\_update2.pdf](http://www.abanet.org/jd/tribalcourts/pdf/tribal_court_litigation_update2.pdf)

*Question: Who is an Indian? Answer: Ask the Government*, Materials prepared for the Federal Bar Association’s Seventh Annual Washington D.C. Indian Law Conference (October 20, 2005)

*The Post-TOMAC World of Indian Gaming in Michigan*, Materials prepared for University of Michigan Law School Native American Law Day (April 8, 2005)

*The Grand Traverse Band’s Initial Constitution, Tribal Membership, and the Menefee Case*, in Inaugural Indigenous Law Conference – Tribal Constitutional Issues in the Self-Determination Era, Michigan State University College of Law (October 29, 2004)

*Doing Business in Indian Country*, Materials prepared for State Bar of North Dakota CLE (October 15, 2004)

<b>PRESENTATIONS SINCE 2015</b>
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**2020**

**Federal Defender’s Office for the Central District of California:** Panel on Lezmond Mitchell Execution, virtual (November 19, 2020)

**Antonin Scalia Law School Law and Economics Center – Civil Justice Fest:** Behind the Curtain at the American Law Institute (ALI): Drafting and Approving Restatements of

Law at the ALI and Their Proper Weight in Judicial Decisionmaking panel, virtual (November 18, 2020), <https://vimeo.com/483043559>

**Dentons:** Guest Speaker, Panel on Native American Heritage Month, virtual (November 16, 2020)

**California Law Review Federal Indian Law Roundtable:** Panel Discussion of *Politics, Indian Law, and the Constitution*, virtual (November 5, 2020)

**Albany Journal of Science and Technology Symposium -- In the Crosswalk, The Intersection of Covid, Race, Technology, and the Law:** Panelist, virtual (November 4, 2020)

**Windsor Law Indigenous Legal Orders:** Guest Speaker, virtual (October 30, 2020) (with Wenona Singel)

**University of Michigan Native American Law Students Association:** Tribal Law talk, virtual (October 27, 2020)

**Native America Calling:** Book of the Month – “The Ghost Road: Anishinaabe Responses to Indian Hating” (October 23, 2020)

**National American Indian Court Judges Association Annual Conference:** “Protecting Tribal Citizens” and “Turtle Talk Live” panels, virtual (October 21 & 22, 2020)

**University of Michigan Law School:** Native American Voting Rights panel, virtual (October 12, 2020)

**Michigan State University Native American Law Students Association:** Indigenous Peoples Day talk, virtual (October 12, 2020)

**Chicago Humanities Festival:** Wealth, Property, and Inequality Panel, virtual (October 1, 2020)

**University of Florida Law Clinic:** Q&A Presentation on Social Justice Lawyering, virtual (September 21, 2020)

**Michigan State University, Geography Graduate Group:** Erasing the Thin Blue Line: An Indigenous Proposal, virtual (September 18, 2020)

**Tribal Water Law CLE:** How Climate Change is Challenging Established Doctrine and What Tribes Can Do to Adapt panel, virtual (September 14, 2020)

**Michigan Humanities:** Bridging Michigan panel (with Eric Hemenway), virtual (September 3, 2020)

**Michigan Journal of Race & Law:** 2020 Orientation, virtual (September 1, 2020)

**Big 10 Law Virtual Series on Perspectives on Law and Race:** “Up Next: Erasure (Native Americans in the 21st Century),” virtual, (September 1, 2020) (with Kevin K. Washburn)

**Native American Journalists Association:** “Covering the McGirt v. Oklahoma decision virtual roundtable,” virtual (August 28, 2020)

**Cornell Law School, Native American Law Students Association Summit:** Keynote Speaker & Panelist on Indian Law Developments Panel (with Wenona Singel), Ithaca, NY (March 6, 2020)

**Michigan Legal Theory Workshop:** “The Rise and Fall of the Ogemakaan,” Ann Arbor, MI (February 25, 2020)

**Windsor Law Indigenous Legal Orders:** Guest Speaker, Windsor, ON (February 13, 2020) (with Wenona Singel)

**American Indian Law Center Pre-Law Advisors Conference:** “The Need for Native Lawyers,” Opening Keynote, Isleta Pueblo, NM [virtual] (February 4, 2020)

**Tribal In-House Counsel Association, Lunch in Indian Country CLE:** Tribal Lawyer Regulation and Nation-Building, Arizona State Bar, Tucson, AZ (Jan. 22, 2020)

**American Law Institute:** Reporter, ALI Council Meeting, Philadelphia, PA (Jan. 16, 2020) (with Kaighn Smith)

## **2019**

**University of Michigan Law School, Native American Law Students Association:** Indian Law Careers, Ann Arbor, MI (November 21, 2019)

**Michigan State University:** “Coffee with the Profs — Inside the Legal Life of Michigan’s Indian Tribes,” East Lansing, MI (November 18, 2019)

**Western Michigan University:** “Ghost Road: Anishinaabe Responses to Indian-Hating,” Kalamazoo, MI (November 7, 2019)

**National Indian Court Judges Association Annual Symposium:** “Tribal Attorney Regulation,” Shackpee, MN (October 17, 2019)

**University of Detroit Mercy Law School:** “Politics, Indian Law, and the Constitution,” Detroit, MI (October 14, 2019)

**Michigan State University Native American Law Students Association:** “Indian Law 101,” East Lansing, MI (September 30, 2019)

**Tribal Water Law CLE:** “Maintaining a Tribal Homeland in the Modern Era,” Scottsdale, AZ (September 27, 2019)

**American Law Institute:** Reporter, ALI Advisers/MCG Meeting, New York, NY (September 20, 2019) (with Kaighn Smith)

**American Bar Association:** “The Latest Challenge to the Indian Child Welfare Act and Potential Implications for Equal Protection, Family Law, and Indian Law” panel, San Francisco, CA (August 8, 2019)

**Michigan State University College of Law – Bay Mills Indian Community:** Appellate Judicial Ethics presentation, Trial Advocacy Skills – Opioid and Violent Crimes Training Conference, East Lansing, MI (June 20, 2019)

**American Indian Law Center – Pre-Law Summer Institute:** Friday Speaker, Albuquerque, NM (June 14, 2019)

**Watershed Church:** “40 Years after the Fox Decision,” Traverse City, MI (June 3, 2019)

**Anishinaabe Racial Justice Conference:** Storytelling presentation & Tribal-State Relations panel, Keweenaw Bay Indian Reservation, MI (May 24-25, 2019)

**American Law Institute:** Reporter, ALI Annual Meeting, New York, NY (May 22, 2019) (with Kaighn Smith)

**Society for the Study of Midwestern Literatures:** “Sons of Leopold,” In the Valley of the Shadow of the North panel, East Lansing, MI (May 18, 2019)

**Society for the Study of Midwestern Literatures:** “On Indian-Hating,” The Fictions Chmookmon Tells panel, East Lansing, MI (May 17, 2019)

**National Council of Urban Indian Health – 2nd Washington Summit:** Keynote, “Race, Politics, and the Constitution,” Washington, D.C. (April 23, 2019)

**University of Colorado Law School – Conference on Implementing the UN Declaration on the Rights of Indigenous Peoples in the United States:** Respondent, Current Challenges in Federal Indian Law & the Promise of the Declaration Keynote & Panelist, Indian Child Welfare, Boulder, CO (Mar. 15-16, 2019)

**University of Wisconsin Law School, Indigenous Law Students Association (Wisconsin) – 24th Annual Coming Together of Peoples Conference:** Indian Child Welfare Act Panel, Madison, WI (Mar. 9, 2019)

**Michigan State University College of Law – Diversity Week:** Our Voices: The Indian Child Welfare Act Panel, East Lansing, MI (Feb. 19, 2019)

**Pre-Law Summer Institute – Pathways to the Legal Profession, Pre-Law Advisors and Training Conference:** Keynote Speaker, The Need for Indian Lawyers, Pueblo or Isleta, Albuquerque, NM (Feb. 5, 2019)

**Tribal In-House Counsel Association, Lunch in Indian Country CLE:** The Indian Law Restatement Project: A Description and Update, Arizona State Bar, Tucson, AZ (Jan. 16, 2019)

**American Association of Law Schools Annual Conference:** Panel, “Building Bridges and Social Justice Through Collaborative Centers and Initiatives,” New Orleans, LA (Jan. 4, 2019)

## **2018**

**Michigan State University Indigenous Law & Policy Center/Tribal In-House Counsel Association Conference:** Keynote Address, “Twenty Years of Tribal In-House Lawyering,” East Lansing, MI (Nov. 15, 2018)

**American Law Institute:** Reporter, ALI Advisers/MCG Meeting, New York, NY (Nov. 8, 2018) (with Wenona Singel & Kaighn Smith)

**Harvard Project on American Indian Economic Development – Festschrift for Joe Kalt & Steve Cornell:** Paper Update Presentation, Mino-Bimaadiziwin in Practice: Accountable, Responsible, Equitable Tribal Government,” [via Skype] (Nov. 2, 2018)

**American Law Institute:** Reporter, ALI Council Meeting, New York, NY (Oct. 19, 2018) (with Wenona Singel & Kaighn Smith)

**National American Indian Court Judges Association – Annual Conference:** Plenary Panel Presentation – “Tribal Judicial Ethics” & Break-Out Panel Presentation – “Nuts & Bolts – Being an Appellate Justice,” Isleta, NM (Oct. 17, 2018)

**University of Montana Law School – Browning Symposium:** Keynote Address – “The Restatement of the Law of American Indians: The Process and Why It Matters” & Panel Presentation – “Indian Children and the Fifth Amendment,” Missoula, MT (Sept. 5, 2018)

**Leelanau Indivisible:** Book talk on *The Eagle Returns: The Legal History of the Grand Traverse Band of Ottawa & Chippewa Indians*, Leland, MI (September 6, 2018)

**Michigan History Center – Rock Your Mocs:** “Continuing Impacts of U.S. Indian Policy,” Historic Fort Wayne National Park, Detroit, MI (August 16, 2018)

**Potawatomi Gathering Judicial Conference – Restorative Justice: From Idea To Action:** “Customary Law,” Prairie Band Indian Reservation, Mayetta, KS (August 3, 2018)

**American Law Institute:** Reporter, ALI Annual Meeting, New York, NY (May 22, 2018)  
(with Wenona Singel & Kaighn Smith)

**Harvard University, Kennedy School of Government, Harvard Project on American Indian Economic Development:** “Mino-Bimaadiziwin in Practice: Accountable, Responsible, Equitable Tribal Government,” Cambridge, MA (May 2, 2018) (with Wenona T. Singel)

**Brown University – Center for the Study of Race and Ethnicity in America:** “Intergenerational Necessity: Sacred Sites, Federal Indian Law and Policy, and the Future” Panel, Providence, RI (April 20, 2018)

**Michigan State University College of Law:** “Failed Protectors: The Indian Trust and *Killers of the Flower Moon*,” East Lansing, MI (April 11, 2018)

**University of Kansas Law School, Diversity Banquet:** Keynote Speaker, Lawrence, KS (March 18, 2018)

**University of Kansas Law School, Tribal Law and Governance Conference:** Lunch Keynote Speaker, “States and Their American Indian Citizens,” Lawrence, KS (March 18, 2018)

**Dartmouth College:** “The Law and Philosophy of Indian Hating,” Hanover, NH (February 28 or March 1, 2018)

**Rebellious Lawyering Conference, Yale Law School:** Discrimination against Indigenous Children Panel, New Haven, CT (February 16, 2018)

**University of Arizona, Indigenous Peoples Law Program:** “Doing Business with Indian Tribes,” Tucson, AZ (January 19, 2018)

**Tribal In-House Counsel Association, Lunch in Indian Country CLE:** Dealing with Difficult Clients, Arizona State Bar, Tucson, AZ (Jan. 18, 2018)

**American Association of Law Schools:** Workshop for Pretenured Professors of Color, Teaching and Service Panel, San Diego, CA (January 6, 2018)

## **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)

**Rocky 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:** MSU Foundation Professor (July 2020 to present); Full Professor (July 2011 to June 2020); 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, Spring 2019)

Federal Jurisdiction – King Scholars (Spring 2018)

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, Fall 2019, Fall 2020)  
Foundations of Law (Fall 2011, Fall 2012, Fall 2013, Fall 2014, Fall 2015, Fall 2016, Fall 2017, Fall 2018, Fall 2019)  
King Scholars Seminar (Spring 2018, Spring 2019)  
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, Spring 2019)  
Jurisprudence – King Scholars (Spring 2019)  
Professional Responsibility (Fall 2018, Spring 2020, Spring 2021)  
Tribal Law (Spring 2017, Spring 2018, Spring 2021)

**Awards and Grants (MSU)**

Summer Research Stipend (2006 – 2019)  
Michigan State University College of Law Faculty Scholarship Award (2019)

**Awards (Indian Law and Policy Center)**

Society of American Law Teachers, M. Shanara Gilbert Human Rights Award (2020)

**STANFORD LAW SCHOOL:** Visiting Professor (May 2019, May 2021), teaching Tribal Law

**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)

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

**UNIVERSITY OF ARIZONA INDIGENOUS PEOPLES LAW PROGRAM – JANUARY IN TUCSON:** Adjunct Professor (January 2018, January 2019, January 2020, January 2021), teaching Tribal Business Law (three day short course)

**UNIVERSITY OF MICHIGAN LAW SCHOOL:** Visiting Professor, teaching Federal Indian Law (Spring 2011, Fall 2013, Fall 2015, Fall 2017, Fall 2019, Fall 2020), teaching Tribal Law (Spring 2021)

**UNIVERSITY OF MONTANA SCHOOL OF LAW:** Visiting Professor (Summer 2016, Summer 2017, Summer 2019, anticipated Summer 2020), teaching Supreme Court Jurisprudence

and Indian Country (2016, 2019), Economic Development in Indian Country: Tribal Business Law (2017), and The Law and Policy of Tribal Authority and Jurisdiction (2020) (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, anticipated Summer 2021)

**TURTLE MOUNTAIN COMMUNITY COLLEGE**  
Adjunct Professor – Contracts/Torts (Fall 2005)

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

**American Association of Law Schools—Section on Law and Anthropology:** Section Chair (2008-2009)

**American Association of Law Schools—Section on Indian Nations and Indigenous Peoples:** Section Chair-Elect (2011-2012); Section Chair (2012-2013)

**American Association of Law Schools—Committee on Research:** Member (2012-2014)

**American Law Institute:** Elected Member (2010); Reporter, Restatement of the Law of American Indians (2012-present)

**Detroit Institute of Arts:** Informal Commentator, North American Indian Art exhibit re-installation (2005)

**Federal Bar Association:** Co-Chair, Annual Indian Law Conference, Albuquerque, NM (2006, 2008); Senior Chair, Annual Indian Law Conference, Albuquerque, NM (2007, 2009); Treasurer, American Indian Law Section Executive Committee (2009-2011); Member, Special Committee on Law School Outreach (2011); Awards Nomination Committee (2013)

**Michigan State Bar – American Indian Law Section:** Council Member (2008-2010)

**Michigan State University Press – American Indian Studies Series:** Advisory Board (2007-present)

**Michigan State University College of Law:** Dean Search Committee Chair (2020-2021); Dean Search Committee (2015-2016); Faculty Appointments Committee (2006-2007, 2007-2008, 2008-2009, 2010-2011—chair, 2011-2012—chair, 2013-2014, 2014-2015—chair, 2017-2018); Career Services Committee (Fall 2016); RPT Committee (Fall 2016); Curriculum Committee (2014-2015); Law Journals Advisory Committee (2007-2008—chair); Library Advisory Committee (2009-2010—chair)

**Michigan State University:** Member, University Hearing Appeals Board (2008-2009, 2010-2011)

**Michigan Department of Public Health, Office of Community Health:** Member, Pandemic Influenza Coordinating Committee (2007-2008)

**National Native American Law Students Association Moot Court Competition:** Problem Author (2011 Competition); Brief Judge (2005, 2009, 2016, 2017 Competitions); Final Round Judge (2013, 2016, & 2017 Competitions, conflicted out of scheduled participation in 2020 Competition)

**National Native American Law Students Association Annual Writing Competition:** Judge (2010, 2013 & 2016 Competitions)

**University of North Dakota School of Law:** Academic Affairs Committee (2004-2005); “What’s Happening in Our Classrooms?” Working Group (2004-2005); State Bar of North Dakota Law Review Student Note Award, Judge (2004-2005); 2006 North Dakota Indian Law Conference, Informal Advisor; Northern Plains Indian Law Center 2005-2006 Speaker Series, Co-Organizer (with Wenona Singel); Diversity Committee/Anti-Racism Taskforce, Chair (2005-2006); Faculty Selection Committee, Member (2005-2006); 2006 North Dakota Indian Law Conference, Co-Organizer (with Wenona Singel)

**PEER REVIEW SERVICE**

**American Indian Law Review – Peer Review Board:** 2008-present

**TRIBAL COURT APPOINTMENTS**

**Grand Traverse Band of Ottawa and Chippewa Indians Appellate Court**

Peshawbestown, MI

*Appellate Judge*—August 2013 to August 2019, November 2020 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)
- *McClellan v. Grand Traverse Band Election Board*, No. 2018-2904-CV-CV (Grand Traverse Band of Ottawa and Chippewa Indians Tribal Judiciary, March 28, 2018)

### **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) (concurrency)
- *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)
- *Moon v. Hoopa Valley Tribe*, No. A-19-004 (Hoopa Valley Tribal Court of Appeals, Jan. 6, 2020)

### **Lac du Flambeau Band of Lake Superior Chippewa Indians**

Lac du Flambeau, Wisconsin

*Judge Pro Tempore*—May 2013 to February 2016

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 (reappointed 2019)

- Member of First Gun Lake Tribal Supreme court—Appointed December 4, 2014 to four-year term; Re-appointed June 15, 2019 to a four-year term

**Nottawaseppi Huron Band of Potawatomi Supreme Court**

Fulton, Michigan

*Associate Justice*—December 2010 to present (reappointed 2014 & 2020)

- Member of First Nottawaseppi Supreme Court—Appointed December 16, 2010 to four-year term; Re-appointed December 11, 2014 to six-year term; Reappointed December 2, 2020 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)
- *Spurr v. Spurr*, No. 17-046APP (Nottawaseppi Huron Band of Potawatomi Supreme Court, Jan. 25, 2018) (tribal jurisdiction confirmed in *Spurr v. Pope*, 936 F.3d 478 (6th Cir. 2019))

**Poarch Band of Creek Indians Supreme Court**

Atmore, Alabama

*Chief Appellate Judge*—April 2009 to present (reappointed 2015 & 2021)

*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)

**Rincon Band of Luiseño Indians**

San Diego County, California

*Appellate Judge*—May 2019 to present

**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)

**Tulalip Tribes**

Tulalip, WA

*Appellate Judge*—December 2018 to present

**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)

<b>PREVIOUS LEGAL EXPERIENCE</b>
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**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](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)

<b>REPRESENTATIVE CASES</b>
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*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)

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#### **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  
*Hoop 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)

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