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**University of Michigan Law School:**

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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**

*Erasing the Thin Blue Line: An Indigenous Proposal*, \_\_ Michigan State Law Review \_\_ (forthcoming 2022), *manuscript availalle at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3680899>

*Lawyering the Indian Child Welfare Act*, 120 Michigan Law Review, No. 8 (forthcoming) (with Wenona T. Singel), *manuscript available at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3946588> (Civil Rights Lawyering symposium)

*Pandemics in Indian Country: The Making of the Tribal State*, \_\_ St. Thomas Law Journal \_\_ (forthcoming 2022), *manuscript available at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3965784> (symposium)

*Uncomfortable Truths about Sovereignty and Wealth*, \_\_ Roger Williams University Law Review \_\_ (forthcoming 2022), *manuscript available at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3985088> (symposium)

**2022**

*Muskrat Textualism*, 116 Northwestern University Law Review 963-1029 (2022)

*Restatement as Aadizookaan*, 2022 Wisconsin Law Review 197-210 (2022) (symposium)

*Intimate Choice and Autonomy: Adoptive Couple v. Baby Girl*, *in* Critical Race Judgments 452-71 (Cambridge Univ. Press, eds. Bennett Capers, Devon Carbado, Robin A. Lenhart, and Angela Onwuachi-Willig) (2022)

**2021**

Restatement of the Law: The Law of American Indians, *Proposed Final Draft* (March 30, 2021)

\* *approved unanimously at* the American Law Institute Annual Meeting (May 17, 2021)

**2020**

The Ghost Road: Anishinaabe Responses to Indian Hating (Fulcrum Publishing, 2020)

\* *reviewed by* Aimée Craft, 7:2 Transmotion Journal 188-90 (2022), *available at* <https://journals.kent.ac.uk/index.php/transmotion/article/view/1046/1978>

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)

\* *cited in* Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021) (en banc) (Dennis, J., lead opinion)

\* *Winner*, Michigan State University College of Law Faculty Scholarship Award (2019)

*Textualism’s Gaze*, 25 Michigan Journal of Race & Law 111-146 (2020)

*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/>

*Buddha, Felix Cohen, and Nanaboozhoo Walk Into a Bar: A Tribute to Frank Pommersheim*, 65 South Dakota Law Review ii-x (2020)

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)

\* *cited extensively in* Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021) (en banc) (Dennis, J., lead opinion)

\* *cited in* Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021) (en banc) (Duncan, J., lead opinion)

\* *cited in* Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021) (en banc) (Costa, J., concurring and dissenting)

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* Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021) (Dennis, J., lead opinion) (en banc)

\* *cited in* Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021) (Costa, J., concurring and dissenting) (en banc)

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

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

*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 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>

*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)

**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>

*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)

*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>

*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>

**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)

\* *cited in* Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021) (Dennis, J., lead opinion) (en banc)

**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>

**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. Schwarzeneggar, 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, 6 Cal. App. 5th 686 (2016) (No. F069302) (Franson, J., concurring and dissenting)

*“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/>

\* *reprinted in* *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)

*A Restatement of the Common Law of the Grand Traverse Band of Ottawa and Chippewa Indians*, 7 Tribal Law Journal 1 (2006-2007) (with Zeke Fletcher), *available at* <http://tlj.unm.edu>

*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-oamtc-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), *available at* <http://works.bepress.com/matthew_fletcher/16/>

*Stick Houses in Peshawbestown*, 2 Cardozo Public Law, Policy, and Ethics Journal 189-287 (2004), *available at* <http://works.bepress.com/matthew_fletcher/2/>

**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)

*Sawnawgezewog: “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)

\* *cited and quoted in* Amicus Curiae Brief of University of Michigan Asian Pacific American Law Students, University of Michigan Black Law Students’ Alliance, University of Michigan Latino Law Students Association, and the University of Michigan Native American Law Students Association, Grutter v. Bollinger, 539 U.S. 306 (2003) (No. 02-241)

**Working Papers and Unpublished Manuscripts**

*The Rise and Fall of the Ogemakaan*, *available at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3535656> (symposium)

*Systemic Racism and the Dispossession of Indigenous Wealth in the United States* (Nov. 20, 2021), *available at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3946559>

*On Becoming an American Indian Law Professor: 2021 Update* (Nov. 16, 2021), *available at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3930158>

*Tribal Disruption and Labor Relations* (2017) (with Kathryn E. Fort & Wenona T. Singel), *manuscript available at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2401711>

*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>

*“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>

*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>

*“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>

**Bar Journal and Miscellaneous Articles**

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

*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)

*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

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)

\* *quoted in* United States v. Cooley, \_\_ U.S. \_\_, 141 S. Ct. 1638 (2021)

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

*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)

*Plains Commerce Bank v. Long Family Land and Cattle Co., Inc.*, American Bar Association Preview of United States Supreme Court Cases, Vol. 35, No. 7, April 14, 2008, at 329-332

*The Supreme Court and the Rule of Law: Indian Law Case Studies*, 55 Federal Lawyer, March/April 2008, at 26-33

\* *cited in* MacArthur v. San Juan County, 556 F. Supp. 2d 1239 (D. Utah 2008)

*Reviving Local Tribal Control in Indian Country*, 53 Federal Lawyer, March/April 2006, at 38-44

United States v. Lara*: Affirmation of Tribal Criminal Jurisdiction over Nonmember Indians*, 83 Michigan Bar Journal, July 2004, at 24-27

**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 Ṡa 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))

Book Review, 36:1 American Indian Culture and Research Journal 195-97 (2012) (reviewing Hybrid Constitutions: Challenging Legacies of Law, Privilege, and Culture (2010))

Book Review, 82:1 Pacific Historical Review 140-41 (2013) (reviewing Adrea Lawrence, Lessons from an Indian Day School: Negotiating Colonization in Northern New Mexico, 1902-1907 (2011))

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))

Book Review, 28:3 Studies in American Indian Literatures 117-119 (Fall 2016) (reviewing Sarah Deer, The Beginning and End of Rape: Confronting Sexual Violence in Native America (2015))

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))

Book Review, 38:1 Canadian Journal of Native Studies 235-37 (2018) (reviewing Claiming Turtle Mountain’s Constitution: The History, Legacy, and Future of a Tribal Nation's Founding Documents (2017)

*On Disenrollment*, Book Review, 5:1 Transmotion 237-241 (2019) (reviewing David E. Wilkins & Shelly Hulse Wilkins. Dismembered: Native Disenrollment and the Battle for Human Rights (2017)), *available at* <https://journals.kent.ac.uk/index.php/transmotion/article/view/763/1515>

*The Law of Genocide and Indigenous Peoples*, Book Review Essay, 77 National Lawyers Guild Review, Spring 2020, at 38-42 (reviewing Laurelyn Whitt and Alan W. Clarke, North American Genocides: Indigenous Nations, Settler Colonialism, and Internanational Law (Cambridge University Press 2019))

**Encyclopedia Entries**

*Native Americans*, *in* Oxford Handbook of the United States Constitution 695-716 (Mark Tushnet, Sanford Levinson & Mark Graber, eds.) (2015)

*Indian Law, Federal*; *Indian Law, Tribal*, *in* Oxford American Legal and Public Policy History (2012)

*Ottawa Removal*; *Potawatomi Removal*; *Saginaw Chippewa Removal*, *in* 1 Encyclopedia of American Indian Removal 163-167, 175-180, 195-97 (Daniel F. Littlefield, Jr. and James W. Parins, eds. 2011)

*Native American Law*, *in* 4 Oxford International Encyclopedia of Legal History 206-14 (Stanley N. Katz, ed. 2009)

*U.S. Indian Policy: Congress and the Executive, 1960*—; *U.S. Congress*; *Constitutions, American Indian*; *Homestead Act of 1862*; *Indian Removal Act (1830)*, *in* 1 Encyclopedia of United States Indian Law and Policy 39-43, 212-16, 221-23, 377-78, 424-25 (Paul Finkelman and Tim Alan Garrison eds. 2009)

*Jackson, Andrew*; *Menominee Tribe v. United States (1968)*; *Plenary Power Doctrine*; *Religious Freedom*; *States’ Rights*; *Talton v. Mayes (1896)*; *Trade and Intercourse Acts*; *United States v. Washington (1974)*; *U.S. Supreme Court and Indian Policy, 1966-1977*; *Williams v. Lee (1959)*, *in* 2 Encyclopedia of United States Indian Law and Policy 457-59, 531-32, 627-28, 654-57, 734-35, 741-42, 762-64, 802-03, 824-28, 865 (Paul Finkelman and Tim Alan Garrison eds. 2009)

*American Indian Religious Freedom Act of 1978*; *Drug Testing*, *in* 1 Encyclopedia of American Civil Liberties 51-52, 452-53 (Routledge 2006)

*Indian Bill of Rights*; *Santa Clara Pueblo v. Martinez*, *in* 2 Encyclopedia of American Civil Liberties 806-810, 1141-42 (Routledge 2006)

**Commentaries, Editorials, and Op-Eds**

*Indian Tribes Are Governing Well. It’s the States That Are Failing*, Washington Monthly, Sept. 30, 2021, *available at* <https://washingtonmonthly.com/2021/09/30/indian-tribes-are-governing-well-its-the-states-that-are-failing/>

*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/>

*How the ‘only family’ argument is used against Indigenous families*, High Country News, July 9, 2020, *available at* <https://www.hcn.org/articles/indigenous-affairs-justice-how-the-only-family-argument-is-used-against-indigenous-families>

*The Necessity for the Indian Child Welfare Act*, The Atlantic, January 22, 2020, *available at* <https://www.theatlantic.com/ideas/archive/2020/01/fifth-circuit-icwa/605167/> (with Leah Litman)

Rory Taylor, *6 Native Leaders on what it would look like if the US kept its promises*, VOX (Sept. 23, 2019), <https://www.vox.com/first-person/2019/9/23/20872713/native-american-indian-treaties> (interview)

*Why Justice Anthony Kennedy wasn’t good for Indian Country: The retiring Supreme Court justice leaves a legacy of anti-tribal votes*, High Country News, July 6, 2018, *available at* <https://www.hcn.org/articles/tribal-affairs-why-justice-anthony-kennedy-wasnt-good-for-indian-country>

*A Look At the Impact of Lewis v. Clarke Thus Far*, Law360.com, May 16, 2017, *available at* <https://www.law360.com/nativeamerican/articles/924746/a-look-at-the-impact-of-lewis-v-clarke-thus-far>

*New Divisions In Indian Country Over Energy Justice*, Law360.com, May 2, 2017, *available at* <https://www.law360.com/nativeamerican/articles/918997/new-divisions-in-indian-country-over-energy-justice>

*Indian Country and Climate Change After DAPL*, Law360.com, February 27, 2017, *available at* <https://www.law360.com/articles/895757>

*A Look At The Next Four Years In Indian Affairs*, Law360.com, January 19, 2017, *available at* <https://www.law360.com/articles/882778>

*The Consequences of Divide-and-Conquer:* Carcieri *Redux*, Law360.com, November 17, 2016, *available at* <http://www.law360.com/nativeamerican/articles/863981/the-consequences-of-divide-and-conquer-carcieri-redux>

*Supreme Court case could expose Indian tribes to new legal risks*, The Conversation, November 13, 2016, *available at* <https://theconversation.com/supreme-court-case-could-expose-indian-tribes-to-new-legal-risks-66728>

*Repeating the Mistakes of the Past in “The New Trail of Tears”*, LA Review of Books, October 21, 2016, *available at* <https://lareviewofbooks.org/article/repeating-mistakes-past-new-trail-tears/>

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

*The Right Side Of History: Obama’s Administration and DAPL*, Law360.com, September 12, 2016, *available at* <http://www.law360.com/nativeamerican/articles/838746/the-right-side-of-history-obama-s-administration-and-dapl>

*A History Lesson*, Cato Unbound, August 30, 2016, *available at* <http://www.cato-unbound.org/2016/08/30/matthew-l-m-fletcher/history-lesson>

*The Next Justice’s Impact On The Indian Child Welfare Act*, Law360.com, August 23, 2016, *available at* <http://www.law360.com/nativeamerican/articles/831566/the-next-justice-s-impact-on-the-indian-child-welfare-act>

*A Civics Lesson*, Cato Unbound, August 19, 2016, *available at* <http://www.cato-unbound.org/2016/08/19/matthew-l-m-fletcher/civics-lesson>

*Limit Government Intrusion in Indian Families’ Lives*, Cato Unbound, August 5, 2016, *available at* <http://www.cato-unbound.org/2016/08/05/matthew-l-m-fletcher/limit-government-intrusion-indian-families-lives>

*American Indians Seek Control, Not Just Payment*, New York Times, June 9, 2014, *available at* <http://www.nytimes.com/roomfordebate/2014/06/08/are-reparations-due-to-african-americans/american-indians-seek-control-not-just-reparations>

*Commentary on Purpose and Function of a Constitution*, Anishinaabeg Times, July 2013, *available at* <http://www.whiteearth.com/data/upfiles/files/July_3,_2013.pdf>

*This Case is Not about Race*, New York Times, January 24, 2013

*Cherokee Nation: Underhanded Racial Politics*, New York Times, September 15, 2011 (originally known as “A Weak Sovereign”)

*Sotomayor could make a difference*, Indian Country Today, Aug. 14, 2009, at 4 (lead editorial)

*Decision’s In – ‘Now’ begins work to fix* Carcieri, Indian Country Today, Feb. 26, 2009, at 4 (lead editorial)

*Growing threat to land-in-trust statute*, Indian Country Today, May 14, 2008, at 5

*Tribes’ economic plans stifled by policy*, Indian Country Today, February 1, 2008, at 5

*Supreme Court’s clerks find Indian law unimportant*, Indian Country Today, December 28, 2007, <http://www.indiancountry.com/content.cfm?id=1096416372>

*An immigration policy solution for tribal governments*, Indian Country today, September 14, 2007, at A3

*‘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

*The U.S. Attorney Mess and Indian Country*, Indian Country Today, March 30, 2007, at A3

*The Supreme Court’s shrinking Indian law caseload*, Indian Country today, February 9, 2007, at A3

*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

**Presentations: 2020-2022**

**2022**

**University of Washington School of Law, Washington Law Review, and American Law Institute – Symposium on the Restatement of the Law of American Indians:** “Remarks on the Restatement of the Law of American Indians,” virtual (April 21, 2022)

**Federal Bar Association Annual Indian Law Conference:** “Indigenous Political Theory and the Environment,” Sandia Pueblo (April 7, 2022)

**University of South Dakota Native American Law Students Association:** “Gawiin Ganabaj Aanikanoowiinewtawa (Only They Can’t Interpret It),” Keynote Address, virtual (March 22, 2022)

**Michigan State University College of Law – Hop Topics in Law Series:** The Legacy of Justice Breyer panel, virtual (March 15, 2022)

**University of Wisconsin Indigenous Law Students Association – 36th Annual Coming Together of Peoples Conference:** “Indian Law and SCOTUS: The Next 35 Years,” virtual (March 4, 2022)

**Columbia Law School Law, Rights & Religion Project and Native American Law Students Association:** “Faith and Native Communities: Fighting for Freedom of – and from – Religion,” virtual (Feb. 24, 2022) (with April Youpee-Roll)

**Michigan Law Review:** “New Visions of Civil Rights Lawyering” Colloquium, Ann Arbor, MI (Feb. 18, 2022) (with Wenona Singel)

**U.C. San Francisco Law School:** “Federal Indian Law after the Notorious R.B.G. and the Not-So-Notorious S.G.B.,” Indigenous Law Center Visiting Professor of Law Public Lecture, virtual (Feb. 17, 2022)

**2021**

**Maine Law School Indian Law and History Lecture:** virtual (Nov. 19, 2021)

**University of Detroit Mercy Law School – Current Issues in Indigenous Law:** panelist, virtual (Nov. 17, 2021)

**National Council of Juvenile and Family Court Judges:** ICWA, VAWA, and Tribal Courts, virtual (Nov. 15, 2021)

**Cleveland Metropolitan Bar Association:** Indian Child Welfare Act CLE, virtual (Nov. 15, 2021)

**Wisconsin Law Review Symposium – The Restatement of the Law of American Indians:** Keynote and Closing Speaker, Madison, WI (Nov. 5-6, 2021)

**Tribal In-House Counsel Association Annual Conference:** “Tribal Traditional Law in Practice” panel and “Egregious Misconduct” ethics panel, virtual (Nov. 4-5, 2021)

**Windsor Law School Indigenous Legal Orders:** Guest Speaker, virtual (Oct. 29, 2021) (with Wenona Singel)

**Michigan State University College of Law Fall Faculty Webinar:** “Defending the Indian Child Welfare Act” panel, virtual (Oct. 29, 2021) (with Wenona Singel and Kate Fort)

**National American Indian Court Judges Association Annual Conference:** “Turtle Talk Live” panel, virtual (October 20, 2020) (with Kate Fort)

**Federal Reserve Bank – Racism and the Economy: Focus on the Wealth Divide:** Speaker, virtual (Oct. 20, 2021)

**Roger Williams University Law Review Symposium:** “An Uncomfortable Truth: Indigenous Communities and Law in New England,” Keynote Speaker, virtual (Oct. 22, 2021)

**Michigan State University College of Law Native American Law Students Association:** “Indian Law 101,” virtual (Oct. 11, 2021)

**University of Colorado Law School – Indian Law Program:** “Lawyering the Indian Child Welfare Act,” Boulder, CO (Oct. 7, 2021) (with Wenona Singel)

**Touro Law School – The Life and Work of Robert M. Cover:** “Nomos and Jurisgenesis in American Law and Society” panel, virtual (Oct. 5, 2021)

**Second Annual Virtual Peacemaking Colloquium:** Respondent to Keynote Speaker, virtual (Sept. 30, 2021)

**Arizona State O’Connor College of Law – Transforming the Legal Academy:** “Becoming Law Professor” panel, virtual (Sept. 24, 2021)

**American Constitution Society:** “Founding Failures: Indian Country’s Sovereignty and Subordination,” virtual (Sept. 17, 2021)

**Michigan State Bar, Indian Law Section:** “Restatement of the Law of American Indians,” Battle Creek, MI (Sept. 8, 2021)

**National Council of Juvenile and Family Court Judges:** “Federal Indian Law Update and Impact on Tribal-State Courts” panel, St. Louis, MO (July 20, 2021)

**University of Michigan Law School Fawley:** United States v. Cooley, Ann Arbor, MI (July 13, 2021)

**National Writers Series:** Interview of Dr. Robin Wall Kimmerer, Author of *Braiding Sweetgrass*, virtual (June 10, 2021)

**Cornell-Yale Native American Law Student Associations Joint Indigenous Nations & Climate Change Summit:** Panelist, virtual (April 22, 2021)

**University of St. Thomas Law Journal Spring 2021 Virtual Symposium – Preparing for the Next Pandemic: Learning from the Past and the Present:** Commentator, virtual (April 22, 2021)

**University of Cincinnati College of Law – 2021 Inaugural Morelli Colloquy:** “Belonging and Difference: Interdisciplinary Perspectives” Panel, virtual (April 8, 2021)

**American Bar Association – Section of Environment, Energy, and Resources (SEER):** “McGirt v. Oklahoma: One Tribe, One Treaty?” panel, virtual (March 31, 2021)

**University of Michigan Law School – Native American Law Students Association:** Preview Weekend presentation, virtual (March 26, 2021)

**American Constitution Society – District of Columbia:** “Sovereignty and Status Series: Tribal Nations Today,” virtual (March 25, 2021)

**SMU Law School STAR Justice:** “Understanding McGirt v. Oklahoma: Tribal Sovereignty and Federal Courts” panel, virtual (March 17, 2021)

**University of Wisconsin Law School, Indigenous Law Students Association (Wisconsin) – 35th Annual Coming Together of Peoples Conference:** “Tribal Powers & Responses to COVID-19” panel, virtual (Mar. 12, 2021)

**Windsor Law School Indigenous Legal Orders:** Guest Speaker, virtual (March 8, 2021) (with Wenona Singel)

**U.C. Hastings Law School Indigenous Law Center:** “The Impact of COVID on Native and Indigenous Communities” panel, virtual (February 10, 2021)

**University of Miami Law School, Environmental Law Society:** “Indigenous Peoples, Native Nations, and Environmental Law and Policy” panel, virtual (February 9, 2021)

**Tulsa Law School, Native American Law Student Association:** “McGirt 6 Months Out: What’s Happening and What’s on the Horizon,” virtual (January 27, 2021)

**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)

\* *transcript available at* Panel Discussion: Remarks of David Crossman and Professor Matthew Fletcher, Moderated by Professor Ciji Dodds, 31 Alb. L. J. of Sci. & Tech. 164 (2021)

**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)

**Academic Appointments: Full-Time**

**University of Michigan Law School:** Harry Burns Hutchins Collegiate Professor of Law (August 2022 to present)

**University of Michigan College of Literature, Science, and the Arts:** Professor of American Culture (August 2022 to present)

**Classes Taught (UM LS&A)**

Tribal Law (expected Winter 2023)

**Michigan State University College of Law:** Foundation Professor (July 2020 to June 2022); Full Professor (July 2011 to June 2021); 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), *renamed* Tribal Law (Spring 2017, Spring 2018, Spring 2021, Spring 2022)

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, Fall 2021)

Foundations of Law (Fall 2011, Fall 2012, Fall 2013, Fall 2014, Fall 2015, Fall 2016, Fall 2017, Fall 2018, Fall 2019, Fall 2020, Fal 2021)

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)

King Scholars Seminar (Spring 2018, Spring 2019)

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

Professional Responsibility (Fall 2018, Spring 2020, Spring 2021, Spring 2022)

**Awards and Grants (MSU)**

Summer Research Stipend (2006 – 2022)

Michigan State University College of Law Faculty Scholarship Award (2019)

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

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

**University of North Dakota School of Law:** Assistant Professor (June 2004 to May 2006); Director, Northern Plains Indian Law Center (June 2004 to May 2006)

**Classes Taught (UND)**

Federal Indian Law (Fall 2004)

Contracts (Spring 2005; Fall-Spring 2005-2006)

Tribal Law (Spring 2005, Spring 2006)

**Awards and Grants (UND)**

University of North Dakota New Faculty Scholar Award (2005)

University of North Dakota School of Law Summer Research Grant (2005)

**Academic Appointments:**

**Visiting, Courtesy, or Part-Time**

**American Indian Law Center Pre-Law Summer Institute**

Instructor – Federal Indian Law (Summer 2005; Summer 2010; Summer 2015, Summer 2018, Summer 2021)

**Hastings College of the Law:** Inaugural Visiting Professor of Law, Indigenous Law Center (2021-2022), teaching Tribal Law (Spring 2022)

**Michigan State University – American Indian and Indigenous Studies**

(formerly American Indian Studies Program)

Affiliated Faculty (September 2006 to present)

**Stanford Law School:** Visiting Professor (May 2019; May 2021), teaching Tribal Law

**Turtle Mountain Community College:** Adjunct Professor – Contracts/Torts (Fall 2005)

**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 courses)

**University of Michigan Law School:** Visiting Professor, teaching Federal Indian Law (Winter 2011, Fall 2013, Fall 2015, Fall 2017, Fall 2019, Fall 2020, Fall 2021); teaching Tribal Law (Winter 2021); teaching Problem Solving Initiative (Winter 2022)

**University of Montana School of Law:** Visiting Professor (Summer 2016, Summer 2017, Summer 2019, 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)

**Service**

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

Report: Ending Violence so Children Can Thrive (Nov. 2014), *available at* <https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>

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

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

**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 (2012-2022)

**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)

**For Love of Water – Advisory Board:** Board Member (2021-present)

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

**Michigan Humanities Counsel – Advisory Board:** Booard Member (2019-2021)

**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 (2015-2016, 2020-2021, chair); 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, 2020-2021, 2021-2022); 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)

**National Judicial College, National Tribal Judicial Center:** Tribal Advisory Board Member (2018 to 2021)

**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; invited, 2021 Competition)

**National Native American Law Students Association Annual Writing Competition:** Judge (2010, 2013, 2016 & 2020 Competitions)

**Ogichidaa Award Foundation:** Vice-President (2006-2007); Board of Directors (2004-2008)

**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)

#### Tribal Court Appointments

**Cabazon Band of Mission Indians**

Riverside County, CA

*Appellate Justice*—April 2021 to present

Authored Opinions:

* *Cabazon Band of Mission Indians v. Lexington Insurance Co.*, No. CBBI 2020-0103 (Cabazon Reservation Court of Appeals, November 2021)

**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)
* *Ance Berry v. Grand Traverse Band of Ottawa and Chippewa Indians*, No. 2019-31-APP (Grand Traverse Band of Ottawa and Chippewa Indians Tribal Appellate Court, June 25, 2021)
* *Sams v. Shananaquet*, Nos. 2021-32-AP & 2021-33-AP (Grand Traverse Band of Ottawa and Chippewa Indians Tribal Appellate Court, Feb. 28, 2022)

**Hoopa Valley Tribal Court of Appeals**

Hoopa, California

*Appellate Judge*—February 2006 to present

Authored Opinions:

* *Ferris v. McCovey*, 7 NICS App. 123, No. C-02-044/A-06-001 (Hoopa Valley Tribal Court of Appeals, November 16, 2006) (per curiam)
* *Hodge v. Hoopa Valley Wildfire Suppression*, 7 NICS App. 159, No. T-05-06/A-06-002 (Hoopa Valley Tribal Supreme Court, December 21, 2006) (per curiam)
* *Cooper v. Hoopa Valley Tribal Council*, 8 NICS App. 35, No. C-03-065/AA-06-001/A-07-001 (Hoopa Valley Tribal Court of Appeals, December 20, 2007)
* *Joseph v. Ingram-Marshall*, 9 NICS App. 55, No. PO-09-019/A-09-003 (Hoopa Valley Tribal Court of Appeals, February 9, 2010)
* *Hoopa Valley Tribe v. Marshall*, 10 NICS App. 111, No. C-10-002/A-10-001 (Hoopa Valley Tribal Court of Appeals, June 11, 2012) (concurring opinion)
* *Hoopa Valley Tribe v. Jones*, Order Denying Motion to Dismiss and Motion for Sanctions, No. A-12-002 (Hoopa Valley Tribal Court of Appeals, July 15, 2013) (unpublished order signed by Chief Judge)
* *Hoopa Valley Tribe v. Jones*, 10 NICS App. 100, No. C-12-042/A-12/002 (Hoopa Valley Tribal Court of Appeals, July 30, 2013)
* *Cummings v. K’ima:w Medical Center*, No. A-14-004 (Hoopa Valley Tribal Court of Appeals, October 1, 2014) (concurrence)
* *Grant v. Rickaby*, No. A-16-001 (Hoopa Valley Tribal Court of Appeals, Sept. 9, 2016)
* *Bernardo v. Hoopa Valley Tribe*, No. A-17-001 (Hoopa Valley Tribal Court of Appeals, July 19, 2017)
* *Frank v. Jackson*, No A-17-002 (Hoopa Valley Tribal Court of Appeals, Oct. 4, 2017)
* *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; April 2021 to present

Authored Opinions:

* *Lower Elwha Housing Authority v. Francis*, No. 2020-CV-LEHA-0002-COA (Lower Elwha Court of Appeals, November 2021)

**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)
* *Matter of 2019 Recall Election Requirement* (No. CV-19-009) (Mashpee Wampanoag Tribal Court 2019)
* *Matter of 2019 Recall Election* (No. CV-09-012) (Mashpee Wampanoag Tribal Court, Sept. 11, 2019)
* *Matter of Judicial Advisory Opinion Regarding 2021 Regular Election* (No. CV-21-002) (March 1, 2021)

**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)

* Member of First Nottawaseppi Supreme Court—Appointed December 16, 2010 to four-year term; Re-appointed December 11, 2014 to six-year term; Re-appointed December 10, 2021 to six-year term)

Authored Opinions:

* *Spurr v. Nottawaseppi Huron Band of Potawatomi Indians*, No. 12-005APP (Nottawseppi Huron Band of Potawatomi Supreme Court, Feb. 21, 2012)
* *Spurr v. Spurr*, No. 17-046APP (Nottawseppi Huron Band of Potawatomi Supreme Court, Jan. 25, 2018) (tribal jurisdiction confirmed in Spurr v. Pope, 936 F.3d 478 (6th Cir. 2019))
* *Wright v. Nottawaseppi Huron Band of the Potawatomi*, No. 21-154-APP (Nottawseppi Huron Band of Potawatomi Supreme Court, \_\_ 2022)

**Poarch Band of Creek Indians Supreme Court**

Atmore, Alabama

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

*Appellate Judge Pro Tem*—July 2008 to April 2009

Authored Opinions:

* *Poarch Band of Creek Indians v. English* (Poarch Band of Creek Indians Supreme Court, September 2008) (per curiam)
* *White v. Poarch Band of Creek Indians I* (Poarch Band of Indians Supreme Court, May 2011)
* *White v. Poarch Band of Creek Indians III* (Poarch Band of Indians Supreme Court, August 2013)
* *Carter v. Creek Casino Montgomery* (Poarch Band of Indians Supreme Court, August 2016)
* *Colbert v. McGhee* (Poarch Band of Indians Supreme Court, February 2017)
* *Miller v. Rolin* (Poarch Band of Indians Supreme Court, November 2021)

# Pokagon Band of Potawatomi Indians Tribal Court of Appeals

Dowagiac, Michigan

*Appellate Judge*—February 2003 to present

*Chief Appellate Justice*—February 2022 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)

**Previous Legal Experience**

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

Peshawbestown, MI

*Staff Attorney* – October 2001 to May 2004

*Contract Attorney* – May 2004 to present (intermittent)

Representative Duties:

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

**Suquamish Tribe**

Suquamish, WA

*Staff Attorney* – June 2001 to October 2001

*Contract Attorney* – April 2001 to June 2001

**Hoopa Valley Tribe**

Hoopa, CA

*Deputy Tribal Attorney* – July 2000 to October 2000

*Acting Senior Tribal Attorney* – October 2000 to February 2001

**Pascua Yaqui Tribe of Arizona**

Tucson, AZ

*Deputy Tribal Attorney* – June 1998 to November 1999

# National Wildlife Federation—Great Lakes Natural Resources Center

213 W. Liberty, Suite 200

Ann Arbor, Michigan 48104-1398

*Legal Intern*—Summer 1996

* Assisted on N.W.F. briefs in *American Iron and Steel Inst. v. Environmental Protection Agency*, 115 F.3d 979 (D.C. Cir. 1997), and *Rivers Unlimited, Inc. v. Schregardus*, 86 Ohio Misc. 2d 78, 685 N.W.2d 603 (Ohio Ct. Com. Pl. 1997).
* Drafted complaint and performed case research in project involving wetlands in the City of Superior Special Area Management Plan

# United States District Court for the Eastern District of Michigan

**Magistrate Donald Scheer**

Theodore Levin United States Courthouse

231 W. Lafayette Blvd.

Detroit, Michigan 48226

*Judicial Clerk—*Summer 1995

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

**Representative Cases**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Amicus Briefs**

Brief of *Amicus Curiae* Grand Traverse Band of Ottawa and Chippewa Indians et al., *Taxpayers of Michigan against Casinos v. State of Michigan*, 471 Mich. 306, 685 N.W.2d 221 (Mich. 2004) (drafted amicus brief for Grand Traverse Band of Ottawa and Chippewa Indians and four other tribes)

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

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

Brief of Law Professors Specializing in Federal Indian Law, *Carcieri v. Salazar*, 555 U.S. 379 (2009) (No. 07-526), *available at*

<http://www.narf.org/sct/carcieri/merits/law_professors.pdf> (amicus)

Brief of Amicus Curiae National Congress of American Indians et al., *Ottawa Tribe of Oklahoma v. Logan*, 577 F.3d 634 (6th Cir. 2009) (No. 08-3621), *available at* <http://turtletalk.files.wordpress.com/2008/09/02-brief-amici-curiae.pdf> (signed amicus brief on behalf of Grand Traverse Band of Ottawa and Chippewa Indians)

Brief of *Amici Curiae* American Indian Studies Professors Dr. Suzanne L. Cross and Dr. K. Tsianina Lomawaima, *A.A. v. Needville Independent School District*, 611 F.3d 248 (5th Cir. 2009) (No. 09-20091), *available at*

<http://turtletalk.files.wordpress.com/2009/06/needville-historian-amicus-brief.pdf> (primary drafter)

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

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

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

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

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

Brief of Amici Curiae American Indian Law Scholars, *Te-Moak Tribe of Western Shoshone Indians of Nevada v. United States Dept. of Interior*, 565 Fed.Appx. 665 (9th Cir.) (No. 12-15412), *available at* <http://turtletalk.files.wordpress.com/2012/06/ecf-amicus-brief.pdf> (amicus)

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

Brief of Amicus Curiae American Indian Law Scholars, *Little River Band of Ottawa Indians Tribal Government v. National Labor Relations Board* (6th Cir.) (Nos. 13-1464/13-1583), *available at* <http://turtletalk.files.wordpress.com/2013/07/2013-07-16-american-indian-law-scholars-amicus-brief.pdf> (amicus and co-drafter) [no opinion issued]; *refiled in* *National Labor Relations Board v. Little River Band of Ottawa Indians Tribal Government*, 877 F.3d 537 (6th Cir. 2015) (No. 14-2239),

Brief of Amicus Curiae American Indian Law Scholars, *Saginaw Chippewa Indian Tribe v. National Labor Relations Board* (6th Cir.) (Nos. 13-1569 & 13-1629), 2013 WL 6705219 (amicus and co-drafter) [no opinion issued]; *refiled in* *Soaring Eagle Casino v. National Labor Relations Board*, 791 F.3d 648 (6th Cir.) (Nos. 14-2405, 14-2558)

Brief of Amicus Curiae American Indian Law Scholars, *Chickasaw Nation v. National Labor Relations Board* (10th Cir.) (Nos. 13-9588, 13-9578), 2013 WL 6777206 (amicus and co-drafter) [no opinion issued]

Professor Amicus Brief, *United States v. Washington*, 853 F.3d 946 (9th Cir.) (Nos. 13-35474, 13-35519), 2014 WL 534789 (amicus)

Brief of Amicus Curiae Indigenous Law and Policy Center, *Two Shields v. Wilkinson*, 790 F.3d 791 (8th Cir.) (No. 13-3773), 2014 WL 906040 (amicus and co-drafter)

Indian Law Professors’ Amicus Brief in Support of Intervenor Eastern Shoshone Tribe and In Favor of Affirmance Of Agency Action, *Wyoming v. Environmental Protection Agency*, 875 F.3d 505 (10th Cir.) (Nos. 14-9512, 14-9514), *available at* <https://turtletalk.files.wordpress.com/2014/10/wyoming-v-epa-10th-circuit-law-professor-brief.pdf> (amicus)

Brief of Amici Curiae Scholars of Statutory Interpretation and Native American Law in Support of Petitioners, *Sac and Fox Nation v. Borough of Jim Thorpe*, \_\_ U.S. \_\_, 136 S.Ct. 84 (Mem) (2015) (No. 14-1419), *available at* <https://turtletalk.files.wordpress.com/2015/07/15-07-02-scholars-amicus-brief-sac-fox-nation-v-borough-of-jim-thorpe-no-14-1419.pdf> (amicus)

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

\* *cited in* Peter d’Errico, Indigenous Lèse-majesté: Questioning U.S. Federal Indian Law, 19:2 New Diversities (2017), *available at* <http://newdiversities.mmg.mpg.de/wp-content/uploads/2018/01/2017_19-02_06_Errico.pdf>

Brief of the Indigenous Law & Policy Center at Michigan State University College of Law as Amicus Curiae in Support of Defendant-Appellant, *Star Tickets v. Chumash Casino Resort*, 878 N.W.2d 291 (Mich. 2016) (No. 152753), *available at* <https://turtletalk.files.wordpress.com/2016/02/chumash-casino-amicus-final.pdf> (amicus)

Brief of Amici Curiae Native American Organizations in Support of Appellees, *Pro-Football, Inc. v. Blackhorse*, 709 Fed.Appx. 182 (4th Cir. 2016) (No. 15-1874), *available at* <https://turtletalk.files.wordpress.com/2016/02/59blackhorse.pdf> (amicus)

Brief of Amici Curiae Federal Indian Law Professors et al. in Support of Petitioner, Shinnecock Indian Nation v. State of New York, \_\_ U.S. \_\_, 136 S.Ct. 2512 (Mem) (No. 15-1215), *available at* <https://turtletalk.files.wordpress.com/2016/04/15-1215acfederalindianlawprofessors.pdf> (author and amicus)

Brief of Amici Curiae Federal Courts and Federal Indian Law Scholars in Support of Respondents, Patchak v. Zinke, \_\_ U.S. \_\_, 138 S.Ct. 897 (2018) (No. 16-498), 2017 WL 4483910, *available at* <https://turtletalk.files.wordpress.com/2017/09/16-498-bsac-fed-cts-and-indian-law-scholars.pdf> (amicus and co-author)

\* *cited in* Patchak v. Zinke, \_\_ U.S. \_\_, 138 S.Ct. 897 (2018) (Breyer, J., concurring)

Brief of Indian Law Scholars as Amici Curiae in Support of Petitioners, Poarch Band of Creek Indians v. Wilkes, \_\_ U.S. \_\_ (No. 17-1175), 2018 WL 1517866 (author and amicus)

Brief of Law Professors as Amici Curiae in Support of Petitioners, Northern Arapaho Tribe v. Wyoming, \_\_ U.S. \_\_ (Nos. 17-1159, 17-1164), 2018 WL 1512311 (amicus)

Amicus Brief of Indian Law Scholars in Opposition to Plaintiffs’ Motion For Summary Judgment, Brackeen v. Zinke (N.D. Tex.) (No. 4:17-CV-00868-O) (author and amicus), *available at* <https://turtletalk.files.wordpress.com/2018/05/108-amicus-brief.pdf>

Brief of Amici Curiae Indian Law Professors in Support of Petitioner, Herrera v. Wyoming, \_\_ U.S. \_\_ (No. 17-532), 2018 WL 4405432 (amicus)

Brief of Indian Law Scholars as *Amici Curiae* in Support of Defendants, Brackeen v. Haaland, 994 F.3d 249 (5th Cir.) (en banc) (No. 18-11479), *available at* <https://turtletalk.files.wordpress.com/2019/01/indian-law-scholars-amicus-as-filed.pdf> (co-author and amicus)

\* *cited in* Brackeen v. Haaland, 994 F.3d 249 (5th Cir. 2021) (Costa, J., concurring and dissenting) (en banc)

\* *cited in* Reply Brief of Intervenor Navajo Nation, Brackeen v. Bernhardt, 994 F.3d 249 (5th Cir.) (en banc) (No. 18-11479), available at <https://turtletalk.files.wordpress.com/2019/02/2019.02.19-3-navajo-reply-br.pdf>

\* *quoted in* Michael Doran, *The Equal Protection Challenge to Federal Indian Law*, 6 U. Pa. J. L. & Pub. Aff. 1 (2020)

Memorandum of Amici Curiae American Indian Law Professors, The Center For Indian Law & Policy, and The Fred T. Korematsu Center For Law and Equality In Support Of Review, In re the Dependency of Z.L.G. and M.G., \_\_ P.3d \_\_ (Wash.) (No. 98003-9), 2020 WL 2063674 (co-author and amicus)

Brief of Amici Curiae Law Professors in Support of Plaintiff/Appellant and Reversal, Navajo Nation v. Dept. of the Interior, \_\_ F.4th \_\_ (9th Cir.) (No. 19-17088), 2020 WL 1171707 (co-author and amicus)

Brief in Amici Curiae American Indian Law Professors, The Center For Indian Law & Policy, The Fred T. Korematsu Center For Law and Equality, and American Civil Liberties Union of Washington, In Re Dependency of Z.J.G. and M.E.J.G., 471 P.3d 853 (Wash.) (No. 98003-9), 2020 WL 3270279 (co-author and amicus)

Brief for Amici Curiae Law Professors Gregory Ablavsky and Matthew L.M. Fletcher on behalf of Petitioner Navajo Nation, In the Interest of Y.J. (Texas S. Ct.) (No. 20-0081)

Brief on Behalf of Amici Curiae Professors of Federal Indian Law in Support of Appellees (Affirmance), In re Coughlin, \_\_ F.4th \_\_ (1st Cir.) (No. 21-1153), available at <https://turtletalk.files.wordpress.com/2021/07/2021-07-22-amici-professors-of-federal-indian-law-brief-1st-cir-docket-no-21-1153.pdf> (amicus)

**Legislative Testimony and Commission Reports**

*Legislative Hearing*, Hearing before the House of Representatives Resources Natural Committee, Indigenous Peoples Subcommittee, 116th (May 20, 2021) (on the Requirements, Expectations, and Standard Procedures for Executive Consultation with Tribes Act discussion draft)

\* *cited in* Aila Hoss, *Securing Tribal Consultation to Support Tribal Health Sovereignty*, 14 Ne. U. L. Rev. 155 (2022)

*Legislative Hearing*, Hearing before the House of Representatives Resources Natural Committee, Indigenous Peoples Subcommittee, 115th Cong. (April 3, 2019) (on the Requirements, Expectations, and Standard Procedures for Executive Consultation with Tribes Act discussion draft), *available at* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3370368>

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

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

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

\* *cited in* Laura C. Saylor, Note, *Back to Basics: Special Domestic Violence Jurisdiction in the Violence against Women Reactivation Act of 2013 and the Expansion of Inherent Tribal Sovereignty*, 2014 Cardozo L. Rev. de novo 1 (2013)

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

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

**Bar Memberships**

Michigan – 1997 to present (Bar #P61593)

Arizona – 1999 to present (Bar #19464) (inactive)

Washington – 2001 to present (Bar #32174) (inactive)

*United States Supreme Court* – 2015 (Bar #296546)

*Sixth Circuit Court of Appeals* – 2003

*United States District Court for the Western District of Michigan*

*Suquamish Tribal Court* – 2001

*Hoopa Valley Tribal Court* – 2000-2001

*Pascua Yaqui Tribal Court* – 1998-1999

##### Tribal Affiliation

# Grand Traverse Band of Ottawa and Chippewa Indians

Member No. 197

**Pokagon Band of Potawatomi Indians of Michigan and Indiana**

Potawatomi Descendancy Roll # P-03230 (Not enrolled; eligible for membership)

**Literary Publications**

*Remote*, Punk Planet #43 (2001)

*Communalism Rocks*, Gallery Six (2002)

*The Chain Gangs*, terraspatial: Scissor Press Online Zine (2002)

*An Iranian in DeGaulle*, Snow Monkey: An Eclectic Journal, Vol. 5, Issue 3 (2003)

*Letter to the Editor*, Outsider Ink, Spring 2003

*A Village By the Sea*, The Dunes Review: Literary Journal of Northwestern Lower Michigan, Vol. 8, Issue 1, Summer 2003

*Ten Year Visit*, The Writer’s E-Zine, April 2004; Znine: Online Literary Review of the University of Texas-Arlington, Spring 2004

*Badder Road*, The Dunes Review: Literary Journal of Northwestern Lower Michigan, Vol. 9, Issue 2, Winter 2004

*Knuckle-Curve*, NINE: A Journal of Baseball History and Culture, Vol. 14, Issue 2, Spring 2006, *available at* <http://works.bepress.com/matthew_fletcher/15/>

*Thinking About What I’ve Done*, Red Ink Magazine, Vol. 13, Issue 2, Fall 2007

Stick Houses (unpublished short story collection manuscript)

\* Finalist, 2017 Tillie Olsen Short Story Award

Stone Boats (unpublished poetry manuscript)

Chmookmon Phobia (unpublished essay collection)

The Gizzard of the Ruffed Grouse Hangs Aloft (unpublished novel manuscript)

Conference Indian (unpublished essay collection)

Windigo Killers (unpublished graphic novel)

*Snapping Turtle Goes to War*, in Trickster: Native American Tales, A Graphic Collection, 10th Anniversary Edition (Matt Dembicki, ed.) (Chicago Review Press 2021) (artist: Dale DeForest)

COVID 19 Plague Journal (unpublished comic collection)

*Lone Wolf*, in A Howl: A Comic Anthology of Wolves, Werewolves and Rougarou (Elizabeth LaPensée, ed.) (Native Realities Press 2022) (artist: Dale DeForest)