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LEGAL PUBLICATIONS

AMERICAN INDIAN CHILD WELFARE AND THE LAW: CASES AND MATERIALS, Carolina Academic Press (Summer 2019)

Indian Child Welfare Act Annual Case Law Update and Commentary, with Adrian T. Smith, 7 AM. INDIAN L. J. 2 (2019)

Indian Child Welfare Act Annual Case Law Update and Commentary, with Adrian T. Smith, 6 AM. INDIAN L. J. 2 (2018)

The Indian Child Welfare Act in CHILD WELFARE LAW AND PRACTICE 311 (Donald N. Duquette et al. eds., 3rd ed. 2016), co-authored with Matthew L.M. Fletcher

The Invisible Families: Child Welfare and American Indian Active Duty and Veteran Families, co-authored with Peter S. Vicaire, 62 FEDERAL LAWYER 40 (April 2015)

Observing Change: The Indian Child Welfare Act and State Courts, 46 N.Y. ST. BAR ASSC. FAMILY L. REV. 8 (Spring, 2014)

The Vanishing Indian Returns: The Supreme Court's Use of Narrative and Historical Fictions in Federal Indian Law, 57 ST. LOUIS U. L.J. 297 (2013)

Waves of Education: Tribal-State Court Cooperation and the Indian Child Welfare Act, 47 TULSA L. REV. 529 (2012)

Disruption and Impossibility: The Unfortunate Resolution of the Iroquois Land Claims, 11 WYO. L. REV. 375 (2011)

Law Enforcement and Cooperative Public Safety Agreements, co-authored with Matthew L.M. Fletcher and Wenona T. Singel, 89 MICH. B. J. 42 (February, 2010)

The New Laches: Creating Title Where None Existed, 16 GEORGE MASON L. REV. 357 (Winter 2009).

"Channeling Thought": The Legacy of Legal Fictions from 1823, co-authored with Jen Camden, 33 AMERICAN INDIAN L. REV. 77 (Spring 2009).

FACING THE FUTURE: THE INDIAN CHILD WELFARE ACT AT 30, co-editor with Matthew L.M. Fletcher and Wenona T. Singel, Michigan State University Press (2009)

Beyond Minimum Standards: Federal Requirements and State Interpretations of the Indian Child Welfare Act, 45 CT. REV. 26 (2008-2009)

When the Rules Shift: A Review of the Indian Child Welfare Act, M.C.R. 2.615 and Tribal Court Jurisdiction in Michigan Family Law Cases, 10 MICHIGAN CHILD WELFARE LAW J. 11 (Spring, 2007)

The (In)Equities of Federal Indian Law, 54 FEDERAL LAWYER 32 (Mar/Apr 2007)

SELECTED ONLINE PUBLICATIONS

Legal Challenges to ICWA: An Analysis of Current Case Law, with Matthew Newman, 36 ABA CHILD LAW PRACTICE 1, January, 2017 (<https://www.childlawpractice.org/>).

Commentary on the Native American Children's Safety Act, with Bryan Newland, TURTLE TALK June 14, 2016 (<https://turtletalk.wordpress.com/2016/06/14/commentary-on-the-native-american-childrens-safety-act/>).

Tribal Disruption and Indian Claims, co-authored with Matthew L.M. Fletcher and Nicholas J. Reo, MICHIGAN LAW REVIEW FIRST IMPRESSIONS, Vol 112, 2014.

Indian Children and their Guardians ad Litem, co-authored with Matthew L.M. Fletcher, 93 BOSTON UNIVERSITY LAW REVIEW ANNEX 59, 2013.

Adoptive Couple v. Baby Girl: First Impressions, TURTLE TALK, June 25, 2013 (<http://turtletalk.wordpress.com/2013/06/25/adoptive-couple-v-baby-girl-first-impressions/>).

Working within the Constraints of Sherrill Laches, TURTLE TALK, July 9, 2013 (<http://turtletalk.wordpress.com/2013/07/09/working-within-the-constraints-of-sherrill-laches/>).

APPELLATE BRIEFS

In re Williams, No. 155994, Michigan Supreme Court, Brief on behalf of the Sault Ste. Marie Tribe of Chippewa Indians, January 17, 2017.

Oglala Sioux et al v. Fleming, Nos. 17-1135, United States Court of Appeals for the Eighth Circuit, Amicus Brief on behalf of Navajo Nation, Cherokee Nation, the National Congress of American Indians, and National Indian Child Welfare Association, June 8, 2017.

Carter v. Washburn, No. 15-CV-01259, United States District Court for the District of Arizona, Amicus Brief on behalf of the National Congress of American Indians, Association on American Indian Affairs, and National Indian Child Welfare Association, October 23, 2015.

National Council for Adoption v. Jewell, No. 15-CV-00675, United States District Court for the Eastern District of Virginia, Amicus Brief on behalf of the National Congress of American Indians, Association on American Indian Affairs, and National Indian Child Welfare Association, September 18, 2015.

Two Shields v. Wilkinson, No. 13-3773, United States Court of Appeals for the Eighth Circuit, Amicus Brief on behalf of the Indigenous Law and Policy Center at Michigan State University College of Law, February 21, 2014.

Onondaga Nation v. New York, No. 10-4273, United States Court of Appeals for the Second Circuit, Amicus Brief on behalf of Indigenous Law and Policy Center at Michigan State University College of Law and the Center for Indigenous Law, Governance & Citizenship at Syracuse University College of Law, March 23, 2012.

In re Morris, No. 142759, Michigan Supreme Court, Amicus Brief on behalf of the American Indian Law Section of the Michigan State Bar, October 13, 2011.

Oneida Indian Nation of New York v. Oneida County, No. 10-1420, United States Supreme Court, Amicus Brief on behalf of Law Professors, June 22, 2011.

In re R.S., No. A10-1390, Minnesota Supreme Court, Amicus Brief on behalf of the Indigenous Law and Policy Center, Leech Lake Band of Ojibwe and Mille Lacs Band of Ojibwe, April, 2011.

A.A. v. Needville, No. 09-20091, United States Court of Appeals for the Fifth Circuit, Amicus Brief on behalf of American Indian Studies Professors, June, 2009.

In re Lee, No. 137653, Michigan Supreme Court, Amicus Brief on behalf of the American Indian Law Section of the Michigan State Bar, February, 2009.

LEGISLATIVE AND ADMINISTRATIVE MATERIALS

Law Professor Comment, Administration on Children, Youth, and Families, Supplemental Notice of Proposed Rule Making on AFCARS (May 9, 2016).

Law Professor Comment, Proposed Federal Regulations for State Courts and Agencies in Indian Child Custody Proceedings (May 18, 2015).

Law Professor Comment, Administration on Children, Youth, and Families, Proposed Changes to Adoption and Foster Care Analysis Reporting System Regulations (April 7, 2015).

Law Professor Comment, Bureau of Indian Affairs Updated Indian Child Welfare Act Guidelines (April 30, 2014).

MEDIA

Gabby Deutch, *A court battle over a Dallas toddler could decide the future of Native American law*, THE ATLANTIC, Feb. 21, 2019.

Teresa Wiltz, *Court fights intensify over who gets to adopt Native American children*, HUFFINGTON POST, March 18, 2019.

Rebecca Clarren, *A right-wing think tank is trying to bring down the Indian Child Welfare Act. Why?*, THE NATION, April 6, 2017.

Lorelei Laird, *Lawsuits dispute whether the Indian Child Welfare Act is in the best interests of children*, ABA JOURNAL, Oct. 1, 2016.

Sarah Elms, *Custody Dispute Hinges on Tribal Court Decision*, TRAVERSE CITY RECORD EAGLE, June 19, 2016.

Josh Israel, *Why a Conservative Legal Organization is Desperately Trying to Kill the Indian Child Welfare Act*, THINKPROGRESS, April 8, 2016.

Ashby Jones, *Couple Sues Over Tribal Adoption Hurdles*, WALL STREET JOURNAL, Oct. 16, 2015.

SELECTED PRESENTATIONS

Federal Bar Association Indian Law Conference, “Time for a National Indian Child Welfare Defense Fund”, Albuquerque, April 12, 2018.

Children’s Law Institute, “ICWA Litigation Update” and “Strategies for ICWA Implementation and Enforcement”, Albuquerque, NM, January 20, 2019.

National Council of Juvenile and Family Court Judges, Plenary Session, “ICWA’s Importance and Litigation Attacks”, Denver, CO, June 24, 2018.

25th Anniversary California State ICWA Conference, “ICWA and Federal Litigation Concerns”, Graton Rancheria, CA, June 4, 2018.

Tribal In-House Counsel Association Lunch CLE, “ICWA Litigation Update”, Tucson, AZ, May 23, 2018.

Federal Bar Association Indian Law Conference, “Successful ICWA Partnerships”, Phoenix, AZ, April 6, 2018.

Brigham Young University Law School, “ICWA and Resiliency”, Provo, UT, March 23, 2018.

National American Indian Court Judges Association Annual Conference, “ICWA Case Updates” and “Tribal Codes: Best Practices in Transfer to Tribal Court”, Isleta, NM, Oct. 11-12, 2017.

University of Washington School of Law Indian Law Conference, “Federal Litigation and ICWA,” Seattle, WA, Sept. 7, 2017.

Federal Bar Association Indian Law Conference, “Finding ICWA Allies: State Law, Court Rules, and the Press,” Phoenix, AZ, April 7, 2017.

National Indian Child Welfare Association Annual Conference, “Working with State Court Judges in ICWA Cases,” Rincon, CA, April 4, 2017.

Kansas Legal Revitalization Conference, “Indian Law Updates: Children, Water, and Land,” Feb. 1, 2017.

University of Michigan Law School, “Constitutional Challenges to the Indian Child Welfare Act,” Oct. 27, 2016.

National American Indian Court Judges Association Annual Conference, “ICWA Case Updates and the New Federal Regulations,” Cabazon, CA, Oct. 19-20, 2016.

Arizona State University Indian Child Welfare Act CLE, “ICWA and the New Federal Regulations,” Phoenix, AZ, October 23, 2016.

National Congress of American Indians Mid Year Session, “ICWA Litigation Update,” panel with Acting Asst. Secretary Larry Roberts, Elizabeth Appel, Sarah Kastelic, and David Simmons, Spokane, WA, July 28, 2016.

National Council of Juvenile and Family Court Judges, “ICWA and the New Regulations,” Monterey, CA, July 19, 2016.

Tribal-State Court Forum National Convening, Keynote: “Tribal Jurisdiction and Children,” Los Angeles, CA, June 2, 2016.

Washington State Bar Association 28th Annual Indian Law Seminar, “ICWA Litigation Update,” Seattle, WA, May 12, 2016.

Utah State Juvenile Judges Training, “ICWA Guidelines, State, and Federal Law,” Logan, UT. April 27, 2016.

University of Oklahoma Indigenous Peoples, Law, and Power Symposium, “ICWA Challenges and New Guidelines,” Norman, OK, April 15, 2016.

Federal Bar Association Indian Law Conference, “ICWA Challenges and New Guidelines,” Phoenix, AZ, April 7, 2016.

National Indian Child Welfare Association Annual Conference, “Working with State Court Judges in ICWA Cases,” Minneapolis, MN, April 5, 2016.

Michigan Tribal-State Judicial Forum, “ICWA Litigation Update,” Sault Ste. Marie, MI, November 16, 2015.

20th Annual Tribal-State ICWA Conference, Keynote: “ICWA and Social Media,” Warm Springs, OR, October 21, 2015.

4th Annual Tribal Healing to Wellness Court Enhancement Training, “ICWA and American Indian Military Families,” Albuquerque, NM, September 9, 2015.

National Indian Child Welfare Association Annual Conference, “Sharing Strategies: Intratribal Coordination and Cooperation in State ICWA Cases,” April 20, 2015.

Michigan Association of Treatment Court Professionals Annual Meeting, “ICWA and Treatment Courts: What Family Courts Can Learn from Treatment Courts,” Novi, MI, March 24, 2015.

National Summit on Courts and the Military, “Native Servicemembers, Veterans, and the Indian Child Welfare Act,” Ft. Benning, GA, March 5, 2015.

Federal Bar Association, “Native Servicemembers, Veterans, and the Indian Child Welfare Act,” Webinar, January 28, 2015.

Macomb County Courts, “The Indian Child Welfare Act and the Michigan Indian Family Preservation Act: Issues for State Courts in Michigan” Mt. Clemens, MI, December 12, 2014.

University of Missouri School of Law, “Adoptive Couple v. Baby Girl: Unexamined Issues in Family Law,” Columbia, MO, October 29, 2014.

Law and Society Annual Conference, “ICWA and The Servicemembers Civil Relief Act: Two Federal Laws in State Courts,” Minneapolis, MN, May 31, 2014.

Referees Association of Michigan Annual Conference, “The Indian Child Welfare Act after *Adoptive Couple v. Baby Girl*,” Petoskey, MI, May 22, 2014.

18th Annual Tribal Law & Governance Conference, University of Kansas Law School, “ICWA and Ethics: The In re T.S.W. Case,” Lawrence, KS, March 7, 2014.

American Association of Law Schools Annual Meeting, “Hot Topic –*Adoptive Couple v. Baby Girl*: At the Intersection of Family Law, Indian Law, and Civil Rights,” New York, NY, January 4, 2014

12th Annual Family Law Institute, Institute of Continuing Legal Education, “The Indian Child Welfare Act and *Adoptive Couple v. Baby Girl*,” Plymouth, MI, November 15, 2013

United States Attorney’s Office for the Eastern District of Michigan, “The Indian Child Welfare Act after *Adoptive Couple v. Baby Girl*,” Detroit, MI, November 12, 2013.

Michigan Tribal-State Indian Child Welfare Judicial Roundtable, “Case Update: *Adoptive Couple v. Baby Girl*,” Grand Traverse Resort, October 28, 2013.

National American Indian Court Judges Association Annual Conference, “Models of Hope – Tribal-State Indian Child Improvement Efforts in Michigan,” Cabazon, CA October 11, 2013.

Law and Society Annual Conference, “Monitoring Change: ICWA and Collaborative Court Monitoring Projects,” Boston, MA, May 31, 2013.

Indian Law Day, “Storytelling, ICWA, and the Baby Veronica Case,” University of Michigan Law School, Ann Arbor, MI, April 5, 2013.

Indian Law Conference, Minnesota CLE, “The Indian Child Welfare Act: National Trends in Case Law,” Treasure Island Resort & Casino, May 18, 2012

Federal Bar Association Indian Law Conference, “Incorporating ICWA into State Law,” Pojoaque Pueblo, New Mexico, April, 20, 2012.

Invisible Constitutions, “The Vanishing Indian Returns: The Supreme Court’s Use of Narrative and Historical Fictions in Federal Indian Law,” St. Louis University School of Law, St. Louis, MO, March 2, 2012.

Land, Laches and Legal Battles, “The New Laches,” Syracuse University College of Law, Syracuse, NY, Nov. 18, 2011.

American Association of Law Schools Annual Meeting, “Michigan and the Indian Child Welfare Act: A Case Study,” San Francisco, CA, January 8th, 2011.

Society of American Law Teachers, Bi-Annual Teaching Conference “Experiential Teaching of Indian Law,” Honolulu, HI, December 11, 2010.

Law and Society Annual Meeting, “The Vanishing Indian Returns: The Supreme Court’s Use of History in American Indian Law Cases,” Chicago, Illinois, May 26, 2010.

Federal Bar Association Indian Law Conference, "Advising - and Suing - Tribal Council Officials: On the Scope of Tribal Official Immunity," Santa Fe, New Mexico, April 3, 2009

American Association of Law Schools Annual Meeting, “Legal History and the Cherokee Freedmen,” San Diego, California, January 8, 2009.

Michigan State University Indian Identity Conference, “Who’s Using ICWA: Identity Issues and the Indian Child Welfare Act,” East Lansing, Michigan, October 17, 2008.

LatCrit XIII, “(Dis)Enfranchising the Cherokee Freedmen,” Seattle, Washington, October 4, 2008.

Law and Society Annual Meeting: "The New Laches: Creating Title Where None Existed," Montreal, Quebec, Canada, June 1, 2008

Undefended Childhood: A Global Perspective: “Unpublished Opinions: Indian Families, State Courts and the Indian Child Welfare Act,” East Lansing, MI, April, 2008

American Indian Law and Literature Conference: “Cooper's THE PIONEERS and *Johnson v. McIntosh*: Legal Fictions of 1823,” East Lansing, MI, October, 2007

National Congress of American Indians Mid-Year Conference: “Litigation Strategies in Indian Land Claims Cases,” Anchorage, AK, June, 2007

LEGAL TEACHING EXPERIENCE

June 2018

Professor, Indian Child Welfare Act Summer Class

University of Montana
School of Law
Missoula, Montana

August 2016-Present

Director, Indian Law Clinic

Indigenous Law and Policy Center
Michigan State University

College of Law
East Lansing, Michigan

- Indian Law Clinic, Fall 2016-Present
- Direct the ICWA Appellate Project
- Indigenous Law and Policy Center Class (Clinical), Fall 2006-Spring 2015

July 2006 – June 2019

Staff Attorney, Indigenous Law and Policy Center

- Teach American Indian Children and the Law, Spring 2009, Fall 2010, Spring 2013, Fall 2014, Spring 2017, Spring 2019
- NNALSA Moot Court, Spring 2011, Spring 2012, Spring 2013, Spring 2014, Spring 2015
- Write law review articles, books, and legal briefs and memorandum
- Advise tribal clients
- Edit and contribute to Turtle Talk, the Indigenous Law Blog
- Supervise staff and manage budget

August 2005-June 2006

Indigenous Law and Policy Center
MSU College of Law
East Lansing, Michigan

Indian Law Fellow

- Researched relevant legal issues for tribal governments
- Drafted legal memos and necessary documents for tribal government clients
- Assisted Center students with projects for clients
- Areas of focus included land issues, probate reform and statute development

OTHER LEGAL EXPERIENCE

July 2016 – Present

Consultant

Projects:

Tribal Justice Support, BIA, Tribal Court Assessments

NCJFCJ ICWA Benchbook

Tribal Court Strategic Planning

Saint Regis Mohawk Family Court Development

Central Council of Tlingit and Haida Indian Tribe of Alaska

The Whitener Group
Olympia, WA

July 2016-Present

September 2017

January, 2018

January, 2019-Present

September 2018-April
2019

December 2017-January 2019

Consultant

Projects:

Tribal Code Development

Clause Law
Washington, D.C.

January, 2018

August, 2003 – June, 2004

Senior Law Clerk

May, 2003 – August, 2003

Legal Services of South Central Michigan
Lansing, Michigan

Intern

EDUCATION

Michigan State University College of Law East Lansing, Michigan
Juris Doctor, June, 2005
Magna Cum Laude
Recipient: Dean King Scholarship
Recipient: Indian Law Certificate
Vice President, Native American Law Student Association (2004-2005)

Hollins College Roanoke, Virginia
Bachelor of Arts – History with Honors, May, 1999
Magna Cum Laude
Phi Beta Kappa

SERVICE

- 2011-present American Indian Studies Program, Michigan State University, *Affiliated Faculty*
- 2009-Present Michigan Court Improvement Program’s Statewide Task Force, *Appointed Member*
- 2009-Present Michigan Court Improvement Program’s Statewide Task Force, Sub-committee Tribal Court Relations, *Appointed Member*
- 2014-2018 Michigan State University College of Law Admissions Committee
- 2013-2015 American Association of Law Schools Section on Indian Nations and Indigenous Peoples, *Executive Committee Member*
- 2007-2010 Federal Bar Association Indian Law Section Newsletter, *Features Editor*

AWARDS

- 2017 Nominee for Significant Contribution in Indian Law Award, Native American Bar Association-Washington, D.C. Chapter
- 2016 Adrian Public Schools Outstanding Alumni Award; Up and Coming Alumni Award
- 2012 Michigan State University Curricular Service-Learning and Civic Engagement Award

AFFILIATIONS

State Bar of Michigan, P69451, admitted June 2006

United States District Court: Western District of Michigan, admitted September 2015

United States Court of Appeals for the Fourth Circuit, admitted September, 2016

United States Court of Appeals for the Fifth Circuit, admitted October, 2018

National American Indian Court Judges Association