

BETHANY R. BERGER
Wallace Stevens Professor of Law
University of Connecticut School of Law
bethany.berger@uconn.edu

ACADEMIC APPOINTMENTS

University of Connecticut School of Law, 2006 to present. Chaired Professor 2013 to present, Professor, 2008 to present, Associate Professor 2006-2008

Courses taught: Property, American Indian Law, Property and Race in U.S. History, Conflict of Laws, Tribal Justice Systems; Repeated Finalist, Teacher of the Year

Service: Promotion & Tenure Committee, 2021-2022, 2018-2020, 2017-2019, 2012-2014; Faculty Appointments Committee, 2022-2023, 2020, 2016-2018, 2014-2015, 2012-2013, 2009-2010 (chair); Internal Faculty Workshop (co-chair); Clerkship Committee, 2014-2021 (chair); University Academic Vision Committee, 2013-2014 (Law School Representative); Dean Search Committee, 2012-2013 (faculty chair); Admissions Committee, 2011-2012 (chair); Diversity Advisory Committee 2007-2009 (chair)

Visiting Professorships:

Harvard Law School, Oneida Indian Nation Professor, 2022; 2008-2009

University of Michigan Law School, 2011

University of Iowa Law School, 2005

Pre-Law Summer Institute, American Indian Law Center, 2004

Wayne State University Law School, Assistant Professor, August 2004 to May 2006

University of Connecticut School of Law, Research Professor, Sept. 2001 to May 2004

EDUCATION

Yale Law School, New Haven, CT, J.D. 1996

Wesleyan University, Middletown, CT, B.A. 1990

Phi Beta Kappa, Honors in Government

PUBLICATIONS

BOOKS

Property Law: Rules, Policies and Practices (with Joseph William Singer, Nestor Davidson & Eduardo Peñalver) (Wolters Kluwer 6th Ed. 2014, 7th ed. 2017, 8th ed. 2022)

American Indian Law: Cases and Commentary (with Robert Anderson, Philip Frickey & Sarah Krakoff) (West Publishing, 1st ed. 2008, 2d ed. 2010, 3d ed. 2015, 4th ed. 2020)

Co-Author and Member of Editorial Board, FELIX S. COHEN'S HANDBOOK OF FEDERAL INDIAN LAW (LexisNexis 2022, 2012 & 2005 eds.; biennial supplements)

LAW REVIEW ARTICLES AND BOOK CHAPTERS

Property and the Right to Enter, forthcoming Washington & Lee Law Review

Race to Property: Racial Distortions of Property Law, 1634 to Today, forthcoming Arizona Law Review

“Highly recommended” on Larry Solum’s Legal Theory Blog; top 10 download in ssrn Property, Legal History, Constitutional Law—Rights and Liberties, and Discrimination ejournals

Mohegan Women, the Mohegan Church, and the Lasting of the Mohegan Nation, forthcoming Roger & Williams Law Review (symposium issue)

Eliding Original Understanding in Cedar Point Nursery v. Hassid, 33 *Yale Journal of Law and Humanities* 1 (2022)

The Promise of Intertribal Wildlife Management, in *Our Place Is in Our Soul: The Combined Efforts of Tribes to Conserve Wildlife for Future Generations* (forthcoming Johns Hopkins Press 2022)

McGirt v. Oklahoma and the Past, Present and Future of Reservation Boundaries, 169 PENN L. REV. Online 250 (2021)

Savage Equalities, 94 WASHINGTON LAW REVIEW 583 (2019)
Featured in JOTWELL (Journal of Things We Like Lots)

Natural Resources and the Making of Modern Federal Indian Law, 51 CONNECTICUT LAW REVIEW 927 (2019) (symposium contribution)

Hope for Indian Tribes in the U.S. Supreme Court?: Menominee, Nebraska v. Parker, Bryant, Dollar General and Beyond . . . 2017 ILL. L. REV. 1901

The Illusion of Fiscal Illusion in Regulatory Takings, 66 AM. U.L. REV. 1 (2016)

Kelo and the Constitutional Revolution that Wasn’t, 48 CONN. L. REV. 1429 (2016) (invited response)

Birthright Citizenship on Trial: Elk v. Wilkins and United States v. Wong Kim Ark, 37 CARDOZO L. REV. 1185 (2016)

Excerpted in RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA
Discussed in Fred Barbash, *Donald Trump meet Wong Kim Ark, the Chinese American cook who is the father of ‘birthright citizenship’*, Washington Post, Aug. 31, 2015

In the Name of the Child: Race, Gender, and Economics in Adoptive Couple v. Baby Girl, 67 FLORIDA LAW REVIEW 295 (2015)

Excerpted in RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA

Elouise Cobell: Bringing the United States to Account, in “OUR CAUSE WILL ULTIMATELY TRIUMPH”: PROFILES FROM THE AMERICAN INDIAN SOVEREIGNTY MOVEMENT (Tim Alan Garrison ed. Carolina Academic Press 2014)

Paul and Lorena Williams: Sheep, Sovereignty, and the Supreme Court, in “OUR CAUSE WILL

ULTIMATELY TRIUMPH": PROFILES FROM THE AMERICAN INDIAN SOVEREIGNTY MOVEMENT (Tim Alan Garrison ed. Carolina Academic Press 2014)

Race, Descent, Tribal Citizenship and Federal Indian Law and Policy, 4 CAL. L. REV. CIR. 23 (2013)

Williams v. Lee and the Debate over Indian Equality, 109 MICH. L. REV. 1463 (2011)

The Anomaly of Indian Citizenship, in HUMAN RIGHTS IN THE UNITED STATES: BEYOND EXCEPTIONALISM (Cambridge U. Press 2011)

The Story of Williams v. Lee: Sheep, Sovereignty, and the Supreme Court, in INDIAN LAW STORIES (Carole Goldberg, Kevin Washburn, & Philip Frickey eds., Foundation Press 2011)

Reconciling Equal Protection and Federal Indian Law, Festschrift for Philip Frickey, 98 CAL. L. REV. 1165 (2010)

What Owners Want and Governments Do—Lessons from the Oregon Experiment, 78 FORDHAM L. REV. 1282 (2009)

Red: Racism and the American Indian, 56 UCLA L. REV. 491 (2009)

Reprinted in part in AMERICAN INDIAN LAW: FOUNDATIONAL PRINCIPLES (Melissa Tatum & Grant Christensen eds. 2020) (reprinting sixteen "most impactful" articles in federal Indian law); Reprinted in part in RACISM AND EQUALITY LAW (Angela Harris, Stephanie Wildman ed. 2013)

It's Not About the Fox: The Untold History of Pierson v. Post, 55 DUKE L.J. 1089 (2006)

Discussed in Jesse Dukeminier, James Krier, Gregory Alexander & Michael Schill, Property; Thomas W. Merrill & Henry E. Smith, Property: Policies and Principles; Joseph William Singer, Property: Rules, Policies and Practices; James Charles Smith & John Copeland Nagle, Property: Cases and Materials; John G. Sprankling & Raymond Coletta, Property: A Contemporary Approach, et al.

Liberalism and Republicanism in Federal Indian Law, Symposium Issue, 38 CONN. L. REV. 813 (2006)

American Indian Law in Michigan, in Michigan Law and Practice Encyclopedia (Lexis 2005)

Justice and the Outsider: Jurisdiction Over Non-Members in Tribal Legal Systems, 37 ARIZ. ST. L.J. 1047 (2005)

Selected for 2005 Stanford/Yale Junior Faculty Forum

Reprinted in materials for 2006 Federal Bar Association Indian Law Conference

Cited in congressional testimony and several briefs to the Supreme Court

"Power Over this Unfortunate Race": *Race, Power and Indian Law in U.S. v. Rogers*, 45 WILLIAM & MARY LAW REVIEW 1957 (2004)

Indian Policy and the Imagined Indian Woman, Symposium Issue, 14 KANSAS J.L. POL'Y 103 (2004)

U.S. v. Lara as a Story of Native Agency, Symposium Issue, 40 TULSA L. REV. 5 (2004)

Reprinted in materials for 2005 Federal Bar Association Indian Law Annual Conference

After Pocahontas: Indian Women and the Law, 1830-1934, 22 AM. INDIAN L. REV. 1 (1997)
Reprinted in part in Michael Higginbotham, RACE AND THE LAW: CASES AND MATERIALS (2005); MIXED RACE AMERICA AND THE LAW (Kevin R. Johnson ed., 2003); GENDER AND THE LAW: CASES AND MATERIALS (Katherine Bartlett et al. eds., 2002); and RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA (Juan Perea et al. eds., 2000)

SHORTER WRITINGS

Children of Wong Kim Ark, Balkinization Blog (Nov. 2021)

Institutions, “Indian-Ness,” and ICWA Implementation, review of *Hana E. Brown, Who Is an Indian Child: Institutional Context, Tribal Sovereignty, and Race-Making in Fragmented States*, 85 Am. Soc. Review 776 (2020), JOTWELL (Sept. 2021)

Will the U.S. Supreme Court Stand Up for Migrant Farmworkers?, Los Angeles Times (March 21, 2021)

Knick v. Township of Scott, Pennsylvania: Not the Revolution Some Hope for and Others Fear, Property & Property (May/June 2020)

Re-Centering Federal Indian Law, review of Maggie Blackhawk, *Federal Indian Law as Paradigm within Public Law*, 132 Harv. L. Rev. 1787 (2019), JOTWELL (June 2020)

Trump Wasn't the First President to Confront the Supreme Court -- And Back Down, The Conversation (July 17, 2019)

Indigenous Harms from Global Development--Can International Economic Law Provide a Cure?, Review of Sergio Puig, *International Economic Law*, 52 U.C. Davis L. Rev. 1243 (2019) JOTWELL (Jul 24, 2019)

Proposed Eminent Domain Law Would Only Hurt Connecticut, Hartford Courant (May 7, 2019)

Opinion analysis: Washington state motor-fuel tax violates Yakama Treaty, SCOTUSBlog (Mar. 20, 2019)

Argument preview: A tax lion in the Cougar Den? – Treaties versus taxes in federal Indian law, SCOTUSBlog (Oct. 23, 2018)

Argument analysis: Justices conflicted in clash between fuel tax and Yakama Treaty, SCOTUSBlog (Oct. 31, 2018)

Donald Trump is Wrong: America First Does Not Mean America Alone, Washington Post (July 13, 2018)

Can the Constitutional Sin of Colonialism be Redeemed?, review of Seth Davis, *American Colonialism and Constitutional Redemption*, 105 Cal. L. Rev. 1751 (2018), JOTWELL (July 6, 2018)

Confirm Andrew McDonald, Take Politics Out of Courts, Hartford Courant (May 6, 2018)

Allergan-St. Regis Mohawk Patent Deal Too Clever By Half, New York Law Journal; Connecticut Law Tribune, Law.com (Oct. 20, 2017)

The Federal-Tribal Relationship: The View from the Executive Branch, Review of Kevin K. Washburn, What the Future Holds: The Changing Landscape of Federal Indian Policy, 130 Harv. L. Rev. F. 200 (2017), Jotwell (2017)

Reclaiming Lone Wolf, Review of Michalyn Steele, Plenary Power, Political Questions, and Sovereignty in Indian Tribes, 63 UCLA L. Rev. 666 (2016), Jotwell (2016)

Kelo: A Decade Later, 47 Conn. L. Rev. 1433 (2015) (published conference proceedings, with Wesley Horton, Thomas J. Londregan & Clark Neily)

Kelo—A Decade Later, TitleNews (June 2015)

Diversely Native, Federal Lawyer (June 2015)

Review of Colin Calloway, Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History, 33 L. HIST. REV. 478 (2015)

Not So Schizophrenic: Review of Gregory Ablavsky, Beyond the Indian Commerce Clause, Jotwell (May 2015)

Lexis Nexis Emerging Issues Analysis, *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak* (2012)

Review of Ariela Gross, What Blood Won't Tell: A History of Race on Trial in America, 25:2 CONTINUITY AND CHANGE 348 (2010)

Laws Governing Native American Children, in CHICAGO COMPANION TO THE CHILD (U. Chicago Press 2009)

Review of Deborah A. Rosen, American Indians and State Law: Sovereignty, Race and Citizenship 1790-1880, 33:1 AMERICAN INDIAN CULTURE AND RESEARCH JOURNAL 143 (2009)

The New Realism: The Next Generation of Scholarship in American Indian Law, 32 AM. INDIAN L. REV. 1 (2007) (published conference proceedings)

Preview of Wagon v. Richards, ABA Supreme Court Preview (Oct. 2005)

Now Comes the Hard Part for Eastern Pequots, Hartford Courant (July 5, 2002)

Nipmucs a Nation, Nonetheless: 'Gaming' Wrongly Taints Tribal Status, Providence Journal-Bulletin (Oct. 31, 2001)

Treat Terrorism Not as Warfare But As Disease, Hartford Courant (Sept. 28, 2001)

SELECTED BRIEFS

Amicus Brief for Property and Constitutional Law Scholars, *Height Apartments v. Walz*, U.S. Court of Appeals for Seventh Circuit (on state eviction moratorium)

Amicus Brief for National Congress of American Indians, *Castro-Huerta v. Oklahoma*, U.S. Supreme Court No. 21-429 (on state criminal jurisdiction in Indian country)

Amicus Brief on behalf of Legal Historians, *Cedar Point v. Hassid*, 141 S. Ct. 2063 (2021) (on eminent domain and migrant worker regulation)

Amicus Brief on behalf of the National Congress of American Indians, *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020) (affirming Muscogee (Creek) Nation Reservation boundaries) (brief cited by Court)

Amicus Brief on behalf of the National Congress of American Indians, *Oneida Nation v. City of Hobart*, 968 F.3d 664 (7th Cir. 2020) (affirming Oneida Nation Reservation boundaries)

Amicus Brief on behalf of the National Congress of American Indians, *Carpenter v. Murphy*, 140 S.Ct. 2412 (Mem) (2020) (affirming Muscogee (Creek) Nation Reservation boundaries)

Amicus Brief on behalf of Law Professors in *Washington v. United States*, 138 S. Ct. 1832 (Mem.) (2018) (affirming conservation mandate to preserve tribal treaty fishing)

Amicus Brief on behalf of National Congress of American Indians in *Upper Skagit Tribe v. Lundgren*, 138 S.Ct. 1649 (2018) (reversing on grounds of tribal sovereign immunity)

Amicus Brief on behalf of Law Professors in *Wyoming v. United States Environmental Protection Agency*, 875 F.3d 505 (10th Cir. 2017) (rejecting Wind River Reservation boundaries)

Amicus Brief on behalf of Law Professors and Historians in *Nebraska v. Parker*, 136 S.Ct. 1072 (2016) (affirming Omaha Reservation boundaries)

Amicus Brief in *Wyoming v. EPA*, 849 F.3d 861 (10th Cir. 2017) (on Wind River Reservation boundaries)

Author on behalf of ACLU, Application for Leave to Appeal to Michigan Supreme Court in *Muller v. Muller* (Mich. Ct. App. 2005) (concerning prohibition on visitation by children when father's partner sleeping at their shared home)

Amicus Brief in *Native Village of Eyak v. Evans*, No. 02-36155 (9th Cir. July 12, 2004) (concerning aboriginal fishing rights of Alaska Native village)

Amicus Brief in *In re Steven M.*, 826 A.2d 156 (Conn. 2003) (concerning transfer of juvenile offender to adult prison)

NON-ACADEMIC LEGAL EXPERIENCE

Judge, Southwest Inter-Tribal Court of Appeals, 2005 to 2011
Judge for Appellate Court deciding appeals for several southwestern tribes

Managing Attorney, Advocates for Children of New York, Inc., New York, NY, July

2000-August 2001, Senior Attorney, October 1999-July 2000
Supervising attorney at education law and policy non-profit; Conducted impact litigation and policy reform work concerning special education and other educational rights of children.

Director, Native American Youth Law Project, DNA-People's Legal Services,

Window Rock, AZ, September 1996 to October 1999

Director of project using law to significantly impact lives of children on or near the Navajo and Hopi reservations; Conducted litigation challenging discrimination against Indian children; Drafted and secured the passage of tribal laws affecting children; Worked with community group to create a Navajo alternative to detention program.

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES

Board Member, Open Communities Alliance, 2016 to present

Editorial Board, Connecticut Law Tribune, 2016-2020

American Society for Legal History, Conference Co-Chair 2016, Conference Committee, 2015

American Law Institute, elected 2014

Editor, Native Peoples Law, Jotwell.com

Peer reviews for Berkeley Law School; Cambridge University Press; Georgetown Law School; *Harvard Law Review*; *Journal of Political Economy*; *Journal of Southern Legal History*; *Journal of Law, Culture, and the Humanities*; *Law and Social Inquiry*; *Law and History Review*; *NYU Law Review*; NYU Law School; Stanford Law School; University of Pennsylvania Law School, University of Toronto Press; *Yale Law Journal*, et al.

American Association of Law Schools: Indian Nations and Indigenous Peoples Section, 2014-2016 Executive Committee; 2004-2005 Chair

Bar Member: State of New York; State of Arizona (inactive); U.S. Court of Appeals for the Tenth Circuit; U.S. District Courts for the Eastern District of New York, Southern District of New York, and District of Arizona; Cheyenne River Sioux Tribe; Navajo Nation (1997-2000)

SELECTED PRESENTATIONS

The Impact of Cedar Point v. Hassid, American Constitution Society (June 2022)

Racially Restrictive Covenants & Beyond, Connecticut Bar Association Annual Conference (June 2022)

Property and the Right to Enter, Progressive Property Works in Progress (June 2022)

The United States Supreme Court's Last 35 years of Federal Indian Law, Indigenous Students Law Annual Conference, Wisconsin Law School (March 2022)

Property and the Right to Enter, Law and Society Colloquium, Indiana Law School (Feb. 2022)

Examining Race and Property in the Law School Curriculum, Hofstra Law School (Feb 2022)

Race to Property, Legal History Workshop, Boston College (Feb. 2022)

Property to Race/Race to Property, Association for Law, Property & Society (May 2021)

Water, Race, & Indian History, National Judicial College (Nov. 2020)

Indian Child Welfare Act Training, Connecticut Probate Courts (Oct. 2020)

Takings at the Water's Edge, The Law of the Sea (June 2020)

T(race)ing Property, Progressive Property (May 2020)

Making Sense of Knick v. Township of Scott, American Law Institute, Eminent Domain and Property Valuation Annual Conference, Nashville, Tennessee (January 2020)

Indian Law Originalism? The Gorsuch/Kavanaugh Divide, Law and Interpretation, AALS Annual Conference (January 2020)

Takings at the Water's Edge, Property Works in Progress, Northeastern Law School (September 2019)

Moderator, Progressive Property, Cornell Law School (May 2019)

Carpenter v. Murphy, Tribal Law & Government Conference, U. Kansas Law School (March 2019)

Organizer and Moderator, *Regulating for the Seventh Generation: Tribal Nations and Environmental Law*, Connecticut Law Review Symposium (October 2018)

Invited Commentator, Harvard/Stanford/Yale Junior Faculty Forum, Harvard Law School (June 2018)

Panelist, *Native Nations Caught in a Federal System*, Law and Society Association (June 2018)

Moderator and Discussant, Progressive Property, Harvard Law School (May 2018)

Plenary Speaker, What's at Stake in ICWA Attacks?: All of Federal Indian Law, Federal Bar Association Indian Law Section Annual Conference (April 2018)

Presenter, Property Works in Progress, Boston University (Sept. 2017)

What's at Stake in the Trump Presidency, University of Connecticut Storrs (March 2017)

Presenter, Federal Indian Law in the Supreme Court, Association of American Law Schools (Jan. 2017)

Presenter, Citizenship Colloquium, BYU Law School (Nov. 2016)

Conference Co-Organizer & Chair/Discussant-Multiple Panels, Association for the Study of Legal History, Toronto, Canada (Oct. 2016)

Moderator, Property Works in Progress Conference, Boston University (Sept. 2016)

Organizer and Speaker, 21st Gallivan Conference: Opportunity Everywhere—Affirmatively

Furthering Fair Housing to Transform Communities (June 2016)

Indigenous (In)Justice: From Natural Resources to Marriage Equality, American Society for Law, Culture, and the Humanities (April 2016)

Savage Equalities, UConn Injustice League (February 2016)

Keynote, *Tribal Courts in Perspective*, Meeting of the Mashantucket Pequot Bar Association and Connecticut Association Indian Law Section (October 2015)

Elouise Cobell, Seminar on Indigenous Women, University of Mass-Boston (October 2015)

Taxation of Indians and Indian Country, Conference of State Tax Judges, Lincoln Land Institute (October 2015)

Constitution Day Speech, *Birthright Citizenship—Indigeneity and Immigration*, Wesleyan University (September 2015)

Citizenship in Red and Yellow, UC Irvine Native Studies Colloquium Series (March 2015)

Organizer and Moderator, *Kelo: A Decade Later*, Twentieth Annual Gallivan Conference, UCONN Law (March 2015)

Citizenship Talk, American Society for Law, Culture, and Humanities, Annual Meeting (March 2015)

Progressive Property Conference, Moderator, Northeastern University School of Law (May 2014)

Organizer and Moderator, 19th Annual Gallivan Conference: Climate Resilience—Envisioning a New Way Forward, UConn Law (April 2014)

Race, Gender, and American Indians: From Pocahontas to Baby Veronica, UMass-Boston (April 2014)

Keynote Speech, *Tribal Practice: Going Back to Go Forward*, Combined Annual Meeting Law Librarians of New England and Southern New England Law Librarians Association, UConn Law (April 2014)

Tribal Environmental Law, New Directions for Environmental Law Conference, Yale Law School (March 2014)

VAWA Amendments, S.A.G.E. Conference, University of Pennsylvania Law School (Feb. 2014)

Recent Supreme Court Cases: The Bad, The Ugly, the Really Ugly . . . Any Good? NALSA Conference, Stanford Law School (Feb. 2014)

Adoptive Couple v. Baby Girl, American Association of Law Schools Annual Conference (Jan. 2014)

Tribal Citizenship Choices in Historical Perspective, Tribal Citizenship Conference, William

Mitchell College of Law (Nov. 2013)

Adoptive Couple v. Baby Girl, Tribal Relations Committee, Conference of Chief Justices of State Supreme Courts (June 2013)

Moderator, Progressive Property Conference, New Orleans, Louisiana (June 2013)

Citizenship in Red and Yellow, Annual Conference, Law and Society Association (May 2013)

The Indian Problem in Federal Legal History, American Society for Legal History (Nov. 2012)

Equality Conflicts in Federal Indian Law, NALSA Workshop, Yale Law School (Nov. 2012)

Doing Justice in Indian Country, Thelton Henderson Center, Berkeley Law School (Oct. 2012)

Property Works in Progress Conference, Fordham Law School (June 2012)

Progressive Property Conference, Harvard Law School (May 2012)

Human Rights Workshop, Yale Law School (April 2012)

Faculty Workshop, University of Miami Law School (Feb. 2012)

Faculty Workshop, University of Michigan Law School (Nov. 2011)

Plenary Speaker, Tribal Law and Order Act and Beyond, Michigan State University (Oct. 2011)

Plenary Speaker, CRS Symposium on Race and Sovereignty, UCLA Law School (April 2011)

Faculty Workshop, Boston University Law School (Dec. 2010)

Faculty Workshop, Tulsa University Law School (Oct. 2010)

Sovereignty and Identity of Indian Tribes and Indigenous Peoples, Wesleyan University (May 2010)

Critical Race Colloquium, UCLA Law School (March 2010)

American Law Property and Society 2010 Meeting, Georgetown Law School (March 2010)

Stein Public Interest Program, Presentation on American Indian Law, Fordham Law School (Feb. 2010)

SALT Robert M. Cover Public Interest Retreat, Peterborough, New Hampshire (Feb. 2010)

The Anomaly of Indian Citizenship, at Human Rights in the USA, University of Connecticut (Nov. 2009)

Clason Faculty Enrichment Speaker, Western New England College of Law (Sept. 2009)

Progressive Property Working Group, Cornell Law School (June 2009)

What Owners Want and Governments Do: Evidence from the Oregon Experiment, Annual Conference of the Law and Society Association (May 2009)

Williams v. Lee: Sheep, Sovereignty and the Supreme Court, Harvard University Native American Program (May 2009)

Frickeyfest, Festschrift for Professor Philip Frickey, UC Berkeley School of Law (April 2009)

Tribal Justice: The Supreme Court and the Future of Indian Law, Harvard Law School (April 2009)

Indian Nations and Institution Building, American University-Washington College of Law (February 2009)

Williams v. Lee and the Understanding of Indian Equality, Harvard Faculty Workshop (December 2008)

Williams v. Lee and the Understanding of Indian Equality, Annual Conference of the American Society for Legal History (November 2008)

Red: Racism and the American Indian, University of Michigan Law School (October 2008)

Presenter and Commentator, Denver University-Colorado University Indian Law Works in Progress Conference (Aug. 2008)

Defining Indian Equality: Tribal Rights, Civil Rights, and *Williams v. Lee*, Annual Conference on Law and Society, Montreal, Canada (May 2008)

Roundtable, Property and Indigenous Peoples, Annual Conference on Law and Society, Montreal, Canada (May 2008)

Presenter, Conference on the Legacy of Felix Cohen, Michigan State University (March 2008)

Arizona State University Indian Law Colloquium, Tempe, Arizona (Oct. 2007)

Race-ing the Tribe, American Society for Legal History, Tempe, Arizona (Oct. 2007)

Federal Indian Law Update, Mashantucket Pequot Bar Association (Oct. 2007)

Red: Theorizing American Indian Race, Annual Conference on Law and Society, Berlin, Germany (July 2007)

Commenter, Graduate Program Works-in-Progress Symposium, Yale Law School (April 2007)

Global Conversations—The Constitutional Status of Indigenous Peoples, Yale Law School (Mar. 2007)

Conference co-organizer and speaker, *The New Realism: The Next Generation of Scholarship in Federal Indian Law*, Berkeley, California (Nov. 2006)

Connecticut Bar Association, Pro Bono Indian Law Training (Nov. 2006)

Academic Law Teaching, Yale Law School (Nov. 2006)

Organizer and Presenter, *Interrogating Pierson v. Post*, Annual Conference, Association for the Study of Law and Society (July 2006)

Tribal Leader/Scholar Forum, National Congress of American Indians Mid-Year Conference (June 2006)

Howard H. Rolapp Presentation, University of Utah (March 2006)

Faculty Enrichment Speaker, Florida State University (Feb. 2006)

Liberalism and Republicanism in Federal Indian Law, Indian Law Symposium, University of Connecticut Law Review (Oct. 2005)

Challenges in Developing Indigenous Legal Institutions, Plenary Section, LatCrit South/North Exchange (May 2005)

Criminal Jurisdiction in Indian Country, Plenary Section, Federal Bar Association Indian Law Section Annual Conference (April 2005)

Moderator, *American Indian Law Day*, University of Michigan (April 2005)

Feminism and Culture, Annual Conference, American Association of Law Schools (Jan 2005)

Indigenous Peoples in International and Comparative Law, Annual Conference, American Association of Law Schools (January 2005)

Issues in Indian Law: State and Property Taxation, Annual Conference of State Tax Judges (Oct 2004)

The Problem of Justice: The View from the Reservation, Annual Conference, Association for the Study of Law, Culture, and the Humanities (March 2004)

Incorporating Tribal Law in the Law School Curriculum, Annual Conference, American Association of Law Schools (January 2004)

Indian Country & the Judiciary, Indian Country in the New Millennium: A 50 Year Retrospective, Mashantucket Pequot Museum and Research Center (October 2003)

Indian Policy and the Imagined Indian Woman, Symposium, Tribal Law and Governance, University of Kansas School of Law (October 2003)

Justice and the Outsider: Tribal Court Adjudication of Nonmember Rights, Annual Conference, Law and Society Association (June 2003)

"Power over this Unfortunate Race": U.S. v. Rogers, Race, Power & Indian Law, Annual Conference, American Society for Legal History (November 2002)

Back to the Future on Indian Jurisdiction, Conference of the Association of Native Americans at Yale University, Plenary Session Panel (October 2002)

The Indian Child Welfare Act: Practice and Implementation, Annual Conference of Virginia District Court Judges, Plenary Session (August 2002)

Indian Child Welfare Act, Conference of State Supreme Court Justices, Tribal Affairs Committee (July 2002)

Jurisprudence of the Navajo Supreme Court, 1998-99, Annual Conference, Navajo Nation Bar Association, Plenary Session (June 1999)