

**JAMES M. GRIJALVA**  
Friedman Professor of Law  
University of North Dakota School of Law

EDUCATION

**Northwestern School of Law of Lewis & Clark College**

Portland, OR

J.D. 1989, *cum laude*

Certificate, Natural Resources & Environmental Law

Associate Editor, Law Review

Legal Writing Awards, Best Brief, Best Oral Argument

**Claremont McKenna College**

Claremont, CA

B.A. 1986, *cum laude*

Dual major, Political Science and Philosophy

Two-semester Honors thesis, *Alaska Native Subsistence Rights*

PROFESSIONAL EXPERIENCE

**Mandan, Hidatsa & Arikara Nation Supreme Court**, Fort Berthold Indian

Reservation, ND

Special Alternate Justice (2017-2019, 2019-2021)

**National Tribal Water Council, Technical Advisory Committee**

Technical Assistance Provider (2020-2022)

**U.S. Bureau of Indian Affairs, Tribal Justice Services**

Tribal Trial Advocacy Skills Trainer, Standing Rock Sioux Tribe, Fort Yates Indian Reservation (June 11-13, 2019)

*(Regional 3-day training program for tribal court Advocate (non-lawyer) Prosecutors)*

**U.S. Environmental Protection Agency, American Indian Environmental Office/Institute for Tribal Environmental Professionals**

Environmental Law Trainer—Annual Tribal Lands and Environment Forum

*(4-hour training program for federal and tribal governmental officials on the federal General Assistance Program for developing tribal environmental regulatory capacity)*

- Philadelphia, MS (2019)
- Spokane, WA (2018)
- Tulsa, OK (2017)
- Uncasville, CT (2016)
- Minneapolis, MN (2015)

**U.S. Environmental Protection Agency, Office of Environmental Compliance and Enforcement and Office of Environmental Justice**

Environmental Dispute Resolution Legal Trainer

*(1-3 day training program for Indian tribal governments and tribal grassroots organizations in Indian country)*

- New Town, ND (April 2014)
- Oneida, WI (2011)
- Bemidji, MN (2010)
- Ashland, WI (2010)
- Riverton, WY (2009)
- Gallup, NM (2009)
- Farmington, NM (2007)
- Window Rock, AZ (2006)

**Navajo Nation Environmental Justice Coalition** (six tribal organizations)

Navajo Nation, Farmington, NM (2007)

Coalition Building Service Provider

**U.S. Environmental Protection Agency American Indian Environmental Office**

Washington, D.C. (2005)

Technical Services Contractor, Author, SNAPSHOT OF EPA INDIAN PROGRAM REPORT (comprehensive report covering the 30-year history of EPA's Indian Program)

**Spirit Lake Nation**

Fort Totten, ND (1996-2006)

Indian Country Environmental Law Consultant

**Stoel Rives Boley Jones & Grey** (now Stoel Rives LLP)

Seattle, WA

Attorney, Environmental Practice Group, Litigation Department (1990-1994)

**Honorable Charles E. Wiggins**

U.S. Court of Appeals for the Ninth Circuit

Reno, NV

Law clerk (1989-1990)

**Bradbury, Bliss & Riordan**

Anchorage, AK

Law clerk (summer 1988)

**Honorable Diarmuid F. O'Scannlain**

U.S. Court of Appeals for the Ninth Circuit

Portland, OR

Full-time extern (spring semester 1988)

**Trustees for Alaska**

Anchorage, AK

Law clerk (summer 1987)

ACADEMIC APPOINTMENTS

(dates by academic year except where noted)

**University of Alberta, Edmonton**

U.S. Fulbright Senior Scholar, Research Chair in Aboriginal Legal and Resource Rights (January-April 2009)

**University of North Dakota School of Law**

Grand Forks, ND

Friedman Professor of Law (Full Prof. 2007-present; Assoc. Prof. 1997-2007; tenured 2000; Asst. Prof 1994-97)

*Responsible for full or overload law school teaching responsibilities every semester except 1998-99 (visiting at Seattle University), 2002-03 (developmental leave) and spring 2009 (Fulbright Scholar at University of Alberta)*

Director, Northern Plains Indian Law Center (2016-present)

*Coordinate Center components, functions, advertising, outreach, grant proposals; in 2018, received Bush Foundation grant (\$184,000) for discussions with tribal court and college staff on improving tribal court advocate training and competency*

Director, Indian Law Certificate Program (2010-2016)

*Administered program certifying students with significant coursework in Indian law (approximately 25 successful candidates as of 2015)*

Director, Tribal Environmental Law Project (1996-present)

*TELP, a component of the School of Law's Northern Plains Indian Law Center, has as its mission to address environmental injustice in Indian country, which exists where communities of color or lower income status bear disproportionately higher risks of environmental degradation; for its first 15 years, TELP also featured an experiential clinic-like project where students acted as a small law firm, engaging their legal knowledge and skills to assist real and hypothetical tribal governments seeking effective regulation of the Indian country environment*

**Courses**

*Required: Property, Property I, Property II,*

*Electives: Administrative Law Environmental Law, Federal Indian Law, Intellectual Property*

*New courses developed at School of Law: Indian Country Environmental Law, Native Natural Resources, Tribal Environmental Law, Tribal Environmental Law Project, Tribal Law*

*Faculty Supervisor for approximately 40 Independent study projects (1994-2020)*

Moot court coach for external competitions

*National Environmental Law Moot Court (1997, 1998, 1999)*

*National Native American Law Students Association Moot Court (2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020)*

Faculty Advisor

*Native American Law Students Association (1995-2000, 2003-2008, 2009-present)*

*Environmental Law Society (1994-present)*

*Delta Theta Phi (1994-2002)*

**Vermont Law School**

South Royalton, VT

Summer Faculty (summers 1998-2009)

*For twelve years, taught a two-week intensive summer course on Indian country environmental law and policy to law and non-law graduate students; in 2009, also taught a three-week intensive summer course on Administrative Procedure & Environment*

**University of Minnesota, Crookston**

Crookston, MN

Instructor (spring quarters, 2000, 2002, 2004, 2006)

*Taught 8 hours on environmental law and policy to undergraduate students as a co-instructor in Natural Resources: Land Use Planning, offered every other spring*

**Seattle University School of Law**

Tacoma, WA

Visiting Professor of Law (1998-99)

*Taught Air and Water Regulation, Federal Indian Law, Native Natural Resources, and Administrative law*

*Coached National Environmental Law Moot Court Team (1998-99)*

**University of Washington, Institute for Environmental Studies**

Seattle, WA

Instructor (spring quarters 1991-1993)

*Taught Environmental Law and Policy to undergraduate and graduate environmental science students while practicing law full-time*

**Lewis & Clark College**

Portland, OR

Asst. Director of Forensics & Debate (1986-1988)

*Trained undergraduate students for inter-collegiate debate and individual speaking events while attending law school full-time*

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**PUBLICATIONS**

BOOKS

**CLOSING THE CIRCLE: ENVIRONMENTAL JUSTICE IN INDIAN COUNTY** (Carolina Academic Press 2008)

**TEACHER'S MANUAL, CLOSING THE CIRCLE: ENVIRONMENTAL JUSTICE IN INDIAN COUNTY** (Carolina Academic Press 2008)

**TRIBAL ENVIRONMENTAL PROGRAMS** (Vermont Law School 2003-06)

**INDIAN COUNTRY ENVIRONMENTAL LAW: CASES AND MATERIALS** (co-authored) (Vermont Law School 1998-2002)

BOOK CHAPTERS

**Tribal Sovereignty and Environmental Justice for Native America**, in **TRIBES, LAND & ENVIRONMENT** (Ezra Rosser & Sarah Krakoff, eds., Ashgate Publishing Co. 2012)

PEER-REVIEWED JOURNAL ARTICLES

***Self-Determining Environmental Justice in Indian Country***, 4 ENVIRONMENTAL JUSTICE 187-192 (lead article in special issue devoted to Indian issues, 2011)

***EPA's Indian Policy at Twenty-Five***, 25 NATURAL RESOURCES & ENVIRONMENT 12-16 (2010) (special 25<sup>th</sup> Anniversary issue)

***The Evolving Path Toward Achieving Environmental Justice for Native America***, 40 ENVIRONMENTAL LAW REPORTER 10906-10918 (2010) (with Daniel Gogal, Senior Environmental Specialist, U.S. Environmental Protection Agency)

***The Assertion of Natural Resource Damage Claims by Indian Tribal Trustees***, 4 ENVIRONMENTAL CLAIMS JOURNAL, 175-85 (1991/92) (primary co-author)

LAW JOURNAL ARTICLES

**Ending the Interminable Gap in Indian Country Water Quality Protection**, 45 HARVARD ENVIRONMENTAL LAW REVIEW \_\_ (forthcoming winter 2020-21)

***Compared When? Teaching Indian Law in the Standard Curriculum***, 82 NORTH DAKOTA LAW REVIEW 697-718 (2006)

***The Tribal Sovereign as Citizen: Protecting Indian Country Health and Welfare Through Federal Environmental Citizen Suits***, 12 MICHIGAN JOURNAL OF RACE & LAW 33-56 (2006)

***The Origins of EPA's Indian Program***, 15 KANSAS JOURNAL OF LAW & PUBLIC POLICY 191-294 (2006)

***Where are the Tribal Water Quality Standards and TMDLs?***, 18 NATURAL RESOURCES & ENVIRONMENT. 63-69 (Fall 2003)

***Tribal Governmental Regulation of Non-Indian Polluters of Waters***, 71 NORTH DAKOTA LAW REVIEW 433-72 (1995)

***Closing the Circle: Tribal Implementation of the Superfund Program in the Reservation Environment***, 9 JOURNAL OF NATURAL RESOURCES & ENVIRONMENTAL LAW 279-296 (1993-94) (primary co-author)

#### COURT AND GOVERNMENT DOCUMENTS

Co-authored with three law professors an **Amicus Curiae Brief** for a Petition for Rehearing En Banc in ***State of Wyoming v. U.S. Environmental Protection Agency***, Nos. 95-1412 & 95-1414 (10<sup>th</sup> Circuit U.S. Court of Appeals 2017)

***Diesel Fuel Spill Role Play Simulation***, Environmental Dispute Resolution Training, Three Affiliated Tribes, Fort Berthold Indian Reservation, New Town, ND (2014)  
*Fictional dispute involving a tribal grassroots organization, a tribal environmental agency, a tribal economic development agency, and two federal agencies arising out of a traffic accident causing an oil truck spill into reservation waters, with confidential scenarios for role playing by five parties to be used in three-day training for approximately 40 participants*

***Environmental Impact Assessment of Tribal Corporation Business Project, Role Play***, Environmental Dispute Resolution Training, Oneida Indian Reservation, Oneida, WI (2011)

*Fictional dispute involving a tribal grassroots organization, a tribal government, a tribal business corporation and a federal agency arising out of a federal environmental impact analysis of a new industrial facility proposed by the tribal business corporation, with confidential scenarios for role playing by four parties to be used in three-day training for approximately 30 participants*

***High Bluff Water System Breaks and Contamination, Role Play***, Environmental Dispute Resolution Training, Wind River Indian Reservation, Riverton, WY (2009)

*Fictional dispute between a tribal grassroots organization and a tribal government arising out of repeated failings of an older drinking water system and risks of contamination, air pollution permit proceedings, with confidential scenarios for role playing by four parties to be used in three-day training for approximately 50 participants*

***PetroChem's Tribal Air Pollution Permit, Case Study and Role Play, Phase I & II***, Environmental Dispute Resolution Training, Navajo Indian Reservation, Window Rock, AZ (2006)

*Fictional dispute between tribal grassroots organizations and tribal government and industrial facility arising out of air pollution permit proceedings, with case study questions for small and large group discussion, and confidential scenarios for role playing by six parties to be used in three-day training for approximately 50 participants*

***Significant Historical Events, A SNAPSHOT OF EPA TRIBAL PROGRAM*** (U.S. Environmental Protection Agency 2005)

*Historical analysis of the major elements of EPA's Indian Program from 1970 to 2004, published in an internal EPA document prepared to guide senior Agency leadership in considering how to treat Indian Program issues in the next EPA 5-year Strategic Plan*

***Chapter 2: Native American Sovereignty***, in **GUIDEBOOK FOR ENVIRONMENTAL STEWARDSHIP ON NATIVE AMERICAN LANDS**, United States Department of Defense (2001)

*Background analysis of U.S. federal Indian law and its impact on contemporary federal-state-tribal relations and jurisdiction*

Author of one of two sections of an **Amicus Curiae brief filed in *Bugenig v. Hoopa Valley Tribe***, 266 F.3d 1201 (9<sup>th</sup> Circuit U.S. Court of Appeals. 2001), *rehearing en banc* (deciding the case in accord with the brief's analysis)

#### OTHER PUBLISHED MATERIALS

**Resistance, Resilience and Reconciliation: Indigenous Human Rights to Environmental Protection in a Fossil Fuel Frenzy**, JURIST - Academic Commentary, Apr. 12, 2017, <https://www.jurist.org/commentary/2017/04/resistance-resilience-and-reconciliation-indigenous-human-rights-to-environmental-protection-in-a-frenzy/>

**Engaging Indigenous Peoples on Environmental Justice at the UN Permanent Forum**, essay summarizing 2016 Side Event to the annual meeting of the United Nations Permanent Forum on Indigenous Issues, U.S. Mission to the United Nations, New York City, New York, posted on the U.S. EPA Environmental Justice Blog (2017)

***Indigenous Consultation in Peru: Thoughts from North America***, Essay Posted on Mining, Oil and Energy of Peru Blog (Nov. 2012)

***Environmental Justice in Indian Country***, Native American Resources Committee Newsletter, ABA Section of Environment, Energy and Resources (Spring 2010)

**Book Review, James M. McClurken, et al. *Fish in the Lakes, Wild Rice, and Game in Abundance: Testimony on Behalf of Mille Lacs Ojibwe Hunting and Fishing Rights***, North Dakota History (Fall 2000)

***Native American Resources Committee Annual Report for 1998***, THE YEAR IN REVIEW, ABA Section of Natural Resources, Energy, and Environmental Law (describing 1998 judicial, legislative and administrative developments in Indian environmental law)

***Native American Resources Committee Annual Report for 1997***, THE YEAR IN REVIEW, ABA Section of Natural Resources, Energy, and Environmental Law (describing 1997 judicial, legislative and administrative developments in Indian environmental law)

[Published panel discussion] ***James Grijalva et al. Diminishment of Indian Reservation: Legislative or Judicial Fiat?***, 71 NORTH DAKOTA LAW REVIEW 415 (1995)

***Can Tribal Governments Regulate Non-Member Activities on the Reservation?***, 3 Indian Law Newsletter 5 (1993)

***New Federal Standards for Solid Waste Landfills***, 2 Indian Law Newsletter 3 (1992)

***Landmark Superfund Agreement in Puget Sound***, 9 Northwest Environmental Law 5 (1991)

## PROFESSIONAL PRESENTATIONS & CONFERENCES

### INTERNATIONAL

***The Role of Non-Governmental Organizations in Assisting Tribes and Tribal Grassroots Organizations to Achieve Environmental Justice***, Side Event to the annual meeting of the United Nations Permanent Forum on Indigenous Issues, U.S. Mission to the United Nations, New York City, New York USA (2016)

***Indigenous Water Jurisdiction Through Consultation: A U.S. Perspective***, Indigenous Governance & Jurisdiction of Water, 24<sup>th</sup> Annual Indigenous Bar Association Conference, Winnipeg, Manitoba, Canada (Oct. 2012)

***Crafting Domestic Environmental Law Mechanisms for Addressing the Environmental Impacts of Development on Indigenous Peoples: The North***



***American Experience***, 46<sup>th</sup> Annual Meeting of the Inter-American Bar Association, Rio de Janeiro, Brazil (2010)

***“Lessons” from U.S. Environmental Law***, Working Forum on the Duty to Consult: Now What?, University of Alberta, Edmonton, Alberta (2009)

***Developing the United States’ Modern Indian Country Environmental Program***, Faculty Seminar Series, University of Alberta Faculty of Law, Edmonton, Alberta (2009)

***Environmental Justice for North American Indigenous Peoples***, Aboriginal Law Students Association Speaker Series, University of Alberta Faculty of Law, Edmonton, Alberta (2009)

***Invited participant, Ancient Voices Forum*** (cross-cultural interactive conference on indigenous views of the environment), Queen Charlotte Island, British Columbia (2007)

#### NATIONAL

***Developing Tribal Water Quality Standards as a First and Critical Step Toward Tribal Environmental Self-Determination***, Tribal Lands and Environment Forum, Palm Springs, CA (2019)

***Tribal Environmental Self-Determination: Beneficiary or Casualty of Trump’s Return to Local Environmental Management?***, 48<sup>th</sup> Spring Conference of the ABA Section of Environment, Energy and Resources, Denver, CO (2019) (received Best Paper Award)

***Indigenous Environmental Justice, Tribal Environmental Sovereignty & Federal Administrative Sea Changes***, Emerging Environmental Issues in Native Communities, Part II, Webinar, Environmental Law Institute (2017)

***Essentials of Environmental Regulation in Indian Country***, Native American Resources Committee of the American Bar Association Section of Environment, Energy, and Resources, Webinar (2015)

***Rural Environmental Justice***, 26<sup>th</sup> Annual Conference of the National Association of Environmental Law Societies, Harvard Law School, Boston, MA (2014)

***Tribal Sovereignty and Environmental Justice for Native America***, Tribes, Land & Environment Conference, American University, Washington D.C. (2011)

***Environmental Justice in Indian Country***, 39<sup>th</sup> Annual Conference on Environmental Law, American Bar Association Section of Environment, Energy and Resources, Salt Lake City, UT (2010)

***Compared When? Teaching Indian Law in the Standard Curriculum***, Conference on the Pedagogy of American Indian Law, Grand Forks, ND (2006)

***The Past and Future of EPA's Indian Program***, 7<sup>th</sup> National Tribal Conference on Environmental Management, Grand Traverse Band of Ottawa and Chippewa Indians, Sutton's Bay, MI (2005)

***Tribal Environmental Law***, Tribal Economic Development Symposium, Grand Forks, ND (2005)

***Avoiding Unreasonable Consequences of Tribal and State Water Quality Standards Administration***, Indian Water Rights Settlement Conference, co-sponsored by the Native American Rights Fund and the Western States Water Council, St. George, UT (2001)

***Legal Strategies for Tribal Environmental Program Development***, 5<sup>th</sup> National Tribal Environmental Conference, Siletz, OR (2000)

***Judicial Developments in Indian Country Environmental Law***, Tenth Annual ABA Conference on Environment and Development in Indian Country, co-sponsored by the Rocky Mountain Mineral Law Foundation, Denver, CO (1999)

***Environmental Justice in Indian Country***, presented at Lewis & Clark College of Law as part of a Virtual Environmental Speaker Series with 12 law schools participating via the Internet (including law schools in Israel and China), Portland, OR (1999)

***Trends in Recent Indian Country Environmental Law Cases***, Fourth National Tribal Environmental Conference, United States Environmental Protection Agency, Prairie Island Indian Community, WI (1998)

***State-Tribal Litigation over Water Quality Standards in Indian Country***, Twenty Second Annual Indian Law Conference, Federal Bar Association, Albuquerque, NM (1998)

***Update on Judicial Developments***, Ninth Annual ABA Conference on Environment and Development in Indian Country, Albuquerque, NM (1997)

***Environmental Citizen Suits in Indian Country***, ABA Eighth Annual Conference on Environment and Development in Indian Country, Albuquerque, NM (1996)

***Tribe-State Cooperative Agreements for Environmental Program Implementation***, State/Tribal Risk-Based Decision Making, St. Louis, MO (1995)

***Overview of the Pollution Prevention Regulatory Framework for Indian Country***, National Tribal Pollution Prevention Conference, Billings, MT (1995)

***Treating Tribes as States under the Clean Water Act: The Good and the Bad***, Symposium on Natural Resource Development and Tribal Rights, Grand Forks, ND (1995)

***Environmental Restoration by Indian Tribes***, Annual Meeting of the American Nuclear Society, Washington D.C. (1994)

***The Clean Water Act: An Examination of Federal Environmental Regulatory Delegation to Indian Tribes***, ABA Natural Resource Management and Environmental Enforcement on Indian Lands Conference, Albuquerque, NM (1993)

***Natural Resource Damage Claims by Indian Tribal Trustees***, Natural Resource Damages Claims and Litigation Conference, Washington D.C. (1991)

#### REGIONAL

***Tribal Sovereignty and Environmental Self-Determination***, Native Agents of Change Lecture Series. Native American Cultural Center, Northern Arizona University, Flagstaff, AZ (2019)

***Environmental Law and Policy Underlying Tribal Development of Environmental Regulatory Management Capacity***, Workshop for Organizational Staff working on variety of environmental training programs under federal grants, Institute for Tribal Environmental Professionals, Flagstaff, AZ (2019)

***Applying for Treatment in a Similar Manner as States for the purpose of Tribal Nation Administration of the Clean Water Act***, United South and Eastern Tribes 50<sup>th</sup> Anniversary Annual Meeting, Choctaw, MS (2019)

***Tribal Air Programs as Environmental Self-Determination***, Air Quality, Solid Waste & Environmental Managers Working Group Meetings, Intertribal Council of Arizona, Phoenix, AZ (webinar, 2019)

Moderator, ***Legal Panel on Tribal Consultation***, Strengthening Government to Government Partnerships & Relationships Conference, North Dakota Indian Affairs Commission Bismarck, ND (Jan. 30–31, 2018)

***Pipelines, Protests and Perspectives: Can Domestic Energy Development be Reconciled with Internationally-Recognized Indigenous Environmental Human Rights?***, Center for International and Comparative Law Distinguished International Speaker, St. Louis University School of Law, St. Louis, MO (Oct. 16, 2017)

***Control and Accountability: The Twin Dimensions of Tribal Sovereignty Necessary to Achieve Environmental Justice for Native America***, sponsored by the Environmental Protection Clinic, Environmental Law Society and the Native American Law Students Association, Yale Law School, and the Environmental Law & Policy Program, Yale School of Forestry & Environmental Studies, New Haven, CT (2015)

***The History of EPA's Indian Program***, training for professional staff of the U.S. Environmental Protection Agency and Indian tribes, EPA Region VII, Kansas City, KS (2011)

***The Past and Future EPA's Indian Program***, training for professional staff of the U.S. Environmental Protection Agency and Indian tribes, EPA Region V, Chicago, IL (2010)

***Human Rights Mired in the Canadian Oil Sands***, Vermont Law School Hot Topics in Environmental Law, South Royalton, VT (2009)

***The 30-Year History of EPA's Policies for Protecting the Environment of Indian Country: Is the Indian Country Environment Cleaner, or is that the Wrong Question?***, Vermont Law School Hot Topics in Environmental Law, South Royalton, VT (2003)

***Understanding Tribal Sovereignty***, Indian law training for program directors, EPA Region V, Chicago, IL (2000)

***Supreme Court Restraints on Tribal Regulatory Authority Over Non-Indians***, Regional Operations Committee, EPA Region IX, San Francisco, CA (2000)

***Litigation Risks and Alternatives***, Regional Operations Committee, EPA Region VIII, Polson, MT (2000)

***Implementing Environmental Law in Indian Country***, guest lecture to graduate environmental law class, Lewis & Clark College Northwestern School of Law, Portland, OR (1999)

***Implementing Environmental Law in Indian Country***, guest lecture to seminar classes in Federal Indian Law and Advanced Environmental Law, University of Washington School of Law, Seattle, WA (1999)

***Indigenous Rights to Self-Determination***, First Monday Conference on the 50th Anniversary of the Universal Declaration of Human Rights, Seattle University, Tacoma, WA (1998)

***Tribal Sovereignty in a Federalist Environmental System***, Fourth Annual Native American Law Symposium, sponsored by the Utah State Bar Association, Salt Lake City, UT (1998)

***New Developments in Tribal Regulation and Enforcement of Environmental Programs***, ABA Key Environmental Issues in U.S. EPA Region VIII, Denver, CO (1997)

***Tribal and Community Environmental Programs***, Eighth Annual Indigenous Environmental Network Protecting Mother Earth Conference, Fort Belknap Indian Reservation, MT (1997)

***Tribal Land Use Planning***, All Things Are Connected Video Series, Haskell Indian Nations University, Lawrence, KS (1997)

***Environmental Issues in Indian Country***, Video panel discussion, Haskell Environmental Research Studies Center, Haskell Indian Nations University, Kansas State University (1996)

***Mock Law School Class***, Pre-law workshop for American Indian students, sponsored by the Law School Admission Council, Rapid City, SD (1996)

***Regulation of Underground Storage Tanks and Landfills on Indian Reservations***, Indian Natural Resources Law Conference, Seattle, WA (1993)

***Cooperative Agreement Between the Puyallup Tribe of Indians and the Puget Sound Air Pollution Control Authority***, Tribal/County Cooperation and Coordination Conference, Seattle, WA (1993)

#### STATE & LOCAL

***Current Issues in Indian Country***, The American Indian Experience Series, Grand Forks, ND (2004)

***Overview of Federal Environmental Law Pertaining to Environmental Program Management in Indian Country***, Environmental and Treaty Conference, Spirit Lake Nation, Fort Totten, ND (2004)

***The Importance of Tribal Courts as Protectors of Individual and Business Rights and the Continuing Deference of Federal Courts toward Tribal Adjudications***,

Conference on Protecting Individual Rights and Business Interests in Indian Tribal  
Courts, Grand Forks, ND (1997)

***Proposed Solutions to the Devils Lake Flooding Problem***, North Dakota Water Law Conference, Fargo, ND (Sept. 1996)

***Federal Environmental Law***, Red River Valley Legal Assistant Spring Seminar (1995)

UNIVERSITY OF NORTH DAKOTA CAMPUS

***Tribal Environmental Self-Determination: Beneficiary or Casualty of Trump's Return to Local Environmental Management?***, UND School of Law Homecoming CLE (2019)

***Moderator, Resistance, Resilience and Reconciliation: Indigenous Human Rights to Environmental***, Northern Plains Indian Law Center Distinguished Indian Law Panel, Time Out Week (2017)

***Fact Check: Dakota Access Pipeline***, Buzz Session, School of Law (2017)

***"Flipping the Law Classroom,"*** Faculty Workshop on Using Technology In and Out of the Classroom, UND Center for Instructional Technology (May 26, 2016)

***Aboriginal Human Rights Mired in the Canadian Tar Sands***, Northern Plain Indian Law Center Distinguished Lecture, School of Law (2010)

***Federal Environmental Policy***, guest lecture in Environmental Policy course, Earth System Science & Policy Program, UND Odegard School (2011, 2008)

***Natural Resource Damage Claims under Superfund***, guest lecture in Environmental Policy course, Earth System Science & Policy Program, UND Odegard School (2007)

***Orientation Panel for First Year Law Students***, UND School of Law (2006)

***Orientation Panel for First Year Law Students***, UND School of Law (2005)

***They Own What You Think***, Reclaiming Academic Integrity Conference, UND (2002)

***Judicial Clerkship Opportunities***, Summer Clerkships Panel, sponsored by Delta Theta Phi and Law Women's Caucus, UND School of Law (2002)

***Ten Tips for Writing Resumes***, UND School of Law (2001)

***An International Look at the Protection of Cultural Identity***, Northern Plains Conference on American Indian Team Names and Logos, UND (2001)

***Environmental Justice in Indian Country***, legal panel for UNDIA Time Out Week, UND (2001)

***UND Pre-Law Workshop for American Indian and Minority Undergraduate Students***, UND School of Law (1997, 1998, 1999, 2000, 2001)

***What I Now Know That I Wished I Knew Then About Tenure***, Alice T. Clark Mentors Program, UND (2000)

***The Fighting Sioux Nickname Debate***, sponsored by the International Students Organization, UND (2000)

***Test Taking Panel for First Year Law Students***, UND School of Law (2000, 2001)

***Federal Appellate Clerkship Panel***, UND School of Law (2000)

***Current Hot Topics in Federal Indian Law***, Tribal Law and Government Class, UND Indian Studies Department (1998)

***Tribal Court Judgments***, Guest Lecture in Conflicts course, UND School of Law (1996)

***Restoring the Natural Environment After a Hazardous Waste Spill***, student meeting of the UND Wildlife Society, UND (1996)

***Natural resource development in Indian Country***, guest lecture in Oil and Gas course, UND School of Law (1995)

***Symposium on Professionalism: Fundamental Lawyering Skills and Professional Values***, UND School of Law (1994)

#### INSTITUTIONAL SERVICE

#### NORTH DAKOTA UNIVERSITY SYSTEM

##### **North Dakota State Board of Higher Education**

Faculty Advisor (elected, 2001-02, 2002-03)

*Assisted Board in all aspects of policy development, relations with campus administrators and faculty, approval of new programs and initiatives including development of the NDUS Long-Term Finance Plan, lists of Peer Institutions for each NDUS campus, preparation of four accountability measures reports, and biannual budget requests*



**Council of College Faculties**

UND Representative (elected, 2000-2003)

*Represented UND faculty on system-wide senate of faculties working with the State Board of Higher Education on policy matters affecting faculty and academic programming*

**North Dakota Higher Education Roundtable**

Member (SBHE President's appointment, 2001-02)

*Statewide task force monitoring implementation of the 2000 Report of the Roundtable for the Legislative Council Interim Committee on Higher Education envisioning a flexible but accountable North Dakota University System aligned with the State's needs*

**NDUS Intellectual Property Task Force**

Member (Chancellor's appointment, 2001-02)

*Joint committee of faculty and administrators that successfully developed a System-wide policy on the creation and ownership of Intellectual property in the NDUS*

**North Dakota State Board of Higher Education Compensation Committee**

Member (Chancellor's appointment, 2001-2002)

*Prepared report for Legislative Assembly on NDUS employee compensation and benefits for budget appropriations hearings*

**North Dakota University System Arts and Humanities Summit**

Conference Chair (UND 2002)

*Organized the first NDUS statewide conference on fine arts and humanities across the eleven public higher education institutions in North Dakota*

**North Dakota State Board of Higher Education Subcommittee on Graduate Education**

Member (Board President's appointment, Jan.-March 2003)

*Reviewed missions of 4-year campuses for Board consideration of campuses' requests for Master's Degree-granting authority*

UNIVERSITY OF NORTH DAKOTA

Co-Chair, UND School of Law Dean Search Committee (Provost appointment, 2018)

Member, University Promotion & Tenure Committee (2016-17)

Senator-at-Large, University Senate (campus-wide election, 2016-18)

Member, University Senate Revision Committee (Senate Chair appointment, 2015)

Moderator, *All Campus Forum on Collaborative Governance*, sponsored by the University Senate (featuring NDUS Chancellor Mark Haggerott) (Feb. 11, 2016)

Member, UND School of Law Dean Search Committee (Provost appointment, Dec. 2010-11)

Chester Fritz Distinguished Professor Committee (VPAA's appointment, March 2006, March 2010)

Chair, Steering Committee for the College of Natural and Social Earth Systems  
(VPAA's appointment, 2006-07)  
University Senate Executive Committee (ex officio as past Senate Chair, 2005-06)  
Chair, University Senate (elected, 2004-05)  
UND Provost/VPAA Search Committee (President's appointment, 2003-04)  
Odegard Aerospace School Faculty Search Committee (for the Earth Science,  
Systems and Policy Program) (Director's appointment, spring 2004)  
UND Representative, Council of College Faculties (elected, 2000-03)  
University Planning and Budget Committee (President's appointment, 2000-02)  
Planning Committee, "Reclaiming Academic Integrity Conference," UND (Sept. 2001-  
Feb. 2002)  
Law School Senator, University Senate (elected, 2000-01, 2001-02)  
Special Review Committee (elected 2001-02, no cases; elected 2005-06, handled one  
Case; elected 2010-11, handled one case)  
University Committee on Outstanding Faculty Awards (Dean's appointment, 1999-  
2001)  
Tenure review committee for Greg Gagnon, Indian Studies Department  
(Departmental Chair's appointment, fall 2000)

#### SCHOOL OF LAW

Director, Northern Plains Indian Law Center (2016-present)  
Chair, Faculty Selection Committee (2012-19)  
Chair, Promotion, Tenure & Evaluation Committee (2016-19)  
Chair, Diversity & Educational Engagement Committee (1999-02; 2014-16)  
Member, Promotion, Tenure & Evaluation Committee (2012-14; 2019-20)  
Director, Indian Law Certificate Program (2011-16)  
Member Faculty Selection Committee (2004-05, 2007-08, 2009-11, 2019-20)  
Chair, Promotion, Tenure & Evaluation Committee (2006-12)  
Chair, Faculty Evaluation Committee (elected, 2001-02, 2006-11)  
Chair, Academic Affairs Committee (2006-07)  
Chair, Curriculum Committee (2004-06)  
Member, Promotion and Tenure Committee (2005-2007)  
Member, Evaluation Committee (elected, 2004-06)  
Member, Diversity Committee (1994-99)  
Admissions Committee (1999-2000, 2000-01, 2001-02)  
Member, Student Affairs Committee (1998-99)  
Member, Academic Affairs Committee (1998-99)  
Law School Senator, University Senate (elected, 2000-01, 2001-02)  
Internal Advisory Board of the Northern Plains Indian Law Center (Director's  
appointment, 1996-2007).  
Faculty Mentor, UND Alice T. Clark Mentors Program

- Assistant Professor, William Johnson (2009-10, second-year program)
- Assistant Professor Joe Vacek (fall, 2008)

- Assistant Professor Stacy Leeds (2000-01)
  - Assistant Professor Grant Christensen (2015-16)
- Initiated and coordinated Faculty Colloquia Series (2000-01)
- “The Verdict is In: How Juries Make Their Decisions” (Oct. 2001)
  - “Teaching with Technology” (Sept. 2001)
  - “Reconsidering Our Teaching Evaluation Policies” (April 2001)
  - “Using Voice to Improve Teaching” (Jan. 2001)
  - “Education Techniques for Adult Learners” (Dec. 2000)
  - “Classroom Management Approaches” (Nov. 2000)
  - “Why Don't We Read ‘Real’ Books in Law School? The Case for Law and Literature,” (Oct. 2000)

### COMMUNITY SERVICE

#### AMERICAN INDIAN COMMUNITIES

**Oneida Tribe of Wisconsin** (Wisconsin 2019)

*Development of Water Quality Standards; Tribal jurisdiction over non-Indian residents of Reservation*

**Qawalangin Tribe of Unalaska** (Alaska 2017)

*Pending federal legislation on Tribal Superfund liability for brownfields development*

**Tohono O’odham Nation** (Arizona 2017)

*Superfund cleanup of former mine*

**Standing Rock Sioux Tribe** (North and South Dakota)

*Environmental assessment and regulation of oil pipelines (2015-17)*  
*Tribal pesticide code development (1998)*

**Three Affiliated Tribes of the Fort Berthold Indians Reservation** (North Dakota)

*Environmental dispute resolution (2014)*  
*Environmental assessment and permitting processes of proposed oil refinery (2009)*

**Oneida Tribe of Indians of Wisconsin** (Wisconsin 2011)

*Environmental dispute resolution*

**Turtle Mountain Band of Chippewa Indians** (North Dakota)

*Tribal oil extraction law development (2011)*  
*Tribal solid waste code development (1997-98)*

**Leech Lake, Red Lake and White Earth Bands of the Minnesota Chippewa Tribe**  
(Minnesota 2010)

*Environmental dispute resolution*

**Red Cliff, Bad River and Menominee Indian Tribes** (Wisconsin 2010)  
*Environmental dispute resolution*

**Northern Arapahoe and Eastern Shoshone Indian Tribes** (Wyoming 2009)  
*Environmental dispute resolution*

**Navajo Nation** (Arizona, New Mexico, Utah 2006, 2007, 2009)  
*Environmental dispute resolution*

**Spirit Lake Nation** (North Dakota 1996-2006)  
*Water quality standards, solid waste disposal issues, pesticide use, land use zoning, water law, and environmental impact statements on federal projects*

**Grand Traverse Band of Ottawa and Chippewa Indians** (Michigan 2005)  
*Indian country environmental law education*

**Cuyapipe Tribe of Mission Indians** (California 2002)  
*Tribal court development*

**Torres-Martinez Band of Cahuilla Indians** (California 2002)  
*Tribal court development*

**Cahuilla Band of Mission Indians** (California 2002)  
*Tribal court development*

**Morongo Tribe of Mission Indians** (California 2002)  
*Tribal court development*

**Hoopa Indian Tribe** (California 2000-01)  
*Tribal environmental agency regulatory jurisdiction*

**Siletz Tribe of Indians** (Oregon 2000)  
*Tribal environmental program development*

**Wampanoag Tribe of Gay Head** (Massachusetts 2000)  
*Tribal court development*

**Narragansett Indian Tribe** (Rhode Island 2000)  
*Tribal court development*

**Washoe Tribe of Indians** (Nevada 1996-99)  
*Natural resource damage claims*

**Prairie Island Indian Community** (Minnesota 1998)  
*Tribal environmental agency regulatory jurisdiction*

**Skull Valley Band of Goshute Indians** (Utah 1998)  
*Nuclear waste disposal*

**Salish and Kootenai Tribes of the Flathead Reservation** (Montana 1998)  
*Tribal environmental program development*

**Fort Belknap Indian Community** (Montana 1997)  
*Tribal environmental program development*

**White Earth Band of Chippewa Indians** (Minnesota 1997)  
*Indian country environmental law*

**Yankton Sioux Tribe** (South Dakota 1996)  
*Indian country environmental law*

**Flandreau Santee Sioux Tribe** (South Dakota 1996)  
*Indian country environmental law*

**Ponca Indian Tribe** (South Dakota 1996)  
*Indian country environmental law*

**Oglala Sioux Tribe** (South Dakota 1996)  
*Indian country environmental law*

**Rosebud Sioux Tribe** (South Dakota 1996)  
*Indian country environmental law*

## LOCAL COMMUNITY

### **Ground Up Adventures** (2011-present)

*President (2014-present); Vice-Chair (2011-2014); oversee and manage local federally tax-exempt 501(c)(3) organization whose mission is to expose area youth to adventure-based sports and activities; develop and oversee events in North Dakota and Minnesota in which youth experience the physical and mental challenges inherent in rock climbing, paddle boating in whitewater rivers and open water lakes, off-road mountain biking, and wilderness navigation; assist in acquisition of formerly private, for-profit indoor rock climbing facility and expanding youth-oriented services and competitions; conceived of family-oriented adventure race with youth using map and compass; interact with local government agencies for event permissions and installation of new recreational facilities in the Grand Cities Greenway; successfully applied for State tourism grant to help fund the construction and operation of a boathouse on the Red River where local citizens can rent canoes, kayaks and standup paddleboards*

**END-Racing (2011-2016)**

*One of five core members who assist in developing, setting and hosting competitive adult-based adventure sport events; co-directed spring adventure race held near Turtle River State Park, May 2011*

**Tour de Forks, Grand Forks Breast Cancer Coalition (2008-2014)**

*Design and map course for an annual run/walk/bike annual charitable event, and supervise event*

**Greater Grand Forks Birding Club (2005, 2009, 2011, 2013)**

*Installed a peregrine falcon nesting box on the Smiley water tower, and then relocated it to a UND tower when the City demolished the Smiley tower; annual spring cleaning and inventory of prey items; assist in banding Cooper hawk chicks in nests around Grand Forks*

**To Cross the Moon (2006)**

*Advised on North Dakota law regarding land access issues for Grand Forks grassroots initiative to bring awareness to North Dakota's wind energy potential by snowkiting across the State*

**NDRowing (2006)**

*Advised on incorporating and obtaining non-profit federal tax status for Fargo organization focused on increasing recreational use of the Red River*

**Prairie Partners (2005)**

*Advised on incorporating and obtaining non-profit federal tax status for Grand Forks organization focused on preserving native prairie in North Dakota*

**Campus Committee for Human Rights (2003)**

*Incorporated and obtained non-profit federal tax status for Grand Forks organization focused on education on the use of American Indian team names and symbols*

**Community Foundation of Grand Forks/East Grand Forks (2000)**

*Served on Award Committee for Human Rights Project Grants*

GRANTS AND CONTRACTS

INTERNATIONAL AND NATIONAL

**Fulbright Canada**

**Eco-leadership program (2011)**

*Competitive grant submitted by the School of Law's Environmental Law Society and funded for habitat restoration of Red River Greenway in Grand Forks, ND and East Grand Forks, MN*

**U.S. Environmental Protection Agency, American Indian Environmental Office**  
Technical Services Contract (2005)

*Awarded to the Tribal Environmental Law Project for preparation of a report on The Significant Historical Events of EPA's Indian Program from 1970-2004, published in A SNAPSHOT OF EPA TRIBAL PROGRAM (U.S. EPA 2005)*

**U.S. Environmental Protection Agency Region VIII**

General Assistance Grant, Spirit Lake Nation, North Dakota (2001-04)

*Environmental law and policy technical assistance services for inventory and assessment of Reservation water quality, and development of tribal water quality standards*

**U.S. Department of Justice Bureau of Justice Assistance**

Tribal Court Assistance Project Grant (2001-02)

*One of three UND personnel staffing a \$1.5 million grant to provide training and technical assistance to seven Indian tribal governments for planning activities related to developing tribal court systems, including on-site visits to Indian reservations, presenting and facilitating plenary training sessions for tribal recipients, and reviewing/commenting on draft tribal laws and policies*

**U.S. Department of Justice Bureau of Justice Assistance**

Tribal Court Assistance Project Grant (2000-01)

*One of three UND personnel staffing a \$2.195 million grant to provide training and technical assistance to 25 Indian tribal governments for planning activities related to developing tribal court systems; including on-site visits to Indian reservations, presenting and facilitating plenary training sessions for tribal recipients, and reviewing/commenting on draft tribal laws and policies*

REGIONAL

**Bush Foundation**

Tribal Advocate Training Program

*\$187,000 grant for discussions with tribal court and tribal college professionals at 3 ND tribes and 3 MN tribes to gather information and foster awareness on the current state of Advocate competency, convey the importance of competent Advocates to achieving Indian country justice, and brainstorm possible solutions to improved Advocate training through an online program developed by UND School of Law*

CAMPUS

**University of North Dakota**

University AAF Foundation & Grant Program

*2016 - To develop external grants for an online, non-degree education program for the certification of "advocates" to assist parties in Indian tribal court cases*

**University of North Dakota**

Summer Instructional Development Grant

*2013 – Flipping Property Law: Re-envisioning Legal Education and the Law School Classroom*

**UND School of Law**

Summer Scholarly Research Grants

*2010 – for research supporting a law review article comparing various domestic legal mechanisms available to Canadian First Nations and American Indian Tribes for ensuring environmental protection of indigenous territories*

*2009 – for research supporting a law review article comparing various domestic legal mechanisms available to Canadian First Nations and American Indian Tribes for ensuring environmental protection of indigenous territories*

*2006 -- For research supporting a book project on environmental justice in Indian country, a Fulbright application, and a law review article on federal citizen suits filed by Indian tribes*

*2005 -- For research supporting a book project on Indian country environmental law, a law review article on the origins of the U.S. EPA's 1984 Indian Policy, and negotiations with U.S. EPA on possible TELP projects*

*2004 -- For research supporting a law review article on the origins of the U.S. EPA's 1984 Indian Policy*

**Senate Scholarly Activities Committee**, UND Office of Research and Sponsored Programs

Travel Grant (2001)

*For travel to present at the Indian Water Rights Settlement Conference co-sponsored by the Native American Rights Fund and the Western States Water Council, St. George, Utah*

PROFESSIONAL ASSOCIATIONS/ACTIVITIES

Vice-Chair, **Native American Resources Committee**, ABA Section on Environment, Energy & Resources (2018-19)

Member, **North Dakota Minority Justice Implementation Committee**  
(appointment by Chief Justice, North Dakota Supreme Court, 2013-19)

Member, **North Dakota Commission to Study Racial and Ethnic Bias in the Courts** (appointment by Chief Justice, North Dakota Supreme Court, 2010-12)

**Washington State Bar Association** (since 1989; inactive)

**American Bar Association** (since 1989)

*Sections, Legal Education, Natural Resources and Environment*

*Vice-Chair, Native American Resources Committee (1996-2000)*

*Planning Committee Member, 10th Annual Conference on Environment and*



*Development in Indian Country, co-sponsored with the Rocky Mountain Mineral Law Foundation, Denver, CO (1999)*  
*Co-Chair, 9th Annual Conference on Environment and Development in Indian Country, Albuquerque, NM (1997)*

**Association of American Law Schools** (since 1994)

**Coalition Building Service Provider, Environmental Support Center,**  
Washington D.C. (admitted 2007)

**Technical Resource Group, National Tribal Environmental Research Institute,**  
funded by the U.S. Environmental Protection Agency (joined by invitation 2002)

**Supreme Court Working Project on Indian Law,** Native American Rights Fund,  
Boulder, CO (joined by invitation 2002)

Planning Committee Member, **Third Annual Meeting between Tribal representatives and attorneys and EPA's National Indian Law Work Group,**  
Albuquerque, New Mexico (1999)

**Former member:** Hispanic National Bar Association, Washington State Hispanic Bar Association, Federal Bar Association, Native American Bar Association, Indigenous Environmental Policy Center

#### PROFESSIONAL EDUCATION/CONSULTANT ACTIVITIES

##### **University of Kansas School of Law**

Invited Scholarship reviewer, Promotion and Tenure Committee for Associate Professor Elizabeth Kronk (2014)

##### **CLIFF RECHTSCHAFFEN, EILEEN GAUNA & CATHERINE O'NEILL, ENVIRONMENTAL JUSTICE: LAW, POLICY, AND REGULATION** (2<sup>nd</sup> ed. 2009)

Invited peer reviewer for book chapter on Environmental Justice in Indian Country

##### **University of Oklahoma College of Law**

Peer Reviewer, American Indian Law Review (2007-08, 2008-09, 2009-10)

##### **University of Minnesota School of Law**

Invited Scholarship reviewer, Promotion and Tenure Committee for Associate Professor Kevin Washburn (2008)

##### **University of Maine**

Invited Scholarship reviewer, Promotion and Tenure Committee for Associate Professor Darren Ranco (2008)

**Environmental Support Center**

Coalition Building Service Provider (admitted 2007)  
Washington D.C.

**Coalition of Navajo Environmental Justice Grassroots Organizations**

Coalition Building Facilitator (2007)  
Farmington, NM

AWARDS AND RECOGNITION

Distinguished Environmental Law Graduate Award, Lewis & Clark School of Law  
(Oct. 2012)

Outstanding Person in the Law, Law Women's Caucus (2000)

Nominated, Lydia and Arthur Saiki Prize for Excellence in Graduate/Professional  
Teaching (1996, 2000, 2001, 2012)