

KEVIN K. WASHBURN

The University of Iowa College of Law
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PRINCIPAL ACADEMIC APPOINTMENTS

University of Iowa College of Law, N. William Hines Dean and Professor of Law, June 2018 to the present.

University of New Mexico School of Law, Regents Professor of Law and Dean (on leave for federal public service in the Obama Administration from October 2012 until January 1, 2016). Served as Dean from July 2009 to October 2012. As dean, I led the School of Law, chaired the State of New Mexico's Judicial Nomination Commission and Judicial Compensation Commission, and served on other state boards and commissions. Courses: Contracts, Constitutional Law, Criminal Law, Criminal Law in Practice, Federal Indian Law, Federal Indian Law and Policy in Congress, the Administration and the Court, Federal Jurisdiction, Gaming/Gambling Law, Introduction to Constitutional Law, and Masters in Practice. Committee work: Admissions, Colloquium, Honors and Awards, Natural Resources Program.

University of Arizona James E. Rogers College of Law, Rosenstiel Distinguished Professor of Law, Fall 2008 to June 2009. Courses: Contracts, Criminal Law, Gaming/Gambling Law. Committee work: Appointments Committee.

Harvard Law School, Oneida Indian Nation Visiting Professor, August 2007 to May of 2008. Courses: American Indian Law, Criminal Law, Gaming/Gambling Law.

University of Minnesota Law School, Associate Professor of Law, July 2002 through June 2008 (on leave at Harvard Law School during 2007-08 academic year). Earned tenure in May 2006; voted full professor by the faculty in December 2007. Courses taught: American Indian Law, Criminal Law, Administrative Law, Gaming/Gambling Law, Property. Committee Work: Adjunct Professors, Admissions, Appointments, Community Life, Education Policy, Honor Code Council, International Programs, Various Search Committees. Faculty Advisor: American Indian Law Students Association, Law School Democrats. Fesler Research Fellowship, 2006-2007; Faculty Secretary, 2002-2003.

PROFESSIONAL EXPERIENCE

Assistant Secretary – Indian Affairs, Washington, D.C., October 9, 2012 to December 31, 2015. Nominated by President Barack Obama in August 2012 and confirmed unanimously by the United States Senate in October 2012. Served as the principal advisor to the Secretary of the Interior and the President of the United States on matters involving tribal nations and served as the principal link between the federal government and the country's 567 tribal nations. Represented the Obama Administration in approximately 30 Congressional hearings. Represented the United States before international bodies on indigenous issues. Managed the Bureau of Indian Affairs, the Bureau of Indian Education, and other offices within the area of Indian Affairs, including approximately 8000 employees nationwide and a \$2.8 billion annual budget.

General Counsel, National Indian Gaming Commission, Washington, D.C., Jan. 2000 - July 2002. Provided legal advice to Presidentially-appointed Chairman and Associate Commissioners of the independent federal regulatory agency responsible for regulating Indian gaming, then a \$13 billion industry existing in 28 states. Supervised a staff of twelve. Developed enforcement policy, strategy and regulatory initiatives. Advised the Commission on enforcement actions, administrative and judicial litigation, Congressional testimony and rulemaking. Engaged the Solicitor General of the United States and other Department of Justice officials on appellate matters.

Assistant United States Attorney, Albuquerque, N.M., 1997-2000.

Handled all aspects of prosecutions in the Violent Crime Section, including supervising investigations by the FBI and other law enforcement agencies, handling indictments before federal grand juries, arraignments, preliminary hearings and detention hearings, and jury trials and appeals before the courts of the United States. Primarily handled violent crimes in Indian country. Argued before the United States Court of Appeals for the Tenth Circuit, the United States District Court for the District of New Mexico, and the New Mexico Supreme Court.

Trial Attorney, United States Department of Justice, Washington, D.C. 1994-97.

Appointed through the Attorney General's Honors Program to the Environment and Natural Resources Division – Indian Resources Section. Litigated affirmative cases on behalf of the United States in its role as trustee for Indian tribes. Defended programs of the Department of the Interior and the Environmental Protection Agency in actions by states and other non-Indian parties. Argued before the United States Court of Appeals for the Ninth Circuit, and state and federal courts in Arizona, Montana and Nevada.

Summer Law Clerk, Steptoe & Johnson (Phoenix, Arizona, and Washington, D.C.) Summer 1993; Kaye Scholer Fierman Hays & Handler (now Arnold & Porter Kaye Scholar) (Washington, D.C.) Summer 1992; Meyer Hendricks Victor Osborn & Maledon (Phoenix, Arizona) Summer 1992; Montgomery & Andrews (Albuquerque and Santa Fe, New Mexico) Summer 1991; and McAfee & Taft (Oklahoma City, Oklahoma) Spring 1990.

JUDICIAL CLERKSHIP

Law Clerk, Hon William C. Canby, Jr., U.S. Court of Appeals for the Ninth Circuit, Phoenix, AZ, 1993-94 (former professor of Constitutional Law and Indian law and author of West's Nutshell on American Indian law).

EDUCATION

Yale Law School, *J.D.*, 1993. Editor-in-Chief, *Yale Journal on Regulation*; Arnold & Porter Scholar.

Washington University (St. Louis) School of Law, 1990-1991. Gustavus A. Buder Scholar (full tuition scholarship); American Jurisprudence Awards: Torts, Civil Procedure.

University of Oklahoma, *B.A. (Economics) with Honors*, 1989.

JUDICIAL EXPERIENCE

Chief Judge, Court of Appeals, Saginaw Chippewa Tribe of Indians (Mt. Pleasant, Michigan), 2008 to 2011.

Justice of the Appellate Court, Sac & Fox Tribe of the Mississippi in Iowa, also known as the Meskwaki Nation (Tama, Iowa), 2008-09.

BOOKS AND BOOK CHAPTERS

Editor/Author, COHEN'S HANDBOOK OF FEDERAL INDIAN LAW 4th Edition (2012), primary authorship and editorial responsibility for Chapter 9 (Criminal Jurisdiction), Chapter 12 (Indian Gaming) and Chapter 21 (Economic Development). Member of the Executive Board of Editors.

Sole Author, THE LAW OF GAMING/GAMBLING: CASES AND MATERIALS (Aspen 2011).

Editor/Author, INDIAN LAW STORIES (with co-editors Carole Goldberg and the late Philip Frickey) (Foundation Press 2010).

Author/Editor, CAROLE GOLDBERG, REBECCA TSOSIE, ELIZABETH RODKE WASHBURN AND KEVIN K. WASHBURN, AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM: CASES AND MATERIALS, 6th Ed. (Lexis/Nexis 2010).

Author, Chapter 9, *Restoring the Grand Jury*, in GRAND JURY 2.0: MODERN PERSPECTIVES ON THE GRAND JURY, Roger Fairfax, Editor (Carolina Academic Press) (2010).

Editor/Author, COHEN'S HANDBOOK OF FEDERAL INDIAN LAW 3d Edition (2005), primary authorship and editorial responsibility for *Tribal Voting Rights and Election Law*, Section 4.06, and 2007 and 2009 updates to Chapter 9 (Criminal Jurisdiction), Chapter 12 (Indian Gaming) and Chapter 21 (Economic Development). Member of the Executive Board of Editors.

LEGAL SCHOLARSHIP

Agency Pragmatism in Addressing Law's Failure: the Curious Case of Federal "Deemed Approvals" of Tribal-State Gaming Compacts, 52 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 49 (2018).

Explaining the Modernized Leasing and Right of Way Regulations for Indian Lands, PROCEEDINGS OF THE ROCKY MOUNTAIN MINERAL LAW FOUNDATION 2017 INDIAN LAW CONFERENCE (with Jody Cummings) (2017); <https://ssrn.com/abstract=3055854>.

What the Future Holds: The Changing Landscape of Federal Indian Law and Policy, 130 HARVARD LAW REVIEW FORUM 200 (2017); <https://ssrn.com/abstract=2896916>.

Recurring Issues in Indian Gaming Compact Approval, 20 GAMING LAW REVIEW AND ECONOMICS 388 (2016).

Elena Kagan and the Miracle at Harvard, 61 JOURNAL OF LEGAL EDUCATION 67 (2011).

The Next Great Generation of Indian Law Judges, 81 UNIVERSITY OF COLORADO LAW REVIEW 959 (2010).

Conflict and Culture: Federal Implementation of IGRA by the National Indian Gaming Commission, the Bureau of Indian Affairs, and the Department of Justice, 42 ARIZONA STATE LAW JOURNAL 303 (2010).

Book Review, *Felix Cohen, Anti-Semitism, and American Indian Law*, 33 AMERICAN INDIAN LAW REVIEW 583 (2009) (peer reviewed) (review of DALIA TSUK MITCHELL, ARCHITECT OF JUSTICE: FELIX S. COHEN AND THE FOUNDING OF AMERICAN LEGAL PLURALISM).

Remembering DeGiacomo, 38 N.M. L. REV. 235 (2008).

Paternalism or Protection?: Federal Review of Tribal Economic Decisions in Indian Gaming, 12 GAMING LAW REVIEW AND ECONOMICS 435 (2008).

Sex Offender Registration in Indian Country, 6 OHIO STATE JOURNAL OF CRIMINAL LAW 3 (peer reviewed) (2008) (with Virginia Davis), *cited in* United States v. Begay, 622 F.3d 1187 (9th Cir. 2010).

The Legacy of Bryan v. Itasca County: How an Erroneous \$147 State Property Tax on a Mobile Home Provided the Legal Foundation for \$200 Billion in Indian Gaming Revenues, 92 MINNESOTA LAW REVIEW 919 (2008).

Restoring the Grand Jury, 76 FORDHAM LAW REVIEW 2333 (2008).

Tribal Self Determination at the Crossroads, 38 CONNECTICUT LAW REVIEW 777 (2006).

Federal Criminal Justice and Tribal Self-Determination, 84 NORTH CAROLINA LAW REVIEW 779 (2006), *cited in* Mitchell v. United States, 790 F.3d 881 (9th Cir. 2015) (dissenting opinion of Circuit Judge Reinhardt); United States v. Martinez, 505 F.Supp.2d 1024 (D. N.M. 2007).

American Indians, Crime and the Law, 104 MICHIGAN LAW REVIEW 709 (2006).

The Federal Criminal Justice System in Indian Country and the Legacy of Colonialism, 52 THE FEDERAL LAWYER 40 (March/April 2005).

Reconsidering the Commission's Treatment of Tribal Courts, 17 FEDERAL SENTENCING REPORTER 209 (February 2005) (this article is immediately followed by commentaries evaluating the proposal by three federal judges and a federal public defender).

Tribal Courts and Federal Sentencing, 36 ARIZONA STATE LAW JOURNAL 403 (2004).

A Different Kind of Symmetry, 34 NEW MEXICO LAW REVIEW 263 (2004).

The Mechanics of the Indian Gaming Management Contract Approval Process, 9 GAMING LAW REVIEW 333 (2004), *cited in* Wells Fargo Bank v. Lake of the Torches Economic Development Corp., 658 F.3d 684, 701 n.16 (7th Cir. 2015).

Lara, Lawrence, Supreme Court Litigation and Lessons from Social Movements, 40 TULSA LAW REVIEW 25 (2004) (Essay in Symposium on *United States v. Lara*, 124 S. Ct. 1628 (2004)).

A Legacy of Public Law 280: Comparing and Contrasting Minnesota's New Rule for the Recognition of the Tribal Court Judgments with the Recent Arizona Rule, 31 WILLIAM MITCHELL LAW REVIEW 479 (2004) (Essay in Annual Symposium on Developments in Minnesota Law) (with Chloe Thompson).

Federal Law, State Policy and Indian Gaming, 4 NEVADA LAW JOURNAL 285 (2004) (Essay in Symposium on Cross-Border Issues in Gaming).

Recurring Problems in Indian Gaming, 1 WYOMING LAW REVIEW 427 (2001), *cited in* In re: Gaming Related Cases, 331 F.3d 1094 (9th Cir. 2003) (majority opinion by Circuit Judge W. Fletcher); *excerpted in* ROBERT N. CLINTON, ET AL., AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM: CASES AND MATERIALS 954-57 (4th Ed. 2003).

Recent Developments, 21 AMERICAN INDIAN LAW REVIEW 183 (1997).

CONGRESSIONAL AND OTHER INVITED TESTIMONY
(TESTIMONY MADE IN OFFICIAL CAPACITY AS ASSISTANT SECRETARY - INDIAN
AFFAIRS IS DENOTED WITH AN ASTERISK)

Prepared Statement (and live testimony), Legislative Hearing on H.R. 375, To amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, United States House of Representatives Committee on Natural Resources, Subcommittee for Indigenous People of the United States (Ruben Gallego, Chair), 116th Congress, 1st Session (April 3, 2019).

Prepared Statement (and live testimony), Legislative Hearing on H.R. 3764, Tribal Recognition Act of 2015, United States House of Representatives Subcommittee on American Indian, Insular and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (October 28, 2015).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 872, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2015, United States House of Representatives Subcommittee on American Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (September 28, 2015).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 286, the Little Shell Tribe of Chippewa Indians Restoration Act of 2015, United States House of Representatives Subcommittee on American Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (September 28, 2015).*

Prepared Statement (and live testimony), Oversight Hearing entitled, A Path Forward: Trust Modernization & Reform for Indian Lands, United States Senate Committee on Indian Affairs (John Barrasso, Chair), 114th Congress, 1st Session (July 8, 2015).*

Prepared Statement (and live testimony), Oversight Hearing entitled, Lack of Adequate Standards for Trust Land Acquisition in the Indian Reorganization Act of 1934, United States House of Representatives Subcommittee on American Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (May 14, 2015).*

Prepared Statement (and live testimony), Oversight Hearing on the Federal Acknowledgement Process, United States House of Representatives Subcommittee on American Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (April 22, 2015).*

Prepared Statement (and live testimony), Hearing on the President's Fiscal Year 2016 Budget Request for Indian Programs in the Department of the Interior, United States House of Representatives Subcommittee on Indian, Insular, and Alaska Native Affairs (Don Young, Chair), 114th Congress, 1st Session (March 18, 2015).*

Prepared Statement (and live testimony), Legislative Hearing on S. 438 The Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies Act, United States Senate Committee on Indian Affairs (John Barrasso, Chair), 114th Congress, 1st Session (March 4, 2015).*

Prepared Statement (and live testimony), Hearing on the President's Fiscal Year 2016 Budget Request for Indian Affairs, before the Committee on Appropriations, United States House of Representatives Subcommittee on Interior, Environment, and Related Agencies (Ken Calvert, Chair), 113th Congress, 1st Session (February 28, 2015).*

Prepared Statement (and live testimony), Hearing on the President's Fiscal Year 2016 Budget Request for Indian Programs in the Department of the Interior, United States Senate Committee on Indian Affairs (John Barrasso, Chair), 114th Congress, 1st Session (February 25, 2015).*

Prepared Statement (and live testimony), Oversight Hearing entitled, Indian Gaming – The Next 25 Years, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (July 23, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 4867, The "Economic Development Through Tribal Land Exchange Act," United States House of Representatives Subcommittee on American Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 2nd Session (July 15, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 4546, the Department of the Interior Tribal Self Governance Act of 2014, United States House of Representatives Subcommittee on Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 2nd Session (July 15, 2014).*

Prepared Statement (and live testimony), Oversight Hearing, entitled, Wildfires and Forest Management: Prevention is Preservation, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 14, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1603, the Gun Lake Trust Land Reaffirmation Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1818, the Pyramid Lake Paiute Tribe – Fish Springs Ranch Settlement Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 2040, the Blackfoot River Land Exchange Act of 2014, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 2188, a Bill to Amend the Act of June 18, 1934, to Reaffirm the Authority of the Secretary of the Interior to Take Land Into Trust for Indian Tribes, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 2041, the May 31, 1918 Act Repeal Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (May 7, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 2132, the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (April 30, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1474, S. 1574, S. 1622, and S. 2160, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (April 2, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 4002, United States House of Representatives Subcommittee on American Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 2nd Session (March 27, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on H.R. 3822, the “Fort Wingate Land Division Act of 2014”, United States House of Representatives Subcommittee on American Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 2nd Session (March 27, 2014).*

Prepared Statement (and live testimony), Hearing on the President’s Fiscal Year 2015 Budget Request for Indian Programs in the Department of the Interior, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (March 26, 2014).*

Prepared Statement (and live testimony), Oversight Hearing on the Law and Order Commission Report: “A Roadmap for Making Native America Safer,” United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (February 12, 2014).*

Prepared Statement (and live testimony), Legislative Hearing on S. 919, the Department of the Interior Tribal Self Governance Act of 2013, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 2nd Session (January 29, 2014).*

Prepared Statement (and live testimony), Hearing on Carcieri: Bringing Certainty to Trust Land Acquisitions, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (November 20, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1132, S. 161, and S. 1074, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (October 30, 2013).*

Prepared Statement (and live testimony), Oversight Hearing on “Executive Branch Standards for Land-In-Trust Decisions for Gaming Purposes,” United States House of Representatives Subcommittee on Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 1st Session (September 19, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1448, Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (September 10, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1447, New Mexico Native American Water Settlements Technical Corrections Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (September 10, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 1219, the Pechanga Band of Luiseño Indians Water Rights Settlement Act, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (September 10, 2013).*

Prepared Statement (and live testimony), Legislative Hearing on S. 434, Blackfeet Water Rights Settlement Act of 2013, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (May 8, 2013).*

Prepared Statement (and live testimony), Hearing on the President’s FY 2014 Budget Request for Indian Programs in DOI, United States Senate Committee on Indian Affairs (Jon Tester, Chair), 113th Congress, 1st Session (April 24, 2013).*

Prepared Statement (and live testimony), Oversight Hearing on Authorization, Standards, and Procedures for Whether, How, and When Indian Tribes Should be Newly Recognized by the Federal Government: Perspective of the Department of the Interior, United States House of Representatives Subcommittee on Indian and Alaska Native Affairs (Don Young, Chair), 113th Congress, 1st Session (March 19, 2013).*

Prepared Statement (and live testimony), Hearing on the President’s Fiscal Year 2014 Budget request for Indian Affairs, before the Committee on Appropriations, United States House of Representatives Subcommittee on Interior, Environment, and Related Agencies (Mike Simpson, Chair), 113th Congress, 1st Session (February 27, 2013).*

Prepared Statement (and live testimony), Confirmation Hearing on the Nomination of Kevin Washburn for the Position of Assistant Secretary for Indian Affairs U.S. Department of the Interior, United States Senate Committee on Indian Affairs (Daniel K. Akaka, Chair), 112th Congress, 2nd Session (September 14, 2012).

Live testimony, Field Hearing, on Holding Federal Court in Indian Country, United States Indian Law and Order Commission (Troy Eid, Chairman), Santa Fe, New Mexico (April 19, 2012).

Prepared Statement (and live testimony), Oversight Hearing on Internet Gaming Law: What's at Stake for Indian Tribes?, United States Senate, Committee on Indian Affairs (Daniel K. Akaka, Chairman), 112th Congress, 2nd Session (February 9, 2012).

Prepared Statement (and live testimony), Natural Gas as a Transportation Fuel: Response to House Memorial 41 Requesting a Study" (with co-authors Kevin Boberg and Jeffrey Kendall), Hearing before the State of New Mexico 51st Legislature, Science, Technology and Communication Interim Committee, Santa Fe, New Mexico (November 28, 2011).

Prepared Statement (and live testimony), "The Implications of the Tribal Law and Order Act of 2010 for Sentencing Reform," Field Hearing, United States Sentencing Commission (Chief Judge William K. Sessions, III, Chair), Phoenix, Arizona (January 21, 2010).

Prepared Statement (and live testimony), Oversight Hearing on the Department of the Interior's New Guidance on Land-Into-Trust for Gaming for Indian Tribes, United States House of Representatives, Committee on Natural Resources (Nick. J. Rahall, Jr., Chairman), 110th Congress, 2d Session (February 27, 2008).

Prepared Statement (and live testimony), Oversight Hearing on Law Enforcement In Indian Country, United States Senate, Committee on Indian Affairs (Byron Dorgan, Chairman), 110th Congress, 1st Session (June 21, 2007).

Prepared Statement (and live testimony), Oversight Hearing on the Minimum Internal Control Standards in Indian Gaming, United States House of Representatives, Committee on Resources (Richard Pombo, Chairman), 109th Congress, 2d Session (May 11, 2006).

Prepared Statement (and live testimony), Oversight Hearing on the Regulation of Class III Indian Gaming following the Decision by the United States District Court for the District of Columbia in Colorado River Indian Tribe v. NIGC, United States Senate, Committee on Indian Affairs (John McCain, Chairman), 109th Congress, 1st Session (September 21, 2005).

Prepared Statement (and live testimony), Oversight Hearing on the Regulation of Indian Gaming, United States Senate, Committee on Indian Affairs (John McCain, Chairman), 109th Congress, 1st Session (April 27, 2005).

In Re Minnesota General Rules of Practice, Minnesota Supreme Court. Provided oral and written testimony to the Minnesota Supreme Court in October 2002 on the need for a rule recognizing tribal court judgments in state courts. The court adopted such a rule in December 2003.

ADVOCACY IN INTERNATIONAL FORUMS

Senior Member, United States Delegation, led by Ambassador Keith Harper, U.S. Representative to the Human Rights Council and State Department Acting Legal Adviser Mary McLeod, to the United Nations to present the Universal Periodic Review Report of the United States to the United Nations Human Rights Council, Second Periodic Report. Geneva, Switzerland, May 11, 2015.

Senior Member, United States Delegation, led by State Department Acting Legal Advisor Mary McLeod, to the United Nations to defend United States compliance with the International Covenant on Civil and Political Rights, a legally binding international treaty, before the UN Human Rights Committee, Geneva Switzerland, March 13-14, 2014.

Senior Member, United States Delegation, led by State Department Legal Advisor Harold Koh, to the United Nation concerning U.S. implementation of the Covenant on the Rights of the Child's Optional Protocol to the on the Sale of Children, Child Prostitution and Child Pornography before the UN Committee on the Rights of the Child, January 15-16, 2013.

MAJOR RESEARCH GRANTS

Co-Principal Investigator, 2006-2008 National Institute of Justice Grant of approximately \$1.46 million for "A Study of the Administration of Criminal Justice in Indian Country" with Carole Goldberg (UCLA School of Law) and Duane Champagne (UCLA Sociology Department), a qualitative empirical study involving interviews of more than 400 people, primarily tribal criminal justice officials, on twelve Indian reservations nationwide and a broader survey of fifty additional reservations.

OTHER PUBLICATIONS

Chapter, *Everybody Does Better in Indian Country When Tribes Are Empowered*, in Hon. Fred Harris, Ed., *EVERYBODY DOES BETTER WHEN EVERYBODY DOES BETTER: THE KERNER REPORT AT FIFTY, A BLUEPRINT FOR AMERICA'S FUTURE*, the Fiftieth Anniversary Update of the Kerner Commission Report, forthcoming 2018.

Book Review, *Casino City's Indian Gaming Report*, 6 *Gaming Law Review* 461-63 (2017).

Op Ed, *Courts Also Won (Albuquerque) Mayoral Election*, *Albuquerque Journal*, November 25, 2017.

Op Ed, *Time to Empower Tribal Authorities*, *Albuquerque Journal*, May 11, 2016.

Op Ed, *Senate Should Consider Merrick Garland Nomination*, *Daily Oklahoman NewsOK*, March 18, 2016.

Op Ed, *Advice to the Next Assistant Secretary for Indian Affairs at Interior*, *Indian Country Today Media Network*, March 7, 2016.

Op Ed, *U.S. Restores Millions of Acres to Native Americans*, *Albuquerque Journal*, March 2, 2016.

Op Ed, *Cedar Mesa Proposal Good for All*, *Albuquerque Journal*, February 7, 2016.

Op Ed, *Great Nations Can Work on Mistakes*, *Albuquerque Journal*, September 26, 2014.

Op Ed, *Forrest Gerard's Legacy is Self-Determination for Tribes*, *Albuquerque Journal*, January 6, 2014.

Op Ed, *Law School a Wellspring of Future U.S Leaders*, *Albuquerque Journal*, July 9, 2012.

Op Ed, *Horse Racing Earns Increased Scrutiny*, *Albuquerque Journal*, June 18, 2012.

Op Ed, *No One Size Fits All in Judicial Selection*, Albuquerque Journal, September 19, 2011.

Op Ed, *Hoping for a Smoother [Redistricting] Process This Time*, Albuquerque Journal, August 14, 2011.

Op Ed, *Judicial System Rises to Challenges of Times*, Albuquerque Journal, December 17, 2010.

Op Ed, *Dean Transformed UNM Law School Into Success*, Albuquerque Journal, December 4, 2010.

Op Ed, *UNM Law School's Legacy Rich in Accomplishments*, Albuquerque Journal, November 11, 2010.

Published Lecture, *American Indians, Crime and the Law: Five Years of Scholarship on Criminal Justice in Indian Country*, Inaugural William C. Canby, Jr., Distinguished Lecture, 40 ARIZONA STATE LAW JOURNAL 1003 (2008).

Contributing Writer, Center for Civic Education, *WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION* (2009) (a civics textbook written with federal funding for use in secondary education).

Constitutional Mythbusters: The U.S. Constitution and American Indian Tribes, (Tucson) Arizona Daily Star, A10, Sept. 14, 2008 (together with other authors).

Memorial Essay, *Remembering DeGiacomo*, 38 NEW MEXICO LAW REVIEW 235 (2008).

Interview of Professor Washburn, entitled "*Misplaced Justice*," High Country News, Jan. 21, 2008.

Conference Transcript, *The New Realism: The Next Generation of Scholarship in Federal Indian Law, Public Safety and Criminal Justice*, Materials Related to the National Congress of American Indians Conference at Berkeley, Cal., Nov. 17, 2006, printed at 32 AMERICAN INDIAN LAW REVIEW 1, 60-66 (2007).

Brief Essay on *Bryan v. Itasca County*, in KATE ROBERTS, MINNESOTA 150: THE PEOPLE, PLACES AND THINGS THAT SHAPE OUR STATE, Minnesota Historical Society (2007).

Op-Ed, *Iowa Credited for Step to Enforce Tribal Judgments*, Des Moines Register, May 29, 2007.

Interview of Professor Washburn, *The Big Gamble: Minnesota Governor Faces Political Repercussions Over Indian Gaming*, Grand Forks Herald, Nov. 28, 2004.

Op-Ed, *Don't Overestimate Gaming Industry Revenues*, (Minneapolis) Star Tribune, Oct. 1, 2004.

Interview of Professor Washburn, entitled *Tribal Sovereignty for Beginners*, Grand Forks Herald, Apr. 6, 2003.

Professor Washburn has also been quoted in various publications, including the Boston Globe, New York Times, Washington Post, Wall Street Journal, High Country News, Indian Country Today, National Law Journal, Chickasaw Times, and other national, regional and local media outlets. He has also appeared in stories reported by National Public Radio, Iowa Public Radio, Minnesota Public Radio, WBUR-Boston,

Twin Cities Public Television, KNME in Albuquerque, and in numerous other radio and television news outlets.

OTHER ACADEMIC APPOINTMENTS/HONORS

Monash University, Holding Redlich Fellow in Human Rights, Melbourne, Australia, June 2017.

Yale Law School, Distinguished Deans Lecturer, October 2016.

University of Montana Alexander Blewett III School of Law, Missoula, Montana, Adjunct Professor of Law, Summer American Indian and Indigenous Law Program, 2017 Course: Criminal Justice in Indian Country; July 2017 (week long course for one law school credit hour); 2016 Course: Federal Indian Law and Policy in Congress and the Administration; Summer American Indian and Indigenous Law Program, July 2016.

Albuquerque Academy, Jack and Joanna Grevey Visiting Scholar for Democracy, October 9-10, 2011.

Arizona State University Sandra Day O'Connor College of Law, Inaugural William C. Canby, Jr., Distinguished Scholar in Residence, January 22-25, 2008.

University of Nebraska College of Law, Lincoln, Nebraska. Visiting Professor, Course on Race, Crime and the Law, in the Pre Law Undergraduate Summer Program funded by the Law School Admission Council (LSAC), June 21-July 2, 2004.

University of New Mexico School of Law, Albuquerque, New Mexico, Adjunct Professor of Law, Appellate Advocacy, and Moot Court Coach, 1998-1999; Guest Lecturer in numerous courses from Fall of 1997 through Fall of 1999 related to Indian law issues; Frequent Guest Lecturer, American Indian Law Center Pre-Law Summer Institute for Indian students entering law school. Guest Lecturer, University of New Mexico University College (undergraduate level), Introduction to Indian Law, Contemporary Approaches to Indian Law, 1998.

SELECTED INVITED LECTURES, COLLOQUIA, CONFERENCES, AND OTHER ACADEMIC PRESENTATIONS

Speaker, Opening Session – the Job of a Dean, Ninth Annual Workshop on Promoting Diversity in Law School Leadership, Seattle University School of Law, via Zoom, August 13-14, 2020.

Speaker, Covid-19 in Indian Country, as part of the Race and Human Rights series: Race, Health & COVID, University of Iowa Center for Human Rights, via Zoom, July 22, 2020.

Speaker, Update on Indian Gaming in Oklahoma, Webinar: Trends in Indian Gaming, Arizona State University Indian Law Program, Sandra Day O'Connor College of Law, via Zoom, July 15, 2020.

Speaker, Taking LSAT-India to Pursue a Global Law School Experience, O.P. Jindal Global University (India), via Zoom, May 27, 2020.

Speaker, Educating the Future Lawyer, O.P. Jindal Global University (India), via video, March 13, 2020.

Speaker, American Tribal Nations Today, Iowa City Foreign Relations Council, Iowa City, Iowa, March 11, 2020.

Panelist, with former Secretary Sally Jewell and others, Natural Resources Protection and Development, conference entitled, Indian Nations and the Law: Natural Resources. Land Claims and Sovereignty, Looking Back -- Looking Ahead, Harvard Law School, Cambridge, Massachusetts, November 17, 2017.

Luncheon Speaker, *Sovereign Tribal Nations 101*, Albuquerque Bar Association, Albuquerque, New Mexico, November 7, 2017.

Panelist, with former Assistant Secretary Ada Deer and NIGC Chairman Jonodev Chaudhuri, *Evolution of the Trust Responsibility*, PLSI 50th Anniversary Law Conference: Evolution of Indian Law, Isleta Pueblo, New Mexico, September 29, 2017.

Speaker, with Jody Cummings, *The Department of the Interior's Modernized Leasing and Right-of-Way Regulations for Indian Lands*, Rocky Mountain Mineral Law Foundation Special Institute, Indian Law and Natural Resources: The Basics and Beyond, Westminster, Colorado, September 26, 2017.

Lecture and Discussion, *American Indian Tribes Today: With the Benefit of Hindsight, Which of Tocqueville's Observations and Forecasts Reflect Insight and Which Reflect Ignorance?*, The Tecolote Group Seminar at St. John's College, Santa Fe, New Mexico, September 23, 2017.

Moderator, *What Every New Mexico Lawyer Needs to Know About American Indian Tribes*, H. Vearle Payne Inn of Court, Albuquerque, New Mexico, September 12, 2017.

Presentation, *Enlisting Tribal Governments in Federal Land Management*, First Judicial District Bar Association, Santa Fe, New Mexico, August 21, 2017.

Presentation, *Comparative American Indian and Aboriginal Policy Issues*, Holding Redlich Lawyers, Melbourne, Australia, June 9, 2017.

Public Address, *American Indian Tribal Nations and the Transition from Obama to Trump*, Holding Redlich Fellow Lecture, Monash University Law Chambers, Melbourne, Australia, June 8, 2017.

Faculty Colloquium, *Federal Indian Policy and How Washington Really Works*, Monash Law School, Melbourne, Australia, June 5, 2017.

Lecture, *Enlisting Tribal Governments in Federal Land Management*, Natural Resources and Environmental Law Program CLE presentation, University of New Mexico School of Law, Albuquerque, New Mexico, April 11, 2017.

Address, *Tribal Sovereignty and the Federal Government's Role in "Who Belongs,"* at "Who Belongs - A National Conference, Requisites for the Intergenerational Transmission of Native American and Indigenous Peoples Identity and Heritage from Tribal Kinship to Native Nations Citizen Disenrollment," a symposium at the University of Arizona James E. Rogers College of Law, Tucson, Arizona, March 10, 2017.

Panelist, *Beyond Tribal Self-Governance*, on panel entitled, *Tribal Sovereignty and Protecting Sacred Sites*, 18th Annual American Indian Studies Association Conference, University of New Mexico, Albuquerque, New Mexico, February 3, 2017.

Panelist, *Criminal Justice Reforms to Address Police Violence*, Criminal Justice Forum, Cleveland Marshall College of Law, Cleveland, Ohio, November 18, 2016.

Keynote Address, *President Obama's Legacy in Indian Country*, and, Presentation, Indian Country Legal Update, REDW Annual Tribal Law and Policy Conference, Seattle, Washington, November 16, 2016.

Keynote Address, *Beyond Tribal Self-Governance*, 13th Annual Indian Law Conference and In-House Tribal Council Association Annual Meeting, Michigan State University College of Law, East Lansing, Michigan, November 3, 2016.

Keynote Address, *The Legacy of the Obama Administration in Indian Country*, United States Forest Service Tribal Relations Meeting, Missoula, Montana, October 24, 2016.

Lecture, *The Legacy of the Obama Administration in Indian Country*, Arizona State University Sandra Day O'Connor College of Law, Phoenix, Arizona, October 19, 2016.

Guest Speaker, *The Legacy of the Obama Administration in Indian Country*, Heard Museum, Phoenix, Arizona, October 19, 2016.

Dean's Lecture, *First was the Federal Trust Responsibility. Then Came Tribal Self-Governance. Conflict Ensues*, Yale Law School, New Haven, Connecticut, October 17, 2016.

Panelist, Indigenous Leadership and Engagement on Public Lands, Friends Rendezvous, Conservation Lands Foundation, Las Vegas, Nevada, October 1, 2016.

Panelist, Counting Compacts: Tribal-State Relations, G2E Global Gaming Expo and Conference, Las Vegas, Nevada, September 27, 2016.

Guest Speaker, *The Legacy of the Obama Administration in Indian Country*, Rotary Club del Sol, Albuquerque, New Mexico, September 22, 2016.

Keynote Address, *Tax Developments for Indian Country for the Obama Administration*, 18th Annual Tax Conference, National Intertribal Tax Alliance, Rancho Mirage, California, September 13, 2016.

Keynote Address, *The Legacy of the Obama Administration in Indian Country*, 29th Annual University of Washington Indian Law Symposium, Seattle, Washington, September 9, 2016.

Panelist, *Tribal Courts in the 21st Century*, American Bar Association Section on Civil Rights and Social Justice, ABA Annual Meeting, San Francisco, California, August 5, 2016.

Keynote Address, *Violence on Indian Reservations*, National Police Week Recognition Event, Bureau of Indian Affairs Regional Office, Southwest Region, Albuquerque, New Mexico, June 30, 2016.

“Squaretable” Summer Faculty Colloquium, *Tribal Self Determination Today*, University of Minnesota Law School, Minneapolis, Minnesota, June 21, 2016.

Presentation, *View of the New Mexico Bench and Legal Community*, Leadership New Mexico conference, Taos, New Mexico, June 16, 2016.

Guest Speaker, *The Legacy of the Obama Administration in Indian Country*, Rotary Club of Albuquerque, Albuquerque, New Mexico, May 16, 2016.

Guest Speaker, *The Legacy of the Obama Administration in Indian Country*, Rotary Club Del Norte, Albuquerque, New Mexico, May 11, 2016.

Keynote Address, *The Legacy of the Obama Administration in Indian Country*, at Working Together: American Indian Tribes and the Forest Service – A Federal Indian Law Training Program, Eastern Pacific, Northwest and Rocky Mountain Regions, United States Forest Service, Buffalo Thunder Resort, Pojoaque, New Mexico, May 10, 2016.

Panelist, *Reflections on the Obama Administration*, Federal Bar Association Annual Indian Law Conference, Talking Stick Resort, Salt River Pima-Maricopa Indian Reservation, Arizona, April 8, 2016.

Acceptance Speech, *Improving Indian Child Welfare*, National Indian Child Welfare Association Annual Conference on presentation of the Champion for Native Children Award, St. Paul, Minnesota, April 5, 2016.

Lecture, *Challenges to Tribal Self-Determination (and Solutions)*, Columbia University Indigenous Forum Speaker Series, Center for the Study of Ethnicity and Race, New York, New York, February 18, 2016.

Presentation, *A More Optimistic Criminal Justice in Indian Country*, The Next Frontier in Federal Indian Law: Building on the Foundational Work of Carole E. Goldberg, UCLA Law Review Symposium, Los Angeles, California, February 5, 2016.

Keynote Address, *The Obama Administration’s Correction of the Supreme Court (and Vice Versa)*, Federal Bar Association, 2015 Federal Bar Association DC Law Conference, Washington, D.C., November 10, 2015.

Lecture, *Meditation with Indian tribes in the Courts of the Conqueror*, Federal Judicial Center Workshop for Circuit Mediators, Santa Fe, New Mexico, October 26, 2015

Address, *President Obama’s Legacy on Criminal Justice in Indian Country*, Native American Issues Subcommittee of the United States Attorney General’s Advisory Council, Santa Ana Pueblo, New Mexico, September 9, 2015.

Keynote Address, *Indian Policy Progress in Unexpected Places*, 29th Annual Coming Together of Peoples Conference, University of Wisconsin Law School, March 20, 2015.

Keynote Address, *The Future of Indian Education*, 19th Annual Tribal Law & Government Conference, University of Kansas School of Law, March 13, 2015.

Presentation, *Why Indian Country?*, Special Institute on Energy and Mineral Development in Indian Country, Rocky Mountain Mineral Law Foundation, Tucson, Arizona, November 6, 2014.

Lecture, *Tribal Self-Governance in the 21st Century*, Yale Law School, New Haven, Connecticut, October 22, 2014.

Panelist, Federal Perspectives on Future Trust Administration, Symposium on Trust Administration, Seattle University School of Law, Seattle, Washington, October 3, 2014.

Address, Symposium entitled Nation to Nation: Treaties Between the United States and American Indian Nations, Smithsonian National Museum of the American Indian, Washington, D.C., September 18, 2014.

Address, followed by commentators, *Obama Administration Performance and Prospects*, 27th Annual Indian Law Symposium, University of Washington School of Law, September 11, 2014.

Panelist (with Acting Assistant Attorney General Sam Hirsch), *Indian Country Issues from the Perspective of the Department of the Interior and Justice*, U.S. Department of Agriculture, General Counsel's Conference on Natural Resources and the Environment, October 9, 2014.

Panelist, *Criminal Law, Tribal Justice and Self-Determination*, Second International Conference on Legislative Drafting and Law Reform, World Bank, Washington, D.C., June 5, 2014.

Keynote Address, *Celebrating Tribal Self-Governance as a Federal Policy*, Honoring Nations Symposium 2014: Learning from Each Other, Improving Tribal Government Performance, sponsored by the Harvard Project on American Indian Economic Development, at the National Museum of the American Indian, Washington, D.C., May 28, 2014.

Keynote Address, *Tribal Self-Governance and Good Native Governance*, at Symposium entitled, Good Native Governance: Innovative Research in Law, Education, and Economic Development, University of California – Los Angeles School of Law, March 7, 2014.

Keynote Address, *Tribal Self-Determination and Economic Development*, at Symposium, entitled Sustaining the Reservation: Building Tribal Economies, Arizona State University Sandra Day O'Connor College of Law, Tempe, Arizona, February 27, 2014.

Keynote Address, Symposium: Free Prior and Informed Consent: Pathways for a New Millennium, University of Colorado Law School, Boulder, Colorado, November 1, 2013.

Address, *The Obama Administration's Settlement Policy*, Symposium on the Settlement of Reserved Water Rights Claims, Pojoaque, New Mexico, August 14, 2013.

Lecture, *Not in Kansas Anymore: What Makes the Southwest Legally Unique?*, National Association of Appellate Court Attorneys Annual Conference, Santa Fe, New Mexico, July 16, 2013.

Luncheon Address, *What I Have Learned in Washington*, and Presentation, *Update on Key Legislation and Decisions in State/Federal/Tribal Judicial Relations*, New Mexico Annual Judicial Conclave (for state judges and tribal judges), Albuquerque, New Mexico, June 6, 2013.

Commencement Address, University of Minnesota – Duluth, Graduate School Graduation Exercises, Duluth, Minnesota, May 16, 2013.

Keynote Address, 2012 Department of Justice American Indian and Alaska Native Heritage Month Observance Program, Great Hall, Main Justice Building, Washington, D.C., November 27, 2012.

Keynote Address, Symposium entitled, Tribal Courts and the Federal System, Harvard Law School, Cambridge, Massachusetts, November 8, 2012.

Presentation, *A Conversation about Judicial Selection and Judicial Compensation in New Mexico*, Annual New Mexico State Bar Conference, Santa Ana Pueblo, New Mexico, July 13, 2012 (won annual CLE Summit Award based on ratings in participant evaluations).

Presentation, *View of the New Mexico Bench*, Leadership New Mexico conference, Taos, New Mexico, June 14, 2012.

Presentations, *Judicial Selection and Judicial Compensation in New Mexico and Issues Related to Gaming and Economic Development in Indian Country*, New Mexico Annual Judicial Conclave (for state judges and tribal judges), Albuquerque, New Mexico, June 7, 2012.

Panelist, “*Sovereignty is . . . what? Covering Indian Country and covering it well,*” National Association of Hispanic Journalists, Albuquerque, New Mexico, April 21, 2012.

Panelist, *Digital Mapping - Internet Gaming*, 37th Annual Federal Bar Association Indian Law Conference, Pojoaque, New Mexico, April 20, 2012.

Lecture, *Using CNG as a Transportation Fuel*, Artesia and Roswell Desk and Derrick Clubs (joint meeting), Artesia, New Mexico, April 3, 2012.

Lecture, *the High Federal Declination Rate in Context and Improving Criminal Justice in Indian Country*, as part of the Criminal Law and Policy Speaker Series on Sexual Assault in Indian Country, University of Arizona, James E. Rogers College of Law, Tucson, Arizona, February 8, 2012.

Dinner Speech, *Challenges to Improving Criminal Justice for Children in Indian Country*, Meeting of the Attorney General’s National Task Force on Children Exposed to Violence (Joe Torre, Chair), organized by the National Council on Crime and Delinquency, Albuquerque, New Mexico, January 30, 2012.

Presentation and Discussion, *Tribal Law and Order Act: More Work Yet to Be Done*, an address to United States Attorneys, Assistant U.S. Attorneys, and other federal law enforcement officials as part of the annual meeting of the Native American Issues Subcommittee of the Attorney General’s Advisory Committee, Albuquerque, New Mexico, November 7, 2011.

Public Lecture, Jack and Joanna Grevey Lecture on Democracy, *Addressing Serious Crime in Native Communities*, Albuquerque Academy, October 9, 2011.

Plenary Session Speaker, Workshop for American Association of Law Schools Pretenured People of Color Law School Teachers Conference, Washington, D.C., June 26, 2011.

Presentation, *Introduction to the Tribal Law and Order Act*, New Mexico Annual Judicial Conclave (for state judges and tribal judges), Albuquerque, New Mexico, June 9, 2011.

Organizer and Speaker/Panelist, U.S. District Court (D. Minn.) Annual Judges' In-Court Seminar (created and presented curriculum for all-day judges-only retreat for members of the Minnesota federal bench), Duluth, Minnesota, May 5, 2011.

Speaker, *Tribal Sovereign Immunity 101*, at Indian Law 101, a continuing legal education seminar sponsored by the Indian Law Section of the State Bar of New Mexico, Albuquerque, New Mexico, April 14, 2011.

Panelist, with Judge Cindy Jorgenson, U.S. District Court (D. Ariz.), *Current Indian Country Issues: Tribal Law and Order Act*, District of Arizona Annual Conference, Tucson, Arizona, March 11, 2011.

Panelist, Plenary Session, *Faculty Governance on Diverse Faculties*, 41st Annual Deans' Workshop, American Bar Association, San Diego, California, March 5, 2011.

Panelist, *Tribal Council and Board Member Ethics, Duties, and Responsibilities: What Tribal Leaders Need to Know*, National Conference of American Indians, Annual Meeting, Albuquerque, New Mexico, November 16, 2010.

Introduction of Recipient of Lifetime Achievement Award, Hon. Wm. C. Canby, Jr., Native American Bar Association of Arizona, Seven Generations Award Dinner, Gila River Indian Community, Arizona, September 25, 2010.

Public Lecture, *Improving Criminal Justice in Indian Country*, Public Interest Law and Policy Series, Washington University, St. Louis, Missouri, September 23, 2010.

Speaker, *The Key Role of Data Information in Fighting Crime*, Departments of Justice and Interior Uniform Crime Reporting and National Incident Based Reporting System Training Conference, Albuquerque, New Mexico, September 20, 2010.

Webinar, *Untangling the Web: Understanding Criminal Jurisdiction in Indian Country and the Role of Tribal Sovereignty*, sponsored by the National Congress of American Indians, and the National Criminal Justice Administration in Washington, D.C., July 1, 2010.

Opening Remarks, *Rethinking Criminal Justice in Indian Country*, at "Tribal Justice: Reporting on Crime in Native America," a conference for journalists sponsored by the Center for Media, Crime and Justice at John Jay College of Criminal Justice and the McCormick Foundation, Albuquerque, New Mexico, June 26, 2010.

Panelist, *Deans' Perspectives on Indian Law Clinics*, Fourth Annual Indian Law Clinical Conference, entitled *Borderland or Hinterland? The Role of Specialty Clinics in Legal Education*, Isleta, New Mexico, June 21, 2010.

Presentation, *Criminal Justice in Indian Country*, Navajo Nation Bar Association Annual Conference, Isleta, New Mexico, June 10, 2010.

Luncheon Address, *Elena Kagan and the Miracle at Harvard*, New Deans Seminar, American Bar Association, Jackson Hole, Wyoming, May 31, 2010.

Lecture, *Criminal Justice in Indian Country*, Environmental Protection Agency National Indian Law Workgroup Annual Conference, Santa Fe, New Mexico, April 15, 2010.

Panelist, Plenary Session, *The Impact of Changes in the Legal Marketplace on Female, Minority & NonTraditional Graduates*, 40th Annual Deans' Workshop, American Bar Association, Orlando, Florida, February 2, 2010.

Keynote Address, *Education is the Key to Creating the Next Generation of Great Indian Law Judges*, at The Next Generation of Great Indian Law Judges, a Symposium at the University of Colorado Law School, Boulder, Colorado, January 29, 2010.

Panelist, *A Year in the Life of a Tribal Court*, at the U.S. Court of Appeals for the Eighth and Tenth Circuits Joint Judges-Only Judicial Conference, Duluth, Minnesota, June 2009.

Keynote Address, *The Past and Future of Legal Education at UNM*, at the Mexican American Law Student Association's Annual Fighting for Justice Banquet, Albuquerque, New Mexico, March 2009.

Presentation, *Culture and Conflict among Justice, Interior and the NIGC: Federal Implementation of the Indian Gaming Regulatory Act*, at Indian Country's Winning Hand: 20 Years of the Indian Gaming Regulatory Act, Arizona State University Sandra Day O'Connor College of Law, Fort McDowell Reservation, Scottsdale, Arizona, October 16-17, 2008.

Presentation, *Reconsidering Federal Oversight of Tribal Economic Decisions in Indian Gaming*, Northwestern University School of Law, Searle Center on Law Regulation and Economic Growth, Chicago, Illinois, September 15-16, 2008.

Luncheon Speaker, *The Indian Gaming Regulatory Act: Twenty Years Old*, at the Federal Bar Association's 33rd Annual Indian Law Conference, Albuquerque, New Mexico, April 10-11, 2008.

Presentation, *The Trust Responsibility in Context: Does the NIGC Have a Trust Responsibility?*, at a symposium entitled, Sustainability and Economic Development in Indian Country, at Lewis & Clark Law School, Portland, Oregon, April 4, 2008.

Commentator, Faculty Scholarship Roundtable on the Grand Jury, The George Washington University Law School, Washington, D.C., March 21, 2008.

Moderator (and Organizer), Panel Discussion entitled "*Paternalism or Protection: Federal Review of Tribal Economic Decisions in Indian Gaming*," Harvard law School, Cambridge, Massachusetts, March 20, 2008.

Panel Discussion, *The Supreme Court's Grant of Certiorari in Carciere v. Kempthorne and its Broader Implications*, with the attorney for Governor Carciere, Roger Williams University, Bristol, Rhode Island, February 29, 2008.

Faculty Workshop, *Reconsidering the Grand Jury*, Roger Williams University, Bristol, Rhode Island, February 29, 2008.

Faculty Workshop, *Reconsidering the Grand Jury*, Arizona State University Sandra Day O'Connor College of Law, Tempe, Arizona, January 25, 2008.

Public Lecture, *American Indians, Crime and the Law: Five Years of Scholarship on Criminal Justice In Indian Country*, Inaugural Honorable William C. Canby, Jr. Distinguished Scholar in Residence Lecture, Arizona State University Sandra Day O'Connor College of Law, Tempe, Arizona, January 24, 2008.

Faculty Workshop, *Reconsidering the Grand Jury*, University of Arizona James E. Rogers College of Law, Tucson, Arizona, January 18, 2008.

Presentation (and Co-Organizer), *Tribal Leadership Development Conference*, a workshop for newly elected tribal officials in the Upper Midwest on good government and leadership, University of Minnesota Law School, Minneapolis, Minnesota, December 14, 2007.

Faculty Workshop, *Reconsidering the Grand Jury*, Harvard Law School, Cambridge, Massachusetts, December 10, 2007.

Presentation and Discussion, *Indian Gaming: Its Origins, Evolution, and Place in Tribes' Struggle for Self-Determination*, with Robert Gips, counsel and advisor to the Mashantucket Pequot Tribe, and Joe Kalt, Ford Foundation Professor of International Political Economy at the Kennedy School of Government, Harvard Law School, Cambridge, Massachusetts, November 26, 2007.

Roundtable Discussion, *American Indians, Crime and the Law: Recent Scholarship on Criminal Justice in Indian Country*, Harvard Law School, Cambridge, Massachusetts, November 9, 2007.

Presentation and Discussion, *American Indians, Crime and the Law: Five Years of Scholarship on Tribal Courts, Federal Criminal Justice and Crime in Indian Country*, Harvard University Native American Program, Cambridge, Massachusetts, October 31, 2007.

Faculty Workshop, *Reconsidering the Grand Jury*, Vanderbilt Law School, Nashville, Tennessee, October 25, 2007.

Presentation and Discussion, *Problems with Federal Criminal Justice in Indian Country, and Solutions*, an address to 14 United States Attorneys and assorted Assistant U.S. Attorneys and other federal law enforcement officials as part of the annual meeting of the Native American Issues Subcommittee of the Attorney General's Advisory Committee, Durango, Colorado, October 23, 2007.

Faculty Workshop, *Reconsidering the Grand Jury*, University of Colorado Law School, Boulder, Colorado, October 19, 2007.

Faculty Workshop, *Reconsidering the Grand Jury*, University of Virginia Law School, Charlottesville, Virginia, September 28, 2007.

Panel Discussion, *Asymmetrical Litigation and Internet Gambling Laws*, as part of a panel of attorneys and professors discussing the World Trade Organization litigation between Antigua and the United States and other internet gaming issues, hosted by Professor Charles Nesson, Harvard Law School, Cambridge, Massachusetts, October 16, 2007.

Presentation and Panel Discussion, *Placing the Best Interests of the Student First*, as part of a panel of law school deans, entitled “The Transfer Student Dilemma – Another Perspective,” at the Annual Meeting of the Law School Admission Council, Tucson, Arizona, June 1, 2007.

Presentation, *Indians Teaching Indian Law*, at “40 Years of the Pre-Law Summer Institute: A Retrospective Symposium,” sponsored by the American Indian Law Center, University of New Mexico School of Law, Albuquerque, New Mexico, April 21, 2007.

Presentation, *Indian Law 101*, First Annual Legislative Forum, Indian Law Issues 101, Minnesota State Legislature, sponsored by the Minnesota Indian Affairs Council, February 20, 2007.

Dinner Speech, *The Stubborn Anishinabe Who Changed the World*, Welcome Dinner, National Native American Law Student Association, National Moot Court Competition, Minneapolis, Minnesota, February 16, 2007.

Lecture, *Criminal Justice as Prerequisite for Tribal Self-Determination*, a presentation at “Hope for All Generations: Weaving a Network of Safety, Justice and Healing,” the 10th National Indian Nations Justice for Victims of Crime Conference, sponsored by the U.S. Department of Justice Office for Victims of Crime and the Tribal Law and Policy Institute, Palm Springs, California, December 7-9, 2006.

Lecture, *Agency Rulemaking and Indian Tribes*, a presentation as part of “Administrative Law: Indian Tribes and the Federal Agency Maze,” a CLE course sponsored by the Sandra Day O’Connor College of Law, Arizona State University, Tempe Arizona, November 30 – December 1, 2006.

Presentation, and Conference Co-Organizer, *The New Realism: The Next Generation of Scholarship in Federal Indian Law*, a conference jointly sponsored by the National Congress of American Indians Policy Research Center and the University of California-Berkeley Boalt Hall School of Law, Berkeley, California, November 17-18, 2006. (conference transcript published at 32 Am. Indian L. Rev. 1-150 (2007/2008).)

Faculty Workshop, *Reconsidering the Grand Jury*, Marquette University Law School, Milwaukee, Wisconsin, October 12, 2006.

Presentation, *Indian Gaming Regulatory Act Proposed Reforms: McCain and Pombo Bills*, a component of a day-long Continuing Legal Education program entitled “Indian Gaming: Changing the Rules and Raising the Stakes,” sponsored by the Minnesota American Indian Bar Association, Mille Lacs, Minnesota, September 22, 2006.

Presentation, *Toward a New Realism in Federal Indian Law*, the inaugural Tribal Leader/Scholar Forum, sponsored by the National Congress of American Indians, at its 2006 Mid Year Conference (with Professors Bethany Berger, Phil Frickey and Sarah Krakoff), Sault Ste. Marie, Michigan, June 20, 2006.

Presentation, *Indian Gaming Law 101 and Recent Developments*, sole presenter at day-long continuing legal education program, sponsored by the University of Minnesota Law School, Minneapolis, Minnesota, June 7, 2006.

Moderator, Debate between Hennepin County Attorney Candidates Mike Freeman and Andy Luger, sponsored by the University of Minnesota Law School Democrats, a student organization, Minneapolis,

Minnesota, April 4, 2006. See Mike Kazsuba, Making the Case to Be the Next Hennepin County Attorney, (Minneapolis) Star Tribune, April 5, 2006, page B3.

Lecture, *Reform of Criminal Justice for Indian Tribes*, Woodrow Wilson International Center for Scholars, Washington, D.C., March 14, 2006.

Lecture, *American Indians, Crime and the Law*, University of North Dakota Law School, sponsored by the Northern Plains Indian Law Center as part of the 2005-06 Speaker Series, Grand Forks, North Dakota, January 13, 2006.

Presentation, *Tribal Self-Determination at the Crossroads*, at Symposium entitled, "Indian Law at the Crossroads," sponsored by the University of Connecticut and the Connecticut Law Review, Hartford, Connecticut, October 28, 2005.

Faculty Workshop, *Federal Criminal Law and Tribal Self-Determination*, University of Colorado School of Law, Boulder, Colorado, September 30, 2005.

Moderator, *Tribal Governance and Constitutional Challenges*, a tribal leader panel discussion regarding proposed constitutional changes within the Minnesota Chippewa Tribal Constitution at the Minnesota American Indian Bar Association's Annual CLE Program, entitled "The Experts Speak," Mystic Lake, Shakopee Mdewakanton Dakota Community, Prior Lake, Minnesota, September 23, 2005.

Faculty Workshop, *Federal Criminal Law and Tribal Self-Determination*, University of Arizona, James E. Rogers College of Law, Tucson, Arizona, September 15, 2005.

Lecture, *Federal Indian Country Criminal Justice, A Critique*, Federal Practice CLE, sponsored by the Federal Bar Association of Montana, Helena, Montana, September 9, 2005.

Informal Faculty Colloquium, *Federal Criminal Law and Tribal Self-Determination*, University of California – Berkeley, Boalt Hall School of Law, Berkeley, California, June 27, 2005.

Speaker, *Crime in Indian Country*, Oklahoma Sovereignty Symposium XVII, entitled "Building More Bridges – Pooling Our Resources," sponsored by the Oklahoma Supreme Court, Oklahoma City, Oklahoma, June 1, 2005.

Moderator, "Tribal-State Gaming in Minnesota," a Panel Discussion on the Legal Implications of the Expansion of Indian Gaming, with Governor Pawlenty's Chief of Staff Dan McElroy, Shakopee Mdewakanton Dakota Community Tribal Attorney Willie Hardacker, Mille Lacs Band of Ojibwe Special Counsel Tadd M. Johnson, and James McGreevey, lawyer/lobbyist with Larkin Hoffman, representing three northern Minnesota tribes, April 19, 2005, University of Minnesota Law School.

Faculty Workshop, *American Indians, Crime and the Law*, University of New Mexico School of Law, Albuquerque, New Mexico, April 13, 2005.

Lecture, *The Secretary's Trust Responsibility and Indian Gaming Revenue Sharing in Tribal State Compacts*, a presentation at "The Gaming Law Minefield," the Ninth Annual National Institute on Gaming Law, American Bar Association Criminal Justice Section, Las Vegas, Nevada, February 17, 2005.

Lecture, *A Sober Assessment of Federal Indian Country Criminal Justice*, a presentation at the Indian Country Law Conference sponsored by the Miccosukee Tribe of Indians of Florida and the Center for Indigenous Law, Governance & Citizenship of the Syracuse University College of Law, Miami, Florida, February 12, 2005.

Lecture, *Tribal Courts and the Federal Sentencing Process*, a presentation at “Reviving Our Sacred Legacy; Lighting the Path to Our Future,” the 9th National Indian Nations Justice for Victims of Crime Conference, sponsored by the U.S. Department of Justice Office for Victims of Crime and the Tribal Law and Policy Institute, Palm Springs, California, December 10, 2004.

Lecture, *The New Tribal Court Recognition Rule and the Broader Perspective*, a presentation on a panel on the “Comity Rule to Enforce Tribal Court Orders and Judgments,” at the 2005 Minnesota Annual Conference of Judges, Bloomington, Minnesota, December 3, 2004.

Lecture, *Federal Indian Law, Civic Education, and Race Relations – How General Civic Ignorance Undermines the Status of Indian Tribes in Our Democracy and Breeds Mistrust*, Human Rights Day and Forum, State of Minnesota Department of Human Rights, St. Paul, Minnesota, December 3, 2004.

Lecture, *Lock ‘Em Up: Taking Back Criminal Jurisdiction*, a presentation at the Sixth Annual Washington, D.C. Indian Law Conference, sponsored by the Federal Bar Association, the National Native American Bar Association, and the Native American Bar Association of Washington, D.C., September 24, 2004.

Lecture, *Tribal Courts and Implementation of the New Full Faith and Credit Rule*, a presentation at the Minnesota State Bar Association 2004 Convention, Duluth, Minnesota, June 10, 2004.

Presentation, *A Discussion of Minnesota’s Rule for the Recognition of Tribal Court Judgments*, a panel discussion sponsored by the Minnesota American Indian Bar Association and the University of St. Thomas Law School, Minneapolis, Minnesota, April 28, 2004.

Lecture, *American Indians, Crime and the Law: De-Colonizing Indian Country Criminal Justice*, a presentation on a panel entitled, “Criminal Jurisdiction in Indian Country,” Federal Bar Association’s 29th Annual Indian Law Conference, Albuquerque, New Mexico, April 15-16, 2004.

Lecture, *Decolonizing Indian Country Criminal Justice*, a presentation to United States Attorney Tom Heffelfinger, other Administration officials, Senate staffers and representatives of the National Congress of American Indians at a meeting called “Identifying Problems with Criminal Jurisdiction in Indian Country and Developing Viable Solutions,” Washington, D.C., March 17-18, 2004.

Lecture, *A Different Kind of Symmetry*, a presentation at the New Mexico Law Review’s Annual Symposium, entitled “Enforcing the Judgments of Tribal Courts,” Albuquerque, New Mexico, March 6, 2004.

Lecture, *Federal Indian Law and Human Rights on Indian Reservations*, Human Rights Day and Education Forum, State of Minnesota Department of Human Rights, St. Paul, Minnesota, December 5, 2003.

Lecture, *United States Policy Toward Indian Nations: the Past, the Present and the Future*, University Lecture, Macalester College, St. Paul, Minnesota, November 13, 2003.

Lecture, *Indian Gaming and the Future of American Indian Policy*, Third Annual Northern Plains Indian Law Center Distinguished Lecture, University of North Dakota School of Law, April 1, 2003.

Lectures, “Amending Title 25 of the United States Code” and “The Future of Advocacy for Indigenous Nations,” Indigenous Nations Law Symposium, University of Iowa College of Law, Iowa City, Iowa, March 14, 2003.

Lecture Commentator, Comments on Carole Goldberg’s Individual Rights and Tribal Revitalization, Barry Goldwater Symposium on American Legal Institutions, Arizona State University College of Law, Tempe, Arizona, February 20, 2003.

Faculty Workshops, *Indian Gaming and Per Capita Distribution Issues*, at the law schools at Albany, Florida, Gonzaga, Idaho, Kansas, Memphis, Minnesota, Nebraska, Southern Methodist University, and Wyoming, November 2002.

Lecture, *The Native American Experience with Reparations – the Indian Claims Commission*, Symposium entitled “Reparations for the Children of Slaves – An Idea Whose Time Has Come?,” University of Memphis School of Law, Memphis, Tennessee, March 15, 2002.

Lecture, *Recent Developments in Indian Gaming and Per Capita Distribution Issues*, Indian Law Issues in the New Century, University of Washington School of Law and Gonzaga University School of Law, Spokane, Washington, February 1, 2002.

Presentation, *Update on Indian Gaming*, Meeting of Attorney General’s Advisory Council’s Subcommittee on Native American Issues, Albuquerque, New Mexico, April 4, 2001.

Lecture, *Current Issues in Indian Gaming*, Fifth Annual National Institute on Gaming Enforcement, American Bar Association Criminal Justice Section, Las Vegas, Nevada, February 15, 2001.

Lecture, *Federal, State and Tribal Relations in Indian Gaming*, panel entitled, “Jurisdiction in State-Tribal-Federal Courts,” Sovereignty Symposium, Supreme Court of Oklahoma, Tulsa, Oklahoma, June 5, 2000.

Lecture, *Recent Developments in Indian Gaming*, Indian Gaming in the Twenty First Century, University of New Mexico School of Law, April 1, 2000.

Lecture, *Current Issues in Indian Gaming*, a guest lecture in course entitled, Contemporary Issues in Federal Indian Law, Adjunct Professor Riyaz Kanji, University of Michigan School of Law, Ann Arbor, Michigan, Spring 2000.

Lecture, *Litigating Federal Water Rights in the Gila River System*, a guest lecture in a course entitled, River Control and Management (joint law and graduate geology course), Professor Joseph Fellers, Arizona State University College of Law, Phoenix, Arizona, Fall 1997.

Lecture, *The County Supremacy Movement and Other Opposition to Tribal Resource Controls*, Symposium on Tribal Stewardship of Environmental Resources, University of Montana School of Law, Missoula, Montana, Public Land and Resources Law Review, March 1996.

Lecture, *Federal Indian Litigation in Montana*, Dispensing Justice in Indian Country, University of Montana School of Law, Missoula, Montana, July 1995.

OTHER TEACHING EXPERIENCE

National Judicial College, Instructor; Courses including Essential Skills for Tribal Court Judges; Essential Skills for Tribal Gaming Commissioners. Reno, Nevada, 2002 to present.

National College of District Attorneys, Instructor, Gaming Investigation Prosecution and Regulation, 2000, 2001.

Federal Bureau of Investigation, Instructor, FBI In-Service Training Seminar on Indian Gaming, May 14-18, 2001, Traverse City, Michigan.

Miscellaneous. Professor Washburn has made numerous presentations at gaming industry, Indian law, and federal law enforcement conferences including addressing the Attorney General's Advisory Committee of United States Attorneys (Native American Issues Subcommittee) and conducting in-service training for Law Enforcement Officers of the United States Forest Service.

BOARDS AND COMMITTEES

American Bar Association Accreditation Committee, Member, 2017 to present.

American Indian Law Center, Member Board of Directors, 2017 to present.

Conservation Lands Foundation, Member, Board of Directors, 2017 to present.

Gaming Law Review and Economics: Regulation, Compliance and Policy, a law and economics journal published ten times per year, Member, Editorial Board, 2012 to present.

National Conference of Bar Examiners, Criminal Law and Procedure Drafting Committee; Member 2006-2012, 2016 to present; current term runs through 2022 (draft questions for the Multistate Bar Examination/Uniform Bar Examination).

New Mexico Judicial Nomination Commission, Chair (served as chair of the judicial selection process for the State of New Mexico), July 2009 to October 2012.

Cohen's Handbook of Federal Indian Law (2005 and 2012 editions and biennial supplements), Executive Committee of Board of Authors and Editors, 2005 to present (except during federal service); editor responsible for Chapter 9 (Criminal Jurisdiction), Chapter 12 (Indian Gaming), Chapter 21 (Economic Development) and Chapter 22 (Government Services for Indians).

Law School Admission Council, Chair-elect, June 2018 to the present; Trustee, June 2006 to June 2009; June 2012 to October 2012; June 2016 to June 2019. Member or Liaison to Minority Affairs Committee, 2003 to 2007; Test Development and Research Committee, 2007 to 2009 (served under LSAC Chairs Kent Syverud and Steven Willborn); Audit Committee, 2016 to the present (serving under LSAC Chairs Susan Krinsky and Christina B. Whitman); Member, 2017 Presidential Search Committee (which resulted in the hiring of President Kellye Testy)

Center for Civic Education, Consultant on Curriculum (assisted in preparing curriculum for “We the People” civics competition program) 2004 to 2006.

United States Department of Justice, Served as advisor on a committee that met in various locations to plan Attorney General Eric Holder’s Listening Conference in St. Paul, Minnesota, 2009-10; Served as informal advisor to then-United States Attorney Tom Heffelfinger, Chair of the Native American Issues Subcommittee of the Attorney General’s Advisory Committee, 2004 to 2005.

United States Sentencing Commission

Member, Tribal Issues Advisory Group, Washington, D.C., 2015 to 2016; Assisted in Preparation of Report Presented to the Sentencing Commission in Washington, D.C., at a Public Hearing on July 21, 2016.

Member - Ad Hoc Advisory Committee on Native American Sentencing Issues, Washington, D.C., 2002 to 2004; Co-Drafted Report Presented to the Sentencing Commission at a Public Hearing in Washington, D.C., on November 4, 2003.

Innocence Project of Minnesota, Member, Board of Directors, 2002 to 2003.

New Mexico Bar Association Indian Law Section, Member of Board of Directors, 1998 to 2002, and Chair, Indian Law Writing Competition, 1998 to 2003.

Minnesota American Indian Bar Association (MAIBA), Member, Scholarship Committee 2002-2004.

Yale Law School Fund,

Member, Board of Directors, 1998-2004

Class Agent, Class of 1993, 1992 to 2009

Yale Law School Class Reunion Committee 1998, 2003, 2008.

PROFESSIONAL AWARDS AND PERSONAL INFORMATION

National Congress of American Indians Governmental Leader Award, 2016.

NICWA Champion for Native Children Award, National Indian Child Welfare Association, 2016.

American Bar Association Spirit of Excellence Award, 2015.

Contribution to Indian Law Award, Native American Bar Association of Washington, D.C. 2014.

Inaugural Alumni Achievement Award, Yale Law School Native American Law Students Association, 2014.

Excellence in Government Service Award, Native American Bar Association of Washington, D.C. 2013.

CLE Summit Award, State Bar of New Mexico, 2013 (awarded based on participant evaluations for best presentations at the 2012 State Bench and Bar Annual Conference).

Fesler-Lampert Research Fellowship, University of Minnesota Law School, 2006-2007.

Bronze Medal For Commendable Service, Environmental Protection Agency (for representing the agency in successful Clean Air Act litigation), June 7, 2000.

Award for Sustained Superior Performance, United States Attorney's Office, September 13, 1999 (cash award).

Special Commendation for Outstanding Service, United States Department of Justice, May 7, 1998 (for successfully litigating *Montana v. EPA*, 941 F. Supp. 945 (D. Mont. 1996) and 137 F.3d 1135 (9th Cir. 1998)).

Special Commendation for Outstanding Service, United States Department of Justice, April 8, 1997.

Elected Member, American Law Institute (since 2007).

Member, State Bars of Minnesota and New Mexico.

Member, Chickasaw Nation of Oklahoma, a Federally Recognized Indian Tribe.

Married to Elizabeth "Libby" Rodke Washburn.

Children: Cole (born 2002), Ford (born 2004) and Burck (born 2017).