

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Arvo Mikkanen

Arvo Quoetone Mikkanen (I have occasionally used my mother's maiden name as my middle name)

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Northern District of Oklahoma

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: United States Attorney's Office
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102



4. **Birthplace:** State year and place of birth.

1961; Denver, Colorado

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1983 – 1986, Yale Law School; J.D., 1986

1979 – 1983, Dartmouth College; B.A., 1983

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1994 – present

United States Attorney's Office, Western District of Oklahoma
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
Assistant United States Attorney

1988 – 1994

Andrews Davis Legg Bixler Milsten & Price
101 North Broadway, Suite 3300
Oklahoma City, Oklahoma 73102
Associate

1987 – 1988

United States District Court for the Eastern District of Texas
211 West Ferguson Street
Tyler, Texas 75701
Law Clerk to the Honorable Robert M. Parker

1986 – 1987

United States Claims Court
717 Madison Place, N.W.
Washington, DC 20005
Law Clerk to the Honorable Lawrence S. Margolis

1985

Native American Rights Fund
1506 Broadway
Boulder, Colorado 80302
Law Clerk

1984

Kiowa Indian Tribe of Oklahoma
P.O. Box 369
Carnegie, Oklahoma 73015
Legal Consultant

Part-Time:

2003 – present

Thunderbird Karaoke and DJ Service
Norman, Oklahoma
Proprietor

1988 – 2000

Oklahoma City University Law School
2501 North Blackwelder
Oklahoma City, Oklahoma 73106
Associate Director, Native American Legal Assistance Clinic
Adjunct Professor of Law

1991 – 1994

Cheyenne-Arapaho Supreme Court
P.O. Box 102
Concho, Oklahoma 73022
Chief Justice

1988 – 1994

U.S. Department of the Interior
Court of Indian Offenses and Court of Indian Appeals for the Kiowa, Comanche, Apache, Wichita, Caddo, Delaware, Fort Sill Apache, Ponca, Pawnee, Kaw, Otoe-Missouria, and Tonkawa Tribes
P.O. Box 309
Anadarko, Oklahoma 73005
Associate Magistrate and Appeals Officer (1988 – 1994)
Acting Chief Magistrate (1993 – 1994)

Other Affiliations (Uncompensated):

1989 – present

Oklahoma Indian Bar Association
P.O. Box 1062
Oklahoma City, Oklahoma 73101
President

1989 – 1992; 1994 – 1996

National Native American Bar Association (formerly American Indian Bar Association)
P.O. Box 75011
Oklahoma City, Oklahoma 73147
National Board of Directors (1989)
President Elect (1990, 1994)
President (1991, 1995)
Past-President (1992, 1996)

1989 – 1994

Jacobson Foundation
609 Chautauqua Avenue
Norman, Oklahoma 73069
Board of Trustees (1989 – 1992)
Chairman, Board of Trustees (1993 – 1994)

1988 – 1994
Sac & Fox Nation District Court
Route 2, Box 246
Stroud, Oklahoma 74079
District Judge (inactive)

1983 – early 1990s
Native American Alumni Association of Dartmouth College
No physical address
President

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I registered for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Professional & Special Recognition

Federal Bureau of Investigation, Prosecutive Skills Certificate (2010)
United States Attorney's Office, 5 On the Spot Awards (2009, 2010)
American Bar Association, Spirit of Excellence Award (2004)
University of Oklahoma Center on Child Abuse & Neglect, Sonja Atetewuthtakewa
Award for Distinguished Service in the Protection of Native American Children
(2003)
United States Attorney's Office, Meritorious Service Award (1996 – 1997)
United States Attorney's Office, Special Appreciation Award (1994)
Oklahoma Bar Association, Outstanding Pro Bono Service Award (1992)
Oklahoma Indian Legal Services, Equal Access to Justice Pro Bono Publico Award
(1992)
Martindale Hubbell "AV" rating
Oklahoma State Senate, Two Citations (1985, 1986)
United States Department of Education, Indian Fellowship Recipient (1981 – 1986)
United States Congress, Gold Congressional Award (1985)

Academic

Yale Law School
William S. Beinecke Scholarship Award
Class Marshal (1986)
Yale Law & Policy Review, Editor (1985)

Dartmouth College

Phi Beta Kappa

Casque & Gauntlet Senior Honor Society

William Churchill Prize (for outstanding freshman, class of 1983)

Morrell Goldberg Prize

Seven Academic Citations for Outstanding Coursework

Alfred S. Priest Fellowship for graduate study at Harvard University, Honorable Mention (declined in order to attend Yale)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

Judicial Administration Division, Task Force on Opportunities for Minorities in the Judiciary

National Conference of Special Court Judges, Subcommittee on Native American Tribal Courts; Co-Chair (1990 – 1994)

Bar Association of the District of Columbia

Cleveland County Bar Association

Dartmouth Lawyers' Association

Federal Bar Association

Lawrence R. Baca Lifetime Achievement Award Selection Committee (2010)

Institute for Native Justice – Domestic Violence

Summit Planning Committee (2009)

National Native American Bar Association (formerly American Indian Bar Association)

National Board of Directors (1989)

President Elect (1990, 1994)

President (1991, 1995)

Past-President (1992, 1996)

National Native American Law Students Association (formerly American Indian Law Students Association, Inc.); Area Coordinator (1985 – 1986)

Oklahoma Bar Association

Diversity Committee (2000 – 2010)

Oklahoma County Bar Association

Oklahoma Indian Bar Association

President (1989 – present)

Oklahoma Supreme Court Committee to Recommend Standards for Recognition of Judicial Proceedings in Tribal Courts; Chairman (1992)

Yale Law School Association

Executive Committee (1990 – 1994)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Oklahoma, 1986

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Tenth Circuit (1988)

United States Court of Appeals for the Fifth Circuit (1988)

United States Court of Appeals for the Federal Circuit (1987)

United States District Court for the Northern District of Oklahoma (1991)

United States District Court for the Western District of Oklahoma (1988)

United States Claims Court (now United States Court of Federal Claims)
(1987)

I allowed my membership in the United States Court of Appeals for the Fifth Circuit to lapse after I relocated to Oklahoma and was admitted to practice in the United States Court of Appeals for the Tenth Circuit. There has been no other lapse in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Inns of Court, Luther Bohanon Chapter, Oklahoma City, Oklahoma
(1990 – 1992)

Cleveland County Family YMCA (1996 – 2010)

Dartmouth College Alumni Council (1989 – 1992)

Dartmouth College Native American Visiting Committee (1991 – 1996)
Chairman (1993 – 1994)

Fitness One Athletic Club (2011 – present)

Jacobson Foundation (1989 – 1994)

Board of Trustees (1989 – 1992)

Chairman, Board of Trustees (1993 – 1994)

Local Middle School
PTA (2008, 2010)
Native American Alumni Association of Dartmouth College (1983 – early 1990s)
President (1983 – early 1990s)
Park Harvey Athletic Club (2008 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations listed above currently discriminates on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. To the best of my knowledge, none of the organizations formerly so discriminated.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Since the early 2000s, I have been the webmaster for the Oklahoma Indian Bar Association site, <http://www.oiba.net>.

Since the early 2000s, I have been the webmaster for the Quotone Family Reunion Website, <http://quotone.homestead.com/reunion.html>.

Federal Prosecution of Juveniles, United States Attorney's Bulletin, Vol. 58, No. 4, July 2010.

As First Responders to Child Sexual Abuse Allegations...Top Ten Do's and Don'ts in Federal Child Sexual Abuse Cases, IHS/BIA Child Protection Handbook – 2005.

With Dana G. Jim, *Oklahoma Indian Attorneys*, 75 Okla. B.J. 25, Sept. 11, 2004.

Native America at Dartmouth: I Have Come This Far — We Are Not Your Indians, Dartmouth Alumni Mag., April 1997. Copy supplied.

Coming Home, in *First Persons, First Peoples: Native American College Graduates Tell their Life Stories*, ed. by Andrew Garrod & Colleen Larimore, 1997, Cornell University Press. Copy supplied.

Oklahoma Tribal Court Reports, Associate Editor, Vol. 1 and Vol. 2, 1994, 1995. Assisted in collecting written opinions of tribal courts in Oklahoma for publication, which were edited by Professor Dennis W. Arrow of Oklahoma City University Law School, Editor. Copy of introductory material and indices supplied.

The Standards for Workplace Drug and Alcohol Testing Act, Norman Business Journal, Vol. 4, Issue 8, December 1993. Copy supplied.

Minorities and the Law: Problems and Perceptions, "Preserving Tribal Jurisdiction," Trial, August 1993. Copy supplied.

Tribal Courts and the Doctrine of Comity: Excerpts from Selected Cases, Sovereignty Symposium VI: The Word of the People, June 1993. Copy supplied.

So That You Will Hear Us: A Native American Leaders' Forum, 18 Am. Indian L. Rev. 551 (1993). Copy supplied.

1993 Directory of Tribal Courts in Oklahoma, Oklahoma Indian Bar Association. Copy supplied.

Court of Indian Offenses for the Anadarko Area Tribes, Sovereignty Symposium IV: Circles of Sovereignty, June 1991. Copy supplied.

Civil Rights in Tribal Courts: An Outline, Sovereignty Symposium IV: The Circles of Sovereignty, June 1991. Copy supplied.

The Indian Arts & Crafts Act of 1990: An Outline of Major Provisions, Sovereignty Symposium IV: Circles of Sovereignty, June 1991. Copy supplied.

1990 Directory of Indian Nations and Tribal Courts in Oklahoma, Sovereignty Symposium III: The Dialog Continues, June 1990. Copy supplied.

Overview of the Court of Indian Offenses for the Anadarko Area Tribes and A Digest of Selected Decisions of the Court of Indian Offenses and the Court of Indian Appeals, Sovereignty Symposium III: The Dialog Continues, June 1990. Copy supplied.

Canons of Judicial Conduct for Judges of the Court of Indian Offenses and Court of Indian Appeals for the Anadarko Area Tribes, Sovereignty Symposium III: The Dialog Continues, June 1990. Copy supplied.

1989 Directory of Indian Nations and Tribal Courts in Oklahoma, Sovereignty Symposium II: Divergent Points of View, June 1989. Copy supplied.

The Indian Child Welfare Act: A Historical Perspective, Sovereignty Symposium II: Divergent Points of View, June 1989. Copy supplied.

Skaw-tow: The Centennial of the Last Kiowa Sundance, Vol. 9, No. 3, Am. Indian J., Fall 1987. Copy supplied.

Rice v. Rehner: A Limitation on the Exercise of Tribal Governmental Powers Based on Historical Factors?, Vol. 9, No. 2, Am. Indian J., Summer 1986. Copy supplied.

Educational Success, Editorial, Native Alumni News, Vol. 2, No. 3, Fall 1984. Copy supplied.

Letter, Native Alumni News, Vol. 2, No. 2, Summer 1984. Copy supplied.

Symbol Overshadows Real Ideas, Daily Dartmouth Fortnightly Magazine, May 11, 1984. Copy supplied.

Additionally, in 1985, I served as an editor for the Yale Law & Policy Review.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Report of the Oklahoma Supreme Court Committee to Recommend Standards for Recognition of Judicial Proceedings in Tribal Courts, 1993. Copy supplied.

Muscogee Creek Nation Management Study and Judicial Review, 1993. Copy supplied.

Report of the Alternative Dispute Resolution Planning Forum, Oklahoma City University School of Law, November 14, 1992. Copy supplied.

Native American Alumni Association Statement in Support of Native Americans at Dartmouth, Fall 1984. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal

interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

On my own behalf, not representing any client, I provided oral statements objecting to the issuance of applications for the use of groundwater and streamwater relating to a stream that runs across a parcel of land that has significance to my family. The parcel was my great-grandfather's original allotted Indian land along Jimmy Creek in Comanche County, Oklahoma where our family reunions are held. These statements were provided to the Oklahoma Water Resources Board on July 11, July 13, August 15, August 18, August 19 and September 19, 2005. I also made statements on September 12, 2006. A copy of the September 12, 2006 meeting minutes is supplied. Additionally, I have supplied a copy of the board's November 13, 2006 minutes and supporting materials, which reference my 2005 appearances.

To the best of my recollection, I have not provided any other testimony, official statements, or other communications relating to matters of public policy or legal interpretation to public bodies or officials.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

After a diligent search of my records and electronic databases, I have endeavored to list below all speeches or talks that I have given over the years. It is possible, however, that there could be additional speeches or talks for which I no longer have any record or memory of the occasion. Where I have not listed a specific date, I have attempted to approximate the date of the event. Where indicated, I have located notes, an outline, presentation slides, or readily available press reports, and have supplied a copy of the same. In some instances, I have not been able to determine the particular materials that were used for a specific presentation since I often used materials repeatedly on separate occasions, but I have made my best effort to provide the appropriate materials.

Oklahoma Conference on Child Abuse and Neglect and Healthy Families. I spoke on multiple occasions listed below and have indicated the instances for which I have materials and for which I do not. The conference is generally co-sponsored by the University of Oklahoma Health Sciences Center on Child Abuse and Neglect; Child Study Center; U.S. Attorney's Office for the Districts of Oklahoma; Office of Child Abuse Prevention; and the Oklahoma Advisory Task

Force on Child Abuse and Neglect. The address of the Center on Child Abuse and Neglect is 940 N.E. 13th Street, Oklahoma City, Oklahoma 73104.

- August 31, 2010 – Memorandum of Understanding in Indian Country: Developing a Protocol to Address Domestic Violence (presentation slides supplied)
- September 23, 2009 – The Memorandum of Understanding on Reporting Child Abuse in Oklahoma’s Indian Country: Reporting Crimes Against Children on Indian Land and Coordinating the Initial Response (presentation slides supplied)
- September 26, 2008 – The First 48 Hours – What to Do Following Disclosure of Child Sexual or Physical Abuse (presentation slides supplied)
- September 7, 2007 – “Who’s Jurisdiction” is on First, “What’s The Evidence” is on Second, and “I Don’t Know Who to Call” is on Third: Addressing Child Sexual and Physical Abuse in Indian Country (presentation slides supplied)
- September 29, 2006 – Landmines, Hand Grenades and Friendly Fire – What to Avoid in the Investigation of Child Abuse Cases (I have no notes, transcript or recording)
- September 30, 2005 – Combating Defenses in Child Sexual Abuse Prosecutions in Native American Communities (presentation slides supplied)
- September 9, 2004 – Jurisdictional Issues and Prosecution of Child Abuse and Neglect in Indian Country (I have no notes, transcript or recording)
- September 9, 2004 – Combating Defenses in Child Abuse Prosecutions in Native American Communities (I have no notes, transcript or recording)
- September 19, 2003 – Combating Defenses in Child Sexual Abuse Prosecution (I have no notes, transcript or recording)
- September 18, 2003 – The Spread of Methamphetamine Labs in Indian Country (presentation slides supplied)
- September 6, 2002 – Combating Defenses of Child Abuse and Neglect (I have no notes, transcript or recording)
- September 6, 2002 – Effects of Drug Labs in Indian Country (I have no notes, transcript or recording)
- September 19-21, 2001 – Landmines, Hand Grenades, and Friendly Fire: How We Help the Defense (presentation slides supplied)
- September 19-21, 2001 – Top 10 Tips for Prosecuting Child Abuse Crimes in Federal Court (presentation slides supplied)
- September 9, 2000 – Prosecutorial Elements of a Crime (I have no notes, transcript or recording)
- September 25, 1998 – Top 10 Do’s and Don’ts in Federal Child Sexual Abuse Cases (outline supplied)
- September 24, 1998 – Whose Case Is It? Investigations Involving Native American Children (I have no notes, transcript or recording)

September 23, 1996 – Review of Effectiveness of Memorandum of Understanding for Reporting Child Abuse in Indian Country (I have no notes, transcript or recording)

Oklahoma Supreme Court, Sovereignty Symposium. I have spoken on multiple occasions for this annual symposium in the cities of Oklahoma City, Guthrie, and Tulsa, Oklahoma. I have indicated for each event whether I do or do not have materials. Although it is possible that some of these sessions may have been recorded, I have not been able to obtain copies. The address for the Supreme Court is 1915 North Stiles Avenue, State Capitol Building, 2nd Floor, Oklahoma City, Oklahoma 73105.

June 3, 2010 – Cross-Deputization of State, Federal, and Tribal Law Enforcement (presentation slides supplied)

June 4, 2009 – Federal Prosecution of Unauthorized Hunting, Dumping, and Timber Harvesting on Indian Lands (presentation slides supplied)

June 4, 2008 – Prosecution of Drug and Victimless Crimes in Indian Country; Crime in Indian Country: Casino Embezzlement by Patrons & Employees (I have no notes, transcript or recording)

May 30, 2007 – Criminal Offenses and the Internet (I have no notes, transcript or recording)

May 31, 2006 – Crime in Indian Country (I have no notes, transcript or recording)

June 1, 2005 – Crime in Indian Country: Addressing Crime in Tribal Gaming Facilities; Overview of Indian Law (presentation slides supplied)

June 2, 2004 – Crime in Indian Country: Addressing Crime in Tribal Gaming Facilities (presentation slides supplied)

May 27, 2003 – Crime in Indian Country: Addressing Meth Labs in Indian Country (I have no notes, transcript or recording)

June 11, 2002 – Crime in Indian Country (I have no notes, transcript or recording)

June 5, 2001 – Crime in Indian Country (I have no notes, transcript or recording)

June 6, 2000 – Crimes Against Children (I have no notes, transcript or recording)

June 8, 1999 – Governmental Relations Between the State, Tribal and Federal Governments – The Executive Branch (I have no notes, transcript or recording)

June 8, 1998 – Governmental Relations Between the State, Tribal and Federal Governments – The Judicial Branch, Panel Co-Moderator (I have no notes, transcript or recording)

June 10, 1997 – Governmental Relations Between the State, Tribal and Federal Governments – The Judicial Branch, Panel Co-Moderator (I have no notes, transcript or recording)

June 5, 1996 – Full Faith and Credit – Governmental Relations Between the State, Tribal and Federal Governments – The Judicial Branch, Panel Co-Moderator (I have no notes, transcript or recording)

June 8, 1995 – Governmental Relations Between the State, Tribal and Federal Governments – The Judicial Branch, Panel Co-Moderator (I have no notes, transcript or recording)

June 9, 1994 – Governmental Relations Between the State, Tribal and Federal Governments – The Judicial Branch, Panel Coordinator (I have no notes, transcript or recording)

June 9, 1993 – Tribal Courts and the Doctrine of Comity (I presented my paper entitled, “Tribal Courts and the Doctrine of Comity: Excerpts from Selected Cases,” which is supplied in response to 12(a))

June 10, 1992 – Courts – Comity and Ethics (I have no notes, transcript or recording)

June 2, 1991 – The Indian Arts & Crafts Act of 1990; Dances with Lawyers, Wolves, Judges, and Other Medicine Men: A Socratic Dialogue on Changing Contemporary Issues on Indian Law and Policies; and Indian Civil Rights in Tribal Courts (Materials supplied in response to 12(a); press report and outline supplied)

June 5-7, 1990 – Tribal Courts – Ethics (I have no notes, transcript or recording)

June 1989 – The Indian Child Welfare Act: A Historical Perspective (I presented my paper on this subject supplied in response to 12(a))

Oklahoma Association of Chiefs of Police. I have spoken on multiple occasions for this organization and have listed my events below. I have no notes, transcripts or recordings. The address of the association is 1141 North Robinson Avenue, #200, Oklahoma City, Oklahoma 73103.

April 2005, 2006 and 2008 – Indian Country Jurisdictional Issues, Oklahoma City, Oklahoma

May 2005 – Accreditation for Tribal Agencies, Oklahoma City, Oklahoma

August 2002 and August 2004: Annual Training Conference, Tulsa, Oklahoma

1999 – 2002 – Cross-Deputization Issues, Oklahoma City and Tulsa, Oklahoma

2001 – Domestic Violence on Federal & Indian Lands: Federal Sexual Assault Offenses & Prosecution of Federal Misdemeanors, Oklahoma City, Oklahoma.

University of Oklahoma Health Sciences Center, Center on Child Abuse & Neglect, Project Making Medicine – Interagency Collaboration Training Sessions, Training Regarding the Investigation and Prosecution of Child Abuse Crimes in Federal Court. I have no notes, transcripts or recordings. The address of the Center on Child Abuse & Neglect is 940 N.E. 13th Street, Oklahoma City, Oklahoma 73104.

October 11, 2001
October 11, 2000
November 19, 1999
September 16, 1998
November 5, 1997
November 6, 1996
November 8, 1995

U. S. Attorney's Office, Native American Month Commemoration Program, opening remarks and introduction of speakers (most years between November 1995 – 2010, although I have been unable to determine the exact dates of my participation). I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Oklahoma City, Oklahoma 73102.

Chickasaw Nation Bar Association 2010 Fall Seminar, Crime in Indian Country, Norman, Oklahoma, December 1, 2010. Presentation slides supplied.

National Indian Gaming Commission, Division of Enforcement Retreat Training, Embezzlement & Theft in Tribal Communities and Gaming Facilities, Norman, Oklahoma, October 27, 2010. Presentation slides supplied.

Southern Plains Child Protection Team, Fall Child Abuse Conference, Investigation and Prosecution of Child Abuse Crimes, Lawton, Oklahoma, October 4, 2010. Presentation slides supplied.

U.S. Attorney's Office, Commitment to Justice Indian Country Training Conference, Prosecution of Embezzlement & Government Corruption; Investigation and Prosecution of Child Abuse, Norman, Oklahoma, July 20-21, 2010. Presentation slides supplied.

U.S. Attorney's Office, Commitment to Justice Indian Country Training Conference, Introductory Remarks and Introduction of U.S. Attorneys Sanford Coats, Scott Woodward, and Sheldon Sperling, Norman, Oklahoma, July 20, 2010. Notes supplied.

Oklahoma City Crime Stoppers, Prosecution of Crime in Indian Country, Oklahoma City, July 8, 2010. I have no notes, transcript or recording. Crime Stoppers is a volunteer-based organization that has no physical address.

U.S. Department of Interior, Indian Arts & Crafts Board, Indian Arts & Crafts Act of 1990, Anadarko, Oklahoma, July 8, 2010. Presentation slides supplied.

U.S. Attorney's Office, Training for Assistant U.S. Attorneys Regarding Federal Prosecution of Crimes in Indian Country & the Tribal Law and Order Act, July 2010. Presentation slides supplied.

Bureau of Indian Affairs, Southern Plains Regional Office Social Services Quarterly Meeting, Prosecution Process, Child Abuse in Indian Country and Forensic Interviewing, Stillwater, Oklahoma, June 23, 2010. Presentation slides supplied.

U.S. Attorney's Office, Consultation Meeting and Law Enforcement Training Seminar, Indian Country Jurisdiction and Prosecution of Misdemeanors in Federal Court, Shawnee, Lawton, and Ponca City, Oklahoma, March 31, April 1, and April 2, 2010. Presentation slides and outline supplied.

Institute for Native Justice, Journey to Justice Summit, Barriers to Justice in Oklahoma: Five Different Views, Oklahoma City, Oklahoma, December 2, 2009. I have no notes, transcript or recording.

Federal Bar Association Annual Meeting, Criminal Jurisdiction in Indian Country, Oklahoma City, Oklahoma, September 10, 2009. Presentation slides supplied.

U.S. Attorney's Office, Training for Assistant U.S. Attorneys Regarding Federal Prosecution of Crimes in Indian Country, August 2009. Presentation slides supplied.

U.S. Department of Justice National Advocacy Center, Indian Country Tribal Liaison Training, Prosecution of Federal Misdemeanors Using the Central Violations Bureau, Columbia, South Carolina, July 14-17, 2009. Presentation slides supplied.

Local Middle School, Career Day Presentation to Middle Students, Norman, Oklahoma, May 2009. I have no notes, transcript or recording.

Southern Plains Child Protection Team, Investigation and Prosecution of Child Abuse Crimes, Anadarko, Oklahoma, Spring 2009. I have no notes, transcript or recording. The address of the Southern Plains Child Protection Team is P.O. Box 908, Lawton, Oklahoma 73502.

United States Probation Office, Training on Investigation and Prosecution of Crime in Indian Country, 2009 or 2008. I have no notes, transcript or recording. The address of the Probation Office is 215 Dean A. McGee, Room 201, Oklahoma City, Oklahoma 73102.

University of Oklahoma College of Law, Address to American Indian Law Review Banquet, Anniversary of the Littlechief Case: The Past & Future of Indian Law, Norman, Oklahoma, May 2008. Notes supplied.

University of Tulsa College of Law, Panel Speaker Addressing Careers for College Students Considering the Legal Profession, Tulsa, Oklahoma, March 1, 2008. I have no notes, transcript or recording. The University is located at 3120 East 4th Place, Tulsa, Oklahoma 74104.

William J. Holloway Inn of Court, Role of the U.S. Attorney's Office in Indian Gaming and Enforcement of Criminal Law Arising in Connection with Tribal Casinos, Oklahoma City, Oklahoma, February 13, 2008. I have no notes, transcript or recording. The Inn of Court does not have a physical address but is affiliated with the University of Oklahoma City School of Law, whose address is 2501 North Blackwelder, Oklahoma City, Oklahoma 73106.

U.S. Attorney's Office, Jurisdiction & Cross Deputization in Cotton County for Law Enforcement, Lawton, Oklahoma, October 4, 2007. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

Oklahoma's 5th Annual Domestic and Sexual Violence Conference, Indian Country Jurisdiction, October 3, 2007. Presentation slides supplied.

Iowa Tribe & Bureau of Indian Affairs Indian Police Academy Training, Indian Country Criminal Jurisdiction, Perkins, Oklahoma, September 5, 2007. I have no notes, transcript or recording. The address of the Iowa Tribe of Oklahoma is Route 1, Box 721, Perkins, Oklahoma, 74059.

U.S. Department of Justice National Advocacy Center, Indian Country Train the Trainer Conference, Tribal Liaison Issues, Columbia, South Carolina, August, 9, 2007. I have no notes, transcript or recording. The National Advocacy Center is run by the Office of Legal Education, whose address is 1620 Pendleton Street, Columbia, South Carolina 29201.

University of Tulsa College of Law, Panel Speaker Addressing Careers for College Students Considering the Legal Profession, Tulsa, Oklahoma, February 24, 2007. I have no notes, transcript or recording. The address of the University is 3120 East 4th Place, Tulsa, Oklahoma 74104.

Oklahoma Regional Community Policing Institute, Cooperative Law Enforcement, Native American Law Enforcement Jurisdictional Issues, Ponca City, Oklahoma, February 14, 2007. Presentation slides supplied.

U.S. Attorney's Office, Federal Prosecution of Misdemeanors, Chickasaw Nation, Ada, Oklahoma, June 28, 2006. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

Oklahoma Indian Bar Association, Welcome Remarks, A Primer on the New American Indian Probate Reform Act, Oklahoma City, Oklahoma, October 28, 2005. I have no notes, transcript or recording. The address of the Bar Association is P.O. Box 1062, Oklahoma City, Oklahoma 73101.

Oklahoma Bar Association, Indian Law for the Oklahoma Practitioner, Criminal Jurisdiction, Oklahoma City, Oklahoma, October 27, 2005. Presentation slides supplied.

Southern Plains Child Protection Team, Training on Methamphetamine Labs in Indian Country, Lawton, Oklahoma, October 24, 2005. Presentation slides supplied.

Pawnee Public School System, Reporting Child Abuse, Pawnee, Oklahoma, January 17, 2005. I have no notes, transcript or recording. The address of the school system is 602-615 Denver Street, Pawnee, Oklahoma 74058.

U.S. District Court Judge Vicki Miles-LaGrange, Presentation to visiting Justices of the Supreme Court of Ghana regarding Federal Jurisdiction in Indian Country & Tribal Court Systems, July or August 2004. I have no notes, transcript or recording. The address of the U.S. District Court for the Western District of Oklahoma is 200 N.W. Fourth Street, Oklahoma City, Oklahoma 73102.

U.S. Attorney's Office, Indian Country Child Abuse Reporting, Investigation, and Prosecution Training, Investigation and Jurisdiction in Child Sexual Abuse Cases; Top Ten Tips in Investigating and Prosecuting Child Sexual Abuse Cases; and Prosecution and Addressing Defenses in Child Sexual Abuse Cases; Chickasha, Oklahoma, March 18, 2004. Video and presentation slides supplied.

American Bar Association, Mid-Year Meeting, Remarks on Acceptance of Spirit of Excellence Award, February 7, 2004. Notes supplied.

U.S. Attorney's Office, Training for Assistant U.S. Attorneys Regarding Procedures for Adjudication of Juveniles in the Federal Court System, approximately 2003-2004. Presentation slides supplied.

The Tribal Court Child Advocacy Project, Introduction to Tribal Courts, Oklahoma City, Oklahoma, December 5, 2003. I have no notes, transcript or recording.

Oklahoma District Attorney's Council, Drug Endangered Children Conference, Clandestine Labs and Jurisdictional Issues on Indian Land, Oklahoma City, Oklahoma, September 25, 2003. I have no notes, transcript or recording. The address of the Council is 421 N.W. 13th Street, Suite 290, Oklahoma City, Oklahoma 73103.

U.S. Attorney's Office, Prosecution of Misdemeanors in Federal Court, Comanche Nation, Lawton, Oklahoma, July 31, 2003. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

American Indian Chamber of Commerce, Luncheon Speaker, Tribal Relations & the U.S. Department of Justice, Oklahoma City, Oklahoma, June 11, 2003. Presentation slides supplied.

Federal Bureau of Investigation, Tribal Law Enforcement Training at Federal Correctional Institution, Crime Scene Evidence Considerations and Indian Country Jurisdiction, El Reno, Oklahoma, April 24, 2003. I have no notes, transcript or recording. The address of the FBI is 3301 West Memorial Road, Oklahoma City, Oklahoma 73134.

Oklahoma Native American Domestic Violence Coalition Conference, Federal Domestic Violence Laws in Indian Country, December 11, 2002. Presentation slides supplied.

Quapaw Tribe Domestic Violence Conference, Federal Investigation and Prosecution of Domestic Violence Cases, Miami, Oklahoma, September, 15-17, 2002. Presentation slides supplied.

U.S. Attorney's Office, Prosecution of Misdemeanors in Federal Court – Ada, Oklahoma, May 3, 2002. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

U.S. Department of Justice, National Advocacy Center, Violent Crime in Indian Country Symposium, Child Sexual Abuse Prosecutions, Columbia, South Carolina, March 26, 2002. Presentation slides supplied.

U.S. Attorney's Office, Seminar on Indian Jurisdictional Issues – Clinton Police Department, Clinton, Oklahoma, January 10, 2002. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

U.S. Attorney's Office, Update on Search & Seizure and Obtaining Search Warrants, Oklahoma City, Oklahoma, December 12, 2001. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

Oklahoma Native American Domestic Violence Coalition, Domestic Violence Conference – Federal Prosecution of Domestic Violence Cases, Tulsa, Oklahoma, December 11, 2001. I have no notes, transcript or recording.

U.S. Attorney's Office, Prosecution of Misdemeanor Crimes in Federal Court for Citizen Potawatomi Nation, Shawnee, Oklahoma, November 16, 2001. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

U.S. Attorney's Office, Tips on Indian Country Crime Scene Documentation, Evidence Collection & Use of Exhibits in the Courtroom, Oklahoma City, Oklahoma, October 24, 2001. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

Sac & Fox Nation, Domestic Violence Training, October 12, 2001. I have no notes, transcript or recording. The address of the Nation is Administration Building, 920883 South Highway 99, Building A, Stroud, Oklahoma 74079.

U.S. Attorney's Office, Training on the Indian Country Misdemeanor Docket Using the Central Violations Bureau, Oklahoma City, Oklahoma, June 20, 2001. Outline supplied.

Oklahoma State University, Empowering Communities to Combat Underage Drinking, Stillwater, Oklahoma, April 30 – May 1, 2001. I have no notes, transcript or recording. The address of the University is 219 Student Union, Stillwater, Oklahoma 74078.

U.S. Attorney's Office, Consultation with Federal & Tribal Officials Regarding Law Enforcement & Community Service Training, Oklahoma City, Oklahoma, February 22, 2001. Presentation slides supplied.

National Native American Law Enforcement Association, National Training Conference, Legal Update, Las Vegas, Nevada, October 17, 2000. I have no notes, transcript or recording. The address of the Association is 1300 Pennsylvania Avenue N.W., Suite 700, Washington, DC 20004.

Uniting Tribal Communities to Address Violence Against Indian Women Conference, Federal Domestic Violence Laws, Shawnee, Oklahoma, August 23, 2000. Presentation slides supplied.

Apache Tribe Domestic Violence Protection Code Training, A Federal Perspective, December 1, 1999. I have no notes, transcript or recording. The address of the Apache Tribe of Oklahoma is P.O. Box 1220, Anadarko, Oklahoma 73005.

Oklahoma City Association of Black Lawyers, Diversity in the Legal Profession, Oklahoma City, Oklahoma, November 11, 1999. I have no notes, transcript or recording. The address of the Association is 127 N.W. 10th, Oklahoma City, Oklahoma 73103.

The 7th National Indian Nations Conference – Federal Jurisdiction in Child Sexual Abuse Cases & Juveniles in the Federal Court System, Tulsa, Oklahoma, September 29, 1999. Outline supplied.

Local Middle School, Presentation Regarding Assistant U.S. Attorney Duties, Norman, Oklahoma, 1999. Outline supplied.

Comanche Nation Family Violence Program, Child Abuse Seminar, Jurisdiction, Lawton, Oklahoma, April 15, 1998. I have no notes, transcript or recording. The address of the Comanche Nation Family Assistance Center is P.O. Box 908, Lawton, Oklahoma 73502.

U.S. Attorney's Office, Training of Assistant U.S. Attorneys Regarding Procedures for Adjudication of Juveniles in the Federal Court System, late 1990s. Presentation slides supplied.

U.S. Department of Interior, Bureau of Indian Education, Riverside Indian School, Reporting of Federal Crimes, late 1990s. I have no notes, transcript or recording. The address for the BIE is 200 N.W. 4th Street, Oklahoma City, Oklahoma 73502.

Federal Bureau of Investigation, FBI Law Enforcement in Indian Country Training, Panel Presentation: The Nuts & Bolts of Indian Country Child Sexual Abuse Cases: How You Can Help Maximize the Chances of a Successful Prosecution – What to Do and What to Avoid, Oklahoma City, Oklahoma, December 18, 1997. I have no notes, transcript or recording. The address of the FBI is 3301 West Memorial Road, Oklahoma City, Oklahoma 73134.

Federal Bureau of Investigation, FBI Law Enforcement in Indian Country Training, Detention of Federal Defendants Pending Trial & Sentencing Under the Federal Sentencing Guidelines, Oklahoma City, December 17, 1997. I have no notes, transcript or recording. The address of the FBI is 3301 West Memorial Road, Oklahoma City, Oklahoma 73134.

Federal Bureau of Investigation, FBI Law Enforcement in Indian Country Training, Federal Prosecution of Non-Indian Misdemeanors in Federal Court, Oklahoma City, Oklahoma, December 17, 1997. I have no notes, transcript or recording. The address of the FBI is 3301 West Memorial Road, Oklahoma City, Oklahoma 73134.

Federal Bureau of Investigation, FBI Law Enforcement in Indian Country Training, Terry Stops, Searches, & Miranda Warnings, Oklahoma City, Oklahoma, December 17, 1997. I have no notes, transcript or recording. The address of the FBI is 3301 West Memorial Road, Oklahoma City, Oklahoma 73134.

U.S. Attorney's Office, Indian Country Law Enforcement Improvement in the Western District of Oklahoma: A Government to Government Consultation with Tribes, Oklahoma City, Oklahoma, September 16, 1997. Video and transcript supplied.

Oklahoma Bar Association, Young Lawyer's Division Mid-Year Meeting, Indian Law, Grove, Oklahoma, August 16, 1997. I have no notes, transcript or recording. The address of the Association is P.O. Box 53036, 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73152.

U.S. Attorney's Office, Investigation & Prosecution of Federal Misdemeanors in Indian Country Using the U.S. Central Violations Bureau, Oklahoma City, Oklahoma, June 24, 1997. Outline supplied.

23rd Judicial District, State of Oklahoma Conference, Protection Orders in Indian Country, Shawnee, Oklahoma, June 23, 1997. I have no notes, transcript or recording. The address of the Judicial District is 325 North Broadway, Shawnee, Oklahoma 74801.

Oklahoma Indian Bar Association, Indian Housing into the 21st Century, Opening Welcome, Oklahoma City, Oklahoma, May 13, 1997. I have no notes, transcript or recording. The address of the Bar Association is P.O. Box 1062, Oklahoma City, Oklahoma 73101.

U.S. Attorney's Office, Domestic Violence Seminar – Laws: Local, State & Federal, Redlands Community College, El Reno, Oklahoma, March 12-13, 1997. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

U.S. Attorney's Office, Law Enforcement in Indian Country of the Chickasaw Nation, Oklahoma City, Oklahoma, February 21, 1997. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

University of Oklahoma Health Sciences Center, Native American Center of Excellence Consortium, Native American Political Systems, Oklahoma City, Oklahoma, February 6, 1997. I have no notes, transcript or recording. The address of the Center is 1100 North Lindsay, Oklahoma City, Oklahoma 73104.

U.S. Attorney's Office, Law Enforcement in Indian Country of the Sac & Fox Nation, Oklahoma City, Oklahoma, January 30, 1997. I have no notes, transcript or recording. The address of the U.S. Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

Oklahoma City Veterans Affairs Medical Center, Training on Proper Documentation of Violation Notices, Oklahoma City, Oklahoma, December 18, 1996. I have no notes, transcript or recording. The address of the Medical Center is 921 N.E. 13th Street, Oklahoma City, Oklahoma 73104.

U.S. Department of Interior, Tulsa Field Solicitor's Office, Law Enforcement Seminar: Warrants, Process, Summons & Jurisdictional Considerations and the Prosecution of Federal Misdemeanors, Oklahoma City, Oklahoma, December 10, 1996. I have no notes, transcript or recording. The address of the Office is 7906 East 33rd Street, Suite 100, Tulsa, Oklahoma 74145.

Oklahoma Indian Affairs Commission, Governor's Interstate Indian Council Conference, Indian Law & Federal Update IV, Oklahoma City, Oklahoma, August 21, 1996. Outline supplied.

Bureau of Indian Affairs – Section of Criminal Investigations, Indian Police Academy, Jurisdiction and Elements of Major Crimes & Handling of Federal Misdemeanors, Tulsa, Oklahoma, July 29, 1996. Outline supplied.

U.S. Department of Justice – Office of Legal Education, Native American Issues Seminar, Charging Decisions, Tribal Courts and Tribal Relations, Phoenix, Arizona, June 10, 1996. I have no notes, transcript or recording. The address of the OLE is 1620 Pendleton Street, Columbia, South Carolina 29201.

United States Marshal's Service, Training on Investigative Policies, Procedures and Legal Issues: Fugitive Investigations & American Indian Law, Oklahoma City, Oklahoma, March 5, 1996. I have no notes, transcript or recording. The address of the Marshal is 200 N.W. 4th Street, Room 2418, Oklahoma City, Oklahoma 73102.

Kickingbird Associates, Tribal Constitutions and the Revision Process – Kiowa Tribe of Oklahoma, Carnegie, Oklahoma, 1996. Outline supplied.

American Bar Association, General Practice Section, 1995 Fall Meeting, Native American Law Conference Opening Ceremonies and Practice in Tribal Courts, Sedona, Arizona, October 20, 1995. I have no notes, transcript or recording. The address of the ABA is 321 North Clark Street, Chicago, Illinois 60654.

Oklahoma Indian Affairs Commission, Governor's Interstate Indian Council Conference, Taxation, Business Development, and Gaming, Wagoner, Oklahoma, August 31, 1995. I have no notes, transcript or recording. The address of the Commission is 4545 North Lincoln Boulevard, Suite 282, Oklahoma City, Oklahoma 73105.

Center on Child Abuse & Neglect, University of Oklahoma Health Sciences Center, Project Making Medicine, Oklahoma City, Oklahoma, August 1995. I

have no notes, transcript or recording. The address of the Center is 940 N.E. 13th Street, Oklahoma City, Oklahoma 73104.

U.S. Department of Housing and Urban Development, Homeownership: The First Generation Conference, Panel on Land Tenure, Oklahoma City, Oklahoma, July 1995. I have no notes, transcript or recording. The address of HUD is 301 N.W. 6th Street, Suite 200, Oklahoma City, Oklahoma, 73102.

National American Indian Women's Association, Opening Remarks Regarding Department of Justice Efforts to Address Crime on Indian Land, Oklahoma City, Oklahoma, June 13, 1995. Notes supplied.

Oklahoma Council on Law Enforcement Education & Training ("CLEET"), Indian Country: Issues Affecting Law Enforcement, How Tribal and CFR Courts Interact with Federal and State Courts, May 19, 1995. I have no notes, transcript or recording. The address for CLEET is 2401 Egypt Road, Ada, Oklahoma 74820.

University of Oklahoma Health Sciences Center, Center on Child Abuse & Neglect, Protecting Children in Indian Country, Pawnee, Oklahoma, April 26, 1995. I have no notes, transcript or recording. The address of the Center is 940 N.E. 13th Street, Oklahoma City, Oklahoma 73104.

U.S. Department of Interior, Bureau of Indian Affairs, Joint Meeting on Jurisdictional Issues, Major Crimes Act Prosecution, March 29, 1995. I have no notes, transcript or recording. The address of the Department is 1849 C Street N.W., Washington, DC 20240.

University of Oklahoma Health Sciences Center, Indian Health Service Seminar, Medical and Legal Issues in Domestic Violence, Tulsa, Oklahoma, March 24, 1995. Outline supplied.

U.S. Marshal's Service, Fugitive Investigations and American Indian Law, Oklahoma City, Oklahoma, March 5, 1995. Outline supplied.

U.S. Department of Interior, Bureau of Indian Affairs, Procedure in the Courts of Indian Offenses in Oklahoma Under the "New" Federal Regulations, Northeastern State University, Muskogee, Oklahoma, April 19-20, 1994. Outline supplied.

Oklahoma City University, Court of Indian Offenses Seminar, Procedural Issues, Oklahoma City, Oklahoma, February 18, 1994. Video and outline supplied.

Oklahoma City University, The Art of Judging, Overview of Tribal Courts and Relationship to Tribal Government: The Need for Independent Court Systems; Update on the Indian Tribal Justice Act; Full Faith and Credit for Tribal Court Judgments in Oklahoma; and The Art of Judging – How We Can Improve the

Current Tribal Court System, Oklahoma City, Oklahoma, September 30, 1993. Outline supplied.

Thomas Jefferson Center for the Protection of Free Expression, Panel Discussion Regarding the Indian Arts & Crafts Act of 1990, Washington, DC, June 22, 1993. I have no notes, transcript or recording. The address of the Center is 400 Worrell Drive, Charlottesville, Virginia 22911.

Oklahoma City University Law School, Tribal Peacemaker's Conference, Tulsa, Oklahoma, May 21, 1993. Materials and press coverage supplied.

Oklahoma City University Law School, Native American Legal Resource Center, Tribal Constitutions and the Revision Process: Seneca-Cayuga Tribe, Independence of Tribal Courts, Constitutional Amendments and Revisions, Tribal Legislation/Code Development, Comparison of Tribal Constitutional Provisions, Miami, Oklahoma, March 29-30, 1993. Outline supplied.

U.S. Environmental Protection Agency, Contemporary Issues in Indian Affairs, Denver, Colorado, January 27-28, 1993. I have no notes, transcript or recording. The address of the EPA is 1200 Pennsylvania Avenue N.W., Washington, DC 20004.

Oklahoma City University Law School, Tribal Court Training Program, Role of the Court in Tribal Government, Independence of Tribal Courts, Ethics Code, Tribal Court Enhancement: Judicial Developments, Canadian, Oklahoma, November 13, 1992. Outline supplied.

Oklahoma Indian Bar Association, Recent Developments in Indian Law II, Tulsa, Oklahoma, August 1992. I have no notes, transcript or recording. The address of the Association is P.O. Box 1062, Oklahoma City, Oklahoma 73101.

Oklahoma State University – Okmulgee, American Indian Student's Association Weekly Meeting, May 14, 1992. I have no notes, transcript or recording, but press coverage is supplied. The address of the University is 219 Student Union, Stillwater, Oklahoma 74078.

Oklahoma Indian Bar Association, closing remarks following address by Oklahoma Attorney General Susan Loving and Announcements, Oklahoma City, Oklahoma, April 30, 1992. Video supplied.

Oklahoma Indian Bar Association, Indian Housing into the '90s, Opening Welcome, Oklahoma City, Oklahoma, February 27, 1992. I have no notes, transcript or recording. The address of the Association is P.O. Box 1062, Oklahoma City, Oklahoma 73101.

McClain County Bar Association, Tribal Court Systems, Purcell, Oklahoma, February 6, 1992. I have no notes, transcript or recording. The address of the Bar Association is 5609 North Barnes Avenue, Oklahoma City, Oklahoma 73112.

American Bar Association, Mid-Year Meeting, Young Lawyers Division, Panel Presentation on the Indian Arts & Crafts Act of 1990, Dallas, Texas, Jan. 29 – Feb. 5, 1992. I have no notes, transcript or recording but press coverage is supplied. The address of the ABA is 321 North Clark Street, Chicago, Illinois 60654.

Federal Deposit Insurance Corporation and Resolution Trust Corporation Seminar: A National Symposium for Minority and Women Owned Law Firms, Opening Remarks, Dallas, Texas, January 17, 1992. I have no notes, transcript or recording.

Oklahoma Indian Bar Association, Recent Developments in Indian Law, Recent Developments in Civil Jurisdiction, Tulsa, Oklahoma, August 9, 1991. I have no notes, transcript or recording. The address of the Bar Association is P.O. Box 1062, Oklahoma City, Oklahoma 73101.

Oklahoma Arts Council, Indian Arts & Crafts Act of 1990, Tulsa, Oklahoma, August 8, 1991. I have no notes, transcript or recording, but press coverage is supplied. The address of the Council is P.O. Box 52001, Oklahoma City, Oklahoma 73152.

Oklahoma Arts Council, Indian Arts & Crafts Act of 1990, Oklahoma City, Oklahoma, August 2, 1991. I have no notes, transcript or recording, but press coverage is supplied. The address of the Council is P.O. Box 52001, Oklahoma City, Oklahoma 73152.

Oklahoma City University Law School, Taxation and the American Indian, Las Vegas, Nevada, June 20-21, 1991. I have no notes, transcript or recording. The address of the law school is 2501 North Blackwelder Avenue, Oklahoma City, Oklahoma 73106.

Oklahoma Indian Affairs Commission, Tribal Leaders Summit, U.S. Civil Rights Commission Report and Impact Upon Tribal Courts and Constitutions in Oklahoma, January 13-16, 1991. I have no notes, transcript or recording. The address of the Commission is 4545 North Lincoln Boulevard, Suite 282, Oklahoma City, Oklahoma 73105.

University of Tulsa, Presidential Inaugural Series Panelist, "The U.S. Supreme Court's Indian Law Decision in Duro: New Zones of Lawlessness," November 29, 1990. I have no notes, transcript or recording, but press coverage is supplied. The address of the University is 800 South Tucker Drive, Tulsa, Oklahoma 74104.

Oklahoma City University, Tribal Court Ethics, June 6, 1990. I have no notes, transcript or recording. The address of the University is 2501 North Blackwelder Avenue, Oklahoma City, Oklahoma 73106.

U.S. Department of Interior, Bureau of Indian Affairs, Tribal Courts and Jurisdiction, Horton, Kansas, August 8-9, 1989. Outline supplied.

Jacobson Foundation, The Run of '89: A Native American Perspective, Presentations About the Kiowa Murals Describing Kiowa Tribal History, April 1989. I have no notes, transcript or recording. The address of the Foundation is 609 Chautauqua Avenue, Norman, Oklahoma 73069.

Oklahoma City University Law School, CFR/Tribal Judge Training Program, Jurisdictional and Operational Aspects of Tribal Court Systems, Oklahoma City, Oklahoma, December 15, 1988. Outline supplied.

United National Indian Tribal Youth, National Conference, Workshop Facilitator, Denver, Colorado, May 1987. I have no notes, transcript or recording, but press coverage is supplied. The address of UNITY is 500 North Broadway, Suite 10, Oklahoma City, Oklahoma 73102.

United National Indian Tribal Youth Conference, "Workshop on Youth Leadership Development Skills," Washington, D.C., April 26-29, 1986. I have no notes, transcript or recording. The address of UNITY is 500 North Broadway, Suite 10, Oklahoma City, Oklahoma 73102.

United National Indian Tribal Youth, National Indian Education Association UNITY Workshop, Spokane, Washington, October 20-24, 1985. I have no notes, transcript or recording, but press coverage is supplied. The address of UNITY is 500 North Broadway, Suite 10, Oklahoma City, Oklahoma 73102.

United National Indian Tribal Youth, Soar Like an Eagle Leadership Seminar, "Workshops on Public Speaking, Goal Setting, Communications, Decision Making & Clarification of Values," Green Bay, Wisconsin, June 11-12, 1985. I have no notes, transcript or recording, but press coverage is supplied. The address of UNITY is 500 North Broadway, Suite 10, Oklahoma City, Oklahoma 73102.

United National Indian Tribal Youth Conference, "Keynote Message" and "Panel Discussion on Free Enterprise and Economic Development," Scottsdale, Arizona, April 4-5, 1985. I have no notes, transcript or recording. The address of UNITY is 500 North Broadway, Suite 10, Oklahoma City, Oklahoma 73102.

Kiowa Tribe of Oklahoma, Address to Graduates at Kiowa Tribe Higher Education Department Banquet (date uncertain). I have no notes, transcript or

recording. The address of the Kiowa Tribe is P.O. Box 369, Carnegie, Oklahoma 73015.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Vallery Brown, *Federal Report Shows Prosecutions Limited*, The Oklahoman, Dec. 16, 2010. Copy supplied.

Nolan Clay, *Testimony Begins in Former Sooner's Trial*, The Oklahoman, Nov. 13, 2008. Copy supplied.

Jacqueline Sit, *This Election Has Protection*, News 9 Evening News, Nov. 2, 2008. Copy supplied.

Indian Bar Association Offers Election Day Help, Indianz.com Website, Oct. 28, 2008. Copy supplied.

Indian Probate Seminar Set for this Month, Native American Times, Oct. 28, 2005. Copy supplied.

Indian Attorney Association to Help Voters on Election Day, Oklahoma Indian Bar Association Press Release, Oct. 27, 2008. Copy supplied.

Indian Bar Association to Hold Training on New Probate Law, Oklahoma Indian Bar Association Press Release, Oct. 18, 2005.

Evening News, Channel 5, KOCO-TV News, Oklahoma City, interviewed regarding Election Protection 2008, a non-partisan voter assistance program, Oct. 2008. I have been unable to obtain a transcript or recording.

Radio KTLV-1220 Program, Oklahoma City, interviewed regarding Election Protection 2008, a non-partisan voter assistance program, Oct. 2008. I have been unable to obtain a transcript or recording.

Judy Gibbs Robinson, *Tribal Governments Get Credit for Bringing Attitude Change*, The Oklahoman, Nov. 7, 2004. Copy supplied.

Michael Baker and Judy Gibbs Robinson, *Agencies, American Indian Group Prepare Hotlines for Election Day*, The Oklahoman, Oct. 20, 2004. Copy supplied.

Edward Epstein, *From Conquest to Casinos in Eyes of Indians*, San Francisco Chronicle, Sept. 26, 2004. Copy supplied. (In approximately the late-1990s, I

was interviewed by a representative of the Smithsonian Institution, and my quotes were used in an exhibit regarding the Kiowa Tribe at the National Museum of the American Indian. A few of those quotes are re-printed in this article.)

Diana Baldwin, *Apache Tribe Seeks to Block Prosecution*, The Oklahoman, May 24, 2002. Copy supplied.

Jolene Schonchin, *Nov. 9th Named Comanche Codetalker Day*, The Comanche Tribal Newsletter, Winter 2002. Copy supplied.

Reggie Borges, *In Service to Their Country: Ceremony Honors Last Living World War II Comanche Code Talker*, The Lawton Constitution, Nov. 10, 2001. Copy supplied.

News 9 Morning News Broadcast, interviewed regarding a program at the U.S. Attorney's Office on the Comanche Code Talkers, a veteran's group active in World War II, commemorating Native American Month, Nov. 9, 2001. I have been unable to obtain a transcript or recording.

In The Hoop: Calling All Comanche Codetalkers, Indianz.com, Nov. 6, 2001. Copy supplied.

U.S. Attorney's Office to Recognize Comanche Code Talkers for Native American Month, U.S. Attorney's Office Press Release, Nov. 2, 2001. Copy supplied.

Robyn Lydick, *Seminole Vote Out Both Rivals for Principal Chief's Office*, The Daily Oklahoman, July 18, 2001. Copy supplied.

Robyn Lydick, *Rivals Both Lose Bids for Seminole's Top Office*, The Daily Oklahoman, July 18, 2001. Copy supplied.

Andrea Grosvald, *Center Assists FBI, U.S. Attorney's Office on Federal Cases*, Quarterly of the Child Abuse Response & Evaluation Center, Spring 2000. Copy supplied.

Ron Jackson, *Black Seminoles Seek Recognition; Tribal Vote Planned on Membership Rule*, The Daily Oklahoman, Mar. 27, 2000. Copy supplied.

Ellie Sutter, *Ex-Official Pleads Guilty*, The Daily Oklahoman, Jan. 9, 1998. Copy supplied.

Domestic Violence, Sexual Assault and Stalking Prevention and Intervention in Rural Native American Communities, Native American Circle, LTD., 1998, <http://www.mincava.umn.edu/documents/nativeamerican/nativeamerican.txt>. Relevant excerpts supplied.

Telephone Interview with Gloria Valencia-Weber for her article entitled, *Law School Training of American Indians as Legal-Warriors*, Sept. 22, 1995. I was quoted on the membership numbers of the Native American Bar Association. A copy of the relevant portion of the article is supplied.

Jeff Stidham, *Equal Justice Still Eludes Minority Lawyers*, The Tampa Tribune, May 8, 1995. Copy supplied.

Rhonda Fears, *Peacemaking Calls for Reduction of Disputes*, The Journal Record, June 11, 1993. Copy supplied.

Staff, *Mikkanen: Alternative to Courts Beneficial to Indians*, The Journal Record, June 10, 1993. Copy supplied.

Staff, *Indians Define Outcome of Disputes with Peacemaking*, The Journal Record, June 9, 1993. Copy supplied.

Dartmouth Seeks Indian Students, The Daily Oklahoman, Sept. 4, 1992. Copy supplied.

Randy Gragg, *American Indian Artists Disagree Over New Arts Law*, The Oregonian, June 27, 1991. Copy supplied.

Dartmouth's Indians, AP Online, Jan. 5, 1991. Copy supplied.

Staff, *The Oklahoma Indian Bar Association Has Published a 1990 Directory of Indian Nations and Tribal Courts in Oklahoma*, The Journal Record, Nov. 3, 1990. Copy supplied.

Oklahoma Indian Bar Association Publishes Directory of Tribes and Tribal Courts, Oklahoma Indian Bar Association Press Release, Oct. 29, 1990. Copy supplied.

Johana Knapschaefer, *Awareness of Indian Law Promoted by Association*, The Journal Record, Feb. 24, 1990. Copy supplied.

Johana Knapschaefer, *A Newly Organized Association of Indian Attorneys and Attorneys who Practice Indian Law Will Meet Later this Month*, The Journal Record, Aug. 5, 1989. Copy supplied.

Indian Attorneys Form Oklahoma Legal Association, The Dallas Morning News, Aug. 5, 1989. Copy supplied.

Denise Padilla, *Attorneys Group Devoted to Indian Concerns*, The Daily Oklahoman, Aug. 4, 1989. Copy supplied.

Indian Youth Set Goals for the Year 2000, Unity News, Fall 1987.

Young People are Heroes Too, Unity News, Fall 1986. Copy supplied.

'Mikkanen Day' is Proclaimed by Nigh, The Oklahoman, Aug. 1986. Copy supplied.

Peter Mandel, *Native Americans at Dartmouth: the People and the Program*, Dartmouth Alumni Magazine, May 1986.

Pam Rosenberg, *Young People are Heroes Too: Congress and Private Sector Recognize, Reward Excellence*, Southwestern Bell Corporation Update, No. 3, 1986. Copy supplied.

The Today Show, NBC Television Network, interviewed by Willard Scott at the Kennedy Center in Washington, DC after receiving a Gold U.S. Congressional Award, Fall 1986. Video supplied.

Paul McClung, *Quoetone Reunion to Feature Memories of Jimmy*, Lawton Morning Press, June 18, 1982. Copy supplied.

Paul McClung, *Quoetone Descendants to Have Reunion at Camp*, Lawton Constitution, June 17, 1982. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From 1991 to 1994, I served (on a part-time basis) as the Chief Justice on the Cheyenne-Arapaho Supreme Court, having been appointed to that position by the elected tribal leadership of the Cheyenne-Arapaho Business Committee. This court hears appeals from tribal district courts, and its jurisdiction extends to approximately 78,000 acres of federally held Indian country trust land in Western Oklahoma.

From 1988 to 1994, I was elected to be a District Judge for the Sac & Fox Nation District Court (on a part-time basis). This tribal district court has jurisdiction over approximately 14,000 acres of federally held Indian country trust land in western Oklahoma. I was a back-up judge and was not called to service, and as a result did not hear any cases.

From 1988 to 1994, I was appointed (on a part-time basis) as a trial and appellate court judge for the U.S. Department of Interior on the Court of Indian Offenses and Court of Indian Appeals for the Kiowa, Comanche, Apache, Wichita, Caddo, Delaware, Fort Sill Apache, Ponca, Pawnee, Kaw, Otoe-Missouria, and Tonkawa Tribes. These federally administered tribal courts have jurisdiction over approximately 250,000 acres of federally held Indian country trust land in Western Oklahoma.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

Although accurate records are not readily available, I estimate that I presided over approximately 100 to 200 cases during my period of service as a trial judge, although many cases, such as child welfare matters, were continuous in nature and were not finally resolved. Others, such as criminal cases, were resolved through guilty pleas, resulting in judgments and sentences without trial. I estimate that approximately 50 may have gone to verdict or judgment, most not involving contested trials.

- i. Of these, approximately what percent were:

jury trials:	0 %
bench trials:	100%
civil proceedings:	50%
criminal proceedings:	50%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

I have endeavored to locate all of the opinions that I have written, although there may be some that exist that I have still not been able to identify through a diligent search of my files, online databases and written publications.

Mustang Fuel Corp. v. Cheyenne-Arapaho Tax Comm'n, 4 Okla. Trib. 1, 1994 WL 1047927, Cheyenne-Arapaho, January 3, 1994 (No. CNA-SC-91-02)

Combrink v. Allen, 3 Okla. Trib. 46, 1993 WL 831921, Tonkawa CIA, March 5, 1993 (No. CIV-92-A08P)

Learned v. Cheyenne-Arapaho Election Bd., 2 Okla. Trib. 445, 1992 WL 752129, Cheyenne-Arapaho, December 11, 1992 (No. CNA-SC-92-02) (concurrence)

Goombi v. Dyer, et al., Kiowa CIO, July 6, 1992 (No. CIV-92-A46 & CIV-92-A44)

Chapman v. Chapman, Pawnee CIA, May 29, 1992 (No. CIV-91-A14P)

Chapman v. Chapman, Pawnee CIA, May 29, 1992 (No. CIV-91-A07P)

In the Matter of A.J.G., Caddo CIA, March 26, 1992 (No. PG-90-A24)

Klinekole v. Pewenoskit, Apache CIA, March 12, 1992 (No. CIV-90-A108)

Wright v. Cannedy, 2 Okla. Trib. 363, 1992 WL 752144, Wichita CIA, February 20, 1992 (No. CIV-90-A03P)

Keechi v. Snake, 2 Okla. Trib. 359, 1992 WL 752143, Delaware CIA, February 14, 1992 (No. CIV-91-A15P)

Woodward v. Goombi, 2 Okla. Trib. 330, 1991 WL 733407, Kiowa CIA, December 6, 1991 (No. CIV-91-A114) (dissent)

Otoe-Missouria Tribe of Indians v. The Honorable Craig J. Franseen, Otoe-Missouria CIA, November 1, 1991 (No. CIV-91-A12P)

Pawnee Tribe v. Franseen, 2 Okla. Trib. 291, 1991 WL 733408, Pawnee CIA, September 17, 1991 (No. CIV-90-A07P)

Williams v. McAdams, 2 Okla. Trib. 282, 1991 WL 733415, Wichita CIA, August 5, 1991 (No. CIV-90-A111)

Holder v. Hunter, 2 Okla. Trib. 269, 1991 WL 733410, Delaware CIA, July 12, 1991 (No. CIV-91-A03P)

Gallegos v. French, 2 Okla. Trib. 209, 1991 WL 733411, Delaware CIA, June 4, 1991 (No. CIV-90-A09P)

Apache Election Bd. v. Wildes, 2 Okla. Trib. 136, 1990 WL 655885, Apache CIA, December 7, 1990 (No. CIV-90-A08P)

Kerchee v. Kerchee, 2 Okla. Trib. 132, 1990 WL 655886, Comanche CIA, November 21, 1990 (No. JFD-90-A05P)

Exec. Comm. of the Wichita Tribe v. Bell, 2 Okla. Trib. 107, 1990 WL 655879, Wichita CIA, September 26, 1990 (No. CIV-90-A04P)

Wahkinney v. Wahkinney, 2 Okla. Trib. 11, 1990 WL 655887, Comanche CIA, February 11, 1990 (No. CIV-89-A03P)

In the Matter of C.D.S. & C.M.H., 1 Okla. Trib. 256, 1988 WL 521352, Delaware CIO, November 23, 1988 (No. PG-87-A50)

Ponca Tribal Election Bd. v. Snake, 1 Okla. Trib. 209, 1988 WL 521355, Ponca CIA, November 10, 1988 (No. CIV-88-P05P)

In the Matter of C.D.S. & C.M.H., 1 Okla. Trib. 200, 1988 WL 521353, Delaware CIO, October 13, 1988 (No. PG-87-A50)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Mustang Fuel Corp. v. Cheyenne-Arapaho Tax Comm'n*, 4 Okla. Trib. 1, 1994 WL 1047927, Cheyenne-Arapaho, January 3, 1994 (No. CNA-SC-91-02)

This case was an appeal from the District Court of the Cheyenne-Arapaho Tribes which upheld the authority of the tribal tax commission to levy tribal gross production taxes on hydrocarbons produced on allotted Indian country trust lands belonging to individual Indians. I wrote an opinion for the Supreme Court affirming the lower court, which held that the case was appropriate for summary judgment; that allotted lands still held in trust for tribal members qualify as "Indian country" under 18 U.S.C. § 1151(c); that the Cheyenne-Arapaho Tribes retain jurisdiction over such lands; and that such jurisdiction includes the authority to tax the activities of persons or entities removing resources.

Counsel for Appellee: Melody L. McCoy
Native American Rights Fund
1506 Broadway Avenue
Boulder, CO 80302
(303) 447-8760

Counsel for Appellant: Steven W. Bugg
McAfee & Taft
211 North Robinson
Oklahoma City, OK 73102
(405) 552-2216

2. *Learned v. Cheyenne-Arapaho Election Bd.*, 2 Okla. Trib. 445, 1992 WL 752129, Cheyenne-Arapaho, December 11, 1992 (No. CNA-SC-92-02)

Tribal voters signed a petition for recall of an elected tribal official. The tribal election board proceeded to schedule a recall election despite the fact that the tribal Business Committee refused to act to schedule an election. I concurred with an opinion written by Justice Hart holding that, under the tribal constitution, the Business Committee, did not have the power to "invalidate" a recall petition and should direct a recall election when one is presented. The matter was remanded to the District Court for further proceedings.

Counsel for Appellant: Mark E. Hammons
Hammons Gowens & Associates
325 Dean A. McGee Avenue
Oklahoma City, OK 73102
(405) 235-6100

Counsel for Appellee: James J. Hodgens
Hodgens & Burleson, P.A.
301 West Main Street
Stroud, OK 74079
(918) 968-2537

3. *In the Matter of A.J.G.*, Caddo CIA, March 26, 1992 (No. PG-90-A24)

The Court of Indian Offenses allowed the natural mother of a child to withdraw consent to the adoption of her child. On appeal, the adoptive parents of the minor child challenged the natural mother's withdrawal of her consent to the adoption. I wrote an opinion for the Court of Indian Appeals holding that the trial court properly permitted the natural mother to withdraw her consent to adoption prior to the entry of the final adoption decree.

Counsel for Appellants: Marvin Stepson
Osage Nation Court
1333 Grandview Avenue
Pawhuska, OK 74056
(918) 287-5400

Counsel for Respondent: Amos Black, III
101 West Broadway
P.O. Box 159
Anadarko, OK 73005
(405) 247-2548

4. *Wright v. Cannedy*, 2 Okla. Trib. 363, 1992 WL 752144, Wichita CIA, February 20, 1992 (No. CIV-90-A03P)

I wrote an opinion affirming the dismissal of a suit filed in the Court of Indian Offenses by Indians that sought money damages due to alleged pollution and damage to lands which appellants had leased to the respondents, who were non-Indians. On appeal, I wrote an opinion holding that neither the signing of the lease nor the provisions in the lease providing that violations shall be acted upon in accordance with the regulations of the Secretary of Interior as stated in 25 C.F.R. § 162 constituted a "stipulation" to the jurisdiction of a court under 25 C.F.R. § 11.22. Consequently, Indians could not sue non-Indians in the Court of Indian Offenses unless the non-Indian specifically agreed to such suit by a stipulation.

Counsel for Appellant: Rick D. Moore
P.O. Box 721775
Norman, OK 73070
(405) 366-0373

Counsel for Appellee: John W. Garland
Pain & Garland
P.O. Box 158
111 SW 2nd Street
Anadarko, OK 73005
(405) 247-3365

5. *Woodward v. Goombi*, 2 Okla. Trib. 330, 1991 WL 733407, Kiowa CIA, December 6, 1991 (No. CIV-91-A114) (dissent)

The Business Committee of the Kiowa Tribe of Oklahoma voted not to refer charges against appellant to the Kiowa Hearing Board, for a determination of whether a recall election regarding that individual from the Business Committee should be held. Instead of bringing the charges for the recall to the Business Committee first, the individual seeking the recall brought the charges directly to the Hearing Board, which ultimately scheduled a recall election. The appellant sought injunctive relief with the Court of Indian Offenses, which was refused. The appellant then appealed and sought emergency injunctive relief from the Court of Indian Appeals. The Court of Indian Appeals, held that Articles VI and XIV of the Kiowa Constitution vest the Hearing Board with power to schedule a recall election regarding a Business Committee member upon written request from a tribal member, even where the Business Committee has not voted to forward recall charges to the Hearing Board. I dissented from the majority opinion, and wrote separately in an opinion that stated the tribal constitution did not permit the Hearing Board to schedule a recall election unless it was first presented to the Business Committee and an affirmative vote was made to refer the recall matter to the Hearing Board.

Counsel for Appellant: Jim Merz
1330 North Classen Boulevard, Suite 301
Oklahoma City, OK 73106
(405) 235-2226

Counsel for Appellee: Appeared *pro se*

6. *Pawnee Tribe v. Franseen*, 2 Okla. Trib. 291, 1991 WL 733408, Pawnee CIA, September 17, 1991 (No. CIV-90-A07P)

Sooner Bingo, Inc. brought suit in the Court of Indian Offenses for money damages for alleged breach of contract against the Pawnee Tribe. The tribal

government invoked tribal sovereign immunity and moved to dismiss the action. The trial court denied the motion to dismiss. The Tribe then filed a “Petition Requesting Assumption of Original Jurisdiction and Petition for Writ of Mandamus and Prohibition” with the Court of Indian Appeals. I wrote an opinion for the appellate court, holding that the Tribe possesses sovereign immunity from unconsented suit and had not waived its immunity. The court opinion further stated that the “ultra vires” doctrine, by which tribal officials may lose the protection of tribal sovereign immunity in cases not seeking monetary relief, did not apply to suits directly against the tribal government as an entity.

Counsel for Petitioner: G. William Rice
University of Tulsa, College of Law
3120 East 4th Place
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(918) 631-2401

Counsel for Interested Party: M. Allen Core (deceased)

Counsel for Appellee: John W. Garland
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111 SW 2nd Street
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7. *Gallegos v. French*, 2 Okla. Trib. 209, 1991 WL 733411, Delaware CIA, June 4, 1991 (No. CIV-90-A09P)

The Court of Indian Offenses for the Delaware Tribe of Western Oklahoma issued a ruling which declared the office of the tribal President vacant based on irregularities which had occurred during the election at a meeting of the tribal council. I wrote an opinion in which the appellate court held that the action of the tribal election board, disqualifying the respondent from eligibility to run for the office, violated the tribal constitution and the tribal election ordinance. The opinion further held that exhaustion of administrative remedies was not required and that the issue had not been properly preserved for consideration on appeal. The court held that the Court of Indian Offenses had valid subject-matter and in personam jurisdiction over the dispute and the parties. Finally, the opinion stated that the Courts of Indian Offenses, formed under federal law, are properly characterized as “federally-administered tribal courts,” having attributes of both a tribal court and a federal court.

Counsel for Appellant: Hans Walker Jr.
Hobbs, Straus, Dean & Walker, LLP
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Washington, DC 20037
(202) 822-8282

Counsel for Appellee: Appeared *pro se*

8. *Exec. Comm. of the Wichita Tribe v. Bell*, 2 Okla. Trib. 107, 1990 WL 655879, Wichita CIA, September 26, 1990 (No. CIV-90-A04P)

The respondent sued the appellant in the Court of Indian Offenses, alleging wrongful termination in violation of tribal personnel policies. The trial court denied the appellant's invocation of sovereign immunity. I wrote an opinion for the Court of Indian Appeals which held that the appellant Executive Committee, as the only named defendant, was entitled to sovereign immunity since the members of that Committee were not sued in their personal capacities, nor was there any formal waiver of immunity. The trial court decision below, denying dismissal under the doctrine of sovereign immunity, was reversed.

Counsel for Appellant: Rick D. Moore
P.O. Box 721775
Norman, OK 73070
(405) 366-0373

Counsel for Respondent: Ryland L. Rivas
628 Choctaw Avenue
Chickasha, OK 73018
(405) 222-3500

9. *Ponca Tribal Election Bd. v. Snake*, 1 Okla. Trib. 209, 1988 WL 521355, Ponca CIA, November 10, 1988 (No. CIV-88-P05P)

The parties sought the review of a Court of Indian Offenses decision which held that the appellants acted ultra vires and in violation of procedural due process in failing to permit plaintiffs/appellees to run in a tribal election, due to an allegedly late filing. The trial court had enjoined the tribal election. On appeal, I wrote an opinion for the Court of Indian Appeals, which held that the trial court improperly assumed jurisdiction at a time when appellees had not yet exhausted remedies. The opinion further held that the injunction would remain in effect until the Election Appeals Board ruled on appellees' claims, after which time the parties could appeal to the Court of Indian Appeals to lift the stay. The opinion also clarified the validity of the court system's establishment and the scope of the court's authority and jurisdiction in election matters.

Counsel for Appellant: Chiles E. Townsend
2404 Lauriston Drive
Norman, OK 73072
(405) 205-1999

Counsel for Appellee: John J. Gardner
Northcutt, Clark, Gardner & Hron
P.O. Drawer 1669
Ponca City, OK 74602
(580) 762-1655

10. *In the Matter of C.D.S.*, 1 Okla. Trib. 200, 1988 WL 521353, Delaware CIO, October 13, 1988 (No. PG-87-A50)

The maternal grandmother of minor children sought a new trial on the issue of permanent guardianship in the Court of Indian Offenses. Alternatively, she sought recognition of her right to invoke grandparental visitation rights. I wrote an opinion which denied the motion for new trial, but granted the request for grandparental visitation rights, recognizing that grandparents have an interest in continued contact with grandchildren.

Counsel for Petitioner: Barry Benefield
(address and telephone number unknown)

Counsel for Respondent: Susan Work
Cherokee Nation, Office of the Attorney General
P.O. Box 948
Tahlequah, OK 74465
(918) 453-5726

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Mustang Fuel Corp. v. Cheyenne-Arapaho Tax Comm'n*, 4 Okla. Trib. 1, 1994 WL 1047927, Cheyenne-Arapaho, January 3, 1994 (No. CNA-SC-91-02)

Counsel for Appellee: Melody L. McCoy
Native American Rights Fund
1506 Broadway Avenue
Boulder, CO 80302
(303) 447-8760

Counsel for Appellant: Steven W. Bugg
McAfee & Taft
211 North Robinson
Oklahoma City, OK 73102
(405) 552-2216

2. *In the Matter of A.J.G.*, Caddo CIA, March 26, 1992 (No. PG-90-A24). Copy supplied in response to 13(c).

Counsel for Appellants: Marvin Stepson
Osage Nation Court
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Pawhuska, OK 74056
(918) 287-5400

Counsel for Respondent: Amos Black, III
101 West Broadway
P.O. Box 159
Anadarko, OK 73005
(405) 247-2548

3. *Wright v. Cannedy*, 2 Okla. Trib. 363, 1992 WL 752144, Wichita CIA, February 20, 1992 (No. CIV-90-A03P)

Counsel for Appellant: Rick D. Moore
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(405) 366-0373

Counsel for Appellee: John W. Garland
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111 SW 2nd Street
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(405) 247-3365

4. *Chapman v. Chapman*, Pawnee CIA, May 29, 1992 (No. CIV-91-A07P)

Counsel for Appellants: Jack De McCarty
McCarty & Rigdon
116 South Main Street
P.O. Box 12
Newkirk, OK 74647
(580) 362-2583

Counsel for Respondent: John Maddox
P.O. Box 1753
Ponca City, OK 74602
(405) 761-6528

5. *Woodward v. Goombi*, 2 Okla. Trib. 330, 1991 WL 733407, Kiowa CIA, December 6, 1991 (No. CIV-91-A114) (dissent)

Counsel for Appellant: Jim Merz
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(405) 235-2226

Counsel for Appellee: Appeared *pro se*

6. *Pawnee Tribe v. Franseen*, 2 Okla. Trib. 291, 1991 WL 733408, Pawnee CIA, September 17, 1991 (No. CIV-90-A07P)

Counsel for Petitioner: G. William Rice
University of Tulsa, College of Law
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Tulsa, OK 74104
(918) 631-2401

Counsel for Interested Party: M. Allen Core (deceased)

7. *Gallegos v. French*, 2 Okla. Trib. 209, 1991 WL 733411, Delaware CIA, June 4, 1991 (No. CIV-90-A09P)

Counsel for Appellant: Hans Walker Jr.
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(202) 822-8282

Counsel for Appellee: Appeared *pro se*

8. *Exec. Comm. of the Wichita Tribe v. Bell*, 2 Okla. Trib. 107, 1990 WL 655879, Wichita CIA, September 26, 1990 (No. CIV-90-A04P)

Counsel for Appellant: Rick D. Moore
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Norman, OK 73070
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Counsel for Respondent: Ryland L. Rivas
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(405) 222-3500

9. *Ponca Tribal Election Bd. v. Snake*, 1 Okla. Trib. 209, 1988 WL 521355, Ponca CIA, November 10, 1988 (No. CIV-88-P05P)

Counsel for Appellant: Chiles E. Townsend
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Counsel for Appellee: John J. Gardner
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(580) 762-1655

10. *In the Matter of C.D.S.*, 1 Okla. Trib. 200, 1988 WL 521353, Delaware CIO, October 13, 1988 (No. PG-87-A50)

Counsel for Petitioner: Barry Benefield
(address and telephone number unknown)

Counsel for Respondent: Susan Work
Cherokee Nation, Office of the Attorney General
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Tahlequah, OK 74465
(918) 453-5726

e. Provide a list of all cases in which certiorari was requested or granted.

None, to the best of my knowledge.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If

any of the opinions listed were not officially reported, provide copies of the opinions.

None of my opinions were reversed by a reviewing court or were affirmed with significant criticism of my substantive or procedural rulings.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

The majority of the formal opinions that I have issued have been published and are identified in response to prior questions. Unpublished opinions from the Court of Indian Offenses and Court of Indian Appeals, I believe, are maintained in storage by the U.S. Department of Interior, Bureau of Indian Affairs in federal storage facilities. Unpublished opinions from the Cheyenne-Arapaho Supreme Court, I believe, are maintained in the tribal court clerk's office or their storage facilities.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have issued no opinions on federal or state constitutional issues.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The Court of Indian Offenses, Court of Indian Appeals, and the Cheyenne-Arapaho Supreme Court did not employ any “automatic” recusal system. I would have been bound by applicable canons of judicial conduct that would have prevented my participation in a particular case if there were a situation involving a conflict of interest, bias or an appearance of impropriety.

I do not recall a case assigned to me as a judge where I was asked to be recused by a party or litigant.

In one case I decided to recuse myself *sua sponte*. In *Goombi v. Dyer*, I issued an order on behalf of the Court of Indian Offenses for the Kiowa Tribe calling off a tribal election due to irregularities in the procedures leading up to the election. Various election officials defied my order and held the election anyway, although not all precincts defied the order. Since some officials went ahead and held the election and one of the candidates, who was not a party to the suit, was related to me in the second degree, I recused myself from further proceedings because my further involvement could have affected the outcome of the election. *Goombi v. Dyer, et al.*, Kiowa CIO, July 6, 1992 (No. CIV-92-A46 & CIV-92-A44).

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office. I have not had any unsuccessful candidacies for elective office or any unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any office in any political party or election committee. I have not held a position or played a role in a political campaign.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Honorable Lawrence S. Margolis of the United States Claims Court (now the United States Court of Federal Claims) from August 1986 to May 1987.

I served as a law clerk to the Honorable Robert M. Parker of the United States District Court for the Eastern District of Texas from June 1987 to July 1988.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1988 – 1994

Andrews Davis Legg Bixler Milsten & Price
100 North Broadway, Suite 3300
Oklahoma City, Oklahoma 73102
Associate

1994 – present

United States Attorney's Office, Western District of Oklahoma
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
Assistant United States Attorney

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

Following my relocation to Oklahoma, I practiced in a large business law firm, focusing on business litigation in both state and federal court. My areas of practice, among others, included civil litigation, products liability defense, business litigation, insurance defense, commercial landlord-tenant and franchise law, trademark law, employment law and Indian affairs law. During this time, I served on a part-time basis as both a trial and appellate judge in a federally administered court system, serving a dozen tribes in western Oklahoma. I was also an appellate judge in a tribal court system. I also served as an adjunct professor of law and associate director of a legal clinic at the Oklahoma City University Law School.

Since my move to the United States Attorney's Office sixteen years ago, my practice has been in the local United States District Court and in the U.S. Court of Appeals for the Tenth Circuit in various areas of federal criminal law including violent crimes, escapes, homicides, assaults, bank robberies, burglaries, federal firearms offenses, immigration violations, Indian country crimes, white collar corruption and embezzlement offenses, fish and wildlife offenses, child physical and sexual abuse, drug possession offenses, sexual assaults, juvenile delinquency adjudications, and counterfeiting. In addition, I have handled civil cases involving defense of federal officers subject to a § 1983 claim, Indian affairs law, foreclosures, administrative law, and regulatory law. I have written civil and criminal appellate briefs and have argued both before the U.S. Court of Appeals for the Tenth Circuit.

I appear in court before Magistrate Judges and District Judges on a regular basis and have been counsel of record in over 475 federal cases, the majority of which have been criminal in nature, including juvenile delinquency adjudications.

Since 1995, I have been designated by the U.S. Attorney as the district's "Tribal Liaison" and am the primary contact from the U.S. Department of Justice to the twenty-one federally-recognized Indian tribes with land in the district. In that role, I have been tasked with significant training and instructional duties for local, state, tribal, and federal law enforcement regarding prosecution of crimes in federal court. These duties, described in Section 213 of recently enacted federal legislation, the Tribal Law and Order Act, P.L. 111-211, are in addition to and beyond the customary duties of a typical Assistant United States Attorney.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My typical clients during my period of private practice included individuals, businesses, corporations, municipalities, Indian tribes, insurance companies, government entities and real estate owners. Since 1994, my sole client has been the United States of America.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

From 1988 when I entered private practice to 1994 when I joined the United States Attorney's Office, my appearance in court was occasional, usually once every couple of months, depending upon my caseload. For the past sixteen years, I usually have appeared in court weekly, and on occasion more than once a day, depending upon the court schedule and duties assigned to me.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 8% |
| 3. other courts: | 1% |
| 4. administrative agencies: | 1% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 30% |
| 2. criminal proceedings: | 70% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried sixteen cases to verdict before a jury or judge in federal court. I was sole counsel in six cases, chief counsel in four cases, and associate counsel in six cases.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 65% |
| 2. non-jury: | 35% |

I have tried four additional cases to verdict before a judge in federal court, based upon stipulated facts, where I was sole counsel.

I have tried several additional cases to verdict before a federal administrative law judge, where I was sole counsel.

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Haze*, No. CR-09-354-D (W.D. Okla.), Honorable Timothy D. DiGuisti, 2009 – 2010.

In this case, the defendant was charged with using a car to assault a police officer. The officer was responding to a call for assistance from security guards at a gaming facility. The defendant was parked in front of the building and was blocked in by a police truck as it arrived. Eyewitness accounts from security guards, as well as video surveillance recordings, showed that upon arrival by the police, the defendant immediately got in his car and began to leave. The responding police officer exited the truck, opened the passenger door of the defendant's car, and ordered him to stop. The defendant continued to accelerate backwards and backed into the officer's truck, with the officer caught in the open passenger door; the police officer was thrown into the parking lot and sustained serious bodily injury. The defendant fled the scene and a high speed chase ensued by multiple police vehicles. Following a jury trial, the defendant was found guilty of committing an assault resulting in serious bodily injury and assault with a dangerous weapon, in violation of 18 U.S.C. § 113(a)(6) and 18 U.S.C. § 113(a)(3).

Opposing counsel: Paul Antonio Lacy
Federal Public Defender
215 Dean A. McGee Avenue, Suite 109
Oklahoma City, OK 73102
(405) 609-5930

2. *United States v. Blind and Sankey*, No. CR-08-294-C (W.D. Okla.), Honorable Robin J. Cauthron, 2008 – 2010.

Defendants Blind and Sankey had served on the Cheyenne-Arapaho Tribe's Business Committee as representatives for the Arapaho District One (A-1) and as Tribal Tax Commissioners. Blind served for a period as Tribal Chairman and Sankey served for a period as Tribal Secretary. Evidence at trial showed that between 2000 and 2006, the pair conspired to embezzle tribal funds entrusted to them by virtue of their elected positions through submission of various travel claims for expenses related to conferences they did not attend, improper reimbursements, and payment for expenses of relatives to which they were not entitled. In addition, tribal funds were used to purchase cashiers' checks from which cash was retained for personal use, and checks were improperly drawn on the Tribal operating and tax accounts for personal use. Following a jury trial, defendants Blind and Sankey were convicted of conspiracy and multiple violations of 18 U.S.C. § 1163, embezzlement from an Indian tribe. The appeal is presently pending before the U.S. Court of Appeals for the Tenth Circuit.

Co-Counsel: James F. Robinson
U.S. Attorney's Office
210 Park Avenue, Suite 400
Oklahoma City, OK 73102
(405) 553-8700

Opposing Counsel: Chris H. Eulberg
Eulberg Law Offices
925 N.W. 6th Street
Oklahoma City, OK 73106
(405) 232-3450

Jeffrey M. Byers
Federal Public Defender
215 Dean A. McGee Avenue, Suite 109
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3. *United States v. Fixico*, No. CR-07-168-M (W.D. Okla.), Honorable Vicki Miles-LaGrange, 2007 – 2008.

The defendant was indicted by a federal grand jury on July 11, 2007. Following a bench trial based on stipulated facts, the defendant was found guilty of felony child abuse of a

minor child within Indian country. The court found that Fixico willfully and maliciously harmed a six-year-old child while she was in a casino parking lot by striking her head against the inside of a vehicle.

I believe the case was the first federal prosecution of its type in Oklahoma, and at the time may have been one of the first of its type nationwide, under the new charge of “felony child abuse or neglect,” which was added to the federal Major Crimes Act, under 18 U.S.C. § 1153.

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4. *United States v. Franklin*, No. CR-02-47-M (W.D. Okla.), Honorable Vicki Miles-LaGrange, 2002 – 2004.

The defendant was indicted by a grand jury for incest and sexual abuse of a minor, in violation of 18 U.S.C. § 2243, in connection with two incidents that occurred at his residence in September and December of 2001. Following a jury trial, defendant was found guilty of both counts, and was sentenced to serve 210 months in prison. Defendant appealed on the issue of whether he was improperly limited on his cross-examination of the victim as to her mental health status. On appeal, the Tenth Circuit affirmed that ruling and upheld the conviction. *United States v. Franklin*, 82 Fed. Appx. 24, 2003 WL 22854920 (10th Cir. 2003).

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5. *United States v. Oldbear*, No. CR-07-77-F (W.D. Okla.), Honorable Stephen P. Friot, 2007 – 2010.

Oldbear was a secretary to a business committee member for the C-1 District of the Cheyenne-Arapaho Tribes. She was charged in a seven-count indictment with violating 18 U.S.C. § 1163, embezzlement from an Indian tribe, and making a false statement to an FBI agent. After a jury trial in November 2007, she was found guilty of embezzling “Emergency Assistance” money generated from the tribal gaming facility that was meant

to be used for limited emergency situations. Oldbear, having access to the tribal funds in her position as secretary, spent funds for repairs of her own personal vehicle and also purchased a vehicle for herself by embezzling an additional amount. She was also convicted of providing a false statement to the FBI during the investigation of the case when she stated that tribal monies had not been used to buy vehicles for anyone, when in fact such monies were used to buy vehicles for her and for her supervisor.

Following conviction, Oldbear appealed, arguing that her sentence was unreasonable. The Tenth Circuit affirmed. *United States v. Oldbear*, 568 F.3d 814 (10th Cir. 2009).

Opposing Counsel: Daniel L. White
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6. *United States v. Pewenofkit*, No. CR-97-187-L (W.D. Okla.), Honorable Tim Leonard, 1997 – 1999.

Following a plea of guilty to an information, defendant was adjudged guilty of sexual abuse of a minor, in violation of 18 U.S.C. § 2243. At sentencing, on behalf of the government I argued and presented evidence regarding a use of force during the assault to cross-reference to a higher guideline range. Pewenofkit was sentenced to serve 99 months incarceration, followed by a term of supervised release of three years. The defendant appealed the district court's finding of a use of force which resulted in a higher sentencing guideline provision. The defendant argued that he was improperly denied the right to confront and cross-examine the victim and that there was insufficient evidence of the use of force. On appeal, the Tenth Circuit held that the district court did not violate the defendants' due process rights and acted properly in relying upon the government's evidence to calculate the appropriate sentencing guideline. *United States v. Pewenofkit*, 1999 WL 169429 (10th Cir. 1999).

Opposing Counsel: William P. Earley
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7. *Davis v. United States*, CIV-96-1988-M (W.D. Okla.), Honorable Vicki Miles-LaGrange, 1998 – 2004.

Representatives of two bands of the Seminole Nation, consisting of Freedmen, brought this action against the United States and various federal agencies and officials. They challenged their exclusion from benefits and programs established with funds obtained from a particular land claims judgment, and challenged the government's refusal to issue Certificates of Degree of Indian Blood (CDIB) cards to them. I represented the United States and the federal defendants.

The District Court granted the defendants' motion to dismiss for failure to join the Seminole Nation as an indispensable party, and the Tenth Circuit affirmed in part, reversed in part, and remanded. 192 F.3d 951 (10th Cir. 1999). On remand, the District Court granted the defendants' motion to dismiss, 199 F. Supp. 2d 1164 (W.D. Okla. 2002), and plaintiffs appealed again. The Tenth Circuit affirmed, holding that: (1) the district court did not abuse its discretion in dismissing the suit on the ground that the Seminole Nation was an indispensable party, and (2) plaintiffs failed to exhaust administrative remedies as to their CDIB claim, and as a result, the district court could not hear that claim due to a lack of subject matter jurisdiction. *Davis v. United States*, 343 F.3d 1282 (10th Cir. 2003). The United States Supreme Court denied certiorari.

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8. *Sac & Fox Nation of Oklahoma v. Cuomo*, No. CIV-97-791-M (W.D. Okla.), Honorable Vicki Miles-LaGrange, 1997 – 1999.

This case involved a dispute regarding the allocation of federal funding for housing programs and I represented the federal defendants, officials in the Department of Housing and Urban Development (HUD). The plaintiffs, three Indian tribes, alleged that HUD had been funding housing projects that were outside of the proper area of operation. Following denial of motions for a preliminary injunction and to recuse, the District Court dismissed the complaint. The court held there was a lack of federal question jurisdiction and an inability to join an indispensable party. The Tenth Circuit affirmed, holding that: (1) the complaint failed to allege federal question jurisdiction; (2) the plaintiffs' appellate brief would not be construed to amend their complaint; and (3) there was no basis for disqualification of the district judge. *Sac & Fox Nation of Oklahoma v. Cuomo*, 193 F.3d 1162 (10th Cir. 1999).

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Other Counsel: Dena Nielson
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9. *Kelley By and Through Kelley v. Rival Mfg. Co.*, 704 F. Supp. 1039 (W.D. Okla. 1989), Honorable Luther Bohanon, 1988 - 1989

A products liability action was filed by parents and their child against the manufacturer of a slow cooker that had fallen off a table, spilling its contents on a child. I represented the manufacturer and prepared a motion for summary judgment, arguing that the appliance was not defectively designed. The District Court dismissed the case, holding that: (1) there was no design defect; (2) the slow cooker was no more dangerous than the ordinary consumer would expect, and thus was not unreasonably dangerous; (3) the parents failed to demonstrate that any alleged defects caused the injuries; and (4) the manufacturer had no duty to warn of the dangers and the warnings actually given were adequate. *Kelley By and Through Kelley v. Rival Mfg. Co.*, 704 F. Supp. 1039 (W.D. Okla. 1989).

Co-Counsel: James W. Shepherd (deceased)

Opposing Counsel: John M. Merritt
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10. *United States v. Shah*, No. CR-08-294-C (W.D. Okla.), Honorable Robin J. Cauthron, 2008 – 2009.

Following a jury trial, the defendant was found guilty of being an illegal alien in possession of two firearms, in violation of 18 U.S.C. § 922(g). He was sentenced to thirty-three months imprisonment. Shah appealed, arguing that his sentence of 33 months incarceration was unreasonable. The Tenth Circuit affirmed, holding that the sentence imposed by the district court was reasonable and there was no abuse of discretion by the district court. *United States v. Shah*, 2009 WL 82834 (10th Cir. 2009).

Opposing Counsel: Teresa K. Brown
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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I was appointed by the Oklahoma Supreme Court in 1992 to chair a committee that made recommendations to the court for the adoption of full faith and credit for the judgments of

tribal courts in the State of Oklahoma. The committee met six times and made a final report to the court which ultimately resulted in the adoption of Rule 30 of the Rules of the District Court for Oklahoma, which established standards for the recognition of such judgments in the courts of the State of Oklahoma. That report is supplied in response to Question 12b.

I have not performed any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I was the Associate Director of the Native American Legal Assistance Clinic at the Oklahoma City University School of Law and served as an adjunct professor of law from 1988 to 2000. I taught a portion of the classroom component on federal Indian law to students in the legal assistance clinic. Copies of the 1991 and 1993 syllabi, prepared by the primary professor for the course, are supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no deferred income arrangement, stocks, options, uncompleted contracts or other future benefits that I expect to derive from previous business relationships, firm memberships, former employers, clients or customers.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not currently have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court. I currently operate a part-time home-based mobile music equipment rental service with my wife, but if confirmed, I would discontinue active participation in this business.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not anticipate that any family members or other persons, parties, categories of litigation, and financial arrangements are likely to present potential conflicts of interest. If confirmed, I would carefully and diligently review cases and parties to determine if any actual or potential conflicts of interest were present. I would adhere to the Code of Conduct for United States Judges, as well as other applicable canons and statutory provisions.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would handle all matters involving actual or potential conflicts of interest through the careful and diligent application of the Code of Conduct for United States Judges, as well as other applicable canons and statutory provisions. Where necessary, I would recuse myself or ask that a case be re-assigned to another judge in accordance with the policies and procedures of the court.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

In 1988 or 1989, I volunteered as part of the Oklahoma Bar Association's "Ask A Lawyer" call in program as part of the commemoration of Law Day. (3 hours)

In 1991, I served as a judge for high school students competing in a state competition for the Oklahoma Bicentennial Competition on the Constitution and Bill of Rights. (6 hours)

On February 5-6, 1993 I served as a judge in the First Annual Moot Court Competition for the National Native American Law Student's Association at the University of Oklahoma College of Law. (8 hours)

In 1998, I helped write the moot court problem and served as a judge in the Sixth Annual Annual Moot Court Competition for the National Native American Law Student's Association at Oklahoma City University Law School. (16 hours)

In 1995 and 1999, I organized a donation drive for several attorneys with dire financial conditions due to medical situations and due to injury from the Murrah Federal Building bombing. (30 hours)

In 2001, I participated as part of a Construction Work Crew for a Habitat for Humanity House with volunteers from the U.S. Attorney's Office. (8 hours)

In 2003, I participated as part of a Construction Work Crew that worked constructing the Norman First American United Methodist Church classroom, office, and activity hall/sanctuary. (20 hours)

From 2004 to 2010, I helped organize a Christmas Angel Tree Donation & Toy Drive for Children in Tribal Foster Care, including collection of donations and toys, organization of donors, and promotion of donations for children as part of an annual effort by Oklahoma Indian Legal Services and the Oklahoma Indian Bar Association. (40 hours)

I donated my services (time and use of sound equipment) to Kids for Kindness Project to Benefit Little River Zoo in Norman, Oklahoma in celebration of Earth Day (8 hours, 2008); Norman First American United Methodist Church for Veterans Dance (8 hours, 2009); Norman, Oklahoma High School American Indian Club for benefit fundraiser pow-wow (2 hours, 2009); Oklahoma Indian Missionary Conference of the United Methodist Church for the annual Christmas dinner and singing program for several Oklahoma City Area churches (4 hours, 2009).

From 1998 to 2002, I volunteered with the Cleveland County Family YMCA in Norman, Oklahoma working in the snack bar. (200 hours)

In 2010, I served as a Head Gourd Dancer for a fundraising dance to benefit the Southern Plains Child Protection Team's Fall 2010 Training Conference relating to Protection of Abused and Neglected Children. (4 hours)

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the

Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

There is no selection commission in the State of Oklahoma for federal judicial vacancies of which I am aware. I was contacted by the Governor of the State of Oklahoma, C. Brad Henry, inquiring if I would be interested in a nomination for a vacancy on the United States District Court for the Northern District of Oklahoma. I indicated to Governor Henry that I was interested in being considered for the position and provided him a resume. Governor Henry indicated to me that he would recommend my name to the White House. I was also contacted separately by a White House Senior Policy Advisor, regarding my interest in the nomination. Finally, I understand my name has previously been included on lists of potential judicial candidates presented to the White House by the National Native American Bar Association, the National Congress of American Indians, and the Native American Rights Fund.

Since September 2010, I have been in contact with pre-nomination officials at the Department of Justice on various occasions. On November 16, 2010, I interviewed in Washington, D.C., with attorneys from the White House Counsel's Office and the Department of Justice. On February 2, 2011, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, ARVO MIKKANEN, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

January 31, 2011
(DATE)

Arvo Mikkonen
(NAME)



Natalie Gilley
(NOTARY)