

Curriculum Vitae

Jeanette Wolfley

- CURRENT:** Assistant Professor
University of New Mexico School of Law
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- EDUCATION:** University of New Mexico School of Law, Albuquerque, New Mexico, Juris Doctorate, 1982.
University of Wisconsin School of Law, Madison, Wisconsin, 1979-1980.
University of Minnesota, Minneapolis, Bachelor of Arts, 1979.
- COURSES TAUGHT:** Federal Indian Law, Fall 2013, Fall 2014
Federal Jurisdiction, Spring 2014, Spring 2015
Tribal Natural and Cultural Resources, Fall 2014
Economic Development in Indian Country, Spring 2015
Indian Water Rights, Fall 2013
- CLINICAL:** Spring and Summer 2017 Natural Resources and Environmental Law Clinic
- SCHOLARSHIP:** **Law Review Articles**
- Biagaweit: Securing Water from the Mighty River in the Snake River Basin Adjudication*, 52 Idaho L. Rev. 313 (2016)
- Reclaiming a Presence in Ancestral Lands: The Return of Native Peoples to the National Parks*, 56 Nat. Res. J. 55 (Winter 2016)
- You Gotta Fight for the Right to Vote: Enfranchising Native American Voters*, 18 U. Pa. J. Const. Law 265 (Oct. 2015).
- Tribal Environmental Regulatory Programs: Providing Meaningful Involvement and Fair Treatment*, 29 J. Env'tl. Law & Litigation 389 (2014)
- Other Writings**
- As Longs As the Water Shall Flow: Bringing Water to Tribal Homelands*, Federal Lawyer Journal, April 2015
- Co-authored *Amicus Curiae* Brief in *Agua Caliente Band of Cahuilla Indians Choachella Valley Water District, et al.*, No. 13-883 C.D. Calif, before the Court of Appeals for the Ninth Circuit (February 2016)
- Sole author *Amici Curiae* Brief in *League of Women Voters et al. v. North Carolina*, No. 16-1469, before the Court of Appeals for the Fourth Circuit (May 2016)

SERVICE:**Continuing Legal Education Taught:**

National Parks and Indians, Presenter, New Mexico State Bar Annual Conference (October 2015) with power point

Indian Water Rights Settlements: Are We There Yet? Presenter, Transitions, 8th Annual Tribal Leadership Conference, American Indian Law Center (September 2015) with power point

Introduction to Federal Indian Law, Presenter, Transitions, 8th Annual Tribal Leadership Conference, American Indian Law Center (September 2015) with power point

Indian Water Rights, Presenter, 2015 Indian Law Conference, Minnesota American Indian Bar Association and Minnesota CLE (May 2015) with power point

Asserting the Supremacy of Indian Water Rights, Panelist, 2015 Federal Bar Association Indian Law Conference (April 2015)

Tribal Implementation of Water Settlement Agreements, Are We There Yet? Organized CLE Seminar, UNM Law School (April 2015)

Pueblo of Jemez v. United States, Organized CLE seminar, UNM Law School (November 2014)

Protecting the Sacred; Mount Taylor, Presenter, Transitions, 7th Annual Tribal Leadership Conference, American Indian Law Center (September 2014) with power point

Protection of Tribal Cultural Resources, Presenter, Tribal Natural Resources Law Conference, CLE International (August 2014) with power point

A Tribal Perspective on Water Rights in Drought Conditions, Presenter, ABA State and Local Governments Fall Council Conference (October 2013) with paper

Climate Change: Its Challenges for Tribes and Water Rights Settlements, Presenter, Transitions, 6th Annual Tribal Leadership Conference, American Indian Law Center, (September 2013) with paper

Protection of Tribal Cultural Resources: Consultation and Tribal Involvement in the Federal Process, Presenter, Tribal Natural Resources Law Conference, CLE International (August 2013) with paper and power point presentation

Other Conferences, Seminars, Presentations:

Import/Export Procedures in International Repatriation & Cultural Heritage Threats Worldwide, Panelist, Association of American Indian Affairs, Indigenous International Repatriation Conference (September 2016)

Presenter, *Columbia River Basin*, Indigenous Water Justice Symposium, University of Colorado Law School (June 2016)

Moderator, *The Intersection of Self-Determination and Environmental Law: Balancing Tribal Economic Development and Protecting Tribal Lands and Treaty Rights for Future Generations*, 2016 Federal Bar Association Indian Law Conference (April 2016)

You Gotta Fight for the Right to Vote: Fighting for Justice for Native Americans at the Polls, Colloquium Presentation, University of Arkansas Law School (February 2015)

Baby Veronica: An Update and Implications, Presenter, New Mexico Tribal-State Indian Child Welfare Roundtable (November 2014) with power point

Water Resilience in A Time of Uncertainty, Other Effective Strategies for Resilience, Moderator, Utton Transboundary Resources Center (October 2014)

Presenter, Hispanic American Law Students Association National Annual Meeting (October 2013)

Moderator, *Sandoval v. United States* Symposium (October 2013)

Invited Presenter, Association of American Law Schools, Indian Nations and Indigenous Peoples Program (January 2014) (unable to present due to inclement weather)

Internal Law School Committee Work:

Member, Curriculum Committee (Fall 2014 – Spring 2015)

Member, Kellogg Grant Committee (2014 –present)

Member, Indian Law Program Committee (2013 – present)

Member, Natural Resources Committee (2013 – present)

Faculty Advisor for Native American Law Students Association (Fall 2013 – Spring 2015)

Faculty Advisor Women's Law Students Golf Association (Fall 2013- Spring 2014)

Community Work:

Provided review and revisions to Law and Order Code for the Pueblo of Tesuque (Summer 2014), supervised two law students in drafting changes to code, meetings with Tribal Court at Tesuque Pueblo.

PAST SCHOLARSHIP: Law Review Articles

Jim Crow, Indian Style: The Disenfranchisement of Native Americans, 16 AmInd. L. Rev. 167 (1991)

Rice v. Cayetano: The Supreme Court Declines to Extend Federal Indian Law Principles to Native Hawaiians Sovereign Rights, Symposium Article for University of Hawaii, William S. Richardson School of Laws' Panel on "Beyond *Rice v. Cayetano*: Its Impacts and Progeny," April 18, 2002, *Asian-Pacific Law & Policy Journal*, Vol. 3 Issue 2, 359 (Summer 2002).

Chapter in Book

"Ecological Risk Assessment and Management: Their Failure to Value Indigenous Traditional Ecological Knowledge and Protect Tribal Homelands." Chapter 15 in *Contemporary Native American Cultural Issues*, D. Champagne (ed.) (Altamira Press 1999).

Journals

"A Survey of Tribal Perspectives on NAGPRA: Repatriation and Study of Human Remains," *Society for American Archaeological Record* 3:2 (2003) 27-35 (peer reviewed).

"Ecological Risk Assessment and Management: Their Failure to Value Indigenous Traditional Ecological Knowledge and Protect Tribal Homelands." *American Indian Culture and Research Journal* 22:2 (1998) 151-169 (Peer reviewed).

"Religious Freedom and the Right to Vote: The Continuing Quest of Native American Citizens," *San Francisco Bar Journal* (August 1987) (Peer reviewed).

"Indian Gambling: Another Jurisdictional Dispute in Indian Country," *Indian Law Support Reporter* (November 1983) (Peer reviewed).

"The Right to Vote: Indian Participation in the Political System," *6 Indian Law Support Reporter No. 5* (1983) (Peer reviewed).

"Paternity and Child Support Actions: Tribal or State Court Jurisdiction?" *10 Indian Law Support Reporter No. 7 & 8* (1987) (Peer reviewed).

Articles for Legal Education Courses/Conferences.

"A Tribal Perspective on Water and Water Rights," Idaho Water User Association, Inc., 29th Annual Water Law and Resource Issues Seminar (November 2012) (panel).

"The 1990 Fort Hall Indian Water Rights Agreement: 15 Years Later, How it is Working," Idaho Water Users Association, Inc., 22nd Annual Water Law and Resource Issue Seminar, (November 2005) (panel).

"Tribal Civil Jurisdiction Over Non-Indians After *Nevada v. Hicks*," University of Washington Law School Indian Symposium (September 2003)(presenter).

“Trusteeship in the Era of Self-Determination: Current Contours of the Doctrine,” 28th Annual Federal Bar Association Indian Law Conference (April 2003) (panel).

“Protecting Cultural Property Rights of Tribal Peoples” American Indian Museum Programs Symposium (October 2002) (keynote).

"Tribal Authority to Regulate Air Quality," Rocky Mountain Mineral Law Foundation Conference, (February 2000) (presenter)

“The Trust Responsibility of the United States to Indian Tribes,” Defining Common Ground: Building Effective Federal and Tribal Relationships, U.S. Forest Service Symposium, (November 2000)(presenter).

“Preservation of Air Quality for Tribal Homelands,” American Bar Association Conference, Section Natural Resources, Energy and Environmental Law (November 1996)(presenter).

“Tribal Regulation of Air Quality and Transportation of Nuclear Waste,” Washington State Bar Association, Protection of Natural Resources and the Environment on the Reservation Seminar (May 1995)(presenter).

“Tribal Regulation of Hazardous and Nuclear Waste Through Indian Country,” International Conference on High Level Nuclear Waste (June 1994).

Other Papers and Presentations.

“The Impact of Federal Policies on Indian Languages: From Prohibition to Revitalization,” Annual Meeting of Bannock Language Speakers (August 2011) (presenter).

“Treaties with the Shoshone-Bannock Tribes: 1863 – 1868,” Federal – Shoshone-Bannock Tribes Treaty Seminar (April 2010)(presenter).

“The Treatment as a State Process Under the Clean Water Act: A Tribal Perspective on Mediation,” Udall Mediation Conference (May 2010)(panel).

“The Federal Trust Responsibility to Indian Tribes,” Federal-Shoshone-Bannock Tribes Treaty Seminar (April 2008)(presenter).

“Indian Preference in Employment Under HUD’s NAHASDA,” Council of Tribal Employment Rights Annual Legal Updates Conference, (December 2006)(presenter).

“Treatymaking” Federal-Shoshone-Bannock Tribes Treaty Seminar (August 2005)(presenter).

“The Greater Yellowstone Ecosystem: Sacred Landscapes and the Role of the Shoshone-Bannock Tribes in Such Landscapes,” (Co-author Drusilla Gould), Yellowstone National Park’s Seventh Biennial Scientific Conference on the Greater Yellowstone Ecosystem (October 2003)(co-panelist).

“Consultation Overview: Federal Executive Orders and Laws,” Federal-Shoshone-Bannock Tribes Treaty Seminar (May 2003)(presenter).

“Tribal Sovereignty,” Department of Energy- Idaho National Energy and Environment Laboratory Treaty Workshop, (May 1999)(presenter).

PROFESSIONAL:

Bar Admissions:

Supreme Court of the United States

State of Colorado (1983) (1(Inactive status)

State of Idaho (1989)

State of Wyoming (2010)

State of New Mexico (2015)

United States Courts of Appeals for the Sixth, Eighth, Ninth, Tenth, and District of Columbia Circuits

United States Court of Federal Claims

United States District Courts of Colorado and Idaho

Shoshone-Bannock Tribes, Fort Hall Reservation, Idaho

Shoshone and Arapahoe Tribes, Wind River Reservation, Wyoming

Pro Hac Vice admission to the United States District Courts of South Dakota, Nevada, Michigan, New York, Washington, and District of Columbia, the State Courts of California, Arizona, Montana, and the Tribal Court of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana

Private Practice. May 1996 – Present. Provides legal representation and counsel in judicial, legislative and administrative hearings in the areas of federal Indian Law, enrollment, natural and cultural resources, housing, and environmental law. Primarily provides legal representation to Indian Tribes on natural resource and environmental issues, including litigation on water rights, environmental code violations, land use, rights-of-way matters, gaming and employment rights.

Appellate Judge. August 2015 – Present. Serves on the Southwest Intertribal Court of Appeals to review the decisions of a select group of Tribal Courts for Indian tribes residing in New Mexico, Arizona, Colorado and Utah.

Adjunct Assistant Professor. Idaho State University, Pocatello, Idaho. 1996 – 2009. Taught upper division courses on a regular basis in the Indian Studies Program of the Anthropology Department which include Tribal Government, Federal Indian Law, Current Issues in Indian Country, Senior Seminar in Indian Studies, and Special Topics in Indian Education.

General Counsel. Shoshone-Bannock Tribes, Fort Hall, Idaho. May 1988 – May 1996. Lead adviser and counsel to the Fort Hall Business Council and the Tribal government departments in all aspects of Federal Indian law, and other legal areas including economic development, taxation, land use and zoning, environmental (water quality, pesticide control, air quality, solid waste disposal), health, housing, education, fish and game, employment rights, law enforcement, gaming, general civil and criminal matters. Adviser and representation of Tribal Business Corporation and enterprises on commercial transactions, gaming, mining, and land acquisition matters. Representation of Tribes in negotiation of agreements, and litigation before tribal, federal and state courts. Prepared and

presented legislation and lobbied before the state legislature and Congress. Supervised attorneys and legal support staff.

Affiliate Adjunct Professor. Idaho State University. 1989 – 1996. Taught upper division courses on a regular basis in the Anthropology and Political Science Departments. Courses included Federal Indian Law, Tribal Government and the Civil Rights of American Indians.

Adjunct Professor. Prelaw Summer Program, University of New Mexico School of Law, Albuquerque, New Mexico. Summer 1988. Taught "Legal Advocacy and Writing" course to Indian students entering law school.

Staff Attorney. Native American Rights Fund, Boulder, Colorado. 1982 – May 1988. Represented Indian tribes, organizations, and individuals in a wide variety of federal court litigation and other legal matters. Drafted and negotiated legal agreements for tribal governments, and prepared codes and ordinances on various areas of law. Primary emphasis focused on taxation, civil rights, natural resources protection, with secondary emphasis on economic development, treaty rights and education. Presentations and training for attorneys, tribal officials, law students on Federal Indian law and constitutional law issues.

Director of Voting Rights Project. Native American Rights Fund, Boulder, Colorado. 1986-1988. In addition to my duties as Staff Attorney, directed a special litigation unit which was responsible for protecting the constitutional rights of Indian voters on a national basis. I investigated and litigated voting rights cases on behalf of Indian voters throughout the United States, including South Dakota, North Carolina, New York, and provided legal support to Indian Legal Services offices on voting rights issues.

Deputy Director. Native American Rights Fund, Boulder, Colorado. 1985-1987. In addition to my duties as Staff Attorney, I served as Deputy Director and was responsible for litigation coordination and supervision of 15 staff attorneys; supervised the National Indian Law Library staff; corporate executive officer and assumed responsibilities of the Executive Director in his absence.

LITIGATION EXPERIENCE:

Complex constitutional, civil rights and federal Indian law litigation in federal, state, and tribal courts on behalf of Indian tribes, tribal corporations and individual Indians. A selection of cases litigated:

1. Shoshone-Bannock Tribes v. Salazar: Tribal case against United States for mismanagement of tribal trust accounts and fund, and natural resources damages. Negotiated settlement of \$60 million for Tribes. Case filed in the federal District Court of District of Columbia.
2. Shoshone-Bannock Tribes v. FMC Corporation: Tribal employment rights and jurisdiction of the tribal court over non-Indians doing business on the Fort Hall Indian Reservation upheld by the Ninth Circuit Court of Appeals, United States Supreme Court denied review.
3. WH Land and Livestock v. BLM: Intervened in administrative proceeding on behalf of the Shoshone-Bannock Tribes to protect the Tribes' exercise of grazing rights reserved under Treaty and federal law.

4. City of Pocatello v. Shoshone-Bannock Tribes et al., Successfully challenged the City of Pocatello's claims to water rights which would have adversely impacted the Tribes reserved water rights. Idaho Supreme Court ruled in favor of Tribes, and the United States Supreme Court declined to grant certiorari review.
5. State of Idaho v. Bitt: Successfully challenged the constitutionality of City of Pocatello's loitering ordinances before the Idaho Supreme Court.
6. Buckanaga v. Sisseton School District: Section 2 Voting Rights Act challenge to an at-large school board election scheme in South Dakota was upheld by the Eighth Circuit Court of Appeals.
7. Shoshone-Bannock Tribes v. Janet Reno: Challenge to the United States refusal to file in stream flow water rights claims on behalf of Shoshone Bannock Tribes before District of Columbia Circuit Court of Appeals.
8. Wilson v. Department of Interior: Successfully represented Walker River Paiute Tribe in challenge to mining lease let by Bureau of Indian Affairs without consent of Indian tribe in the Ninth Circuit Court of Appeals.
9. Shoshone-Bannock Tribes v. Department of Energy: Successfully challenged under the National Environmental Policy Act the failure of Department of Energy to properly consult and assess tribal needs and impacts of federal actions on reservation in the federal District Court of Idaho.
10. Northwest Pipeline Corporation v. 95.6 Acres: Successfully defended condemnation action against individual tribal members in the federal District Court of Idaho. Negotiated settlement with gas company for right-of-way.
11. Shoshone-Bannock Tribes v. State of Idaho: Challenge to Idaho state gaming laws and constitutional amendments in federal District Court of Idaho.
12. Robles v. Shoshone-Bannock Tribes: Successfully represented Tribes in employment case involving jurisdiction of the tribal court to hear matter arising on reservation before the Idaho Supreme Court.

**BOARD and
COMMITTEE
ACTIVITIES:**

Chair, Intertribal Risk Assessment Committee, 1996 – 2004.
 Member, Board of Directors, Indian Law Support Center,
 National Center of the Legal Services Corporation,
 January 1983 – 1990.
 Member, Ethnic Diversity Committee for the President's
 Office, Idaho State University, 1991 – 1996.
 Co-Chair, Federal Bar Association's Annual Federal Indian Law
 Conference, 1994 – 1996.
 Member, Board of Directors, Girl Scouts of America, Idaho,
 1992 – 1995.
 Member, American Bar Association Commission on
 Opportunities for Minorities in the Profession, 1988 –
 1992.
 Member, American Bar Association Minority Women Lawyers
 Subcommittee of the Commission on Women in the
 Profession, 1989 – 1992.
 Board of Bar Examiners, Shoshone-Bannock Tribal Bar, 1991 –
 1996; 1998-2005.
 Adviser to American Indian Society of Engineering and
 Science, Idaho State University 1996 – 2000.
 Member, Board of Directors, Jan Anderson Women's Center,

Idaho State University, 1998 -- 2000.
Member, Board of Directors, Indigenous Peoples Council
On Biocolonialism, 1999 - Present.
Chair, Shoshone-Bannock Risk Assessment Project Committee, 1996
- 1999.
Member, Shoshone-Bannock Tribal Court Ethics Committee, 2003.
Member, Shoshone-Bannock Tribes Judicial Council, 2011 to 2012.

MEMBERSHIPS:

American Bar Association, 1983 – 2006.
Native American Bar Association, 1985 – Present.
Idaho Bar Association, 1989 – Present.
Colorado Bar Association, 1983 – Present.
Federal Bar Association, 1983 – Present.
Shoshone-Bannock Bar Association 1996 - Present.
United States Tennis Association, 1992 – Present.
Girl Scouts of America, Lifetime Member.
Fort Hall Ladies Golf Association