

**BETHANY R. BERGER**

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**EDUCATION**

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

Student Director, Prison Legal Services Clinic

Editor, *Yale Journal of Law and Feminism*

Schell Fellowship for Human Rights (for work in Thailand, Summer 1994)

Research Assistant, Professor Lea VanderVelde, Professor Michael Reisman

Yale Law Crew Team

**Wesleyan University**, Middletown, CT, B.A. in Government 1990

Honors for Thesis in Government

*Phi Beta Kappa*

**PUBLICATIONS**

BOOKS AND BOOK CHAPTERS

American Indian Law: Cases and Materials (with R. Anderson, P. Frickey, and S. Krakoff)  
(forthcoming West Publishing 2008)

*The Story of Williams v. Lee*, in Indian Law Stories (forthcoming Foundation Press 2008)

Associate Editor and Co-Author, FELIX S. COHEN'S HANDBOOK OF FEDERAL INDIAN LAW (2005);  
Executive Editor and Co-Author, 2007 Supplement

Author, Chapter on American Indian Law in Michigan, Michigan Law and Practice  
Encyclopedia (2d Ed. 2005)

LAW REVIEW ARTICLES

*Red: Uses of American Indian Race* (in progress)

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

*Liberalism and Republicanism in Federal Indian Law*, Symposium Issue, 38 UNIVERSITY OF  
CONNECTICUT LAW REVIEW 813 (2006)

*Justice and the Outsider: Jurisdiction Over Non-Members in Tribal Legal Systems*, 37 ARIZONA  
STATE LAW JOURNAL 1047 (2005),

Selected for 2005 Stanford/Yale Junior Faculty Forum

Reprinted in materials for 2006 Federal Bar Association Indian Law Annual Conference

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

*Indian Policy and the Imagined Indian Woman*, Symposium Issue, 14 KANSAS JOURNAL OF LAW AND POLICY 103 (2004)

*U.S. v. Lara as a Story of Native Agency*, Symposium Issue, 40 TULSA LAW REVIEW 5 (2004)  
Reprinted in materials for 2005 Federal Bar Association Indian Law Annual Conference

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

#### ARTICLES FOR POPULAR PRESS

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

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

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

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

#### RECENT BRIEFS

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

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

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

#### EXPERIENCE

##### **Associate Professor, University of Connecticut**

Teach American Indian Law, Property and Conflict of Laws

Chair, Diversity Advisory Committee 2007-2008, Member, Faculty Appointments Committee

2007-2009, Advisor, Native American Law Students Association

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

Teach American Indian Law, Civil Procedure, and other courses

Founder, Junior Faculty Forum

Advisor, Journal of Law and Society

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

**Visiting Professor, University of Iowa Law School, Summer 2005**  
Taught Federal Indian Law

**Visiting Professor, Pre-Law Summer Institute, American Indian Law Center, Summer 2004;** Taught Property in program for Indian students about to begin law school

**Research Professor of Indian Law, University of Connecticut Law School, Sept. 2001-May 2004;** Associate Editor and Coordinator for 2005 edition of Felix S. Cohen's Handbook of Federal Indian Law; taught American Indian Law; Taxation of American Indians; and Property.

**Managing Attorney, Advocates for Children of New York, Inc.,** New York, NY, July 2000-August 2001, Senior Attorney, October 1999-July 2000  
Supervising attorney at education law and policy non-profit; Conducted impact litigation and policy reform work concerning special education and other educational rights of children.

**Director, Native American Youth Law Project, DNA-People's Legal Services,** Window Rock, AZ, September 1996 to October 1999  
Director of project using law to significantly impact lives of children on or near the Navajo and Hopi reservations; Conducted litigation challenging discrimination against Indian children; Drafted and secured the passage of tribal laws affecting children; Worked with community group to create a Navajo alternative to detention program.

## **PROFESSIONAL ASSOCIATIONS AND ACTIVITIES**

2005 AALS Representative for Wayne State Law School

2004-2005 Chair, Indian Nations and Indigenous Peoples Section, AALS

Peer reviews for Journal of Law, Culture and the Humanities, Law and History Review, and Journal of Southern Legal History

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

## **SELECTED PRESENTATIONS**

Plenary Speaker, Conference on The Legacy of Felix Cohen, Michigan State University (March 2008)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*The Indian Child Welfare Act: Practice and Implementation*, Annual Conference of Virginia District Court Judges, Plenary Session (August 2002) & Conference of State Supreme Court Justices, Tribal Affairs Committee (July 2002)

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