

Monte Mills (he/him)

Alexander Blewett III School of Law

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EXPERIENCE

Alexander Blewett III School of Law at the University of Montana (Missoula, Montana)

Professor with Tenure, 2021-Present; Associate Professor, 2018-2021; Co-Director/Director, Margery Hunter Brown Indian Law Clinic, 2015-Present; Interim Co-Director, Clinical Program, 2019-2020; Co-Director/Director, Summer Indian Law Program, 2016-Present; Assistant Professor, 2015-2018; Clinic Director, Summer 2018

Awards & Honors:

Montana University System (MUS) Teaching Scholar (recognizing faculty whose teaching could serve as an exemplary model for others across the state), 2020-21

Margery Hunter Brown Faculty Merit Award (exemplifying the spirit of professionalism and professorial qualities for which Margery Hunter Brown was so well known), 2016, 2019

Law School Merit Award (for exemplary contributions to the School of Law), 2020

Courses Taught:

American Indian and Tribal Law: Federal Indian Law; American Indian Natural Resources Law; Economic Development in Indian Country; Advanced Problems in Federal Indian Law; Indigenous Cultural Preservation; Energy in Indian Country; Tribal Sovereignty, Self-Determination, and Economic Development in Montana (Field Course); The Law of People and Place (co-taught Field Course); Tribal-State Relations; Tribal Law Advocacy (co-taught)

Other Courses: Federal Public Lands and Natural Resources Law; Race, Racism & American Law (co-taught); Employment Law

Co-Curricular Activities:

Co-Advisor, Public Lands & Resources Law Review, 2016-present

Co-Advisor/Advisor, Native American Law Student Association (NALSA), 2015-present

Co-Coach/Coach, NALSA Moot Court Competition teams, 2016-present

Co-Coach, National Cultural Heritage Moot Court Competition teams, 2016-17

Southern Ute Indian Tribe (Ignacio, Colorado)

Director, Legal Department, 2005-2015

SELECTED PUBLICATIONS

BOOKS

A THIRD WAY: DECOLONIZING THE LAWS OF INDIGENOUS CULTURAL PROTECTION, with Hillary M. Hoffmann (Cambridge University Press, July 2020), <https://www.cambridge.org/core/books/third-way/307B5008C1AC8C0624D0A90DE7EE03FB>.

TEXTBOOKS

AMERICAN INDIAN LAW: CASES AND COMMENTARY (as of 2021-22 Teacher's Update), with Robert T. Anderson, Sarah A. Krakoff, and Kevin K. Washburn (West Academic 4th ed. 2020).

NATIVE AMERICAN NATURAL RESOURCES LAW (as of 2019-20 Teacher's Update), with Judith V. Royster, Michael C. Blumm & Elizabeth Ann Kronk Warner (Carolina Academic Press 4th ed. 2018).

BOOK CHAPTERS

Starting at the Start: Integrating Race and Reflection for an Antiracist Approach to Professional Identity Development in the First Year Curriculum, with Dean Eduardo R.C. Capulong and Prof. Andrew King-Ries, in INTEGRATING DOCTRINE AND DIVERSITY: INCLUSION AND EQUITY IN THE LAW SCHOOL CLASSROOM (Nicole P. Dyszlewski, et al., eds. Carolina Academic Press 2021).

LAW REVIEW ARTICLES

Bridges to a New Era: A Report on the Past, Present, and Potential Future of Tribal Co-Management on Federal Public Lands, with Dr. Martin Nie, Professor of Natural Resources Policy and Director, Bolle Center for People and Forests in the W.A Franke College of Forestry and Conservation, University of Montana, 44 PUB. LAND & RESOURCES L. REV. 49 (2021), <https://scholarworks.umt.edu/plrlr/vol44/iss1/2/>.

Antiracism, Reflection, and Professional Identity, with Eduardo R.C. Capulong and Andrew King-Ries, 18 HASTINGS RACE AND POVERTY L. J. 3 (Winter 2021), https://repository.uchastings.edu/hastings_race_poverty_law_journal/vol18/iss1/3/.

Beyond The Belloni Decision: Sohappy v. Smith and the Modern Era of Tribal Treaty Rights, 50 ENV'TL LAW 387 (2020), https://law.lclark.edu/law_reviews/environmental_law/past_issues/volume_50/50-2/.

'Race, Racism, and American Law': A Seminar from the Indigenous, Black, and Immigrant Legal Perspectives, with Eduardo R.C. Capulong and Andrew King-Ries, 21 SCHOLAR 1 (2019), <https://commons.stmarytx.edu/thescholar/vol21/iss1/1/>.

Current Developments in Indian Water Law and Treaty Rights: Old Promises, Recent Challenges, and the Potential for a New Future, 64 ROCKY MT. MIN. L. INST. 9-1 (2018).

Beyond a Zero-Sum Federal Trust Responsibility: Lessons from Federal Indian Energy Policy, AM. INDIAN L. J., VOL. 6, ISS. 1, ARTICLE 2 (2017), <https://digitalcommons.law.seattleu.edu/aij/vol6/iss1/2/>.

Foreword: A 'Coyote Warrior' and the 'Great Paradoxes,' The Scholarship of Professor Raymond Cross, PUB. LAND & RESOURCES L. REV. SPECIAL ISSUE 1 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3092292.

What Should Tribes Expect from Federal Regulations? The Bureau of Land Management's Fracking Rule and the Problems with Treating Indian and Federal Lands Identically, 37 PUB. LAND & RESOURCES L. REV. 1 (2016), <http://scholarship.law.umt.edu/plrlr/vol37/iss1/5/>.

AMICUS BRIEFS

Brief of *Amicus Curiae* Law Professors in Support of Plaintiff/Appellant and Reversal of the District Court's Order, *Navajo Nation v. United States Dept. of the Interior, et al.*, No. 19-17088 (9th Cir. March 4, 2020).

Brief of *Amici Curiae* Indian Law Professors in Support of Petitioner, *Herrera v. Wyoming*, No. 17-532, (U.S. Supreme Court Sept. 11, 2018), *reprinted in* 40 PUB. LAND & RESOURCES L. REV. 15 (2019).

Brief of *Amicus Curiae* Law Professors in Support of Plaintiff/Appellee and Affirmance of the District Court's Order, *Agua Caliente Band of Cabuilla Indians and United States v. Coachella Valley Water District, et al.*, No. 15-55896 (9th Cir. Dec. 18, 2016).

ADDITIONAL PUBLICATIONS

Briefing Paper on Regulation of the Environment and Natural Resources, McGirt and the Work of Rebuilding of Tribal Nations; A Tribal Nation Building Colloquium sponsored by Harvard Project on Indian Economic Development and the University of Oklahoma Native Nations Center, <https://sites.google.com/g.harvard.edu/mcgirt-rebuilding-nations/mcgirt-issue-areas/mcgirt-regulation-of-environment-natural-resources>

Briefing Paper on Cultural Resources, McGirt and the Work of Rebuilding of Tribal Nations; A Tribal Nation Building Colloquium sponsored by Harvard Project on Indian Economic Development and the University of Oklahoma Native Nations Center, <https://sites.google.com/g.harvard.edu/mcgirt-rebuilding-nations/mcgirt-issue-areas/mcgirt-cultural-resources>

The Legacy of Federal Control in Indian Country, Regulatory Review (U.Penn. Program on Regulation), March 16, 2021, <https://www.theregreview.org/2021/03/16/mills-legacy-federal-control-indian-country/>

The Civil Jurisdictional Landscape in Eastern Oklahoma Post McGirt v. Oklahoma (with Prof. Dylan R. Hedden-Nicely, University of Idaho School of Law), Natural Resources Law Insights, Rocky Mtn. Min. Law Found. (Aug. 2020), <https://www.rmmlf.org/-/media/Files/natural-resources-law-network/august-2020/the-civil-jurisdiction-landscape-in-eastern-oklahoma.pdf?la=en>

Beyond Constitutional Frontiers: Tribal Rights, Resources, and Reform, Proceedings of the 27th Fall Conference of the American Bar Association's Section on the Environment and Energy Resources, https://scholarship.law.umt.edu/faculty_barjournals/149/

Herrera v. Wyoming: A New Trend for Indian Law?, GEO. WASH. L. REV. ON THE DOCKET (June 11, 2019), <https://www.gwlr.org/herrera-v-wyoming-a-new-trend-for-indian-law>

Bigotry, Ignorance, and High School Basketball in Montana, HIGH COUNTRY NEWS (March 27, 2019), <https://www.hcn.org/articles/opinion-bigotry-ignorance-and-high-school-basketball-in-montana>

Report from the Royalty Policy Committee: The Past, Present, and Future of the Royalty Policy Committee, in FEDERAL AND INDIAN OIL & GAS ROYALTY VALUATION AND MANAGEMENT 7-1 (Rocky Mt. Min. L. Fdn. 2018)

Supreme Court Tests Weight of Old Native American Treaties in 21st Century, THE CONVERSATION (April 13, 2018), <https://theconversation.com/supreme-court-case-tests-weight-of-old-native-american-treaties-in-21st-century-93194>

Monumental Battles - - Protecting Sacred Tribal Lands, BILLINGS GAZETTE (March 19, 2018), http://billingsgazette.com/opinion/columnists/guest-view-monumental-battles---protecting-sacred-tribal/article_9c3134b5-f244-510b-8fc8-66ad9b6f9737.html

Finding the 'Founding Fathers' at Bears Ears and Beyond, Berkley Forum (Feb. 20, 2018), <https://berkeleycenter.georgetown.edu/forum/using-a-religious-freedom-framework-to-protect-the-rights-of-native-americans/responses/finding-the-founding-fathers-at-bears-ears-and-beyond>

Why Indian Country? An Introduction to the Indian Law Landscape, in INDIAN LAW AND NATURAL RESOURCES: THE BASICS AND BEYOND 1-1 (Rocky Mt. Min. L. Fdn. 2017)

Trump's Plan to Dismantle National Monuments Comes with Steep Cultural and Ecological Costs (with Profs. Sandi Zellmer and Michelle Bryan), The Conversation (May 3, 2017), <https://theconversation.com/trumps-plan-to-dismantle-national-monuments-comes-with-steep-cultural-and-ecological-costs-77075>

Serving the National Interest? Tribal Rights and Federal Obligations from Dakota Access to Keystone XL, The Jurist (Apr. 12, 2017), <http://www.jurist.org/forum/2017/04/Monte-Mills-keystone-xl.php>

How Will Native Tribes Fight the Dakota Access Pipeline in Court, The Conversation (Feb. 14, 2017), <http://theconversation.com/how-will-native-tribes-fight-the-dakota-access-pipeline-in-court-72839>

New Approaches to Energy Development in Indian Country: The Trust Relationship and Tribal Self-Determination at (Yet Another) Crossroads, 63 Fed. Law., April 2016, at 50, http://scholarship.law.umt.edu/faculty_barjournals/114/

SELECTED PRESENTATIONS AND PANELS

Recognizing and Honoring Tribal Leadership in Public Land Management, 75th Anniversary of the Bureau of Land Management (BLM), Sept. 23, 2021

The Future of Self-Governance: Tribal Co-Management of Public Lands, 2021 Tribal Self-Governance Conference, Self-Governance Communication and Education Tribal Consortium, Sept. 16, 2021

Race, Lawyering, and the Experiential Curriculum, Co-Organizer and Discussant, Association of American Law Schools (AALS), 2021 Annual Clinical Conference, April 28, 2021

Sovereignty and the Sacred: Past, Present, and Future, UCLA Emmet Institute Spring Symposium: Environmental Justice in the United States: Taking Stock under President Biden, April 26, 2021

Healthcare Sovereignty: The History, Context, and Challenges of Tribal Self-Determination, Healthcare Issues and Negotiating 638 Contracts, Indian Law Section, Montana State Bar, April 23, 2021

Powerful and Practical: The Emerging Meanings of McGirt, University of Oklahoma School of Law 2021 Oil and Gas, Natural Resources, and Energy Law Journal (ONE-J) Symposium: *McGirt* and Emerging Indian Country, April 2, 2021

Race, Sovereignty, and Native American Voting Rights in Montana, Montana Advisory Committee, U.S. Commission on Civil Rights, February 11, 2021

Race, Racism & the Language of Law School: Power of Words in Shaping Professional Identity, Co-organizer and Discussant, 2021 Annual Meeting of the Association of American Law Schools (AALS), January 8, 2021

Race, Federal Indian Policy and Access to Water, Dividing the Waters, National Judicial College, November 19, 2020

Developing Anti-Racist Professional Identities: Infusing Reflective Practice with Critical Race Consciousness, Northwest Clinical Law Conference, November 6, 2020

Briefing on Tribal Co-Management on Public Lands, webinar sponsored by Audubon and Center for American Progress, October 13, 2020

How Climate Change is Challenging Established Doctrine and What Tribes Can Do to Adapt, Ninth Annual Tribal Water Law Conference, September 14, 2020

Indian Law and Jurisdiction (in 45 Minutes), Montana Law Seminar for July 2020 Bar Examinees, July 30, 2020

Ending Erasure: Indigenous People and the Decolonization of our Legal System, Embedded Racism in the Law Panel Discussion Series, Vermont Law School, July 9, 2020, https://youtu.be/g2z0OI_aWRM

MEMBERSHIP & SERVICE

Planning Co-Chair, 46th Annual Indian Law Conference, Indian Law Section, Federal Bar Association (2021)

Chair, Association of American Law Schools Section on Indian Nations and Indigenous Peoples (2019)

Primary Member, Royalty Policy Committee, United States Department of the Interior (2017-2019)

Member, State bars of Colorado and Montana, Federal bars of the U.S. Supreme Court, Ninth and Tenth Circuit Courts of Appeal, District Court of Colorado, Southern Ute Indian Tribal bar (inactive)

Member, University of Montana Athletics Committee (2018-present); Alexander Blewett III School of Law Faculty Development Committee (2015-present); Student Affairs Committee (2015-16); Appointments Committee (elected, 2016-2018, 2019-present); Merits and Perquisites Committee (elected, 2016-2018, 2020-21); Strategic Planning Committee (elected, 2017-2020); Outcomes Assessment Taskforce (2017-2018)

Professional Fellow, United States State Department, Young Southeast Asian Leadership Initiative Exchange Program (Cambodia 2017-18)

Board Member, Clark Fork Coalition, Missoula, Montana (2017-present)

EDUCATION

University of Colorado School of Law (Boulder, Colorado)

J.D., 2003

Lewis & Clark College (Portland, Oregon)

B.A. Political Science, 1998