

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Sara Elizabeth Hill, Sara Hill-Starkey, Sara Starkey

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.

Hill Law, PLLC
1481 East Allen Road
Tahlequah, Oklahoma 74464

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

1977; Tahlequah, Oklahoma

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.

2000 – 2003, University of Tulsa College of Law; J.D., 2003

1996 – 2000, Northeastern State University; B.A. (cum laude), 2000

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.

2023 – present
Hill Law, PLLC
1481 East Allen Road
Tahlequah, Oklahoma 74464
Principal

2004 – 2023
Cherokee Nation
17675 South Muskogee Avenue
Tahlequah, Oklahoma 74464
Attorney General (2019 – 2023)
Secretary of Natural Resources (2015 – 2019)
Deputy Attorney General (2014 – 2015)
Assistant Attorney General (2004 – 2014)

2014 – 2015
United States Attorney's Office
Northern District of Oklahoma
110 West 7th Street, Suite 300
Tulsa, Oklahoma 74119
Special Assistant United States Attorney

2002 – 2003
Lyons & Clark
616 South Main Street, Suite 201
Tulsa, Oklahoma 74119
Law Clerk

Fall 2001
Edward Jones Investments
12555 Manchester Road
Saint Louis, Missouri 63131
Investment Representative

Summer 2001
Atkinson, Brittingham, Gladd, Fiasco, & Edmonds, P.C. (formerly Atkinson, Haskins)
525 South Main Street, Suite 1500
Tulsa, Oklahoma 74103
Law Clerk

Spring 2001
Heilig Meyers Furniture
1711 West Shawnee Street
Muskogee, Oklahoma 74401
Account Representative

Other affiliations (uncompensated)

2023 – present
Tribal Issues Advisory Group
U.S. Sentencing Commission

One Columbus Circle, Northeast
Suite 2-500, South Lobby
Washington, DC 20002
At-Large Voting Member

2022 – present
The Nature Conservancy
Oklahoma
10425 South 82nd East Avenue, Suite 104
Tulsa, Oklahoma 74133
Trustee

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 did not serve in the military. I was not required to register 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.

Distinguished Alumni Award, Northeastern State University (2023)

League of Women Voters “Madame President” Award (2022)

Tulsa World’s “People to Watch” (2022)

Co-Recipient of ACLU of Oklahoma “Angie Debo Award” (2021)

Langston University “Women in Leadership” Award (2021)

EPA Environmental Excellence Award (2019)

Keep Oklahoma Beautiful “Towering Spirit Award” (2018)

Journal Record 50 Women Making a Difference Award (2017)

Cherokee National Statesmanship Award (2016)

Journal Record “Achievers under 40” Award (2016)

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

Cherokee Nation Bar Association

Chickasaw Nation Bar Association

Court Appointed Special Advocates (2005 – 2010)

Federal Bar Association

Indian Law Section (2021 – present)

Oklahoma Bar Association

Oklahoma Indian Bar Association

Tribal In-House Counsel Association (2015 – present)

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, 2004

There have been no lapses 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, 2009

United States District Court for the Eastern District of Oklahoma, 2009

United States District Court for the Northern District of Oklahoma, 2009

United States District Court for the Western District of Oklahoma, 2017

Supreme Court of the Cherokee Nation, 2006

Supreme Court of the Chickasaw Nation, 2009

There have been no lapses 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.

Cherokee Nation Task Force to Protect Women and Families (2021 – 2023)

Commission for the Protection of Cherokee Nation Sovereignty (2020)

Indian Country Energy and Infrastructure Working Group (2016 – 2019)

National Congress of American Indians (2022 – present)

The Nature Conservancy, Oklahoma Chapter, Trustee (2022 – present)

University of Tulsa College of Law Alumni Board (2022 – 2023)

U.S. EPA Regional Tribal Operations Committee (2016 – 2019)

U.S. EPA National Tribal Caucus (2016 – 2017)

- 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.

To the best of my knowledge, the organizations listed above do not currently discriminate, and have not formerly discriminated, on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

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.

Righting a Wrong: Treaty-Mandated Delegate Belongs to Cherokee Nation, Tahlequah Daily Press, Dec. 29, 2022. Copy supplied.

Restoring Oklahoma: Justice and the Rule of Law Post-McGirt, 57 Tulsa L. Rev. 553 (2022). Copy supplied.

Oklahomans Shouldn't Fear Violent Crime Will Suddenly Run Free Because of Indian Sovereignty, Tulsa World, Mar. 12, 2021. Copy supplied.

With Susan Work, *Tribal Water Settlements in Other States as a Reference for Resolution of Tribal Water Claims in Oklahoma*, presented at the Oklahoma Supreme Court's Sovereignty Symposium, June 2010. Copy supplied.

- 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.

Initial Report to Principal Chief Chuck Hoskin, Jr., Task Force to Protect Women and Families, Dec. 1, 2021. Copy supplied.

First Periodic Report to the Principal Chief, Commission for the Protection of Cherokee Nation Sovereignty, Oct. 2020. Copy supplied.

Attorney General Interim Report to the Commission, Commission for the Protection of Cherokee Nation Sovereignty, Sept. 2020. Copy supplied.

While I was affiliated with The Nature Conservancy in Oklahoma, the organization had a standard practice of listing the names of trustees in reports detailing the trustee meetings, which were made available to the public. To the best of my recollection, I did not draft, edit, or participate in any way in the preparation of meeting minutes.

The Nature Conservancy, Meeting Minutes from the Oklahoma Chapter Board of Trustee Meeting (Sept. 8, 2023). Copy supplied.

The Nature Conservancy, Meeting Minutes from the Oklahoma Chapter Board of Trustee Meeting (May 12, 2023). Copy supplied.

The Nature Conservancy, Meeting Minutes from the Oklahoma Chapter Board of Trustee Meeting (Feb. 10, 2023). Copy supplied.

The Nature Conservancy, Meeting Minutes from the Oklahoma Chapter Board of Trustee Meeting (Sept. 23, 2022). Copy supplied.

Fiscal Year 2018 Annual Report to the Cherokee People, Cherokee Nation. Copy supplied.

Fiscal Year 2015 Annual Report to the Cherokee People, Cherokee Nation. 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.

Since September 2016, I have appeared monthly before the Cherokee Nation Tribal Council. As Secretary of Natural Resources, I reported to the Resources Committee and as Attorney General I reported to the Rules Committee. At Committee meetings, I would provide an update on matters being handled by my office and answer questions from legislators. The meeting minutes are available at <https://cherokee.legistar.com/Calendar.aspx>. The meeting minutes provide a synopsis of the discussion from the meeting, including all action taken by the committee, and are prepared by staff for the Cherokee Nation Tribal Council. All meetings of the Tribal Council are open to the public, including committee meetings, and recordings are available at <https://www.youtube.com/@cherokeemation>. Meeting minutes supplied from August 2019 through August 2023.

Employees on Boards and Commissions, 2023 CNAG 02, May 9, 2023. Copy supplied.

Signatures on Election Forms, 2023 CNAG 01, Mar. 23, 2023. Copy supplied.

Examining Oklahoma v. Castro-Huerta: The Implications of the Supreme Court's Ruling on Tribal Sovereignty, Subcommittee for Indigenous Peoples of the United States, House Committee on Natural Resources, 117th Congress (Sept. 20, 2022). Video available at <https://www.youtube.com/watch?v=exeelgWkW2c>.

Political Contribution to Tribal Council Member, 2022 CNAG 01, Mar. 8, 2022. Copy supplied.

Appointment and Confirmation of Cherokee Nation Treasurer, 2021 CNAG 02, Aug. 12, 2021. Copy supplied.

Amendment to Section 78 of Title 26 Regarding Return of Absentee Ballots, 2021 CNAG 01, Mar. 24, 2021. Copy supplied.

Amendment to Section 22 of Title 28 Regarding Political Contributions, 2020 CNAG 03, Nov. 16, 2020. Copy supplied.

Availability of Per Capita Distribution of CARES Act Distribution from Congress, 2020-CNAG-02, May 28, 2020. Copy supplied.

Constitutionality of Contracting Provisions, 2020 CNAG 01, Apr. 27, 2019. Copy supplied.

Cherokee Nation Environmental Protection Commission Meeting, Apr. 2, 2013. Meeting minutes supplied.

Regulation of Low-Point Beer, 2013 CNAG 01, Jan. 28, 2013. Copy supplied.

Effect of Abstention in Tribal Council Vote, 2012 CNAG 07, Oct. 29, 2012. Copy supplied.

FOIA and Legal Privilege of Attorney Billing Statements, 2012 CNAG 01, Feb. 10, 2012. Copy supplied.

Contribution Limits and Reopening Voter Registration, 2011 CNAG 02, July 29, 2011. Copy supplied.

Video Recording of Public Meetings by Members of the Press, 2008 CNAG 02, Nov. 18, 2008. Copy supplied.

- 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.

September 29, 2023: Honoree, Northeastern State University Distinguished Alumna Award Ceremony, Tahlequah, Oklahoma. Notes supplied.

June 26, 2023: Panelist, "Protecting Sovereignty: Discussions on Recent Court Rulings and Implementation of Decisions" Tribal Self-Governance Conference, Tulsa, Oklahoma. The panel discussed tribal prosecution of crime post-*McGirt*. I have no notes, transcript, or recording. The address for Self-Governance Communication and Education Tribal Consortium is 314 West 14th Place, Tulsa, Oklahoma 74119.

June 14, 2023: Panelist, "Tribal Water Law," Oklahoma Supreme Court, Oklahoma City, Oklahoma. PowerPoint supplied.

April 20, 2023: Speaker, "*McGirt* Update: The Future of Justice in Indian Country," Cherokee Nation, Tulsa, Oklahoma. Video available at <https://www.youtube.com/watch?v=-7WFtqAL9Lc>.

April 18, 2023: Speaker, "Tribal Jurisdiction and the Role of the Attorney General," Cherokee Nation, Tulsa, Oklahoma. PowerPoint supplied.

April 17, 2023: Panelist, "Cutting Sign in the Legal Profession," University of Utah College of Law, virtual appearance. The panel included attorneys practicing law on behalf of tribal governments sharing their career pathways and advice with law students. I have no notes, transcript, or recording. The address for the University of Utah College of Law is 383 South University Street, Salt Lake City, Utah 84112.

April 1, 2023: Panelist, "The Work of Tribal Government," University of Tulsa College of Law, Tulsa, Oklahoma. PowerPoint supplied.

February 3, 2023: Speaker, "The Supreme Court and the Establishment of Intergovernmental Agreements," Leadership Oklahoma, virtual appearance at event occurring in Sulphur, Oklahoma. Notes supplied.

February 3, 2023: Panelist, "Tribal Prosecution System Q&A," Leadership Oklahoma, virtual appearance at event occurring in Sulphur, Oklahoma. This panel discussed issues arising during post-*McGirt* period within Indian country. I have no notes, transcript, or recording. The address for Leadership Oklahoma is 3037 Northwest 63rd Street, Suite W104, Oklahoma City, Oklahoma 73116.

December 29, 2022: Speaker, "Indian Law Review - Tenth Circuit Year-End Review," Northern/Eastern Oklahoma Federal Bar Association, Tulsa, Oklahoma. The panel discussed recent court cases including *Pacheco v. El Habti*, 48 F.4th 1179 (10th Cir. 2022). I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

November 16, 2022: Speaker, "Beyond Settlement: Planning and Next Steps" National Tribal Opioid Litigation Panel, Tribal In-House Counsel Association, virtual appearance at event held in Lansing, Michigan. PowerPoint supplied.

November 14, 2022: Speaker, "Tribal Sovereignty and Public Safety: *McGirt* and *Castro Huerta*," Federal Reserve System, virtual event. PowerPoint supplied.

November 2, 2022: Panelist, "Reacting to the Castro-Huerta Decision, Part II—Tribal Practitioners," 79th Annual Convention, National Congress of American Indians, Sacramento, California. The panel discussed how the *Castro-Huerta* decision impacts Indian country and how tribes could respond. I have no notes, transcript, or recording. The address for the National Congress of American Indians is 1516 P Street, Northwest, Washington, DC 20005.

September 21, 2022: Speaker, "Impaired Driving in a Shifting Landscape: New Realities in Indian Country After *McGirt*, *Cooley*, and *Castro-Huerta*," American Bar Association, virtual event. Video available at <https://www.americanbar.org/events-cle/ecd/ondemand/425417370>.

July 7, 2022: Speaker, "Discussion on *Castro-Huerta*," Cherokee Nation and OU College of Law, virtual event. The speakers discussed the decision in *Castro-Huerta* and its implications for Indian country. I have no notes, transcript, or recording. The address for the Cherokee Nation is 17675 South Muskogee Avenue, Tahlequah, Oklahoma. The address for the University of Oklahoma College of Law is 300 West Timberdell Road, Norman, Oklahoma.

July 6, 2022: Speaker, "*Castro-Huerta v. Oklahoma* and the Attack on Tribal Sovereignty; Where Do We Go From Here?" University of California, Los Angeles College of Law, virtual event. Video available at <https://youtu.be/ZmU8d4l6B0M>.

June 8, 2022: Speaker, "Criminal Law Panel," Oklahoma Supreme Court, Oklahoma City, Oklahoma. Partial video available at <https://www.facebook.com/TheCherokeeNation/videos/-live-chokeee-nation-attorney-general-sara-hill-speaks-on-the-criminal-law-pane/2795224787289545>.

May 6, 2022: Speaker, "The Rule of Law, the Power of the Law to Restore, and the Advocate," Hooding Ceremony Address, University of Tulsa College of Law, Tulsa, Oklahoma. Video available at <https://www.youtube.com/watch?v=lp3k5H2OyAw>.

April 20, 2022: Speaker, "Cherokee Nation Town Hall," Cherokee PINS Project, virtual event. Video available at <https://www.youtube.com/watch?v=xAW5D7GU95c>.

November 18, 2021: Panelist, "Exercising Criminal Jurisdiction in the Wake of *McGirt*," Indian Law Section of the Federal Bar Association, virtual event. PowerPoint supplied.

November 16, 2021: Panelist, "Inherent Sovereignty and Tribal Jurisdiction," Leadership Oklahoma, Durant, Oklahoma. The panel discussed the sources of inherent tribal jurisdiction in Indian country. I have no notes, transcript, or recording. The address for Leadership Oklahoma is 3037 Northwest 63rd Street, Suite W104, Oklahoma City, Oklahoma 73116.

November 10, 2021: Speaker, "Tribal Courts and Jurisdiction from the Tribal Point of View," Oklahoma Bar Association, Oklahoma City, Oklahoma. My remarks addressed the decision in *McGirt v. Oklahoma* in context of tribal advocacy and litigation occurring since statehood. I have no notes, transcript, or

recording. The address for the Oklahoma Bar Association is 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

October 27, 2021: Speaker, "Women in Leadership," American Red Cross, Tulsa Chapter, virtual event. I spoke about the importance of matrilineal relationships in the Cherokee Nation, and the role of women in Cherokee politics and life. I have no notes, transcript, or recording. The address for the Tulsa chapter of the American Red Cross is 10151 East 11st Street, Tulsa, Oklahoma 74128.

October 11, 2021: Speaker, "Tribal Sovereignty and Protecting Public Safety: The Cherokee Nation Reservation post-*McGirt*," Cherokee Nation Community Meeting, Claremore, Oklahoma. PowerPoint supplied.

October 11, 2021: Speaker, "Criminal Law Panel," Oklahoma Supreme Court, Oklahoma City, Oklahoma. The speakers discussed the jurisdictional changes and challenges post-*McGirt*. I have no notes, transcript, or recording. The address for the Oklahoma Supreme Court is 2100 North Lincoln Boulevard, Suite 3, Oklahoma City, Oklahoma.

September 7, 2021: Speaker, "Update on *McGirt*," Cherokee County Democrats, Tahlequah, Oklahoma. PowerPoint and notes supplied.

June 3, 2021: Panelist, "*McGirt v. Oklahoma*: State and Tribal Impact a Year Later," Federalist Society, Tulsa Chapter, Tulsa, Oklahoma. The panel discussed the litigation ongoing between Oklahoma and individual tribal citizens in the year post-*McGirt*. I have no notes, transcript, or recording. The address for the Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, DC.

May 4, 2021: Honoree, Women in Leadership Awards, Langston University, virtual event. Each honoree offered words of gratitude and wisdom for young women. I have no notes, transcript, or recording. The address for Langston University is 701 Sammy Davis Junior Drive, Langston, Oklahoma 73050.

March 5, 2021: Speaker, "*McGirt* Legislative Update," Broken Arrow Chamber of Commerce, virtual event. I discussed the Cherokee Nation's response to the decision in *McGirt*, and discussed ongoing litigation related to implementation of that decision. I have no notes, transcript, or recording. The address for the Broken Arrow Chamber of Commerce is 210 North Main Street C, Broken Arrow, Oklahoma 74102.

February 16, 2021: Speaker, "*McGirt v. Oklahoma*: Reflections on a Landmark Case and What We've Learned So Far," University of California, Los Angeles College of Law, virtual event. Video available at <https://www.youtube.com/watch?v=GwTAOioQmeY>.

2020 (specific date unknown): Speaker, "Tribal Viewpoints on *McGirt*," Oklahoma District Attorney's Association Conference, Grove, Oklahoma. I discussed reasons for collaboration and cooperation between the Cherokee Nation and local district attorneys. I have no notes, transcript, or recording. The address for the District Attorneys Council is 421 Northwest 13th Street, Suite 290, Oklahoma City, Oklahoma 73103.

November 13, 2020: Panelist, "The *McGirt* Decision," Tribal In-House Counsel Association Annual Conference, virtual event. PowerPoint supplied.

September 14, 2020: Panelist, "Expanding Access in a Shrinking Environment," Tribal Water Law, CLE International, virtual event. PowerPoint supplied.

July 28, 2020: Speaker, "Let's Talk Town Hall" Tulsa World, virtual event. Video available at <https://www.youtube.com/watch?v=FbxgmL58I18>.

June 10, 2019: Keynote Speaker, "Sustainability as Sovereignty." Tribal Alliance for Pollinators Conference, Tulsa, Oklahoma. PowerPoint supplied.

February 20, 2019: Keynote Speaker, "Women in Natural Resources," Oklahoma Natural Resources Conference, Tulsa, Oklahoma. I discussed how I became involved in natural resource management issues and how young women might also assume leadership positions. I have no notes, transcript, or recording. The Oklahoma Natural Resources Conference has been suspended since 2020, but the address is 111 Chesapeake Street, Norman, Oklahoma 73019.

November 16, 2018: Panelist, "*Murphy v. Royal*: Overview and Implications," Tribal In-House Counsel Association, East Lansing, Michigan. PowerPoint supplied.

June 6, 2018: Panelist, "Land, Wind and Water," Oklahoma Supreme Court, Oklahoma City, Oklahoma. The panel discussed evolving issues in Oklahoma related to water rights or other natural resources in Indian country. I have no notes, transcript, or recording. The address for the Oklahoma Supreme Court is 2100 North Lincoln Boulevard, Suite 3, Oklahoma City, Oklahoma 73105.

February 26, 2018: Panelist, "Welcome to the Creek Reservation: *Murphy v. Royal* Impact," Federalist Society, Tulsa Chapter, Tulsa, Oklahoma. The panel discussed how the decision in *Murphy v. Royal* might impact eastern Oklahoma jurisdiction. I have no notes, transcript, or recording. The address for the Federalist Society is 1776 I Street, Northwest, Suite 300, Washington, DC 20006.

February 23, 2018: Speaker, "Illinois River, Tribal Interests and Values in the Waterway," Tribal Water Law, CLE International. PowerPoint supplied.

2018 (specific date unknown): Scoring Panelist, OBA Mock Trial Competition, Oklahoma Bar Association, Tahlequah, Oklahoma. I observed mock trials put on by high school students, scored their performance, and provided feedback. I have no notes, transcript, or recording. The address for the Oklahoma Bar Association is 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

June 7, 2017: Panelist, "Land, Wind, and Water," Oklahoma Supreme Court, Oklahoma City, Oklahoma. The panel discussed evolving issues in Oklahoma related to water rights or other natural resources in Indian country. I have no notes, transcript, or recording. The address for the Oklahoma Supreme Court is 2100 North Lincoln Boulevard, Suite 3, Oklahoma City, Oklahoma 73105.

March 16, 2017: Panelist, "The Chickasaw-Choctaw Compact in Context", University of Oklahoma American Indian Law Review, Norman, Oklahoma. I discussed the Chickasaw-Choctaw water settlement in the context of its potential impact on the other Five Tribes. I have no notes, transcript, or recording. The address of the University of Oklahoma College of Law is 300 Timberdell Road, Norman, Oklahoma 75019.

February 23, 2017: Speaker, "Eastern Oklahoma Perspective on the Chickasaw-Choctaw Water Settlement," CLE International, Oklahoma City, Oklahoma. I discussed the Chickasaw-Choctaw water settlement in the context of its potential impact on the other Five Tribes. I have no notes, transcript, or recording. The address for CLE International is 7995 East Prentice Avenue, Suite 200, Greenwood Village, Colorado 80111.

February 22, 2017: Speaker, "Energy Development in Indian Country," U.S. Forest Service, Tulsa, Oklahoma. I spoke about alternative energy projects at the Cherokee Nation. I have no notes, transcript, or recording. The address of the U.S. Forest Service is 1400 Independence Avenue, Southwest, Washington, DC 20250.

November 18, 2016: Panelist, "Tribal-State Compacts," Leadership Oklahoma, Tahlequah, Oklahoma. The panel discussed the process of negotiating tribal-state compacts in Oklahoma. I have no notes, transcript, or recording. The address for Leadership Oklahoma is 3037 Northwest 63rd Street, Suite W104, Oklahoma City, Oklahoma 73116.

October 27, 2016: Speaker, "Tribal Water Rights," Tulsa Regional Chamber, Tulsa, Oklahoma. I provided an overview of tribal water rights claims in Oklahoma. I have no notes, transcript, or recording. The address for the Tulsa Regional Chamber is 1 West Third Street, Tulsa, Oklahoma.

October 14, 2016: Panelist, "State Question 777 – Right to Farm," Tulsa Food Security Council. The panel discussed environmental and public policy objections to State Question 777. I have no notes, transcript, or recording. The Tulsa Food

Security Council appears to be reorganizing and no address for the group could be located.

September 7, 2016: Keynote Speaker, "Cherokee Nation Native Plants and Indigenous Land Management," 18th National Environmental Tar Creek Conference, Miami, Oklahoma. PowerPoint supplied.

November 10, 2015: Guest Lecturer, Tribal Water Rights, Northeastern State University, Tahlequah, Oklahoma. I discussed the progress of tribal water rights cases in Oklahoma and unique aspects of federal law in the Five Tribes. I have no notes, transcript, or recording, but press coverage is supplied. The address for Northeastern State University is 600 North Grand Avenue, Tahlequah, Oklahoma 74464.

2014 (specific date unknown): Panelist, "ICWA and the impact of the Supreme Court's decision in *Adoptive Couple*," Association of Administrators of ICPC Annual Conference. The panel discussed *Adoptive Couple v. Baby Girl*, 570 U.S. 637 (2013). I have no notes, transcript, or recording. The address for the Association of Administrators of the Interstate Compact on the Placement of Children is 1300 17th Street North, Arlington, Virginia, 22209.

April 10, 2014: Panelist, "Texting Paternity Away and Bringing ICWA into the 21st Century, Indian Law Conference, Federal Bar Association. The panel discussed *Adoptive Couple v. Baby Girl*, 570 U.S. 637 (2013). I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

2013 (specific date unknown): Speaker, "2013: Year in Review," Oklahoma Indian Child Welfare Association Annual Conference, Tulsa, Oklahoma. I discussed Oklahoma Supreme Court and Oklahoma Court of Civil Appeals cases from that year. I have no notes, transcript, or recording. The address for the Oklahoma Indian Child Welfare Association is P.O. Box 1274, Shawnee, Oklahoma 74802.

July 24, 2013: Speaker, "Legal Infrastructure: Protecting Natural Resources," Inter-tribal Environmental Council Meeting, Tulsa, Oklahoma. I discussed the importance of drafting and implementing tribal codes and regulations. I have no notes, transcript, or recording. The address for the Intertribal Environmental Council is 206 East Allen Road, Tahlequah, Oklahoma 74464.

2012 (specific date unknown): Panelist, "Legal Issues Surrounding Tribal Water," Leadership Oklahoma, Durant, Oklahoma. The panel discussed evolving legal issues involving tribal water law in Oklahoma. I have no notes, transcript, or recording. The address for Leadership Oklahoma is 3037 Northwest 63rd Street, Suite W104, Oklahoma City, Oklahoma 73116..

2012 (specific date unknown): Speaker, "CLEET Training: Criminal Jurisdiction in Indian Country," Cherokee Nation, Tahlequah, Oklahoma. I discussed the criminal jurisdictional framework in Indian country and walked the officers through common scenarios. I have no notes, transcript, or recording. This address for the Cherokee Nation is 17675 Muskogee Avenue, Tahlequah, Oklahoma 74464.

2012 (specific date unknown): Scoring Panelist, OBA Mock Trial Competition, Oklahoma Bar Association, Tahlequah, Oklahoma. I observed mock trials put on by high school students, scored their performance, and provided feedback. I have no notes, transcript, or recording. The address for the Oklahoma Bar Association is 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

May 5-7, 2011: Scoring Panelist, OBA Mock Trial Competition, Oklahoma Bar Association, Tahlequah, Oklahoma. I observed mock trials put on by high school students, scored their performance, and provided feedback. I have no notes, transcript, or recording. The address for the Oklahoma Bar Association is 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

2007 (specific date unknown): Speaker, "The law on transfer under the ICWA," Oklahoma Lawyers for Children, Oklahoma City, Oklahoma. PowerPoint supplied.

- 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.

Jacob Fischler, *Congress Silent on Tribal Jurisdiction in Oklahoma*, Enid News and Eagle, Sept. 5, 2023. Copy supplied.

Barbara Hoberock, *PlatePay Might Need Law Enforcement Data; Ninth Turnpike Goes Cashless*, Tulsa World, Aug. 29, 2023. Copy supplied.

Neal Franklin, *Jurisdiction Complicates Cases of Missing, Murdered Indigenous People*, Tulsa World, Aug. 19, 2023. Copy supplied.

Sara Serrano, *Political Roundup: Locals Discuss City Authority Over Natives*, Tahlequah Daily Press, Aug. 4, 2023. Copy supplied.

Randy Krehbiel, *Stitt Sues as Another Override Tallied in Oklahoma Legislature's Battle Over Tribal Compacts*, Tulsa World, July 31, 2023. Copy supplied (reprinted in multiple outlets).

Kaylee Olivas, *'I Will Not Give an Inch' OK Gov. Files Lawsuit Against Republican Lawmakers for Overriding His Tribal Compact Vetoes*, KFOR, July 31, 2023. Copy supplied.

Derrick James, *Temporary Stay Issued in Circuit Court's Ruling on Traffic Citations for Natives*, Ada Evening News, July 26, 2023. Copy supplied (reprinted in multiple outlets).

Sean Murphy, *Oklahoma Governor's Feud with Native American Tribes Continues over Revenue Agreements*, Associated Press, July 22, 2023. Copy supplied.

Sara Serrano, *CN AG Explains How Hooper Case Impacts Tribal Citizen Citations*, Muskogee Daily Phoenix and Times-Democrat, July 19, 2023. Copy supplied (reprinted in multiple outlets).

Derrick James and Sara Serrano, *Tribal Officials React to Hooper Case Misinformation*, Duncan Banner, July 19, 2023. Copy supplied (reprinted in multiple outlets).

Brodie Myers, *Cherokee Nation and Verdigris Reach Agreement*, KJRH, July 18, 2023. Video available at <https://www.youtube.com/watch?v=eQpqa4kvetc>.

Caleb Symons, *Opioid Distributor Takes Cherokee Case to Federal Court*, Law360, July 14, 2023. Copy supplied.

Sara Serrano, *Cherokee Nation Welcomes AG's Request to Take Over Gaming Suit*, Enid News and Eagle, July 12, 2023. Copy supplied (reprinted in multiple outlets).

Sean Murphy, *Federal Court Rules Tribal Citizen Not Subject to Tulsa Traffic Ticket*, Associated Press, June 29, 2023. Copy supplied (reprinted in multiple outlets).

Sara Serrano, *Appeal Court Reverses McGirt Conviction*, Ada Evening News, June 21, 2023. Copy supplied.

Allison Herrera, *'Today Our Heads Are Not Bowed:' U.S. Supreme Court Upholds the Indian Child Welfare Act*, KOSU, June 19, 2023. Copy supplied.

Molly Young, *Justices Rule for Native Families – Supreme Court Upholds Indian Child Welfare Act*, The Oklahoman, June 16, 2023. Copy supplied (reprinted in multiple outlets).

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Tim Talley, *Appeal Court Rules Tribe Can't Join Poultry Suit*, Associated Press, Sept. 22, 2010. Copy supplied.

Will Chavez, *Court Denies Cherokee Nation's Entry in Poultry Litter Case*, Cherokee Phoenix, Sept. 3, 2010. Copy supplied.

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Travis Snell, *Native Works Pulled in Art Act Confusion*, Cherokee Phoenix, Nov. 10, 2008. 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.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these cases, approximately what percent were:
- jury trials: _____%
- bench trials: _____% [total 100%]
- ii. Of these cases, approximately what percent were:

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - 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.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - 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.
 - 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.
 - 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. 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.
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:

I have not held judicial office.

- 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.

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.

In 2015, I was appointed by Principal Chief Bill John Baker to Secretary of Natural Resources, a Cabinet-level position within the Cherokee Nation's executive branch that required confirmation by the Tribal Council. I completed my four-year term in 2019.

In 2019, I was appointed by Principal Chief Chuck Hoskin, Jr. as Attorney General, a Cabinet-level position within the Cherokee Nation's executive branch that requires confirmation by the Tribal Council. I resigned from that position on September 1, 2023.

In 2023, I was appointed to serve as a voting, at-large member of the Tribal Issues Advisory Group of the United States Sentencing Commission. My term expires on December 31, 2024.

- 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.

None.

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 have not served as a clerk to a judge.

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

I began a solo practice on September 1, 2023. My office address is 1481 East Allen Road, Tahlequah, Oklahoma 74464.

- 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;

2004 – 2023

Cherokee Nation

17675 South Muskogee Avenue

Tahlequah, Oklahoma 74464

Attorney General (2019 – 2023)

Secretary of Natural Resources (2015 – 2019)

Deputy Attorney General (2014 – 2015)

Assistant Attorney General (2004 – 2014)

2014 – 2015

United States Attorney for the Northern District of Oklahoma

110 West 7th Street Suite 300

Tulsa, Oklahoma 74119

Special Assistant United States Attorney

2023

Hill Law, PLLC

1481 East Allen Road

Tahlequah, Oklahoma 74464

Principal

- 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.

From 2004 through 2009, my practice was primarily tribal court and state court trial practice. I served as a prosecutor in the Cherokee Nation District Court on juvenile and criminal cases, and I appeared as counsel for the Nation in state court child welfare proceedings. This included handling all aspects of cases, up to and including jury trials and appeals. In addition, I also worked on a variety of other matters including probates involving restricted Indian land, employment cases, and tax issues.

From 2009 through 2015, I began to focus on environmental, natural resource, and land management issues as well as tribal court appellate cases. My practice at this time included complex multi-state environmental litigation, tribal water rights, and matters involving federal laws on historic preservation, environmental review, and tribal land status within the Cherokee Nation. In 2014 and 2015, I also served as a Special Assistant United States Attorney for the Northern District in Oklahoma and worked on several federal criminal cases, while simultaneously serving as an Assistant Attorney General in the Cherokee Nation.

From 2015 to 2019, as the Cherokee Nation's Secretary of Natural Resources, my practice focused exclusively on environmental litigation and policy, including a case that involved complex issues relating to the decommissioning of a uranium conversation facility.

From 2019 through August 2023, I served as Attorney General for the Cherokee Nation and had constitutional responsibility for all litigation of the government and its businesses. After the United States Supreme Court's decision in *McGirt*, the Cherokee Nation's criminal jurisdiction extended over 7,000 square miles, including all or parts of 14 counties and a significant part of the city of Tulsa. Directing the post-*McGirt* litigation and scaling up the Cherokee Nation's criminal prosecution capacity were substantial parts of my practice.

From September 1, 2023, to the present, I have represented the Cherokee Nation as outside counsel and operated Hill Law, PLLC as a solo practice. I work at the direction of the new Attorney General on a broad range of legal issues facing the Cherokee Nation. I have no other clients.

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

I have had two clients during my legal career: the Cherokee Nation and the United States. Federal Indian law and tribal law have been a central area of specialization.

- 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 2019 to the present, my practice has consisted of 50 percent litigation. I prepare motions and briefs and appear occasionally in court. From 2015 to 2019, my practice would have been about 10 percent litigation. From 2004 to 2015, my practice consisted of 75 percent litigation. During this time, I routinely appeared in tribal, state, and federal courts.

- i. Indicate the percentage of your practice in:

1. federal courts:	40%
2. state courts of record:	20%
3. other courts:	30%
4. administrative agencies:	10%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	90%
2. criminal proceedings:	10%

- 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 estimate that I have tried 43 cases to a verdict, judgment, or final decision. In most of these cases, including all jury trials, I was sole counsel for the Cherokee Nation. In some cases, I have served as either lead or associate counsel for the Cherokee Nation as part of a larger legal team.

- i. What percentage of these trials were:

1. jury:	20%
2. non-jury:	80%

- 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.

While serving as Attorney General for the Cherokee Nation, I was involved in briefing as amicus before the Supreme Court of the United States in a series of cases that involved, directly or indirectly, the Cherokee Nation's Reservation and the authority of the state in Indian country.

Oklahoma v. Castro Huerta, 42 S. Ct. 2486 (2022) (brief amici curiae of Cherokee Nation, *et al.*, 2022 WL 1057053).

McGirt v. Oklahoma, 140 S. Ct. 2452 (2020) (brief of amici curiae historians *et al.*, 2020 WL 774429).

Sharp v. Murphy, 140 S. Ct. 2412 (2020) (brief of amici curiae historians *et al.*, 2018 WL 4773101).

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Oklahoma v. Bragg, 142 S. Ct. 2898 (2022) (brief of amicus curiae the Cherokee Nation in opposition to certiorari, 2022 WL 171153) (certiorari granted, judgment vacated and remanded for further consideration in light of decision in *Castro-Huerta*).

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Oklahoma v. Perales, 142 S. Ct. 937 (2022) (brief of amicus curiae the Cherokee Nation in opposition to certiorari, 2022 WL 5930572) (cert. denied).

Oklahoma v. Leathers, 142 S. Ct. 938 (2022) (brief of amicus curiae the Cherokee Nation in opposition to certiorari, 2022 WL 5568078) (cert. denied).

Oklahoma v. Castro Huerta, No. 21-429 (2021) (brief of amicus curiae the Cherokee Nation in opposition to certiorari, 2021 WL 5087933).

Oklahoma v. Cottingham, 142 S. Ct. 937 (2022) (brief of amicus curiae the Cherokee Nation in opposition to certiorari, 2022 WL 5107423) (cert. denied).

Oklahoma v. McDaniel, 142 S. Ct. 2894 (2022) (brief of amicus curiae the Cherokee Nation in opposition to certiorari, 2021 WL 5087967) (certiorari granted, judgment vacated and remanded for further consideration in light of decision in *Castro-Huerta*).

Oklahoma v. Shriver, D., 142 S. Ct. 936 (2022) (brief of amicus curiae the Cherokee Nation in opposition to certiorari, 2022 WL 5087989) (cert. denied).

Oklahoma v. McCombs, 142 S. Ct. 935 (2022) (brief of amicus curiae the Cherokee Nation in opposition to cert, 2021 WL 5087961) (cert. denied).

Oklahoma v. Spears, 142 S. Ct. 934 (2022) (brief of amicus curiae the Cherokee Nation in opposition to certiorari, 2021 WL 5087921) (cert. denied).

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. *Cherokee Nation v. Bernhardt et al.*, No. 4:12-CV-493-GKF-JFJ, 2020 WL 1429946 (N.D. Okla. Mar. 24, 2020) (Frizzell, J.), *vacated and remanded sub nom. Cherokee Nation v. Haaland*, No. 20-5054, 2022 WL 1436699 (10th Cir. May 6, 2022) (Holmes, Rossman, JJ., Tymkovich, C.J.).

I represented the Cherokee Nation in this case from 2012 through its conclusion in 2022.

The Assistant Secretary – Indian Affairs issued a decision in 2012 accepting into trust a 2.03-acre parcel of land for the United Keetoowah Band (UKB) in Tahlequah, Oklahoma. The Cherokee Nation sued the Secretary of the Interior and the Assistant Secretary of the Interior, arguing that the United States could not take land into trust for gaming purposes within the exterior boundaries of the treaty territory of the Cherokee Nation. The issues involved complex federal regulations regarding Indian lands under the Indian Gaming Regulatory Act, federal laws and regulations that dictate how and under what circumstances land may be taken into trust for Indian tribes, and required an analysis of Cherokee Nation’s history and treaties. I worked on all these issues as part of the litigation team, including contributing to the drafting of motions and responses. The district court determined that the United States could not take the land into trust for the UKB, and the UKB and the United States appealed the decision to the United States Court of Appeals for the Tenth Circuit. After the decision by the United States Supreme Court in *McGirt*, the Assistant Secretary withdrew the underlying decision accepting the land into trust for the UKB. At this point in the litigation, I was overseeing the matter as Attorney General. The Tenth Circuit Court of Appeals dismissed the appeal as moot, vacated the district court’s decision, and remanded with instructions to dismiss the case.

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2. *In re Effect of Cherokee Nation v. Nash*, No. SC-17-07, 2017 WL 10057514 (Cherokee Sup. Ct. Sept. 1, 2017), judgment entered sub nom. *Effect of Cherokee Nation v. Nash*, No. SC-17-07, 2021 WL 2011566 (Cherokee Sup. Ct. Feb. 22, 2021).

I represented the Cherokee Nation in this case from 2020 through its conclusion in 2021.

The Cherokee Nation and the descendants of people enslaved under the laws of the Cherokee Nation prior to 1866 (“Cherokee Freedmen”) were in litigation in various federal courts over the extant right of Cherokee Freedmen to citizenship in the Cherokee Nation under the terms of treaties between the Cherokee Nation and the United States. Ultimately, the D.C. district court determined that Cherokee Freedmen were entitled to citizenship, *Cherokee Nation v. Nash*, 267 F. Supp. 3d 86, 89 (D.D.C. 2017), and the Cherokee Nation began registering these citizens pursuant to an order of the Cherokee Nation Supreme Court, implementing the decision of the federal court. The Cherokee Nation petitioned the Cherokee Nation Supreme Court to remove language from the Cherokee Nation Constitution and laws that would create different rights for Cherokee Freedmen and other Cherokee citizens. The Cherokee Nation Supreme Court struck the language from the Cherokee Nation Constitution and laws.

Co-counsel for Cherokee Nation:

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3. *Cherokee Nation v. Stitt*, No. 5:19-CV-01198-D, 475 F. Supp. 3d 1277 (W.D. Okla.

Sept. 23, 2020) (DeGuisti, J.).

I represented the Cherokee Nation in this case from 2019 through its conclusion in 2020.

In July 2019, Defendant Governor Stitt announced his intent to either renegotiate or terminate the model gaming compacts that had been in place between Oklahoma and the tribes for 15 years. Plaintiff tribes, including the Cherokee Nation, believed that the compacts would automatically renew at the end of 2019. The dispute was whether the requirements listed for the compacts to automatically renew for successive additional 15-year terms had been met. On December 31, 2019, the Cherokee Nation, Choctaw Nation, and Chickasaw Nation sued Governor Stitt in his official capacity, seeking a declaratory judgment regarding automatic renewal. I worked collaboratively on all elements of the litigation, including drafting the Plaintiff Nations' motion for summary judgment, with co-counsel and counsel from other tribal nations. Ultimately, the issue was decided on cross-motions for partial summary judgment, with Judge DeGuisti determining that the compacts automatically renewed for an additional 15-year term at the end of 2019 by operation of its unambiguous terms.

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4. *Oklahoma and Cherokee Nation v. Sequoyah Fuels Corp.*, CV-2017-23 (Sequoyah Cnty. Dist. Ct. Dec. 6, 2018) (Payton, J.).

I represented the Cherokee Nation in this case from 2017 through its conclusion in 2018.

Sequoyah Fuels Corporation (SFC), once owned by Kerr-McGee, processed yellowcake and converted it to uranium hexafluoride at its Gore, Oklahoma location. Its facility was part of an 85-acre parcel that became contaminated with radioactive debris and other materials. About 10,000 tons of highly radioactive raffinate material was bagged and stored at the site, bound for either off-site disposal or on-site, permanent storage. SFC argued that it could find no place willing to take the material at any price. While the company acknowledged that it was bound by a prior agreement to take the material to an offsite location so long as the costs did not exceed \$3.5 million, it argued that it was legally impossible for it to complete even partial removal of the material due to regulatory requirements. In February 2017, Oklahoma and the Cherokee Nation filed suit in the state's district court for a declaratory judgment to determine the parties' rights under the contractual agreement, and to enjoin SFC from engaging in its proposed on-site disposal plan. I worked directly with our internal team and attorney for the state of Oklahoma on all elements of the litigation. After a hearing, the judge temporarily enjoined on-site disposal but required the parties to meet weekly to attempt to determine a path forward, and I met weekly in-person with counsel for Defendant to work on potential solutions. Writs of prohibition and mandamus requested by the Defendant were denied by the Oklahoma Supreme Court and the parties were able to find a site that could take the raffinate materials. By the end of November 2018, the last of the more than 500 semi-trucks of highly contaminated material had left the site.

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Gerald Hilsher (retired)

5. *Olaya et al. v. Baker*, No. SC-2013-05, 12 Am. Tribal Law 331, 2014 WL 9883687 (Cherokee Sup. Ct. Nov. 10, 2014).

I represented the Cherokee Nation in this case from 2012 through its conclusion in 2014. I performed all of the substantive legal work on this case, including oral argument before the Cherokee Nation Supreme Court.

Four former employees of the Cherokee Nation filed a complaint in the District Court of the Cherokee Nation alleging various violations of civil rights, violations of policy, and intentional infliction of emotional harm. The Nation filed a motion to dismiss the Plaintiffs' claims on sovereign immunity grounds, arguing that tribal officials like the Principal Chief are also immune from suit when acting in their official capacities. The

district court found in favor of the Defendant Principal Chief and found that it lacked jurisdiction over the civil rights claims due to the Cherokee Nation's sovereign immunity. One statutory claim that created a cause of action for whistleblowers was remanded to the district court and dismissed upon agreement of the parties.

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6. *Gooding v. Ketcher et al.*, No. 4:10-CV-131-TCK-FHM, 838 F. Supp. 2d 1231 (N.D. Okla. July 30, 2012) (Kern, J.).

I represented the Cherokee Nation in this case from 2010 through its conclusion in 2012. I was sole counsel for the Nation in this case.

In July 2009, Plaintiff Gooding used an American flag as a prop during the performance at the Cherokee Nation owned Hard Rock Casino in Tulsa, Oklahoma. After this performance, a Cherokee Nation Marshal arrested Plaintiff for violating an Oklahoma law that criminalized treating the United States flag with indignity. Plaintiff Gooding sued the Marshal, the Cherokee Nation, and other law enforcement agencies and officers under 42 U.S.C. § 1983 for violating his civil rights.

The claims against the Cherokee Nation were dismissed by the Plaintiff, and the claims against the Cherokee Nation Marshal were dismissed for lack of jurisdiction due to the sovereign immunity of the Cherokee Nation.

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7. *Oklahoma ex rel. Edmondson v. Tyson Foods, Inc.*, No. 4:05-CV-329-CKF-SH, 619 F.3d 1223 (10th Cir. Sept. 21, 2010) (Tacha, Ebel, Hartz, JJ.).

I represented the Cherokee Nation in this case from 2008 through 2010 while the issue of the Nation's intervention as a Plaintiff was being litigated. I drafted the motions filed by the Nation in this case and did the substantive legal work under the supervision of the Cherokee Nation Attorney General.

In June 2005, the Oklahoma Attorney General sued several poultry producers ("Integrators") in the United States District Court for the Northern District of Oklahoma. Oklahoma brought some of these claims as a trustee under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") and brought other causes of action under federal and state law. The Cherokee Nation was aware of the

litigation and discussed the litigation with both the state and the Integrators but did not seek to enter the litigation as a party. In October 2008, Tyson moved to dismiss the case for failure to join the Cherokee Nation. It argued that the Cherokee Nation had a significant claim to ownership of the natural resources within the Illinois River Watershed, and that the state's case could not justly move forward in the Cherokee Nation's absence. The district court ultimately dismissed the State's damage claims because the Cherokee Nation was not a party to the litigation. The Cherokee Nation filed a motion to intervene as a co-Plaintiff against the Integrators, but the district court denied the motion to intervene as untimely. The matter was appealed to the United States Court of Appeals for the Tenth Circuit, which affirmed the decision of the district court.

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8. *In the Matter of A.M.C.*, No. 103,166 (Okla. Civ. App. Mar. 2, 2007) (Adams, J.J., Joplin, P.J. Mitchell, V.C.J.).

I represented the Cherokee Nation in this case from 2006 through its conclusion in 2007. I was sole counsel for the Nation and handled the matter both at the district court and before the Court of Civil Appeals.

The Cherokee Nation intervened in a juvenile deprived matter where a Cherokee child was placed outside the placement preferences of the Indian Child Welfare Act ("ICWA") with a non-relative, non-Indian family. The Cherokee Nation sought to have the child placed with an approved Cherokee foster family. After two days of trial on the Nation's motion to transfer the child to a Cherokee foster family and to transfer the case to the Nation's court, the Osage County District Court found that good cause existed to deviate from the placement preferences found in the federal ICWA and Oklahoma ICWA. On appeal, the Nation argued that the record did not contain sufficient evidence to support that finding, and further argued that the trial court should have granted the motion for transfer. The Oklahoma Court of Civil Appeals concluded that the trial court abused its discretion in determining that good cause existed to deviate from the placement

preferences and remanded the matter for reconsideration on the motion to transfer. The case was subsequently transferred to the Cherokee Nation.

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Attorney for Foster Parents:

Michael E. Yeksavich (deceased)

Assistant District Attorney:

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9. *In the Matter of J.L.A.*, No. 06 97348-A, 153 P.3d 570 (Kan. Ct. App. Mar. 16, 2007) (Greene, Malone, Hill, JJ.).

I represented the Cherokee Nation in this case from 2006 through its conclusion in 2007. I was sole counsel for the Nation.

JLA was taken into custody by the Kansas Department of Social and Rehabilitation Services (“SRS”) in 2004 and placed in foster care with a family outside the placement preferences of the Indian Child Welfare Act. A relative placement for the child was located, and the Cherokee Nation, SRS, and the child’s attorney advocated that the child be placed with her relatives in Oklahoma. SRS notified the foster parents of the intended change of placement, and the Cherokee Nation filed a motion to transfer the case to the Cherokee Nation’s court. The foster parents objected, and the hearing on placement and transfer occurred over three days. The district court transferred jurisdiction to the Cherokee Nation. The foster parents appealed.

A stay was initially issued, but later withdrawn by the appellate court. JLA then became a ward of the Cherokee Nation’s District Court. On appeal, the Nation argued that the foster parents’ appeal was moot, and that the Cherokee Nation’s District Court now had exclusive jurisdiction over JLA. The Kansas Court of Civil Appeals agreed and dismissed the appeal.

Co-counsel on appeal and Attorney for Minor Child:

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Attorney for Appellant Foster Parents:

Rawley J. (Judd) Dent (deceased)

10. *Cherokee Nation v. Nomura*, 2007 OK 40, 160 P.3d 967 (Okla. May 22, 2007).

I represented the Cherokee Nation in this case from 2005 through its conclusion in 2007.

Cherokee Nation was made aware that there was a proposed adoption of a Cherokee child to a non-Indian family in Florida. Dozens of prospective Cherokee adoptive families were available to adopt, but the prospective adoptive family from Florida had failed to timely notify the Cherokee Nation. To leave Oklahoma with the child, the Florida prospective adoptive parents would need the Oklahoma Administrator of the Interstate Compact on the Placement of Children (“ICPC”) to execute a 100A form on behalf of the sending state. The Nation sought a temporary restraining order in an Oklahoma district court to prohibit the ICPC Administrator from executing the 100A, and therefore prevent the removal of the child from Oklahoma pursuant to the ICPC. The Administrator had a legal obligation to ensure that notice was provided to the Nation in both voluntary and involuntary child custody proceedings under the relevant provisions of the Oklahoma Indian Child Welfare Act. The Florida adoption agency intervened in the case to stop Oklahoma from asserting jurisdiction. It also asserted constitutional claims on behalf of the natural mother, arguing that the mother retained a liberty interest in determining who would adopt her child even though her rights had already been terminated in a Florida court. At the conclusion of the multi-day trial, the district court issued a temporary restraining order to the ICPC Administrator to prevent the 100A from issuing, and the case went up on appeal to the Oklahoma Supreme Court. The Oklahoma Supreme Court determined that the ICPC Administrator did have an affirmative duty to see that there was compliance with the placement preferences of the Oklahoma and Federal Indian Child Welfare Acts before approving any adoption under the Interstate Compact Act. The adoption agency subsequently withdrew its request for a 100A. I was sole counsel for the Cherokee Nation in this case and handled every aspect from filing the initial request for a restraining order and litigating the issue before the district court, to briefing the issues before the Oklahoma Supreme Court on appeal.

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Attorney for American Adoptions of Florida, Inc.:

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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.)

Since 2020, I have had the opportunity to build up the capacity of the Cherokee Nation's prosecutor's office after the United States Supreme Court's decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020). Prior to *McGirt*, the Cherokee Nation would file no more than 100 criminal cases a year. In the year immediately after the decision in *McGirt*, the Cherokee Nation filed nearly 3,700 felony and misdemeanor cases. Growing the capacity of the tribal prosecutor's office involved hiring dozens of new staff, including attorneys, paralegal support staff, victim witness coordinators, juvenile justice staff, and probation officers. It also required finding solutions to detention, prisoner transport, and logistical challenges of every variety.

I have also had the opportunity to work on federal legislative priorities in Oklahoma's Indian country. There are several federal laws that specifically and specially apply to the citizens and lands of the Five Tribes. One such law, enacted in 1947, set a one-half blood quantum requirement that citizens of the Five Tribes must possess to retain their allotted lands in restricted status. With this law in place, land loss among tribal citizens of the Five Tribes had accelerated, often leaving families landless and impoverished. Elected leaders of the Five Tribes wanted to see the law changed. I had the opportunity to work on legislative language that would remove the blood quantum requirement from the law. I was also able to work closely with the legal teams of the Five Tribes to educate government relations professionals on the extent of the problem, and why changes to the federal laws were needed. On December 31, 2018, President Donald Trump signed Stigler Act Amendments of 2018 into law. With these changes in effect, most individual Indians within the Five Tribes who possess less than a one-half blood quantum can inherit and own restricted Indian land.

I have not performed any lobbying activities or registered as a lobbyist.

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.

None.

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 am self-employed and provide legal services to the Cherokee Nation pursuant to a contract. That contractual arrangement can be terminated with 45 days' notice to the Cherokee Nation. After work under the contract ceases, I will have no additional compensation due.

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.

None.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

If confirmed, I will recuse in any litigation where I have ever played a role, including cases that I handled or that were handled by the Cherokee Nation Attorney General's Office while I was associated with it. I will evaluate any other actual or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal when necessary.

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

I will apply Canon 3 of the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all other laws, rules, and practices governing conflicts of interest to all matters involving actual or potential conflicts of interest. I will consult with the Administrative Office of the United States Courts for additional guidance.

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.

I have consistently volunteered my time to serve the disadvantaged. I have volunteered with Court Appointed Special Advocates of Cherokee County to help train new volunteer advocates, and I have participated in "Ask a Lawyer" events held by the Oklahoma Bar Association on Law Day. I have also served frequently as a scoring panelist for Oklahoma's high school mock trial program. I volunteer as a Trustee for the Oklahoma chapter of The Nature Conservancy, which protects wild areas in Oklahoma. These undeveloped lands provide habitat for important plants needed for traditional medicine and are critical for the survival of Cherokee language, communities, and people.

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.

In June 2021, I contacted the office of Senator James Lankford and the Office of White House Counsel to inquire about applying for the vacancy existing in the United States District Court for the Northern District of Oklahoma. Thereafter, I

was screened and interviewed by a committee established by Senator Lankford to evaluate potential judicial candidates for appointment. On April 28, 2023, I met with Senator Lankford. On August 10, 2023, I met with attorneys from the White House Counsel's Office. Since August 26, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On October 18, 2023, the President announced his intent to nominate me.

- 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.