

Melody L. McCoy

**1506 Broadway
Boulder, CO 80302**

**PH (303) 447-8760
FAX (303) 443-7776**

» Experience

Native American Rights Fund. Boulder, CO

Staff Attorney, October 1986 – present

Member, Litigation Management Committee, 1992-1995 and 2007-2019

Litigation >> Tribal Court Jurisdiction

- *Water Wheel Camp Recreational Area v. LaRance*, 642 F.3d 802 (9th Cir. 2011) (counsel for amicus curiae)
- *Plains Commerce Bank v. Long Family Land and Cattle Co.*, 128 S.Ct. 2709 (2008) (counsel for respondents)
- *Nevada v. Hicks*, 533 U.S. 353 (2001) (counsel of record for respondent)
- *El Paso Natural Gas Co. v. Neztosie*, 526 U.S. 473 (1999) (counsel of record for amicus curiae)
- *Strate v. A-1 Contractors*, 520 U.S. 438 (1997) (counsel of record for petitioner; also argued)
- *State v. Hicks*, 196 F.3d 1020 (9th Cir. 1999) (counsel of record for appellee; also argued)
- *County of Lewis v. Allen*, 163 F.3d 509 (9th Cir. 1998) (en banc) (counsel of record for amicus curiae; also argued)
- *A-1 Contractors v. Strate*, 76 F.3d 930 (8th Cir. 1996) (en banc) (counsel of record for appellee; also argued)
- *Twin City Construction Co. v. Turtle Mountain Band of Chippewa Indians*, 911 F.2d 137 (8th Cir. 1990) (en banc) (counsel of record for appellant; also argued)
- *FMC v. Shoshone-Bannock Tribes*, 905 F.2d 1311 (9th Cir. 1990) (counsel for amicus curiae)
- *Pittsburg & Midway Coal Min. Co. v. Yazzie*, 909 F.2d 1387 (10th Cir. 1990) (counsel for amicus curiae)

Litigation >> Other Jurisdiction in Indian Country

- *Dep't of Taxation and Finance v. Milhelm Attea & Bros.*, 512 U.S. 61 (1994) (counsel of record for amicus curiae)
- *Oklahoma Tax Comm'n v. Sac & Fox Nation*, 508 U.S. 114 (1993) (counsel of record for amicus curiae)
- *United States v. Idaho*, 508 U.S. 1 (1993) (counsel for amicus curiae)
- *Negonsott v. Samuels*, 507 U.S. 99 (1993) (counsel of record for amicus curiae)
- *Oklahoma Tax Comm'n v. Citizen Band Potawatomi Indian Tribe*, 498 U.S. 505 (1991) (counsel of record for amicus curiae)
- *Mustang Prod. Co. v. Harrison*, 94 F.3d 1382 (10th Cir. 1996) (counsel of record for appellee; also argued)
- *United States, et al. v. Oregon*, 44 F.3d 758 (9th Cir. 1994) (counsel for appellant)

» Experience (cont.)

Litigation >> Tribal Trust Cases

- *Sisseton Wahpeton Oyate, et al. v. Jewell*, No. 13-601 (D.D.C.) (counsel of record)
- *Nez Perce Tribe, et al. v. Jewell*, No. 06-2239 (D.D.C.) (counsel of record; also argued)
- *Muscogee (Creek) Nation v. Jewell*, No. 06-2161 (D.D.C.) (counsel of record)
- *Tonkawa Tribe v. Jewell*, No. 06-1435 (W.D.Okla) (counsel of record)
- *Nez Perce Tribe v. United States*, No. 06-190 (Fed. Cl.) (counsel of record)
- *Chippewa Cree Tribe v. Salazar*, No. 02-276 (D.D.C.) (counsel of record)
- *Chippewa Cree Tribe, et al. v. United States*, No. 92-675 (Fed. Cl.) (counsel of record; also argued)
- *Klamath Claims Comm. v. U.S.*, No. 2012-5130 (Fed. Cir.) (counsel of record for amicus curiae; also argued)
- *Shoshone Indian Tribe, et al. v. United States*, 364 F.3d 1339 (Fed. Cir. 2004) (counsel of record for amicus curiae)

Indian Education

- Executive Order No. 13336, American Indian and Alaska Native Education, 69 Fed. Reg. 25295 (Apr. 30, 2004) (lead co-counsel)
- Executive Order No. 13096, American Indian and Alaska Native Education, 63 Fed. Reg. 42683 (Aug. 6, 1998) (lead counsel)
- Comments of the American Indian Higher Education Consortium on the Secretary of Education's Proposed Rule at 59 Fed. Reg. 3604 (Jan. 24, 1994) to Implement the State PostSecondary Review Program (lead counsel)
- Education Code of the Rosebud Sioux Tribe (1991) (lead counsel)

Other

- Comments of the Tuolumne Band of Me-Wuk Indians in response to the U.S. Patent and Trademark Office's Request for Public Comments, 63 Fed. Reg. 71619 (1998), on Issues Related to the Congressionally Required Study of the Official Insignia of Native American Tribes (lead counsel)

» Admissions and Affiliations

Professional Activities: Co-Chair, Federal Bar Association's Indian Law Conference, 1990-1992
 President, Colorado Indian Bar Association, 1990-1992
 Board Member, American Indian Bar Association (now the National Native American Bar Association), 1990-1991
 Board Member, Ogichidaa Foundation, 2002-2010

Court Admissions: Supreme Court of the State of Colorado, Supreme Court of the State of Massachusetts, United States Supreme Court, U.S. Court of Appeals for the Eighth Circuit, U.S. Court of Appeals for the Ninth Circuit, U.S. Court of Appeals for the Tenth Circuit, U.S. Court of Appeals for the Federal Circuit, U.S. District Court, District of Columbia, U.S. Court of Federal Claims

Enrolled member of the Cherokee Nation of Oklahoma

» Publications and Presentations

A Manual for Chief State School Offices and State Education Agencies on American Indian and Alaska Native Sovereignty, Federal Education Programs for Tribal Students, and Tribal Education Departments (2006)

Major Elementary and Secondary Federal Education Programs Serving Tribal Students: What are They and What are the Roles of SEAs, LEAs, and Indian Tribes? (2005)

Compilation of State Indian Education Laws (updated 2005)

The Evolution of Tribal Sovereignty over Education in Federal Law since 1965 (2005)

Major Federal Programs for American Indian, Alaska Native, and Native Hawaiian Education: What Are They and How do they Involve Tribes? Part II: Titles VII (Indian Education Act), VIII (Impact Aid), and X (Bureau of Indian Affairs) (2004)

A Compilation of Federal and State Education Laws on Native Language in Curriculum and Certification of Teachers of Native Languages (2003)

An Historical Analysis of Requests for Direct Federal Funding for Tribal Education Departments for Fiscal Years 1989 - 2004 (2003)

Federal Indian Law and Policy Affecting American Indian and Alaska Native Education (2000)

Federal and State Laws regarding Tribal Education Departments, 1984 - 1999 (1999)

Cooperative Agreements in Indian Education (1998)

Draft Materials for Tribal Governance in Education (1994)

» Education

University of Michigan, Juris Doctor, 1986

Ann Arbor, Michigan

Harvard University, Bachelor of Arts, 1981 (cum laude)

Cambridge, Massachusetts