

Alexander Blewett III

**SCHOOL OF LAW**  
UNIVERSITY OF MONTANA

# SUMMER AMERICAN INDIAN AND INDIGENOUS LAW PROGRAM 2019

June 3 - August 2, 2019

Eight Courses with CLE Options

## REGISTRATION

Visit [www.umont.edu/indianlaw](http://www.umont.edu/indianlaw) to register online and for additional course information.



# SUMMER 2019 SCHEDULE

## **Introduction to American Indian Law I: Indian Law Research (Online Course Only)**

*June 3 - 7, 9:00 a.m. - 12:00 p.m. • CLE Credits: 13.75 • Tuition: \$650 • Professor: Stacey Gordon Sterling*

Because tribes are sovereign governments, the field of Indian Law encompasses distinct legal issues and legal sources. Researching both federal Indian law (the law of the relationship between tribal governments and the U.S. government) and tribal law (the law of individual tribes) requires an additional set of tools and research skills to those students are introduced to in a basic legal research course. In this course, students will learn the skills and sources necessary to research general Indian law issues as well as the very specialized skills and sources used in researching the legal history of a tribe, including reserved treaty rights. The course will cover researching treaties, Indian land claims, statutory and case law, and tribal law. Students will actively participate in creating a tribal legal history throughout the course.

## **Introduction to American Indian Law II: Mastering American Indian Law**

*June 11 - 14, 9:00 a.m. - 12:00 p.m. • CLE Credits: 13.75 • Tuition: \$650 • Professor: Maylinn Smith*

This course looks at fundamental aspects of American Indian law and provides a basic understanding of core Indian law principles, both on the federal and tribal level. The course familiarizes participants with the development of foundational concepts in the area of Indian law and addresses the continuing impact of federal legislation and court actions on tribal governance structures and principles of sovereignty. In addition to providing substantive information on legal principles associated with American Indian law, participants will engage in practical skill building exercises that build upon the substantive materials being covered.

## **Civil Regulatory and Adjudicatory Jurisdiction in Indian Country**

*June 17 - 21, 9:00 a.m. - 12:00 p.m. • CLE Credits: 13.75 • Tuition: \$650 • Professor: Paul Spruhan*

Civil authority in Indian Country is complex, confusing, and an ongoing source of conflict and litigation among private parties, tribes, states, and others. This course begins with the basic jurisdictional rules and standards before moving on to address the associated complexities of tribal exhaustion, federal and tribal litigation, and the practical challenges of establishing, protecting, and litigating regulatory and adjudicatory jurisdiction in Indian Country.

## **American Indian Property Law: The Story of Cobell**

*June 24 - 28, 9:00 a.m. - 12:00 p.m. CLE Credits: 13.75 • Tuition: \$650 • Professor: Alex Pearl*

Because this program takes place in Montana and in light of Professor Pearl's position as the Chairman and President of the Cobell Scholarship Fund and his experience working on the Cobell litigation, this course reviews the origins of the Cobell case, the legal history of it, and its resolution. Cobell is a woefully ignored legal case in the American public conscience. It belongs in the same breath as well know cases (that have been turned into films) like

Erin Brockovich, Loving, and A Civil Action. In addition to being not well-known, it is often painfully misunderstood. This course would expose students to one of the most impressively plead and litigated cases in the history of the United States District Court for the District of Columbia. The course would examine the original legal documents (complaint, briefs, and other materials) to go over the major points in the litigation. Some of the major aspects of the case to include would be: (1) that the complaint proceeded under Sec. 702 of the APA, (2) class certification, (3) contempt hearing against various governmental officials, (4) affirmations of applying fundamental trust law to the Individual Indian Money Account, (5) legal settlement and legislative passage.

## **Criminal Justice in Indian Country**

*July 8 - 12, 9:00 a.m. - 12:00 p.m. • CLE Credits: 13.75 • Tuition: \$650 • Professor: Jordan Gross*

This course covers criminal jurisdiction and criminal procedure in Indian Country. Topics include: (1) how criminal conduct in Indian Country is defined, (2) the allocation of tribal, state, and federal jurisdiction over that conduct, (3) the “federalization” of tribal court criminal procedure under the Tribal Law and Order Act of 2010 and the Violence Against Women Reauthorization Act of 2013, and (4) the impact these legal frameworks have on tribal sovereignty, community safety, and the interests of participants in tribal court criminal proceedings. Following completion of the course, students should have a basic historical and contemporary understanding of the legal structure for addressing wrongdoing in Indian Country.

## **Social Justice Issues in Indian Country: Indian Education Law**

*July 15 - 19, 9:00 a.m. - 12:00 p.m. • CLE Credits: 13.75 • Tuition: \$650 • Professor: Maylinn Smith*

This course surveys federal Indian policy and law related to Indian education, including historical sources for Indian education rights. Special attention will be given to the unique Indian education matters in the state of Montana, including those programs implemented by the state as well as special tribal education programs.

## **Indigenous Cultural Protection and Preservation: Cultural Rights of Indigenous People**

*July 22 - 26, 9:00 a.m. - 12:00 p.m. • CLE Credits: 13.75 • Tuition: \$650 • Professor: Rebecca Tsosie*

This course will focus on Indigenous cultural heritage, tangible and intangible, as well as issues related to religious freedom and protection of traditional lifeways. Though the primary focus will be on domestic issues, the course will include units on comparative and human rights aspect too.

## **Social Justice Issues in Indian Country: Supreme Court Jurisprudence and Indian Country**

*July 29 - August 2, 9:00 a.m. - 12:00 p.m. • CLE Credits: 13.75 • Tuition: \$650 • Professor: Matthew Fletcher*

This course will introduce participants to the distinctive constitutional issues arising from and affecting Indian country. The initial portion of the class will cover the legal history of federal Indian law, dating from pre-constitutional times, the Marshall Trilogy, the Plenary Power Trilogy, to the modern era of federal Indian law beginning in 1959. The main portion of the class will address critical modern era cases and their impacts on contemporary tribal governance and Indian affairs.

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