Native American Law  
Spring 2018 • Tuesday & Thursday 12:30-1:45 p.m. • Room 108

**Required Text**

**Reading Assignments**
All “casebook reading” assignments are from the required text. Unless otherwise noted, all “Other Reading” is available on BBLearn.

**Office Hours**
Thursday 2:00-3:00 p.m. in room 206. Emailed questions are encouraged and welcome.

**Course Description & Objectives**
This course will provide the historical legal background that informs the contemporary practice of law in Indian Country. The course will review the major eras of U.S. policy towards Native people in mid-North America with an emphasis on the impact of changing policies on tribal government, structure, policies, and law.

**Course Grade, Quiz, Participation, Final Exam**
Your grade will be composed of a short (5-10 page) research paper (worth 25%), in-class treaty presentation (5%), participation (5%), and a final exam (65%). You may **not** use notes, books, or material posted on the course website during the exam.

**Short Research Paper**
Because Native American Law is a survey course, we must cover many topics in a short period of time. As a result, time is of the essence and many topics are either omitted or given limited space within the course. The research paper provides an opportunity for you to conduct more in-depth research and analysis on a topic of particular interest to you. The purpose of the paper is **not** to be an upper-division paper. Rather its purpose is to demonstrate that you have researched and learned the foundations of a Native American law topic more deeply than we were able to cover in class.

**In-Class Treaty Presentation**
A 5-10 minute presentation on a treaty, agreement, or executive order of your choice (hereinafter collectively referred to as “treaties”). You are free to discuss whatever interested you about the treaty you choose. Some information that would be useful (but not required) includes: your view of the purpose of the treaty, any case law that has interpreted the treaty, any unique rights that were expressly reserved in the treaty, how the treaty continues to be used by the Tribe, etc.

**Attendance**
Attendance will be taken by way of sign-in sheet circulated during each class, which you must initial. If you are late to class, you must email me and may not initial the sign-in sheet without my permission. Your tardiness may count as an absence. If you miss six or more classes, your final grade will be lowered by one letter grade. These policies will be strictly enforced.
Civility

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students (jdodge@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center's confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

Center for Disability Access and Resources (CDAR) Reasonable Accommodations

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Dodge for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:

- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at http://www.uidaho.edu/current-students/cdar. Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

Recording Class Sessions:

Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.
**Credit Hours for Coursework**

In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgement, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

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**Agenda**

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<thead>
<tr>
<th>Week</th>
<th>Coverage</th>
<th>Date</th>
<th>Casebook</th>
<th>Other Reading</th>
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<tbody>
<tr>
<td>1</td>
<td>Intro to Indian law, lawyering in Indian Country.</td>
<td>1/9</td>
<td>1-4; 12-31</td>
<td>Hannum, SOVEREIGNTY AND ITS RELEVANCE TO NATIVE AMERICANS IN THE TWENTY-FIRST CENTURY; Halbritter and McSloy, EMPOWERMENT OR DEPENDENCE?, Porter, 67-71; 101-107.</td>
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<td>Medieval origins of Indian Law; British colonization</td>
<td>1/11</td>
<td>47-69</td>
<td>N/A</td>
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*Be prepared to pick the day for your treaty presentation.*