Advanced Topics in Indian Law:

Tribal Law and Economics

Prof. Fletcher

Tuesdays and Thursdays 9:00 - 10:15

Room 344

Required Texts:

Fletcher, American Indian Tribal Law (Aspen 2011)

Austin, Navajo Courts and Navajo Common Law (Univ. of Minnesota Press 2009)


Turtle Talk (always read Turtle Talk)

Grading:

75 percent of your final grade is based on a final paper, due date TBD (ULWR eligible)

25 percent of your final grade is based on an in-class presentation sometime during the semester

I reserve the right to change grades based on a lack of class participation

Miscellaneous Notes:

The MSU Indigenous Law and Policy Center hosts four events each spring (we call them book talks). Three of those events are listed on the syllabus below. Students are strongly encouraged to attend the events. We end class a week early in anticipation of students attending these events.
Assignments:

Class #1 (1/10) – Introduction to Tribal Governance

  Fletcher, chapter 1
  Treuer, chapter 1

Class #2 (1/12) – Tribal Justice Systems

  Fletcher, chapter 2

Class #3 (1/17) – Navajo Jurisprudence

  Austin, entire book

Class #4 (1/19) – Tribal Constitutional Law

  Fletcher, chapter 3
  Two students assigned to draft a tribal constitutional amendment on tribal court independence (due 1/22 @ 7PM)

Class #5 (1/24) – Tribal Constitutional Amendment Presentation

  Two students present their amendment before class (15 minutes) and respond to questions from the rest of class

Class #6 (1/26) – Tribal Membership

  Fletcher, chapter 4
  Two students assigned to draft amendment to tribal membership code (due 1/29 @ 7PM)

Class #7 (1/31) – Tribal Membership Code Amendment Presentation

  Two students present their amendment before class (15 minutes) and respond to questions from the rest of class

Class #8 (2/2) – Tribal Elections

  Fletcher, chapter 5
Class #9 (2/7) – Civil Rights

Fletcher, chapter 6 (pages 319-351)

Class #10 (2/9) – Special Problems in Civil Rights

Fletcher, chapter 6 (pages 351-382)

Two students assigned to draft 2-3 page position papers on banishment problem developed by Fletcher (due 2/12 @ 7PM)

Class #11 (2/14) – Debate on Banishment Problem

Two students debate banishment problem (10 minutes each), followed by responses from rest of class

Class #12 (2/16) – Criminal Law and Procedure

Fletcher, chapter 7 (discussion likely to bleed over into next class)

Class #13 (2/21) – Conclusion of Criminal Law and Procedure/Domestic Relations

Fletcher, chapter 8

Class #14 (2/21) – ILPC Book Talk (Kaighn Smith & David Kamper)

Class #15 (2/23) – Tribal Property

Fletcher, chapter 9

Class #16 (2/28) – Contracts

Fletcher, chapter 10

Class #17 (3/1) – Torts

Fletcher, chapter 11

Class #18 (3/13) – Procedure and Jurisdiction

Fletcher, chapter 12

Four students assigned to draft a 4-6 page brief on a tribal court civil jurisdiction case between a member and a nonmember (due 3/18 @ 7PM)
Class #19 (3/15) – Interlude on Sovereign Immunity
   Materials to be provided (available on Turtle Talk)

Class #20 (3/20) – Tribal Jurisdiction Argument
   Four students argument tribal jurisdiction case (before Justice Pevar?)

Class #21 (3/20) – ILPC Book Talk (Pevar)

Class #22 (3/22) – Tribal Regulatory and Administrative Law
   Fletcher, chapter 13

Class #23 (3/27) – Introduction to Tribal Economies
   Fletcher, chapter 14

Class canceled 3/29

Class #24 (4/3) – Tribal Gaming Part I
   Materials to be provided (available on Turtle Talk)

Class #25 (4/5) – Tribal Gaming Part II
   Materials to be provided (available on Turtle Talk)

Class #26 (4/10) – Tribal Gaming Part III
   Materials to be provided (available on Turtle Talk)

Class #27 (4/10) – ILPC Book Talk (Sturm)

Class #28 (4/12) – Tribal Gaming Part IV
   Materials to be provided (available on Turtle Talk)

Class cancelled 4/17 and 4/19