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- Fall 2018 / Section 1 / 4 Credits / Dates: 10/07/2018 to 12/22/2018
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Contact Information: Instructor: Michele Fahley: Email: mfahley@gmail.com

Course Description

This course provides a broad overview of the most important issues involved in tribal legal studies, including an overview of tribal government; the history of tribal court systems, legal structure of tribal courts; tribal court criminal and civil jurisdiction; roles in tribal court systems; tribal court management; due process; appellate courts; the Indian Civil Rights Act; and the Indian Child Welfare Act. Students receive an introduction to the basic concepts of legal studies and the legal studies program. The course addresses tribal common law and traditional dispute resolution methods, including an extensive examination of the process of the incorporation of tribal custom and tradition into the court system and the development of tribal common law. Students also study issues involved in the development and implementation of such traditional dispute resolution mechanisms as peacemaking courts.

Objectives

Understand Federal Indian Policy

- Understand the federal policies that have shaped the United States relationship with Indian Nations and American Indian tribal governments.
- Gain an introduction to the principles of federal Indian law and understand how critical periods of federal Indian policy shaped federal these laws.

Develop a Tribal Perspective

- Develop familiarity with Indian Nations' perspectives toward federal Indian policies.
- Formulate a concise overview of tribal government, the history of tribal court systems, and the legal structure of tribal courts and tribal legal jurisdiction.
- Contrast traditional or Indigenous beliefs about governance with non-Indian and Western styles of governance.

Practice Legal Analysis and Oral Advocacy

- Learn the basic elements of legal analysis in a tribal legal studies context.
- Develop and outline a legal argument.
- Participate in a moot court competition that uses these legal arguments in oral advocacy.

Materials

There is no textbook for this course - All materials are included as links in each Module.

Deliverables

Moot Court Student Legal Brief

A legal brief is a summary of a legal case. It consists of a 1) the name and date of the case, 2) a statement of facts, 3) issue, 4) rule from the court, 5) court analysis, and 6) court conclusion. A brief may also contain a summary of the concurring or dissenting opinions offered by particular judges in a case.

The Moot Court Brief will be one (1) single-spaced page with one-inch margins in Times or Times New Roman font. Additional materials will be posted in the Week 5 Course Module that provide instructions on writing a brief. The Moot Court Brief will be due on **November 20, 2018**.

Moot Court Project

Moot Court Project (100 points): The goal of the Moot Court Project is to provide students an opportunity to develop team building, public speaking, and critical reading and analysis skills. In moot court you will be presented with an actual case taken from federal Indian law. The subject of the Moot Court will relate to material studied in the course. You will apply legal principles learned in this course to analyze the case after preparing a brief on the case.

The Moot Court Project is a group project, where each pod will be separated into multiple teams, and each team will work collectively to prepare legal arguments on a specific legal case in front of a mock three-judge panel. Each team will consist of approximately 3-6 students per group. Each group will make their legal arguments, argued orally, in opposition to a team representing another participating pod. The judges, selected from the UCLA community, will render a verdict and provide general feedback to each group.

Each team will share the same grade, based upon the performance of their representatives. Grades for the moot court competition will not be based on the winner or loser of the legal argument; grades will be determined on how well each group made its arguments. Students will receive a copy of the criteria (scoring rubric) the judges will apply, in advance, to fully understand the standards each judge will apply to oral argument.

Moot Court will be held in December (likely December 8, 2018) and the date and location will be announced shortly.

Evaluation

Grades will be based on the following assignments:

1. **Personal Introduction Statement & Module 1 Reading Review (80 points total)**: Each student will submit a short written personal statement. This statement should include information on your background, interests, and why you are interested in taking this course. The statement may be modeled on the personal statement required by a university of your choosing.

- **Word Count Requirement: Minimum word count for the post (excluding the two responses) is 800 words.**

2. **Weekly Short Writing Assignments (20 points each x 6 weeks = 120 points total)**: Each student will generally complete a short writing assignment that consists of four (4) short answer questions, which will be based on the reading assignments from the current week. The final Weekly Short Writing Assignments will be an outline of your legal arguments for the Moot Court project. Each writing assignment is weighted equally. You will be graded based on the thoroughness of your response and understanding of the subject matter. Writing assignments should be approximately two (2) double-spaced pages in Times or Times New Roman font.

- **Word Count Requirement: Minimum word count for each Weekly Short Writing Assignment is 600 words.**

3. **Moot Court Student Legal Brief (100 points):** A legal brief is a summary of a legal case. It consists of a 1) the name and date of the case, 2) a statement of facts, 3) issue, 4) rule from the court, 5) analysis, and 6) conclusion. A brief may also contain a summary of the concurring or dissenting opinions offered by particular judges in a case. Additional materials will be posted in the Week 5 Course Module that provide instructions on writing a brief. The Moot Court Brief will be due on

- **November 20, 2018. Format Requirement: The Moot Court Brief will be one (1) single-spaced page Times or Times New Roman font with one (1) inch margins.**

4. **Moot Court Project (100 points):** The goal of the Moot Court Final Project is to provide students an opportunity to develop team building, public speaking, and critical reading and analysis skills. Participation in the Moot Court Project is mandatory. All students will share in the same group grade. A copy of the scoring rubric used by judges in the Moot Court Project will be provided to students in advance. Moot Court will be held in December, date and location to be determined.

TOTAL: 400 Points

Breakdown

A+	100 %	to 97.0%
A	< 97.0 %	to 94.0%
A-	< 94.0 %	to 90.0%
B+	< 90.0 %	to 87.0%
B	< 87.0 %	to 84.0%
B-	< 84.0 %	to 80.0%
C+	< 80.0 %	to 77.0%
C	< 77.0 %	to 74.0%
C-	< 74.0 %	to 70.0%
F	< 70.0 %	to 0.0%

Course Policies

Academic Honesty and Plagiarism Policy

This is a college-level course. Students are required to cite and reference the reading sources provided through the course or any outside sources referenced in student Weekly Short Writing Assignments. When you fail to cite your sources, or when you cite them inadequately, you commit plagiarism. Plagiarism is defined as the act of either intentionally OR unintentionally submitting work that was written by someone else. If you turn in a paper that was written by someone else, or if you turn in a paper in which you have copied material from any source without citing that source, you are guilty of plagiarizing. Please observe the following general rules:

1. You may refer to outside sources.
2. Citation in either the American Psychological Association (APA) or Modern Language Association (MLA) style is acceptable. If you need additional information on citation, please contact me.
3. DO NOT CUT AND PASTE material from outside sources and use them as your own words.
4. Write your assignments using your own words. Using your own words allows you the best opportunity to process legal concepts and improve your writing.

If you have any questions, or need clarification on any issue, please let me know.

Late and/or Missed Assignment Policy

STUDENTS SHOULD MAKE EVERY EFFORT POSSIBLE TO PROVIDE ADVANCED NOTICE OF AN ABSENCE AND/OR MISSED ASSIGNMENT.

Late assignments will be accepted without penalty only with instructor consent AND if you present a valid excuse. Extensions for late and/or missed assignments require a written, verifiable excuse from a physician, police officer, judge, coach, or other appropriate, responsible party. Otherwise, late assignments will be penalized for each day they are late, and specific assignments may have limits as to how late they will be accepted.

Contact me if you experience any technology glitches that prevent you from completing an assignment. Please be assured that you will not be penalized for any computer problems. The goal of this class is to increase your substantive knowledge on the topic, not to create more computer anxiety in your life.

If at any time during the semester there is something in your life which is affecting your ability to complete assignments or participate in required meetings, please feel free to speak with me through email or phone.

The final deadline for submission of all class assignments is December 15, 2017.

Institutional Policies

Student Conduct

Students are subject to disciplinary action for several types of misconduct or attempted misconduct, including but not limited to dishonesty, such as cheating, multiple submission, plagiarism, or knowingly furnishing false information to the University; or theft or misuse of the intellectual property of others or violation of others' copyrights. Students are encouraged to familiarize themselves with policy provisions which proscribe these and other forms of misconduct at: <https://www.uclaextension.edu/pages/str/studentConduct.jsp>

Services for Students with Disabilities

In accordance with the Americans with Disabilities Act of 1990, UCLA Extension provides appropriate accommodations and support services to qualified applicants and students with disabilities. These include, but are not limited to, auxiliary aids/services such as sign language interpreters, assistive listening devices for hearing-impaired individuals, extended time for and proctoring of exams, and registration assistance. Accommodations and types of support services vary and are specifically designed to meet the disability-related needs of each student based on current, verifiable medical documentation. Arrangements for auxiliary aids/services are available only through UCLA Extension's Office for Students with Disabilities at (310) 825-0183 or by email at access@uclaextension.edu. For complete information see: <https://www.uclaextension.edu/pages/str/studentswithDisabilities.jsp>

Incompletes

Your instructor may post the interim grade *Incomplete/I* if at the end of the class your overall work is of passing quality but a portion could not be submitted for understandable reasons (e.g. illness). It is your responsibility to petition your instructor for permission to submit work late and to provide an explanation, and it is his or her sole decision whether to accept the explanation. If permitted, the *Incomplete/I* grade will be posted and a time frame defined for you to submit the missing work, ranging from one to twelve weeks. *Incomplete/I* grades that remain unchanged after twelve weeks will lapse to *F*, *NP* or *U*. Receiving an *I* grade entitles you to submit only the missing work your instructor has agreed to accept late, and does not allow other work to be retaken or oblige UCLA Extension to provide continuing access to course materials via Canvas. The *Incomplete/I* grade is not an option for courses that do not bear credit, such as 700, 800, or 900-level courses. For complete information, see: <https://www.uclaextension.edu/pages/str/grading.jsp>

All Grades are Final

No change of grade may be made by anyone other than the instructor, and then, only to correct clerical errors. No term grade except Incomplete may be revised by re-examination. The correction of a clerical error may be authorized only by the instructor of record communicating directly with personnel of Student and Alumni Services.

Sexual Harassment

The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates our policy.

All Extension students and instructors who believe they have been sexually harassed are encouraged to contact the Department of Student and Alumni Services for complaint resolution: UCLA Extension, Suite 113, 10995 Le Conte Ave., Westwood; Voice/TTY: (310) 825-7031. View the University's full Policy on Sexual Harassment and Sexual Violence at <http://policy.ucop.edu/doc/4000385/SHSV>.

Additional Items

About Your Online Course Materials

Please note the following about online course components at UCLA Extension:

- Students must have basic computer skills, including the use of word processing software, email, and the ability to use internet browsers, such as Safari, Firefox, or Chrome.
- Students are responsible for meeting the technical requirements of Canvas and familiarizing themselves with the Canvas Learning Management System.
 - What are the basic computer specifications for Canvas? <https://guides.instructure.com/m/4214/1/82542-what-are-the-basic-computer-specifications-for-canvas>
 - Which browsers does Canvas support? <http://guides.instructure.com/s/2204/m/4214/1/41056-which-browsers-does-canvas-support>
- Students are responsible for keeping a copy of all assignments and work submitted, and to be aware of all assignments, due dates, and course guidelines.
- Students are encouraged to keep and/or download a local copy of their assignment files, as **access to the online environment of a specific course is limited to 30 days after the final course date**, as listed in the course catalog.

If you need assistance downloading student materials from your course, please contact Canvas Support or the Office of Instructional Enhancement.

UCLA Extension Enhanced Support

Email: support@unexonline.zendesk.com

Phone: Toll-free at (866) 269-7289 (US only) or (310) 206-4563.

Monday - Friday, 7am to 6pm (Pacific Time).

Website: <http://support.uclaextension.edu>

The UCLA Extension course management team assists both students and instructors with Canvas-related technical support, as well as general administrative questions.

For additional support on using Canvas or addressing a technical issue:

Click on the "Help" button on the lower left corner of the screen from within the Canvas system, where you can chat live with a technical support agent or submit a ticket for assistance.

Campus Safety Escorts

For students taking classes held on the UCLA campus and in and around Westwood Village, the UCLA Police Department provides a free walking escort service every day of the year from dusk until 1 a.m. Community Service Officers (CSOs) are available to walk students, faculty, staff members and visitors to and from anywhere on campus, in Westwood Village, and in the village apartments. CSOs are uniformed students who have received special training and are employed by the UCLA Police Department. To obtain an escort, please call (310) 794-9255 and allow 15 to 20 minutes for your escort to arrive. For complete information, see: <https://www.ucpd.ucla.edu/services/community-service-officers-csos/evening-escorts>

Schedule

Course calendar and related activities

When	Topic	Notes
Module 1 10/3-10/9	History of Federal Indian Policy; The Federal Trust Responsibility; The Marshall Trilogy & the Creation of Indian Law	Examine relationship between Indian Nations and European Nations; Understand critical periods in federal-tribal relations, including the impacts of the Removal Era, the Allotment Era, the Merriam Report and the IRA, and Termination; Review the Self-Determination Era and how it has shaped existing Tribal Governments (including ICWA and other significant developments favoring tribal self-determination and political autonomy); Define the federal trust responsibility and examine the cases that comprise the Marshall Trilogy Study the impact of the Marshall Trilogy on Indian Nations. Read: Course syllabus and Succeeding in an Online Class under Module 1. Read: Excerpt from <i>The Rights of Indians and Tribes</i> by Stephen L. Pevar; Federal Indian Policy Timeline; and DOI FAQ all included under Module 1. Due: Personal Introduction Statement and Module 1 Reading Review (800 words) (80 points)
Module 2 10/10-10/16	Types of “Indian Law” – Tribal, State, and Federal Frameworks; Tribal Political Organization Tradition, Custom & Tribal Courts	Develop an understanding of the three types of law that form “Indian law,” how each is distinct, and the history of their relationship to each other in the legal context; Formulate an overview of tribal government, the history of tribal court systems, and the legal structure of tribal courts; Develop cursory understanding of the role of tribal tradition and custom and its role in alternative dispute resolution; Define tribal sovereignty in its historical and modern applications. Read: Module 2 / Week 2 Lecture. Watch: <i>Understanding Native American Sovereignty, Sycuan Tribe.</i> Read: <i>Nutshell Chapter 4, Organization of Tribes; Tribal Constitutions and Chapter 5, Indian Tribal Sovereignty.</i> Read: <i>Tribal Nations and the United States, National Congress of American Indians.</i> Due: Module 2 Weekly Short Writing Assignment (600 words) (20 points)

Course calendar and related activities

When	Topic	Notes
Module 3 10/17-10/23	Criminal & Civil Jurisdiction in Indian Country	Develop knowledge of how criminal and civil jurisdiction applies in Indian County; Survey the historical and political influences that have shaped the present structure of jurisdiction; Understand major jurisdictional milestones like the General Crimes Act, Major Crimes Act, Parte Crow Dog. Read: Module 3 / Week 3 Lecture. Watch: "Protecting Native American Sovereignty," Tule River Department of Public Safety. Read: Riverside County Sheriff's Office, Public Law 83-280 An Introduction to a Federal Law Enacted in 1953. Read: State of California Administrative Office of the Courts, Public Law 280 Jurisdiction in California Indian Country and Jurisdiction Chart. Due: Module 3 Weekly Short Writing Assignment (600 words) (20 points).
Module 4 10/24-10/30	Jurisdiction Continued: Public Law 280	Analyze the application of state law to tribal legal matters; Understand the applicability of PL 280 in California and other states in which it applies; Understand the elements of a case; how to read and analyze a legal case. Read: Module 4 / Week 4 Lecture. Watch: Public Law 280 Overview, Larry Meyers (available on YouTube). Due: Module 4 Weekly Short Writing Assignment (600 words) (20 points).
Module 5 10/31-11/6	Modern Tribal Governments	Analyze a historic tribal court case, trace its impacts on a modern tribal government, and examine the ways it impacts tribal jurisdictional issues nationwide; Understand the elements of a case; how to read and analyze a legal case. Read: Short materials on how to brief a case and actual tribal law case, Bryan v. Itasca County (1976). Due: Moot Court Law Student Legal Brief (one page) (100 points)
Module 6 11/7-11/13	Introduction to Tribal Legal Analysis	Understand the elements of tribal legal analysis; Apply legal analysis principals to a tribal legal article or case. Read: Introduction to Legal Analysis readings (TBD). Read: A law review article or tribal court case (from a provided list). Due: Module 6 Weekly Short Writing Assignment where you will apply legal analysis to one of the court cases or law review articles included on a list provided by the instructor(600 words) (20 points).
Module 7 11/14-11/20	Introduction to Oral Advocacy	Examine principles and techniques of oral advocacy; Review legal arguments to be addressed in Moot Court oral argument. Read: Law review article on tribal legal advocacy (TBD). Due: Module 7 Weekly Short Writing Assignment (600 words) (20 points).
Module 8 11/21-11/27	Practice Oral Advocacy	Practice and rehearse arguments for Moot Court. Video conference calls with instructor to review status of argument. Due: Module 8 Short Weekly Writing Assignment which will be an outline of Moot Court legal argument and any questions related to the case or Moot Court Project. (600 words) (20 points).

Course calendar and related activities

When	Topic	Notes
Module 9 11/28- 12/9	Moot Court Project	Present Moot Court arguments on December 9, 2018.