

The Essentials of Indian Law –

Everything You Need to Know to Work in Indian Country

April 23-24, 2012 – Albuquerque, NM

CLASS ID: LW006ALBUQ

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HOW TO REGISTER

Phone: Call 1-800-992-4489, Monday-Friday, 9:00 a.m.-5:30 p.m. EST.

Fax: Complete the registration form and fax to 703-352-2323 anytime. Payment must be received at our office prior to the start of the session.

Mail: Return registration form and payment to:
Falmouth Institute
3702 Pender Dr., Suite 300
Fairfax, VA 22030.

Online: At www.falmouthinstitute.com

E-mail: info@falmouthinstitute.com

For complete registration policies, please visit www.falmouthinstitute.com or call 1-800-992-4489.

Advanced payment by credit card or check is required. Purchase orders do not constitute payment. Registrations must be received 10 business days before the class start date. After this date, registrations will be taken on a space-available basis and a \$25 late registration fee will be charged.

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This class is one of the requirements to earn your Indian Country Tribal Governance Certification. Visit www.falmouthinstitute.com or call 1-800-992-4489 for more information.



The Essentials of Indian Law

Everything You Need to Know to Work in Indian Country

April 23-24, 2012 • Albuquerque, NM

Participate in this class and learn what you've always wanted to know about:

- › The legal status of Indian tribes and tribal members
- › The evolving relationship between the federal government and tribes
- › Key legislation governing Indian affairs
- › Tribal vs. federal and state jurisdictions
- › Landmark case law impacting tribes
- › Rights of tribes and individuals
- › The development of Indian sovereignty

This class includes gaming legislation updates.



To register, visit www.falmouthinstitute.com or call 1-800-992-4489.



FALMOUTH INSTITUTE

The Essentials of Indian Law

Everything You Need to Know to Work in Indian Country

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This class is a must for elected officials and new tribal employees!

Thousands of treaties, statutes, judicial decisions and regulations affect everyday life in Indian Country. This popular course summarizes the essentials of Indian law. We'll answer questions such as: What is "sovereignty?" Can tribes be sued? Who has jurisdiction? Who must use the tribal court? What is the power of the tribal council? What are the impacts of federal agencies exercising control on Indian reservations?

During this class, you'll learn how to analyze jurisdictional issues

that arise in disputes among tribes and other governments or individuals. You'll also discover how federal laws and treaties impact Indian sovereignty and statutory and judicial laws at the tribal level. If you work for a tribal organization, you'll walk away with the knowledge needed to better understand its history and mission. If you work for a federal, state or local government agency, you'll learn how to work more effectively and develop positive relationships with tribes.

Receive a copy of *American Indian Law in a Nutshell*.

TOPICS INCLUDE

Sovereignty of Indian Tribes

- › Origins and development of sovereignty
- › Meaning of "sovereignty" and its limits
- › Sovereign immunity of tribes
- › Sovereignty and states

Plenary Power

- › Applications of federal law to Indian tribes
- › Sovereignty case law — *Inyo County v. Bishop Paiute Tribe*

Learn the implications of court cases involving tribal gaming, taxation, sovereignty and more in this class.

Federal-Tribal Relationship

- › The federal role
- › Cherokee cases
- › Movement to reservations
- › Allotment and assimilation efforts
- › Major Crimes Act
- › Indian Reorganization Act
- › Termination and relocation
- › P.L. 280

Function and Structure of Government

- › Universal function
- › Shaping the government
- › Three main functions of government
- › Types of governing structures
- › Constitutional forms of government

A History of Tribal Governments

- › Early tribal governments
- › Role of family
- › Role of law
- › Crow Dog — A traditional tribal government in action

Structure and Function of Tribal Government

- › Modern tribal constitutions
- › Constitutional limits to governing powers
- › Division of governing functions
- › Government sub-units
- › Charters

The Legislative Function in Tribal Government

- › Nature of law
- › Protection of cultural values
- › Ordinances
- › Resolutions
- › Writing effective ordinances
- › Lawmaking procedures:
 - › Debating
 - › Quorum
 - › Agenda
 - › Minutes
- › Role of committees

Tribal Membership and Enrollment Issues

- › Political significance of enrollment
- › Membership requirements
- › Disenrollment
- › Changing the base roll
- › Dual enrollment
- › Enrollment documents

The Judicial Function in Tribal Government

- › Judicial activity on the reservation
- › *Martinez* decision

Tribal Court

- › Types of tribal courts
- › Relationship between court and tribal government
- › Judicial process within a tribal court
- › Tribal judges
- › Appeals and judicial review
- › Separation of powers
- › Rules of statutory construction

The Executive Function in Tribal Government

- › Executive vs. administrative
- › Tribal officers
- › Chief executive
- › Administration
- › Organizational guidelines
- › Span of control
- › Career administrators
- › Merit selection

Roles of the Tribal Official in the 21st Century

- › Accountability
- › Self-interest
- › Interest groups
- › Elected vs. appointed officials
- › Decision-making strategies
- › Conflicting roles of the tribal official

Organizing for Economic Development on the Reservation

- › Powers held by the government
- › Delegating authority
- › Internal and external development
- › External operations of a venture
- › Choosing an organizational structure

Indian Country Jurisdiction

- › Civil and criminal jurisdictions

- › Defining "Indian Country"
- › Federal, state and tribal criminal jurisdictions
- › Federal, state and tribal civil jurisdictions
- › Courts of general and limited jurisdictions
- › Adjudicatory and regulatory jurisdictions
- › Jurisdiction case law

Indian Civil Rights Act

- › Rights that ICRA provides
- › *Santa Clara Pueblo v. Martinez*
- › Tribal court enforcement
- › Tribal sovereign immunity
- › Federal court enforcement

Gaming

- › Legal authority for gaming
- › Overview of the Indian Gaming Regulatory Act (IGRA)
- › Tribal-state gaming compacts
- › Role of the National Indian Gaming Commission (NIGC)
- › *California v. Cabazon Band of Mission Indians*
- › *CRIT — Colorado River Indian Tribes v. National Indian Gaming Commission*

Taxation in Indian Country

- › Federal taxation and exemptions
- › State taxation and exemptions (e.g. tax on Internet sales of cigarettes)
- › Tribal taxation
- › Tribal members vs. non-members
- › Taxation case law
- › *Sherrill v. Oneida*
- › *Cherokee v. Leavitt*

Topics subject to change.

ON-SITE TRAINING AND TECHNICAL ASSISTANCE

Falmouth can provide on-site training and technical assistance to help with all of your tribal Law needs. By providing customized answers to the issues and challenges your leadership faces, we'll be able to create solutions that increase your knowledge and strengthen your community

Looking to provide this information to your entire team? Bring this session or any combination of our other tribal law sessions right to your office. Spend less time on the

road, cut back on travel costs and give everyone the knowledge they need to succeed.

Our team is also able to provide technical assistance and hands-on support to help guide you through the complex legal challenges you're facing. Do you have questions about compliance and regulatory issues? Does your tribal council need strategic planning sessions? Are you facing jurisdiction or tax challenges? Are you considering making changes to your tribal constitution or bylaws?

Visit www.falmouthinstitute.com or call 1-800-992-4489 x119 for more information on our customized on-site training and technical assistance solutions.

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