

# AMERICAN INDIAN LAW PROGRAM

University of Colorado Law School



COLORADO LAW  
UNIVERSITY OF COLORADO LAW SCHOOL

[www.colorado.edu/law](http://www.colorado.edu/law)

## Why Indian Law?

The extent to which law pervades the lives of American Indians and tribes is unparalleled for any other group of Americans. It impacts every aspect of their lives.

Students who study American Indian law carry away an indelible impression of the ways in which the law and our legal system can affect people. And, Indian law is a convergence for almost everything else studied in law school—civil procedure, constitutional law, domestic relations, conflict of laws, treaties, and more.

It is enormously satisfying to practice in this field, where one can make a profound difference in the lives of both individuals and tribes. Moreover, it is a growth area. With the growth in population in many tribes, along with natural resource and renewable energy development and an increase in gaming enterprises, there is a larger demand for advisors, transactional lawyers, and litigators. As a result, many firms are starting Indian law practice groups.



Colorado is home to two American Indian tribes, the Southern Ute and the Ute Mountain Ute. More than 40 other tribes have ancestral ties to the state and more than 30,000 American Indians live within a 30-mile radius of the University of Colorado Law School. Given the many American Indians in the Denver-Boulder metropolitan area, and the tribes and groups in the Intermountain region, Colorado Law is ideally situated with easy access to Indian Country.

The American Indian Law Program had its genesis in 1973. Because of the school's central location and its strategic partnerships with organizations working on American Indian issues, the University of Colorado's American Indian Law Program provides a unique educational opportunity to work on law-related issues that impact American Indians. With the law school teaching Indian law for more than 30 years, numerous alumni have used their legal education and deep passion in this area to serve and advocate for tribes across the nation.



# American Indian Law Certificate

**Colorado Law** offers an American Indian Law Certificate demonstrating the completion of a concentrated course of study in the legal issues facing America's indigenous people and tribes. The certificate is attractive to legal, tribal, and governmental employers, as well as to employers seeking to do business with tribes and tribal members. The program is supported by the long-standing American Indian Law Program Advisory Committee, which is comprised of representatives from the Colorado Law alumni Indian law practitioners, the Native American Rights Fund, local Indian law firms, and government and private agencies serving Colorado's American Indian community. The certificate can be completed within the normal three-year law degree program if a student takes either a summer session of law school, or a slightly heavier than average course load in each semester after the first year of study.

Certificate requirements include at least 95 credit hours (89 credit hours are required for the Juris Doctorate), with at least 18 of the 95 credit hours in designated Indian law and related courses.

American Indian Law Certificate required courses are:

- American Indian Law I and II
- American Indian Law Clinic

The remaining required credits may be earned from the following Indian law courses:

- Advanced American Indian Law Seminar
- Jurisdiction in Indian Country
- Externship or research assistantship with American Indian law focus
- By competing in the National Native American Law Students Association Moot Court Competition
- Independent legal research project on a topic of federal Indian law or tribal law
- An American Indian law course at another law school on a topic not otherwise offered at Colorado Law



Remaining credits for the certificate may also be earned from the following courses, which contain significant coverage of American Indian law topics:

- Advanced Natural Resources Law Seminar
- Cultural Property Law
- Foundations of Natural Resources Law and Policy
- Public Land Law
- North American Indian Acculturation (offered by the School of Anthropology)

A student may take more than the required 18 credit hours of Indian law courses for the certificate. However, the Juris Doctorate degree requires that a student earn at least 73 credit hours from courses outside of the American Indian law courses.





## *Real World Experience While in Law School*

### **The American Indian Law Clinic**

One of the first of its kind in the United States, the American Indian Law Clinic is an experiential learning course that gives students the opportunity to practice Indian law while still in law school. For more than two decades, the clinic has provided quality legal representation to low-income clients with specific Indian law-related problems. Student attorneys appear at both Colorado trial and appellate courts on behalf of their clients. They conduct tribal community legal education projects on reservations in the Rocky Mountain region. Student attorneys also provide valuable legal research and writing assistance to tribal councils and tribal courts. Amicus briefs have been drafted by clinic students and submitted in appellate cases, including before the United States Supreme Court.

The types of legal assistance provided by student attorneys include:

- Preservation of American Indian lands and cultural resources
- Preservation of tribal identity
- Child welfare matters governed by the federal Indian Child Welfare Act (ICWA)
- Religious exercise and American Indian prisoner rights
- Tribal court support
- Tribal governance enhancement, including drafting of codes and regulations

Students receive classroom instruction regarding issues of federal Indian law; the law of a particular tribe related to clinic projects; and the legal relationship between tribes, the federal government, and the states. Students also develop practice skills through litigation writing and simulation exercises, including a mock jury trial with an Indian law focus.

### **Externships, Scholarships, and Career Opportunities**

Colorado enjoys a collegial Indian law bar that actively supports Indian law students. Every year, the Colorado Indian Bar Association funds a scholarship for Colorado Law students. The American Indian Law Program coordinates with many local American



*Colorado Law students participate in an American Indian Law Mock Trial.*

Indian organizations and law firms to provide students with additional experiential learning and career opportunities. Partners of the program include:

- American Indian College Fund
- Colorado Indian Bar Association
- Council of Energy Resources Tribes
- Denver Indian Center
- Denver Indian Family Resource Center
- Intertribal Council on Utility Policy
- National Indian Law Library
- Native American Fish & Wildlife Society
- National American Indian Court Judges Association
- Native American Rights Fund
- Tribal Governments and Courts
- U.S. Environmental Protection Agency Tribal Programs
- Local law firms with Indian law practices

Colorado Law's Career Development Office has developed and maintains a *Guide to Careers in American Indian Law* and works personally with each student throughout the law school years to secure rewarding Indian law positions in both the private and public sector.

## Indian Law Community at Colorado Law

### Student Association

One of the distinct strengths of Colorado Law's American Indian Law Program is our close supportive community. Colorado Law's very active Native American Law Students Association (NALSA) is open to American Indian, Alaska Native, and Native Hawaiian law students, as well as non-Indian students interested in federal Indian law and American Indian issues.

Through regular meetings and social events, NALSA provides a welcoming atmosphere for new students. The association promotes an awareness of American Indian legal concerns by hosting on-campus workshops and events conducted by leading Indian law scholars and practitioners. NALSA has facilitated visits by the Navajo Nation Supreme Court and Peacemakers Court during which the courts held proceedings at the law school. NALSA connects students to the national Indian law community by participating in and hosting the annual National NALSA Moot Court competition. NALSA alumni are helpful resources for career development and support as well.

### Indian Law Events

Colorado Law regularly hosts conferences and symposia that bring to campus leading Indian law scholars and practitioners. Recent events include a Native Americans, Race, and the Constitution Conference; American Indian Boarding School Healing Symposium; and a book signing and talk by Professor Frank Pommersheim concerning his work *Broken Landscape: Indian Tribes and the Constitution*. Colorado law faculty are frequent presenters at the annual Federal Bar Indian Law Conference, which is attended by more than 700 Indian law practitioners, scholars, and tribal court judges.

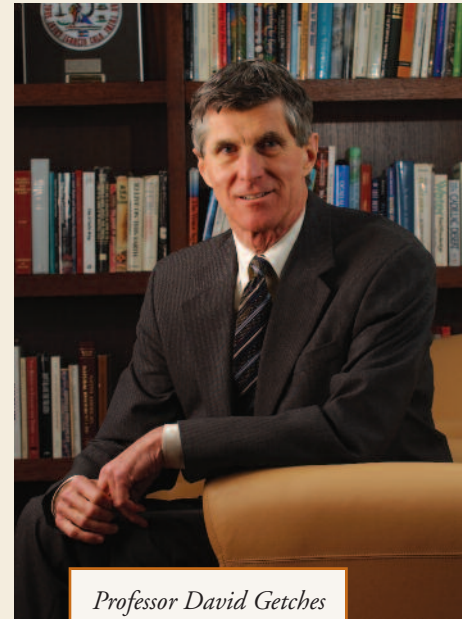


*Navajo Nation Peacemaking Mock Session at Colorado Law*

## Experienced Faculty Built Colorado Law's American Indian Law Program

**Colorado Law** has more professors teaching American Indian law than any other law school in the country. The practice experience of the program's faculty is among the deepest in academia. Their contributions go well beyond their scholarly and education work.

**Professor David Getches**, former dean of the Law School, left a large law firm practice in 1968 to open the first California Indian Legal Services field office in Escondido, working with over 20 tribes. As founding director of the Native American Rights Fund, he built that non-profit law firm, raising funds and hiring attorneys. He also litigated many cases including a major American Indian treaty fishing rights case in Washington State and a case that established the North Slope Borough in Alaska under Inupiat Eskimo control, the largest municipality in the nation. He joined the faculty in 1979 and is co-author of the leading American Indian law casebook, *Federal Indian Law*. A former director of the Colorado Department of Natural Resources, he is also a recognized expert in the fields of natural resources and water law. He recently published new editions of *Water Resource Management: A Casebook in Law* and *Public Policy and Law in a Nutshell: Water Law*.



*Professor David Getches*

**Professor Charles Wilkinson** is considered the leading expert on the law of the American West, its history, and its society. He is the author of 13 books, including *Federal Indian Law*, the standard law texts on federal public land, and books written for a broader audience. Joining the faculty in 1987, he teaches American Indian and natural resources law. He practiced law with the Native American Rights Fund and has advised the U.S. Departments of Interior, Agriculture, and Justice. He drafted and lobbied for legislation restoring the Menominee and other tribes' federally recognized status reversing the pernicious policy of termination.

**Professor Richard Collins** teaches American Indian law courses and seminars as well as foundational courses in property and constitutional law. He represented American Indians and tribes while working for the California Indian Legal Services, DNA-People's Legal Services on the Navajo reservation, and the Native American Rights Fund. He has argued several landmark cases before the U.S. Supreme Court, including *McClanahan v. Arizona Tax Commission*. He began teaching at Colorado Law in 1982.



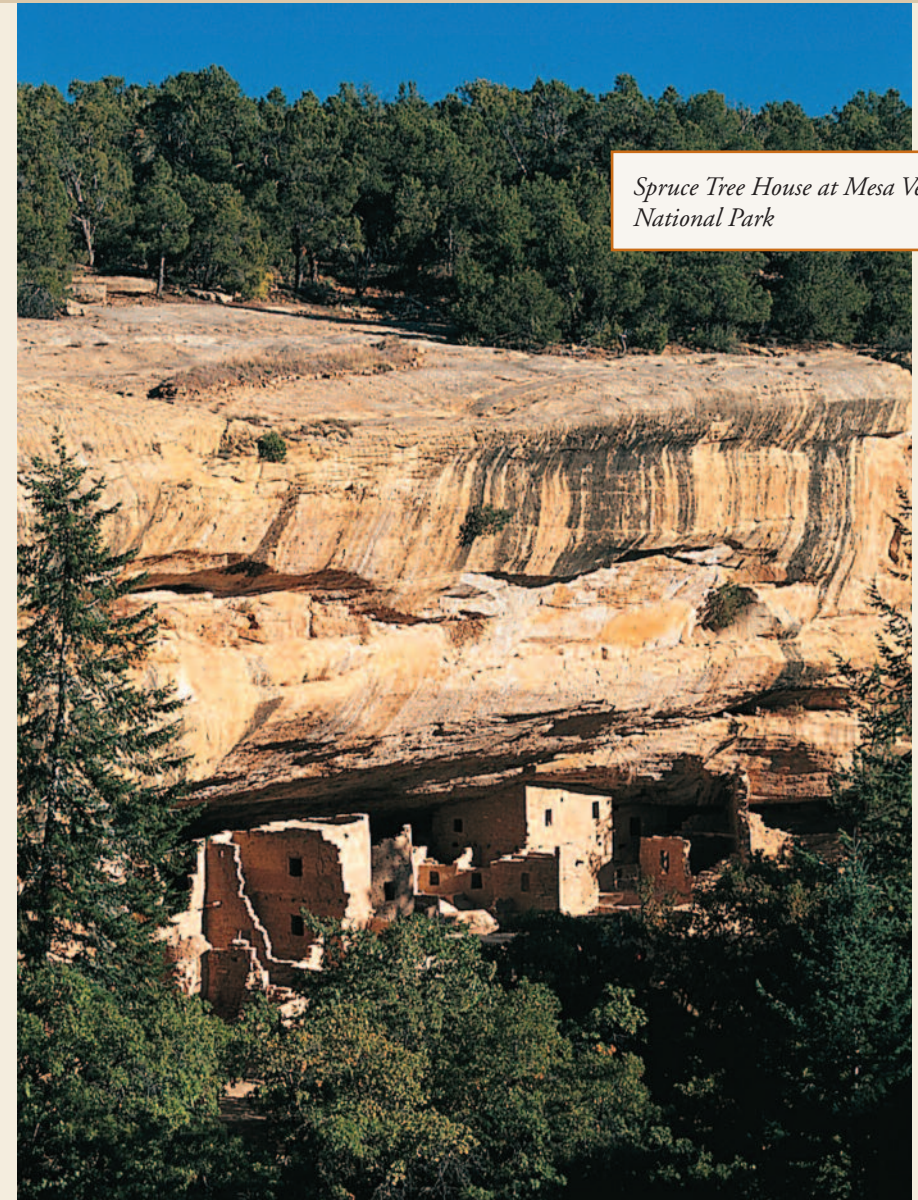
## Faculty

**Professor Sarah Krakoff** worked as the Youth Law Project director for DNA-People's Legal Services on the Navajo Nation, successfully litigating two class action discrimination cases in federal court on behalf of American Indian schoolchildren. In 1996 she started at the law school as director of the American Indian Law Clinic before becoming an associate professor, where she teaches American Indian law and civil procedure. She is the co-author of *American Indian Law: Cases and Commentary*, an expert on tribal jurisdiction and frequent speaker/pro bono consultant on Indian Law issues.

**Associate Professor Kristen A. Carpenter** devotes her teaching and scholarship to property, cultural property, and American Indian law. Her research examines the real property interests of Indian nations, as well as issues of culture, religion, language, and interpretation. Professor Carpenter's current works in progress include books on cultural property law, Cherokee treaties, and the Indian Civil Rights Act. Before entering academia, Professor Carpenter clerked for the Honorable John C. Porfilio on the U.S. Court of Appeals for the 10th Circuit and then practiced at Hill & Barlow, P.C., in Boston. She has also worked at the Mashantucket Pequot Tribal Nation's Office of Legal Counsel and private Indian law firms in Colorado and Alaska. Professor Carpenter was an associate professor at University of Denver Sturm College of Law and Suffolk University School of Law before joining the Colorado Law faculty in 2009.

**Clinical Professor Jill E. Tompkins**, an enrolled member of the Penobscot Indian Nation, is the director of the American Indian Law Program and teaches the American Indian Law Clinic course. As a nationally recognized expert on the federal Indian Child Welfare Act, she advises and trains both state and tribal child welfare system personnel throughout the country on its implementation. She joined the faculty in 2001 after years of serving as a tribal judge at both the trial and appellate levels for four different tribal justice systems. She continues to serve as a tribal appellate justice, is past president of the National American Indian Court Judges Association, and has taught tribal court-related courses at the National Tribal Judicial College. She coaches the Colorado Law student teams for the annual National Native American Law Students Moot Court Competition.

**Adjunct Professor of Law Troy Eid** served by presidential appointment as the United States Attorney for the District of Colorado from 2006 to 2009. He is a member of the Denver law firm Greenberg Traurig, where his litigation practice focuses on environmental law, energy, and natural resources. As chair of his firm's American Indian Law/Native Affairs Practice Group, Professor Eid represents Indian tribes and enterprises doing business with them. He has substantial litigation experience in complex civil cases. This includes serving as the lead counsel to the world's biggest corporation in the largest environmental enforcement action ever undertaken by the U.S. government under the storm-water provisions of the Clean Water Act. In 2011 he was appointed by President Obama to the Tribal Law and Order Commission and was elected as its chair. Professor Eid teaches Jurisdiction in Indian Country.



*Spruce Tree House at Mesa Verde National Park*

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