

Course Syllabus

Winter/Spring Quarter 2021



Tribal Court Public Defense Clinic, E529AB 2020 – 2021

Winter & Spring Quarter
Court/Client Days: W 3:30 pm - 5:20 pm
Winter and Spring, Mondays and/or Tuesdays

Clinic Director: Prof. Brenda Williams
Dir. Parent Advocacy Project: Prof. Stacey Lara
Staff Attorney: Maya Titova
Staff Attorney: Renee Ambacher

I. COURSE DESCRIPTION

The Tribal Court Public Defense Clinic provides a comprehensive learning experience utilizing a comparative framework for law students interested in client advocacy, while learning about Tribal justice systems. The Tribal Clinic is a three-quarter class with four credits per quarter, awarded upon successful completion of the academic year. Students in the Clinic will practice centering the Tribal perspective, while studying criminal and child welfare law within the framework of modern Tribal court systems. This Course incorporates JD, MJ and MSW students into the multidisciplinary defense team.

II. CLINIC PROCESSES, IN LIGHT OF THE PANDEMIC

The Tribal Clinic is always structured so that fall quarter is doctrinal, with a brief introduction to the two types of caseloads near the end of the quarter. For fall 2020, course instruction will occur completely online, with twice weekly sessions on Mondays and Wednesdays from 3:30 – 5: 20pm.

Winter and spring are traditionally the quarters Tribal Clinic students practice in the Tribal Courts on either the criminal track or on legal issues and with clients on the child welfare track. At present, Tribal Court for both the Tulalip and Muckleshoot Tribes is 100% virtual either by Gotomeeting or by way of phone hearings.

Tulalip has not yet held its first in person jury trial post pandemic. It is expected it will resume at some point, but we presume it will not resume by the start of winter quarter. It is likely no jury trials will be held during the 2020-21 academic year. Motions, including drafting and oral argument on legal issues will be conducted remotely, so students may have the opportunity to argue issues remotely. Clinic students will have the opportunity to conduct virtual arraignment hearings and virtual pre-trial hearings if on the criminal track, as the Court has continuously held those by Gotomeeting since the start of the pandemic. In custody client contact for the criminal track is 100% by phone at present, so no jail visits in person even though student caseload includes in custody clients.

Muckleshoot students will meet with clients (parents and/or youth) virtually (phone or video) and conduct research on legal issues for drafting legal memos and/or motions, while having the opportunity to observe court hearings that are only held telephonically at present. Students will also have the opportunity to advocate on behalf of clients in meetings with representatives of Muckleshoot Children and Family Services, and Muckleshoot and community service providers. This advocacy allows students to advocate for clients, with an emphasis on the client-centered goal of family reunification. Muckleshoot students may also have the opportunity to work on projects that address systemic issues in child welfare in the community.

In past years Tribal Clinic students have visited Navajo, Acoma and Hopi Courts during spring quarter. This is physically impossible for the upcoming academic year, given the pandemic in our respective communities and the particular impact of the pandemic on the Navajo Nation and other Tribal communities. As the year progresses, we will explore virtual opportunities to incorporate comparative tribal court studies.

III. Course Resources

Our aim is to provide all reading materials for the academic year electronically and free of charge to students. If you require paper copies or in another format, please don't hesitate to email us privately so that we can make arrangements.

A. Required Texts

In addition to the course syllabus, course materials will be available electronically on the course Canvas page for students to access the selected readings for the course. See the syllabus portion below for specific materials and links.

B. Course Website

IV. COURSE OBJECTIVES

The course objective is to provide specialized training for law students in the nuances of tribal court legal practice by utilizing lectures, interactive classroom discussion and case study, and actual client representation in interdisciplinary teams in tribal court. By developing the ability to represent tribal members in Tribal court systems, students will learn to consider the unique needs of their clients while zealously defending their legal interests in a unique setting, not unlike the myriad of courts students will encounter in a general practice following graduation.

In the early part of the course, we will immerse ourselves in resources that orient students toward thinking about and understanding Coast Salish Tribal culture and Tribal traditions, with an emphasis on Tribal perspectives on Federal Indian treaties and the companion Federal Indian Laws that frame Federal Tribal relations. Subsequently, as the course turns toward the legal foundations for Tribal Court representation, we will emphasize Tribal Constitutions/Bylaws & Tribal Codes, while analyzing the applicable Federal laws -- Major Crimes Act, Indian Child Welfare Act and the Indian Civil Rights Act, that underly many cases litigated in Tribal Courts.

V. LEARNING OBJECTIVES

This course will help students in the knowledge, skills, and values areas described below. They will:

- A. Understand the impact federal Indian law polices had on local Tribes including on life prior to treaties, the shift to reservation life, boarding schools, treaty rights as perpetual interests and language preservation;
- B. Demonstrate competency when representing clients regarding the historic development of tribal court systems within the U.S. legal system;
- C. Develop the intellectual framework for understanding tribal court systems and how they interact with the U.S. legal system in order to effectively advocate;
- D. Locate, analyze and utilize tribal case law;
- E. Analyze, understand, and articulate arguments supporting the interests of clients within the context of tribal sovereignty and the Indian Civil Rights Act;
- F. Organize and develop comprehensive case strategies to represent clients charged with violating tribal law;
- G. Collaborate in teams to gain a more complete understanding of the client's needs, and how those needs perpetuate entrenchment in Court systems;
- H. Practice litigation skills, including research, memo and motion drafting, and representing client interests at service provider meetings;
- I. Practice courtroom skills including researching and drafting legal memos, arguing the client's position to the court and representing the client's interest before a jury;
- J. Conceptualize alternate strategies as part of the defense team, utilizing interdisciplinary components for the representation of the client's interests;
- K. Practice communicating those strategies to the client;
- L. Understand the client's stated interests and incorporate the client's interest into the scope of the legal representation;

- M. Negotiate client's position with opposing counsel to achieve the client's objective;
- N. Diligently maintain responsible communication with the client and Faculty; and
- O. Demonstrate honesty, diligence, reliability, and ethical conduct.

VI. Legal Advocacy:

Clinic students will practice in one of two specialty areas: Criminal law primarily in the Tulalip Tribal Court or Child Welfare law primarily in the Muckleshoot Tribal Court.

Tulalip Tribal Court Caseloads:

Students represent multiple clients while working in the Tulalip Tribal Court under the supervision of Professor Williams. Clients are charged with criminal offenses by the Tulalip Tribes and students represent defendants at all stages of criminal proceedings, from arraignment through jury trial and sometimes on appeal.

Muckleshoot Tribal Court Caseloads:

Child welfare clinical students will work under the supervision of Professor Lara, in the representation of parents, youth, and interveners in civil child welfare cases brought in Muckleshoot Tribal Court. Participating students will learn about the Indian Child Welfare Act and child welfare proceedings in the tribal court system. In the course of this representation, students will gain an understanding of Muckleshoot tribal values and priorities with respect to youth in need of care.

VII. COURSE FORMAT

A. Fall Quarter

Fall quarter class sessions occur Mondays and Wednesdays. The methods of instruction consist of lecture followed by discussion of the assigned reading materials. As the clinic year progresses, students will begin to analyze cases, first with a hypothetical client then transition to cases involving current clients. Faculty will assign students teams and apportion cases to the teams. **Students in the Tulalip track must take and pass the Tulalip Bar Exam before the start of Winter Quarter.**

B. Winter Quarter

Class sessions are Wednesdays only during winter and spring quarter. As winter quarter begins, students will continue their work in teams. Teams present detailed case analyses during every class meeting. Student teams meet weekly with their team leader for case analysis and review. Our substantive study will transition to a comparative approach to tribal law. In addition to actively working the Tulalip caseload, students will study the Navajo justice system. As noted above, due to the pandemic the Clinic will not be offering a trip to Navajo, Acoma and Hopi this academic year. The class will, however, incorporate a comparative framework to our discussions, allowing students to explore how these systems have been affected, to varying degrees, by the imposition of a non-traditional adversary approach.

C. Spring Quarter

In the spring quarter, students will transition to more responsibility in case preparation and client contact. While supervised by their faculty member, students will lead team meetings, identify next steps, and problem-solve client issues. At Tulalip, students will represent their clients at all stages of the court process. At Muckleshoot, students will be taking the lead on briefing, identifying issues impacting the reunification of their clients' families, and advocacy outside the courtroom.

VIII. COURSE REQUIREMENTS, GRADING & EXPERIENTIAL LEARNING

The Tribal Court Public Defense Clinic is an experiential course that complies with the American Bar Association's Experiential Learning requirement. Students enrolled in this clinic receive 12 quarter hour credits of experiential learning (4 per quarter). A student must complete all 3 quarters in order to satisfy the Experiential Learning Requirement of ABA Standard 303, which requires a minimum of 9 quarter credits. **Students have a duty to enroll for the Clinic each quarter it is offered. Students may not enroll in a separate course scheduled to meet at the same time as the Tribal Clinic lecture/class sessions.**

Credit for this course is based upon class participation, attendance, weekly team meetings, client advocacy, and court practice.

A. Class Participation & Attendance

This class is a graduate level course and students should be actively involved in the direction and focus of the class. It is essential that students attend class and participate on a consistent basis in order to receive a passing grade. Students must attend a minimum of 80% of the class sessions. Attendance includes the weekly team meetings during winter and spring quarters, court participation, and class attendance. This is a firm policy. Attendance will be taken. Fall quarter class zoom meetings are twice weekly, Mondays and Wednesdays 3:30 p.m. – 5:20 p.m. Winter and spring quarter class sessions are once weekly on Wednesdays.

B. Court Calendar - *Fall Quarter* – **One required court observation** fall Quarter. Observation to occur for Tulalip by Gotomeeting and for Muckleshoot by phone.

C. *Winter & Spring Quarters*

1. Court sessions:

Tulalip Court sessions on Mondays and Tuesdays will be by Gotomeeting.

To appear by video, use below link.

<https://global.gotomeeting.com/join/300671213>

You can also dial in using your phone.

United States: **Access Code:**

300-671-213#

Muckleshoot on Tuesdays by phone.

2. Class sessions:

Class sessions are once weekly spring quarter, Wednesdays from 3:30 – 5:20 pm by Zoom.

3. Defense Team meetings:

Student teams will meet virtually weekly, with their assigned faculty member (Team meetings are in addition to the once weekly class session and court obligations).

4. Court Calendars

a. Tulalip

Minimum two required court calendars per month at Tulalip.

b. Muckleshoot

1) Required one court day per month at Muckleshoot (court days are Tuesdays);

2) Required two client home/community visits with faculty member per quarter (these may be remote); AND

3) Required research and/or memo/brief drafting into one issue related to client advocacy at Muckleshoot per quarter.

IX. ACCESS AND ACCOMMODATIONS

Your experience in this class is important to us.

- A. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to us at your earliest convenience so we can discuss your needs in this course.
- B. If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations you are welcome to contact DRS at 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, course faculty and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

X. RELIGIOUS ACCOMODATIONS

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at Faculty Syllabus Guidelines and Resources. Accommodations must be requested within the first two weeks of this course using the Religious Accommodations Request form available at <https://registrar.washington.edu/students/religious-accommodations-request/>.

XI. ACADEMIC INTEGRITY

The University takes academic integrity very seriously. Behaving with integrity is part of our responsibility to our shared learning community. If you're uncertain about if something is academic misconduct, ask me. I am willing to discuss questions you might have.

Acts of academic misconduct may include but are not limited to:

- Plagiarism (representing the work of others as your own without giving appropriate credit to the original author(s))

Concerns about these or other behaviors prohibited by the Student Conduct Code will be referred for investigation and adjudication by (include information for specific campus office).

Students found to have engaged in academic misconduct may not receive credit for the course (or other possible outcome).

READINGS AND LECTURES Winter and Spring 2020

Class	Topic and Reading
1 - Wed. Jan. 6	Indian Law and Tribal Research <ul style="list-style-type: none"> • Guest Speaker: Mary Whisner Accessing client confidential files, Clio and Email review <ul style="list-style-type: none"> • Case Presentation Form
2 - Wed. Jan. 13	Involuntary Treatment and Working with People in Mental Health Crises <ul style="list-style-type: none"> • Guest Speaker: Brian Austin, Snohomish County Crisis Services • See Canvas for reading materials for this class session Q and A for accessing Client files, Clio and general procedures Case Presentations by Teams <ul style="list-style-type: none"> • Case Presentation Form (Time permitting)
3 - Wed. Jan. 20	Best practices for working with individuals living in addiction <ul style="list-style-type: none"> • Guest Speaker: Julia Joyce, CDP, Muckleshoot Behavioral Health • See Canvas for reading materials for this class session Case Presentations by Teams Case Presentation Form (Time permitting)
4 – Wed. Jan. 27	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
5 – Wed. Feb. 3	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
6 – Wed. Feb. 10	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot

	<ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
7 – Wed. Feb. 17	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
8 – Wed. Feb. 24	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
9 – Wed. Mar. 3	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
10 – Wed. Mar. 10	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form Joint closing – 20 minutes
Week of Mar. 15-19, 2021	Finals
Week of Mar. 22-26, 2021	Spring Break Week

X. Syllabus - Spring Quarter 2019:

READINGS AND LECTURES

Class	Topic and Reading
1 - Wed. Mar. 31	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes

2 – Wed. Apr. 7	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
3 – Wed. Apr. 14	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
4 – Wed. Apr. 21	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
5 – Wed Apr. 28	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
6 – Wed. May 5	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
7 – Wed. May 12	Tulalip and Muckleshoot Joint session – 30 minutes joint Break-out sessions - 50 minutes Tulalip <ul style="list-style-type: none"> • Tulalip Case Presentation Form Muckleshoot <ul style="list-style-type: none"> • Muckleshoot Case Presentation form • Joint closing – 20 minutes
8 – Wed. May 19	Last Class & Final Case Presentation Class Potluck
Week of May 24-28	Spring Quarter Finals

