

PUBLIC LAW – 280 & Jurisdiction in Indian Country

The intended audience for this curriculum is California's state court judicial officers and attorneys.

Competencies

C.1: The participant develops an understanding of the jurisdictional landscape existing in California Indian country relating to both criminal and civil jurisdiction.

C.2: The participant develops an understanding of the how these issues may affect the ability of Native Americans to achieve adequate access to justice in various case types.

Learning Objectives:

Knowledge

K.1: The participant understands the historical experiences of California Indians.

K.2: The participant understands what tribal sovereignty means both from a legal perspective and tribal cultural perspective.

K.3: The participant understands the rules related to tribal, federal and state regulatory and adjudicatory jurisdiction in Indian country

K.4: The participant understands the effect of Public Law 280 on regulatory and adjudicatory jurisdiction in California Indian Country.

K.5: The participant understands the role of and how tribal justice systems operate.

K.6: The participant understands the need for cooperation between tribal, state and federal authorities to ensure access to justice for Native Americans in California.

K.7: The participant understands the implications of this jurisdictional scheme on family violence cases involving Native Americans and / or occurring on reservations

K.7: The participant will know what resources exist to further study and understand jurisdictional issues in Indian country.

Skill

S.1: When given a case scenario the participant will be able to identify possible jurisdictional issues.

Final Competencies and Learning Objectives

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S.2: When given a case scenario the participant will be able to identify the roles and responsibilities of tribal, state and federal justice agencies in ensuring access to justice.

S.3: The participant will demonstrate an ability to make appropriate and thorough findings regarding jurisdictional issues.

Value

V.1: The participant will appreciate the unique values of Native American communities and how the principles of tribal sovereignty and jurisdiction support and relate to access to justice for Indians in California.

V.2: The participant will understand and value the differences between native and non-native justice systems.

V.3: The participant will understand and value the need for collaboration between state and tribal justice partners.

V.4: The participant will value and understand and value the unique needs of Native American victims of family violence and how the steps the court must take to ensure adequate protection.