



Boyd Briefs: January 22, 2015

From Dean Dan

Over the winter break, I was delighted to meet with the leadership of the [National Congress of American Indians](#) and the U.S. Senate Committee on Indian Affairs in Washington, D.C. These meetings help the law school as we continue to build our programming in Indian Law.

Indian Law is a vital and growing part of the curriculum at Boyd. It is unusually complex and difficult to master. It is not subject-specific because tribes must address all of the civil and criminal matters that any sovereign confronts. Further, each tribal government has its own history, values, and laws.

Boyd is fortunate to have as a member of its faculty [Addie Rolnick](#), who (1) is training students to practice in this field--working one-on-one with students and tribes; and (2) is a national authority on the subject--publishing important, impactful scholarship. Professor Rolnick has worked with central campus at UNLV as part of a larger university effort to collaborate with area tribes and the local Native American community. This Saturday, for example, UNLV will host the [2015 Language & History Symposium](#) entitled "nu-wu-ung upaikavi: The People Will Talk." This symposium, sponsored by the Nevada Department of Education, the Moapa Paiute Tribe, and the university, is a joint effort focused on Southern Paiute language revitalization and Native educational success. Students from Boyd's Native American Law Students Association (NALSA) will be assisting with the event as part of their service to the Nevada Native community.

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FACULTY SPOTLIGHT: Addie Rolnick

Professor [Addie Rolnick](#) graduated from UCLA with a JD and a master's degree in American Indian Studies. She then represented tribal governments with a top Native rights firm in Washington, D.C. Rolnick then served as the inaugural Critical Race Studies Fellow at UCLA School of Law. At Boyd, she teaches Federal Indian Law (which covers the laws governing the relationship between tribes and the United States government), as well as courses in criminal law and race and law. She has also created a practicum in Tribal Law (the internal laws of specific tribes). Under Rolnick's supervision, students who have taken Federal Indian Law complete independent legislative drafting and legal research projects for local tribes. These students receive specialized training and experience in working with tribal communities, and they also have an opportunity to take on a project with real life implications. For example, students have created manuals for pro se parties appearing in tribal court on criminal or family law matters, created a Wellness Court Code, and researched civil

remedies available to tribes seeking non-criminal ways to regulate dangerous behavior.

Professor Rolnick's research focuses on improving tribal juvenile and criminal justice systems. Her two recent articles address this from very different angles. The first, *Tribal Criminal Jurisdiction Beyond Blood and Enrollment*, tackles one area where sovereign systems intersect: the criminal jurisdiction of tribal courts over non-Indians and over Indians who are members of a different tribe. In this tour de force, Rolnick engages the philosophical and practical dimensions of the question who should be subject to a tribe's criminal jurisdiction and who should not. She describes how the status quo policy is the product of Congressional legislation which pulls in one direction, even as Supreme Court case law pushes in another. The challenge, of course, is to find a scope of criminal jurisdiction that is "broad enough to accommodate the purposes served by criminal jurisdiction (public safety, expression of cultural norms, individual accountability to society), but narrow enough to [address the Supreme Court's concerns about preventing] relative strangers from being prosecuted by potentially different and unfamiliar legal systems." Rolnick ultimately proposes that criminal jurisdiction extend to those people who are recognized by the tribe as being part of the community. She argues that such a standard would be suitably flexible in its application, appropriately deferential to tribal communities, in conformity with tribes' historical practices, and consistent with the objectives of both the Supreme Court and Congress.

The second, *Locked Up: Prison Economics, Federal Agency Policy, and the Incarceration of Native Youth*, considers the obstacles faced by tribal governments seeking to create juvenile justice systems that do not rely on incarceration. Rolnick also remains involved in national policy related to criminal justice in Indian country. She has testified before a federal task force on juvenile justice in Indian country, trained tribal leaders on how to revise and update their criminal laws, and co-authored an amicus brief in the Sixth Circuit on an important question related to tribal criminal jurisdiction. Most importantly, she has been able to involve students in this work and to help them select projects important to the field.



STUDENT SPOTLIGHT: Jackie Witt

When Jackie Witt was deciding which law school to attend, she ultimately narrowed her choices to Boyd and the University of Oklahoma College of Law. Why Oklahoma? Jackie is an enrolled member of the Muscogee (Creek) Nation, and her extended family lives in Oklahoma. She knew she wanted to learn about Indian law, and OU Law has a nationally recognized program. But Boyd too has curricular offerings, as well as experiential opportunities, in Indian law. So what tipped the balance?

Well, it so happened that Jackie also had a great deal of interest in the gaming industry, both because of its obvious importance to many tribes nationwide, and its personal importance to Jackie, an accomplished poker player. With Boyd's unmatched gaming law curriculum, its publication of the *UNLV Gaming Law Journal*, and its budding LL.M. program in Gaming Law and Regulation, which kicks off in Fall 2015, Jackie found herself a home.

Now in her second year, Jackie is vice chair of Boyd's Native American Law Students Association (NALSA). As a member of the *UNLV Gaming Law Journal*, she is currently writing her student note on the laws affecting the viability of online poker run by American Indian tribes, a question that is both cutting edge and important to tribes. Jackie, who had a career as a

realtor before enrolling in law school, is also the Secretary of the Real Estate Law Society and a member of the Greater Las Vegas Association of Realtors.

Boyd is fortunate to have attracted dynamic and talented students, like Jackie, interested in issues affecting American Indian tribes and Native people, including [Tanva Fraser](#), NALSA co-chair; Rochelle Boeker, NALSA treasurer; and Jim Hoffman and [Kostan Lathouris](#), who will represent Boyd this spring at the National NALSA Moot Court Competition in Tucson.



ALUMNI SPOTLIGHT: Katelyn M. Franklin '14

Katelyn M. Franklin, class of 2014, shares that most people are perplexed when she tells them that she studied anthropology before coming to law school; but for Katelyn, exploring law after studying indigenous peoples and their struggles to maintain their land, political, cultural, and other fundamental rights against the forces of mainstream ideological and physical displacement seemed only natural.

Nevada is home to about 25 federally recognized tribes grappling with significant legal issues. Unfortunately, there are too few legal services for American Indians in the state. While at Boyd, Katelyn helped to bridge this gap. Beginning in her 1L summer, Katelyn assisted Professor Addie Rolnick with a project reforming a local American Indian tribe's law and order code. After meeting with the tribe to determine specific needs, Katelyn took the lead on drafting a code to govern the procedures of the tribe's Wellness Court and reviewing the existing laws on juvenile delinquency and criminal procedure. With this project in mind, Katelyn was one of the first students to enroll in Professor Rolnick's new Tribal Law practicum. Working together with tribal leaders and attorneys from a local legal services organization, Katelyn held a series of public meetings to gather community input on the new law, traveling several hours out of town for each meeting. She also completed Professor Rolnick's Federal Indian Law course during her second year of law school, which prepared her for an internship with the Indian Law Program at Nevada Legal Services in Reno during her 2L summer. That experience brought about a deeper appreciation of the obstacles American Indian tribal governments face in meeting the individual needs of their members and the obstacles impeding the sustainability of tribal governments as sovereign political entities. With Professor Rolnick's encouragement, a fellow law student and Katelyn also started the very first Native American Law Students Association (NALSA) chapter here at Boyd.

During the winter of her 3L year, Katelyn participated in Boyd's [India program](#) in New Delhi, where she researched, and later wrote a groundbreaking paper about, the legal claims of India's indigenous communities. Currently Katelyn is representing unaccompanied children from Central America as a justice AmeriCorps Member in the Immigration Clinic. Her work in the clinic is reminiscent of her work with tribes because, in both contexts, lawmakers can draw dubious yet consequential distinctions between majority and minority groups. She writes that her experience in the clinic is "a great outlet for my social justice passions, and I'm thrilled to be meeting the needs of this vulnerable population under the guidance of such extraordinary faculty."