Research guides

“A Legal Practitioner’s Guide to Indian and Tribal Law Research” introduces research strategies, distinguishes between Indian and tribal law, and provides resources in each of these areas, specifically targeting legal practitioners.6 Bonnie Shucha’s “Whatever Tribal Precedent There May Be: The (Un)Availability of Tribal Law” discusses the publication of tribal law and its costs and benefits while advocating in favor of making more of these materials accessible. It also provides an appendix of published materials.7

Research guides, especially web-based guides, are readily available in the areas of American Indian and tribal law research. Often authored by legal research experts from institutions with Indian law collections, these guides pull together primary and secondary sources in a variety of formats as starting points for researchers. Nonlegal research guides may also provide sources of interest to those researching law in this area. These guides may be associated with Native American Studies programs and offer related research resources, such as Michigan State University’s “Native American Studies Research Guide: Michigan’s American Indian Heritage.”8

Although titles vary from American Indian to Indian to Native American, these guides provide useful information to researchers, especially specific local information about research collections and tribes. The Indian Law Research Guides page from NILL makes available guides for various federal and tribal topics and offers researching tips, discussing secondary and primary sources and the NILL catalog and website.9 Many law school libraries have helpful research guides, including the University of Minnesota,10 Arizona State University,11 the University of Arizona,12 the University of Oklahoma,13 the University of Tulsa,14 the University of Wisconsin,15 and the University of California, Los Angeles.16 Use your favorite search engine to identify more of these guides, especially if seeking research tips on a specific tribe’s or state’s resources.

Tribal legal materials

Mary Whisner has put together a particularly helpful chart, “Sources of Tribal Court Decisions,”17 as part of her online research guide, “Indian and Tribal Law,” at the Gallagher Law Library.18 The chart is arranged by tribe and notes coverage within eight identified sources of tribal court decisions. Her discussion and research tips preceding the chart are helpful to novice and seasoned researchers alike. The Indigenous Law Portal from the Library of Congress includes digital access to tribal constitutions and legal materials by state or region, with historical constitutions and legal information for Michigan tribes in the U.S. North Central region.19

The NILL Tribal Law Gateway provides a variety of information: tribal code, constitutions, court opinions, other legal materials, and contact information and research tool suggestions. You may search by topic or subject, name of tribe, or full text via the custom search engine.20 The familiar municipal code website, source of municipal codes and charters, also offers links to tribes and tribal nations.21 The Tribal Law & Policy Institute’s Tribal Court Clearinghouse contains tribal law links, including courts, constitutions, laws and codes, state and federal relations, law reviews, law enforcement, and jurisdiction topics.22 The Native American Constitution and Law Digitization Project, a joint project of NILL and the University of Oklahoma Law Library, provides access to “constitutions, codes and other
legal documents.”24 Tribal law materials may also be available from commercial database providers. Lexis, Westlaw, and Casemaker have tribal court decisions and other tribal legal materials; however, all three seem to provide access to only two of Michigan’s 12 federally recognized tribes: the Grand Traverse Band of Ottawa and Chippewa Indians and the Little Traverse Bands of Odawa Indians.

Other sources

The Turtle Talk blog from the Indigenous Law and Policy Center at Michigan State University College of Law is a useful source of information about legal jobs, legal news, and resources for tribes in Michigan and beyond.24 The blog posts complaints and other pleadings of interest from around the country along with interviews with tribal judges, conferences, and research. Matthew Fletcher and Kathryn Fort are instrumental in maintaining the blog and post many publications and class assignments. Fletcher’s book, American Indian Tribal Law (New York: Aspen, 2011), provides a narrative on the development of tribal justice systems throughout history.

Tribal legal materials are unique and unfamiliar to researchers accustomed to working only in the legal system of our dominant culture. The efforts of the tribes and others are making these resources more accessible.

Jan Bissett is the reference and faculty liaison services librarian with Wayne State University’s Arthur Neef Law Library.

Margi Heinen is the research specialist for Sherman and Howard LLC in Denver, Colorado.

ENDNOTES


2. Other sources


18. Whisner, Indian & Tribal Law, Gallagher Law Library, Univ of Washington School of Law <https://guides.lib.uw.edu/id/indiantribal/home> [https://perma.cc/2VNAZB6W4].


