A partnership between the American Indian Law Center, Inc. and the National American Indian Court Judges Association

Strengthening Tribal Justice Systems by Empowering Native Attorneys: the Benefits of Judicial Clerkships
PURPOSE OF THIS SESSION

- Need for Tribal Court Clerkships
- Partnership Between the American Indian Law Center, Inc. and the National American Indian Court Judges Association
- Explanation of Benefits of Judicial Clerkships
- Possibilities for Support of Tribal Court Judicial Clerkships
- Survey of Tribal Courts regarding Judicial Clerkships
THE PRE-LAW SUMMER INSTITUTE FOR AMERICAN INDIANS AND ALASKA NATIVES

- Began in 1967 at the University of New Mexico School of Law
- Celebrated 50th Anniversary in September 2017
- 8 week summer session
- Goal of increasing number of Native law students and attorneys
- Challenged the arbitrariness of traditional admission standards
- Offers Indian students an alternative for admission to law school
PLSI BACKGROUND AND OBJECTIVES
DESIGNED TO ADDRESS BARRIERS FACED BY NATIVE AMERICAN STUDENTS, INCLUDING LACK OF:

- Confidence and ability to become lawyers;
- Indian lawyer role models;
- Adequate preparation at lower educational levels;
- Knowledge of law school admission process;
- Perceived ability to perform well on standardized tests;
  and
- Funding/Financial Aid.
NATIVE LAWYERS ARE IN DEMAND

- American Indians and Alaska Natives, and their lands, are affected by laws and regulations more than any other group in the United States.
- Tribes and tribal entities need attorneys to advise on daily matters.
- More than 50 years ago, PLSI initiated a pipeline to law for American Indians and Alaska Natives and continues to develop programs and services to support Native law students.
HOW WE HELP

❖ PRODUCE SUCCESSFUL INDIAN LAW STUDENTS
  ➢ Rigorous academic program
  ➢ Accurate and honest placement efforts

❖ BY THE END OF SUMMER, STUDENTS WILL HAVE:
  ➢ Completed 8 weeks of 3 substantive law school courses and 1 advocacy course
  ➢ Taken mid-term and final exams
  ➢ Written a legal memo and an appellate brief
  ➢ Presented a moot court argument
  ➢ Learned of the relationship between judicial clerkships and securing judicial positions
PLSI’S IMPACT

- Approximately 1300 students from over 200 U.S. tribes have attended the program
- Estimated 90% graduation success rate
- Recruitment increased from one school to over a dozen
- Assisted in the increase in Indian lawyers from 25 to over 2500
- Five Assistant Secretaries of Indian Affairs - Department of the Interior
- Other notable Indian attorneys serving in key tribal, state, and federal government positions, as well as private law firms across the country
- Revolutionized the inclusion of Native Americans in the legal profession
- Students have attended 60 different law schools from across the country.
WHAT IS A JUDICIAL CLERK?

• law school graduate or attorney
• assists a judge in researching the law, writing legal memoranda, drafting court opinions, and cite checking
• serves for a year or two (unless permanent)
• gets an insider view of the legal system and is marketable after the clerkship because of increased legal knowledge and insight into the court system.
PLSI’S PARTICIPATION IN THE ABA JUDICIAL CLERKSHIP PROGRAM (JCP)

Background of partnership with the American Bar Association (ABA):

- 1998 *USA Today* article: “Corps of Clerks Lacking in Diversity”
- Reported lack of diversity in judicial clerkships, despite advances in opportunities for minorities in other aspects of the legal profession.
- The ABA Council for Diversity in the Educational Pipeline took up the call to action and created the ABA Judicial Clerkship Program
PLSI’S PARTICIPATION IN THE ABA JUDICIAL CLERKSHIP PROGRAM (JCP)

Background (continued)

• Correlation between being a judicial clerk and later becoming a member of the judiciary

• The ABA JCP workshops take place every year at the ABA Mid-year meeting.

• The ABA recognizes the AILC as a law school for purposes of participation in the ABA’s workshops. PLSI sends 3 to 6 law students every year.

• The workshops include panel presentations by judges and clerks, a research project, and opportunities to work one-on-one with judges.
PLSI JCP COMMITTEE

- PLSI Alumni and Alumnae
- Successful attorneys
- Current and Former State, Federal, and Tribal Court Clerks
- Dedicated to creating inclusion for Native clerks
- Dedicated to promoting Tribal Courts and Clerkships Across Levels of Courts, including Tribal Courts
RACHEAL’S JUDICIAL CLERKSHIP EXPERIENCE

Judicial Law Clerk to Judge Mary Schroeder of the United States Court of Appeals for the Ninth Circuit

Judicial Law Clerk to Chief Justice Scott Bales of the Arizona Supreme Court
PLSI JCP COMMITTEE’S OBSERVATIONS

• Currently, the ABA JCP workshops do not feature tribal court judges or Native judges.
• The Native student participants want to clerk for tribal courts.
• The PLSI JCP Committee wants to encourage tribal court participation and tribal court judicial clerkships.
• Partnership with NAICJA
PLSI/NAICJA PARTNERSHIP

- Survey of Tribal Courts to determine interest in and obstacles to Tribal Court judicial clerkships
- Funding to allow Tribal Court judges to participate in the ABA JCP workshops for the students to learn about judicial clerkships
- Analysis to address obstacles and support Tribal Court clerkships.
- Collaboration on Judicial Clerkship Handbook for Native students/attorneys interested in applying for Federal, State, and Tribal Court Clerkships
NAICJA HISTORY
NAICJA OBJECTIVES

- NAICJA was initially founded with three overall goals:
- 1. to provide training
- 2. to give a national voice to members of tribal judicial systems, and
- 3. to create a vehicle for improving tribal justice.

Today our goals include the same objectives along with providing comprehensive training and advocacy for justice system support.
TRIBAL COURTS AND INDIAN COUNTRY
TRIBAL JUSTICE SYSTEMS

Systems (traditional & customary) existed since time immemorial

Still actively engaged

- Tribal council, elders council, tribal committees, and peacemaking bodies
- Western adversarial style tribal court
NAICJA SERVICES

- Psychopharmacology: Medically Assisted Treatments
- Trauma-informed Court Practices
- Addiction and Science of the Brain
- Understanding Opioid Addiction and Recovery
- Substance Abuse, Adolescent Development, and Native Youth
- Collaborative approaches for multi-disciplinary teams
- Code drafting, court rules, court clerk manuals and implementation
- Court Clerk 1 and 2 Training
- Tribal – State Judicial
- Core Competencies
- Appellate Work
- Judicial Writing
- National Judicial Conference
JUDICIAL CLERKSHIP BENEFITS

For Tribal Courts
• Assistance in drafting memoranda and opinions
• Assistance in researching legal issues
• Participation in training Native attorneys and others interested in tribal law.
• Opportunity to mentor young attorneys

For Judicial Clerks
• Bridge the gap between law school and practice
• Insider view of the court system and judicial considerations
• Intense legal research and writing experience
• Opportunity for lifelong judicial mentor
OTHER CONSIDERATIONS

For Tribal Courts
- Initial investment of time and supervision in each clerk
- Capacity to announce position, review applications, and choose clerk
- Budget to hire clerk
- Investment of time in mentoring

For Judicial Clerks
- Location and salary of clerkship
- Level of training and development offered by each court
- Type of Tribal Court programs such as Peacemaking, Healing to Wellness, etc.
Tribal Court Judicial Clerkship Survey Details

• Gauge Tribal Courts’ interest in Tribal Court judicial clerkships
• Learn more about the aspects of the Tribal Courts and the different programs
• Learn more about any financial or capacity obstacles to supervising and training judicial clerks
• Learn more about any other obstacles or suggestions for making judicial clerkships more accessible to tribal courts
PLSI/NAICJA SURVEY

What will happen with the survey data?
• PLSI and NAICJA will analyze the information and decide where to concentrate our efforts
• This could include seeking funding for:
  • Training Tribal Court judicial clerks
  • Salaries for Tribal Court judicial clerks
  • Organizing a mentorship program for judges and clerks
How do I access the survey?

• The link for the survey is here: https://www.surveymonkey.com/r/GDS7LFK
• The deadline is: October 18, 2019
TRIBAL COURT JUDICIAL CLERKSHIPS

Discussion:
• Have you thought of offering judicial clerkships?
• What are the obstacles?
• What would help?
• What are your questions?
IN CONCLUSION

We need your help!
Please complete the survey and think about offering judicial clerkships for your Tribal Court.
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