

Pathways to Law School for Native American Applicants

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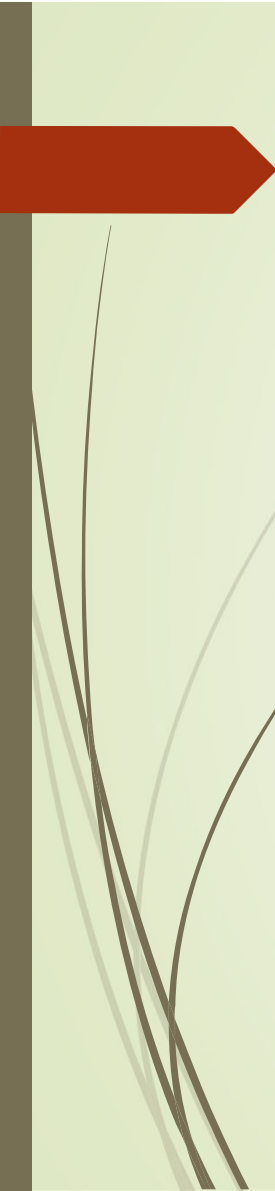
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Thank you to the Pueblo of Isleta for inviting us into this space.



Session Purpose & Goals

- Understand the current state of the pipeline for Native students into law school.
- Consider particular distinctions in how AI/AN people may arrive at their decision to apply to law school.
- Explore strategies that advisers might use to engage/encourage those considering law school and assist them in crafting the strongest possible application.
- Highlight existing programs that pre-law advisers or law admissions professionals may direct prospective NA/AI/Indigenous applicants towards for more information and support.



“We are not just border walkers. We are border crossers. And if we are border crossers, then institutions of higher education must, too, be border crossers. No longer can we allow our roads only to lead to those institutions of higher education; **those institutions of higher education must also make roads, inroads, into our respective communities, into our homelands.** Learn of these phenomenal bodies of traditional knowledge that you all carry, that our ancestors handed down to us.”

– Dr. Henrietta Mann, Ph.D. (“Ho’e-osta-oo-nah’e, Prayer Cloth Woman”), Cheyenne Tribal educator and elder



Native Nations and Communities



- ▶ Most people think the Native population is declining, and most do not think about Native people much, if at all. Native people are misrepresented if they are even mentioned, and are largely invisible in American society. - *Reclaiming Native Truth, First Nations Development Institute & Echo Hawk Consulting (2018)*
- ▶ Reality:
 - ▶ There are 567 federally recognized and nearly 100 state recognized tribes in the US, and at least another 400 that are not recognized but still exist as intact cultural groups.
 - ▶ Nearly 3 million AI/AN (alone) people in the US (0.9% of the total population). AI/AN population alone or in combination with other races: 5.2 million people, or 1.7% of the US population.
 - ▶ 32% of Native Americans are under the age of 18, compared to 24% of total population. The median age of Native Americans is 26, compared to 37 for entire population.
 - ▶ States with the highest proportion of AI/AN peoples: Alaska (19.5%), Oklahoma (12.9%), New Mexico (10.7%). Native peoples live in large and small cities, on and off reservations, and in every state.
 - ▶ Approximately 664,000 AI/AN students are in the US K-12 education system, or 1.2% of public school students nationally. 90% of AI/AN students attend public schools, and 8% attend BIE schools. States where Native students comprise the largest proportions of the total K-12 student population include: Alaska, Oklahoma, Montana, New Mexico, South Dakota.



Native Student College Access

- ▶ On average, less than 50% of Native students graduate from high school each year in the seven states with the highest percentage of AI/AN students.
- ▶ National college-going rate is 69%, while at some reservation high schools it is as low as 18%.
- ▶ 9% of AI/AN individuals have a bachelor's degree, compared to 19% of US population.
- ▶ There are 32 full accredited Tribal College and Universities (TCUs) in the U.S., and one formal candidate for accreditation. Three are in Associate Status. TCUs offer 358 total programs, including apprenticeships, diplomas, certificates, and degrees (181 AA degree programs at 23 TCUs, 40 bachelor's degree programs at 11 TCUs, 5 Master's degrees at 2 TCUs). TCUs serve approximately 30,000 full- and part-time students. 8.7% of AI/AN college students attend a TCU, and 78% of TCU students are AI/NA.
- ▶ Colleges with highest Native student populations: Northeastern State University (OK), UNM, UCLA, UofA Fairbanks, Southeastern Oklahoma St. University, University of OK, UofA Anchorage, UNC Pembroke, Fort Lewis College (CO), NAU, University of Central OK, Utah State, ASU, East Central University, University of Arizona.
- ▶ **Only 5% of AI/AN students have received graduate or professional degrees, compared to 10% for the total population.**

Sources: American Indian College Fund, National Center for Education Statistics, US Census Bureau, National Congress of American Indians, AIHEC, White House Initiative on American Indian and Alaska Native Education, CollegeExpress

LSAT Test Takers in the 18-19 Cycle

Race/ Ethnicity	June 2018		July 2018		September 2018		November 2018		January 2019	
	#	%	#	%	#	%	#	%	#	%
American Indian or Alaska Native	459	2.0%	257	2.2%	413	1.4%	665	1.9%	538	2.1%
Canadian Aboriginal	55	0.2%	30	0.3%	81	0.3%	116	0.3%	110	0.4%
Native Hawaiian or Other Pacific Islander	106	0.5%	61	0.5%	114	0.4%	187	0.5%	119	0.5%

Source: Law School Admissions Council

2018 Applicants to ABA Law Schools

	Last Year Total	Current Year Total	Percent Change
➤ Aboriginal or Torres Strait Islander Australian	*	7	*
➤ American Indian or Alaska Native	1287	1372	6.6%
➤ Asian	5893	6706	13.8%
➤ Black or African American	8439	8956	6.1%
➤ Canadian Aboriginal/Indigenous	32	44	37.5%
➤ Caucasian/White	35440	38494	8.6%
➤ Hispanic/Latino	7433	8061	8.4%
➤ Native Hawaiian or Other Pacific Islander	269	286	6.3%
➤ Not Indicated	1322	1552	17.4%
➤ Puerto Rican	1719	1748	1.7%
➤ Total	61837	67226	8.1%

Source: Law School Admissions Council. Table shows maximum number of races/ethnicities selected by each applicant (possible multiple counts).

Native Applicants to Law School 3 Year Trends

Applicant Group		2016	2017	2018
American Indian/Alaska Native	Count	1,270	1,290	1,380
	Percent change from prior year		1.4%	7.1%
Native Hawaiian/Other Pacific Islander	Count	250	270	290
	Percent change from prior year		8.4%	5.6%

Source: Law School Admissions Council

Admitted Native Applicants

Race/Ethnicity		2016	2017	2018
American Indian/Alaska Native	Count	900	860	870
	Percent change from prior year		-4.5%	1.5%
Native Hawaiian/Other Pacific Islander	Count	180	180	190
	Percent change from prior year		-2.2%	9.0%

Source: Law School Admissions Council

US Population and Pipeline to Legal Careers

Race/Ethnicity	US Population 2017	Bachelor's Degrees Conferred 2016–2017	ABA Applicants 2018	ABA Matriculants 2018	JD Degrees 2017–2018	Lawyers 2018
White	60.7%	61.1%	62.5%	70.4%	61.4%	88.0%
Black	12.5%	10.0%	14.7%	9.7%	8.5%	5.5%
Hispanic (including Puerto Rican)	18.1%	12.9%	16.2%	14.1%	11.9%	6.1%
Asian/Pacific Islander	5.8%	7.4%	11.5%	10.5%	6.8%	4.9%
American Indian/Alaska Native	0.7%	0.5%	2.3%	1.9%	0.6%	

There are 426 tribal court systems in operation. Of the more than 800 federal judges in the US, only one is a member of a federally recognized Indian tribe: Judge Diane Humetewa (Hopi) in the District of Arizona.

Chart Source: Law School Admissions Council



Distinctions - Differences in Motivations and Incentives for a Law School Education

- ▶ **Law School Survey of Student Engagement (LSSSE)** findings:
 - ▶ Among first year students, the most influential factor in the decision to enter law school was the desire to have a challenging and rewarding **career**.
 - ▶ 77% of all students said having a challenging and rewarding career strongly influenced their decisions to attend law school.
 - ▶ Students were also motivated by the opportunity to further their **academic development** and to work toward **financial security**.
 - ▶ 61% of all students were motivated to work hard during law school by a desire to be **competitive in the job market**.
 - ▶ Only 47% of all students reported an “inherent interest” in the curriculum/material motivated them to work hard in law school.



Motivations for **Native** Law Students

- ▶ Native American attorneys are more likely to report that they entered law school to:
 - ▶ Give back to their tribe, fight for justice for Indians, fight for the betterment of Indian people.
- ▶ Motivation was more likely connected to identity and heritage, less likely connected to individual benefit.
- ▶ **“The difference in why many Native Americans may go to law school is fundamental to understanding how to inspire and motivate more Native Americans to consider law school and the legal profession.”**

Source: National Native American Bar Association Report: “The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession.” Section on “Pipeline to Law School/Legal Profession” by Stacy Leeds, Dean and Professor of Law, University of Arkansas.



Indian Law as Motivator...and Barrier

- ▶ When Native Americans consider legal education, they are often focusing on practicing “Indian Law.”
- ▶ Students who may not be attracted to Indian Law would not consider the law generally until they were given the opportunity to see how their participation in other areas of law could also help their communities economically, politically, and in other ways.
- ▶ Thus, while giving back to community is a significant motivator, it can also function as a barrier.
 - ▶ The perception that a legal career is a career in Indian Law is a primary challenge to encouraging more Native Americans to pursue legal education.
- ▶ **Activities (and examples and narratives) that expose Native American young people to all the various areas of the law through which they can contribute to their communities will increase the number interested in attending and motivated to attend.**



Factors That Influenced Native Americans to Consider Law School

- ▶ Recommendations from legal professionals -- 21.20%
- ▶ Participation in student government, debate or mock trial programs -- 16.71%
- ▶ Summer internship experience -- 15.71%
- ▶ Recommendations from college professors -- 13.97%
- ▶ Connections made and/or information received through business/professional networks -- 11.72%
- ▶ College and/or law school career placement office -- 10.47%
- ▶ Connections made and/or information received through alumni networks -- 3.49%



Factors Influencing the Decision to Consider Law School

- ▶ When asked what influenced them to go to law school:
 - ▶ 37% of NA attorneys reported that connections made and/or information received through **family members and friends** was an important influential factor.
 - ▶ The significance of reputation in the community cannot be overstated! Word travels fast, and means a lot.
 - ▶ Create programs and opportunities that are sustainable. Show up, and demonstrate a commitment over long periods of time. Don't measure success short-term.
 - ▶ Invite community into your institutions.
 - ▶ 22.44% reported that connections made and/or information received through **tribal networks** was an important influential factor.
 - ▶ Tribal Education Chairs and Education Offices are critical.
 - ▶ Don't overlook TCUs.



Other Pathways to Law School for Native Students

- ▶ Military Service
- ▶ Law Enforcement
- ▶ Master's Programs (especially in Education, Social Welfare)
- ▶ AISES and other well-established STEM programs
- ▶ Programs serving older students, re-entry students, student parents, formerly incarcerated students, transfer students. Programs serving other URM groups (many people identify as Native American and another race/ethnicity, and others express an Indigenous identity that can be trans-national).
- ▶ LLM programs specific to Indigenous or Indian Law (ASU, CU Boulder, U of A, Seattle U, U of OK...)
- ▶ Native law school applicants appear to be older compared with non-Native counterparts. According to NNABA study, age at graduation from law school for Native Americans is:
 - ▶ 25 to 34 (68.78%)
 - ▶ 24 or younger (16.5%)
 - ▶ 35 to 44 (12.69%)
 - ▶ Over the age of 45 (2.03%)



Primary (Perceived) Barriers for Native People Considering Law School

- ▶ Financial (application costs, LSAT preparation costs, tuition, room/board).
- ▶ Ability to make informed decisions about the “best law schools to attend” (often related to status and cost of law school, as well as location).
- ▶ Ability to navigate the application process.
- ▶ Knowledge about how to prepare and be successful in law school.
- ▶ Challenges creating social networks in law school that are necessary for getting the information and resources they need to be successful.
 - ▶ Note: Many reported being involved in minority student groups, and found these groups helped them feel supported and accepted. However, they felt these groups did not necessarily increase their access to information and resources they felt their majority counterparts received that were critical for success in school. Can you add value by providing resources and information to these groups?



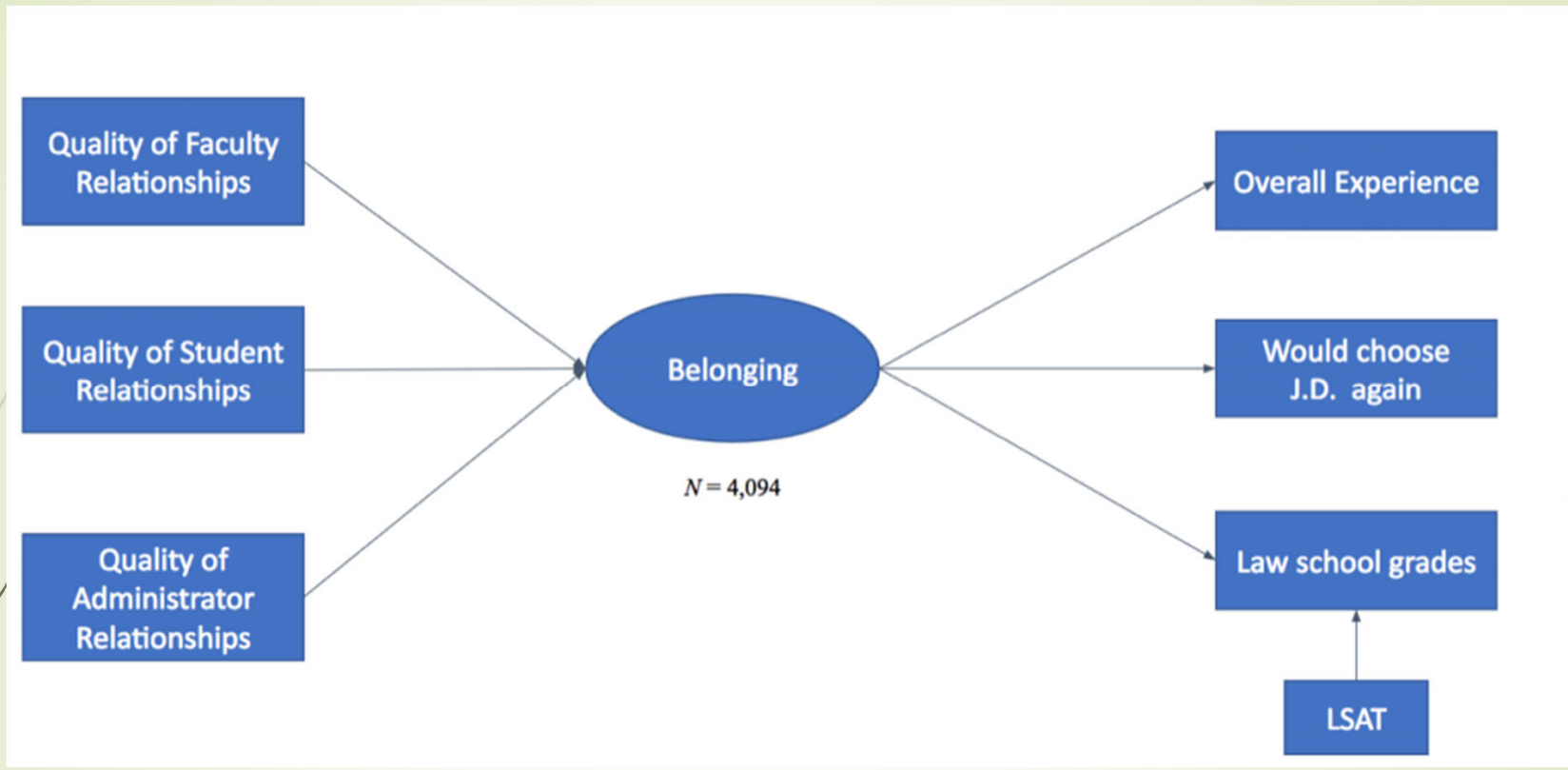
Programs to Address Barriers and Increase Access to Law School for A

- ▶ College Horizons, College Horizons Scholars Program, and **Graduate Horizons** (back in July 2019) <http://www.graduatehorizons.org/>
 - ▶ Contact: Carmen Lopez, ED carmen@collegehorizons.org
- ▶ **Pipeline to Law** (Law School partners: ASU, MSU, UC Berkeley, others) <https://law.asu.edu/conferences/native-american-law-school-admissions-workshops>
 - ▶ Tailored programming: “A conversation about advocacy (as lawyer and non-lawyer) – Working In/With/For Native Nations and Communities,” “Thriving in Graduate School and an Indigenous Student,” “Federal Indian Law Mock Class,” “Lunch with Native Attorneys,” etc.
- ▶ (New in 2019) Native Law Pipeline Initiative (CA Indian Law Association, NNABA)
 - ▶ Contact: caindianlaw@gmail.com
- ▶ **PLSI** <https://www.ailc-inc.org/plsi/about/>
 - ▶ **In NNABA study, 30% of NA attorneys respondents had participated in PLSI and felt it had greatly contributed to the decision to attend law school, their level of preparation, and their success.**
 - ▶ In addition to the summer institute at UNM, PLSI supports recruitment by law schools, offers a Judicial Clerkship Program in partnership with the ABA, the NA Bar Passage Initiative, financial assistance for books, hosts other conferences, etc.

Creating and Environment Where AI/AN Students Can Thrive

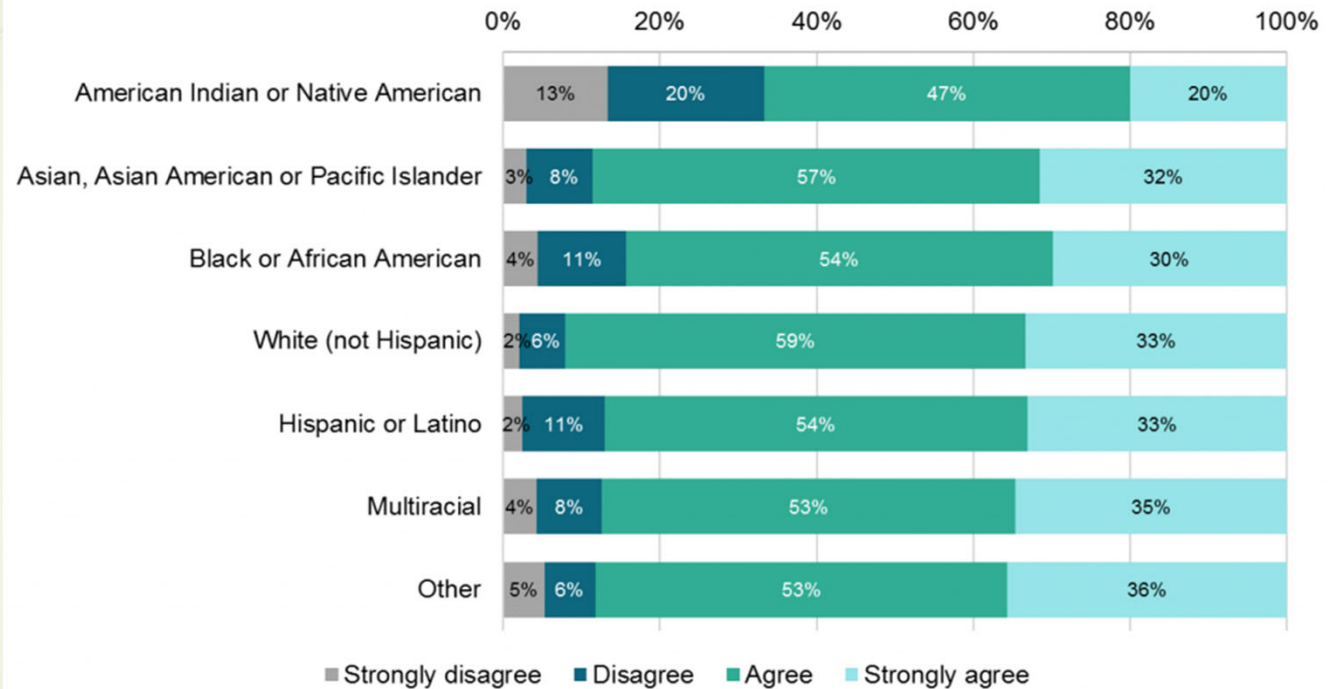


Source: LSSSE Data; Elizabeth Bodamer, J.D.



Source: LSSSE Data; "A LSSSE Collaboration on the Role of Belonging in Law School Experience and Performance," by Victor D. Quintanilla, Indiana University Maurer School of Law, co-Director of the Center for Law, Society, and Culture. January 2019.

"My instructors demonstrate sensitivity to diverse backgrounds and perspectives in their interactions with students."



Source: LSSSE Blog "Law Students Perception of Faculty"

<https://lsse.indiana.edu/category/uncategorized/>



Other Resources & References

- ▶ National Native American Bar Association (NNABA)
 - ▶ “The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession”
- ▶ National Congress of American Indians (NCAI)
 - ▶ Resolution #DEN-18-009 “In Support of Affirmative Action Policies and Against the Withdrawal of Guidance on Affirmative Action” (Sept 2018)
- ▶ National Coalition for the Advancement of Natives in Higher Education (NCANHE)
- ▶ Indigenous People Knowledge Community (IPKC)
- ▶ American Indian Higher Education Consortium (AIHEC)
- ▶ National Native American Law Students Association (NNALSA)



Other Resources & References

- ▶ American Indian College Fund
 - ▶ “Creating Visibility and Healthy Learning Environments for Native Americans in Higher Education” (2019)
 - ▶ **“Native Pathways, a College-Going Guidebook” (2019)**
- ▶ ASHE-NITE Paper Series (2018). “Bringing Visibility to the Needs and Interests of Indigenous Students: Implications for Research, Policy, and Practice.” Nicole Alia Salis Reyes, Assistant Professor, Educational Administration, The University of Hawai’i, Manoa; and Heather J. Shotton, Associate Professor, Native American Studies, University of Oklahoma.
- ▶ Indigenous Education Inc. (Cobell Scholarship)
- ▶ American Indian Graduate Center (AIGC)
- ▶ AISES
- ▶ Turtle Talk – “The leading blog on issues in Indian Country” <https://turtletalk.blog/>
- ▶ FedBar Annual Conference
- ▶ “The Growing Market for Indian Lawyering” by Matthew Fletcher, *Tribal College*, Journal of American Indian Higher Education (2015) <https://tribalcollegejournal.org/the-growing-market-for-indian-lawyering/>