

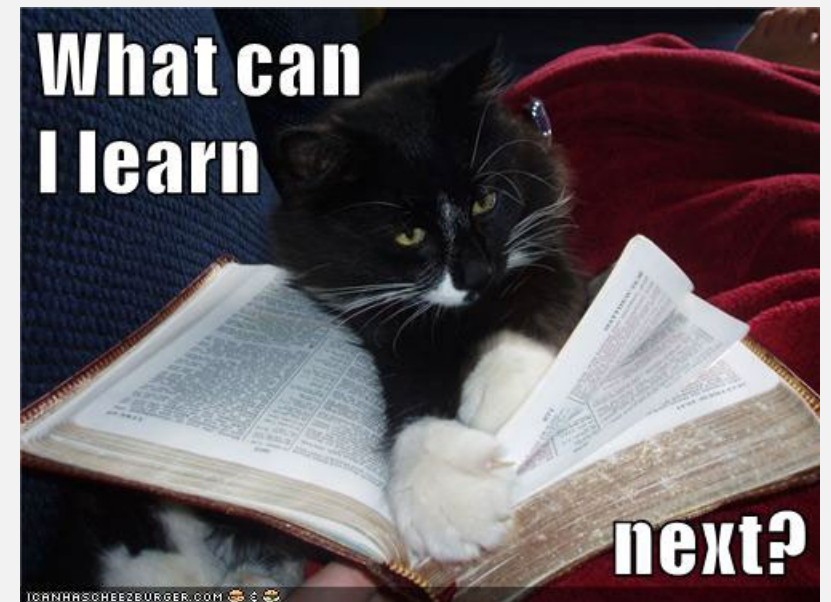


INDIAN COUNTRY: REPRESENTING THE TRIBAL CLIENT

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OBJECTIVES

- Considerations when working in Indian* Country
 - Working for a Tribe and having Indian clients
- Working for a Tribe
 - Tribal vs. Non-Tribal Employee for tribal government
 - Becoming an effective Attorney for a Tribe
 - Foundations to consider as an attorney for a tribe
- Preparing for Tribal clients



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*Indian is a term that we will use since it is a legal term as opposed to Indigenous or Native American, but all terms may be used.



TRIBAL VS. NON-TRIBAL EMPLOYEE

Tribal Employee working for a Tribe	Non-Tribal Employee working for a Tribe
Are you working for your own Tribe or another Tribe?	Learn as much as you can about the Tribe's relationship with the federal government-historical and current
Do you know the history, do you need to do more research?	Learn as much as you can about the Tribe's relationship with the State and local governments-historical and current
Do you know needed customs or traditions?	County government relationships?
BE AWARE OF WHO IS TELLING THAT HISTORY OF THE TRIBE, WHO'S POINT OF VIEW ARE YOU LEARNING!	



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FOUNDATION TO CONSIDER AS AN ATTORNEY FOR A TRIBE



**Inherent
Tribal
Sovereignty**

**U.S
Constitution**

Treaties

Statutes

**Executive
Orders**

**Trust
Responsibility**

BECOMING AN EFFECTIVE EMPLOYEE/ATTORNEY FOR A TRIBE





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Nez Perce War

Journey through Yellowstone

On August 23, 1877, more than 600 men, women, and children camped in the woods near here. Sustained by courage, social structure, and knowledge of the land, they were midway from their homeland in Eastern Oregon to the hope of freedom in Canada. They carried with them the burden of grief from the loss of their homeland and the sharp pain of losing loved ones.

With them were two thousand horses. Behind them were hundreds of soldiers. Within them were strength, endurance, and the ability to face enemies and atrocities. This was the Nez Perce War of 1877.

Mounting Pressure

For more than two decades, the Nez Perce endured pressure to sign away their homeland and live on a reservation. In 1877, United States government representatives ordered "non-treaty" Nez Perce—bands standing firmly against confinement—onto the reservation.

The War Begins

Conflict erupted, followed by battle in White Bird Canyon. The soldiers were quickly defeated. General Howard arrived with reinforcements, but the Nez Perce eluded them in rugged terrain.

As the war continued, Chiefs Toohooloholante, Five Wounds, Rainbow and others strategized tactics. Chief Heima Tooyahshakel (Chief Joseph, left) led the elderly men, women, and children.

Tragedy at Dawn

The Nez Perce gained many miles on General Howard's trail on August 9th. Colonel Gibbon's soldiers escaped into the sleeping Nez Perce camp, killing men, women, and children. Warriors kept to defend their people.

Like many others, Chief Joseph's wife was wounded severely at Big Hole. In sorrow, he postponed their journey to his army.

Hope and Heartache

The Nez Perce out-maneuvered and harried their foes repeatedly, upheld both young and old, and withstood unthinkable losses. Under unrelenting pursuit, they traveled 1,700 miles, eventually falling short on supplies. In the bitter cold of late September, just 40 miles from Canada, they were overtaken. With hearts heavy and torn, they surrendered.



Nez Perce, Idaho, Yellowstone National Park, 1877

CONSIDERATIONS WHEN YOU HAVE A TRIBAL CLIENT

Some aspects may be like any other client

Each tribal community member has their own unique family history and possibly trauma

Most tribal communities and families are closely connected

Relationships are not always defined by blood

Celebrations or services may last longer than a day-can impact appointments with clients

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HOW TO PREPARE: JURISDICTION

- Jurisdiction is always an initial question but can be more so when working for a tribe or having a tribal client
- Tribal Court, State Court, Federal Court
- Civil or Criminal matter?
- Where did the event occur, or property involved?
- P.L. 280 State? What are the areas of concurrent jurisdiction?

HOW TO PREPARE-CONTINUED

- The initial meeting
- Discussion of facts, and applicable law
- Listening to what they are saying
- Take notes
- Personal Feelings aside





HOW TO PREPARE-CONTINUED

- Is the case going to trial?
 - Voir dire considerations
 - Letting the client take the stand
- Ethical/professional considerations
- Philosophy
 - Generational Trauma has a true impact on reservations



LAST THOUGHTS

- It is great to have Indigenous attorneys, but allies can also do great work by continuously learning, being a gracious guest, and working to meet their clients needs.
- Questions?
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