

50

Pipeline to Tribal Sovereignty: Celebrating the Pre-Law Summer Institute's 50th Class

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If you ask Native American attorneys how they prepared for law school, chances are they'll tell you they attended the American Indian Law Center Inc.'s Pre-Law Summer Institute (PLSI). In fact, half of Native American attorneys who have practiced since the mid-1960s, when the institute was founded, attended PLSI.¹ Fifty years later, approximately 90 percent of the more than 1,000 PLSI alumni who went to law school graduated, ensuring PLSI remains the single most successful program of its kind.² Along with American Indians and Alaska Natives, alumni include indigenous people from around the world such as the Northern Mariana Islands, Hawaii, Canada, and South America. Yet Native Americans continue to be underrepresented in the legal field despite the need across Indian country for tribal judges, in-house counsel, prosecutors, public defenders, and more. Now more than ever, modern tribal governance has created a dire need for Native American attorneys to manage tribal businesses and defend tribal citizens and treaty rights, including the protection of tribal sovereignty. There is no better time to be a Native American attorney, and PLSI has created the pipeline for many to achieve that goal.

The Beginning of PLSI

Then known as the Special Scholarship Program in Law for American Indians, PLSI began in the fall of 1966. Dean Tom Christopher of the University of New Mexico School of Law noticed the lack of Native American attorneys and wanted to make a change beginning with addressing the lack of Native applicants to law school.³ At the time, only about 25 Native American attorneys could be identified. The task of developing such a program was given to Fred Hart, a visiting professor from Boston College Law School at the time. As the story goes, Hart declined at first but was convinced to develop the program by his wife, Joan. Joan noted that being involved in such a program would be one of the most important tasks that Hart could accomplish. Thanks to his wife's insistence, the lasting legacy of PLSI began to take shape.

Hart molded PLSI similarly to the Upward Bound Program, a summer program offered to high school and college bridge students.⁴ Originally, PLSI was open to both current undergraduates and those who had completed college, but it is now limited to applicants who have already taken the LSAT and applied to law school for the upcoming fall semester. A "boot camp" of sorts, the students were exposed to the rigors of law school, including the Socratic method, experience briefing cases, and lengthy readings. Hart also created the program to tackle the major barriers to law school for Native American applicants, such as addressing "imposter syndrome" and the lack of Native American attorney role models.⁵ Because of the systemic disadvantages for Native American applicants, PLSI created a path to law school based on students' overall performance during the summer rather than the typical standard criteria for admission

based solely on LSAT scores and a student's GPA.⁶ In fact, in the report compiled by the National Native American Bar Association, several attorneys noted that attending PLSI gave them the motivation and information they needed to consider law school and a subsequent legal career. Of the 30 percent of survey respondents who attended PLSI, a majority felt that the program "greatly contributed to their decision to attend law school as well as their ability to enter law school prepared and ready for success."⁷

Creation of the American Indian Law Center Inc.

Because of the success of PLSI after its inaugural year in 1967, Hart and Christopher created the American Indian Law Center (AILC) to further support the program.⁸ In 1968, Robert LaFollette Bennett was appointed as director after previously serving as commissioner of Indian affairs.⁹ Soon after, Philip S. Deloria was appointed in Bennett's place and began to focus on Indian policy analysis for the AILC.¹⁰ The AILC has since accomplished the creation of the World Council of Indigenous Peoples, assisted in the creation of the Commission on State-Tribal Relations, and most notably created the Southwest Intertribal Court of Appeals.¹¹ The legacy of PLSI continues with the current AILC staff consisting almost exclusively of past PLSI alumni: AILC Director Helen B. Padilla (PLSI 1994), AILC Assistant Director Melanie P. Fritzsche (PLSI 1992), PLSI Director Rodina Cave Parnall (PLSI 1998), and Staff Attorney Anthony Lee (PLSI 1994).¹² In the last decade, AILC has provided training and technical assistance to tribes and tribal courts through tribal code development, conducted comprehensive tribal court assessments, and hosted the Annual Tribal Leadership Conference: Transitions, as well as many other projects.

Other PLSI alumni have also returned to the program to teach as law professors during the summer program. Professor Jeanette Wolfley (PLSI 1979) shared her love for PLSI and why she decided to give back, "PLSI has had a tremendous impact in shaping the type of law I finally pursued." Wolfley said that when she went through the program, she had no one in her family or community to talk to about going through law school, but PLSI changed that by showing her what to expect. This also influenced her to return to PLSI to teach. "One of the reasons I decided to teach in PLSI is that it was kind of 'giving back,'" she said. "I had practiced for a number of years and I was making a transition for working at the Native American Rights Fund and going back home. It was a good time to teach in the summer program. Not only to give back, but also, I think it's important for Indian professors to teach in PLSI for students to be exposed to practitioners, to see what they're doing in the field of law or any other field." Wolfley is currently a professor of law at the University of New Mexico School of Law, after practicing law for over 30 years, representing exclusively tribal clients' interest in a wide variety of Indian law matters.

PLSI and the Fight for Tribal Sovereignty

The reach of PLSI also extends beyond the AILC, with alumni across the country representing "a new generation of legal advocates for Indian country."¹³ Ethel Branch (PLSI 2004), Navajo Nation attorney general, represents one of five Native American tribes to challenge President Donald Trump's order to shrink Bears Ears National Monument.¹⁴ She is joined by Native American Rights Fund (NARF) Executive Director John Echohawk (PLSI 1967) and Staff Attorney Matthew Campbell (PLSI 2005). NARF is a nonprofit created to

protect the rights of Native American tribes. Together they hope to protect tribal sovereignty, defending the importance that the Bears Ears landscape has to each of the tribes involved in the lawsuit. This is also the reason why many Native American students went through PLSI in the first place, to give back to their tribes and improve the communities they come from. As AILC Director Helen Padilla has said, "An Indian attorney has a much more vested interest in advocating for their Indian clients and a better understanding of why a tribe might want to litigate or negotiate."¹⁵

The fight to raise tribal voices continues with Deb Haaland (PLSI 2003) and Sharice Davids (PLSI 2007), both of whom became the first Native American women elected to the U.S. House of Representatives for New Mexico and Kansas, respectively.¹⁶ Haaland previously served as the New Mexico Native American vote director for President Barack Obama's re-election campaign in 2012.¹⁷ She has used her voice to call attention to fracking in Chaco Canyon, to protect her ancestral homeland.¹⁸ Davids was one of 16 selected to participate in the prestigious White House Fellowship program during the Obama-Trump transition and has competed as both an amateur and professional in Mixed Martial Arts.¹⁹

The 50th PLSI Class

Fifty-two years after its founding, a new class of PLSI students completed the summer program and joined the ranks of those before them.²⁰ PLSI is still housed at the University of New Mexico School of Law, and it recently celebrated the graduation of the 50th class. Like the decades of classes before them, students traveled from across the country to attend PLSI and join the larger network of 50 years of PLSI alumni. The students represented over 20 Native American tribes and sacrificed their summer in order to prepare themselves for what they faced ahead.

The next class of students will likely mirror the data from the American Bar Association, which sheds a light on the relatively small growth of Native American law student enrollees per year. From 1979-1980 to 2009-2010, enrollment grew from 392 to 1,273.²¹ The percentage of Native Americans in relation to the overall law student population is still small, with a jump from 0.32 percent to 0.82 percent from 1979-1980 to 2009-2010.²² Upon graduation, students will join the ranks of practicing Native American attorneys, which still comprise only 0.2 percent, or about 2,640 of the total 1.2 million attorneys in the United States as of 2010.²³ While there has been growth within the Native American legal community, the comparison of Native American attorneys to the total number of attorneys in the United States is still small.

The Impact of PLSI

Recent graduates of the PLSI Class of 2018, Joseph Lugo and Kateri Eisenberg reflected on the impact PLSI had on them just one month later. "For me one of the best experiences was the people we were able to meet," Lugo said. "It was the first experience I had where I met PLSI members who turned out to be lawyers and tribal judges, who were high up in the legal field. It was inspiring."

Eisenberg agreed, stating that "PLSI helped me gain confidence in my own ability to be an academic scholar, to know that I can do it. I don't have any reservations after PLSI."

The effects of PLSI still hold true even after graduation from law school. "I wouldn't be where I am without PLSI," Jannette Mondragón (PLSI 2015) said. "PLSI was a test for me, of whether I could

do law school or not. PLSI not only supported everything going on with my life and my move, but they also helped me to prepare for law school and learn how to be successful.” When asked whether PLSI changed her view on entering law school, Mondragón replied, “Before law school I thought I’d be alone. But instead I found comradery, support, and community, and I didn’t know that existed in law school. After having found that in PLSI, I seek that out more and I’ve been able to have a strong support system even after law school.” Mondragón currently serves as assistant district attorney of the Thirteenth Judicial District of New Mexico.

Aaron Sims (PLSI 2011), an associate at Chestnut Law Offices P.A., also sought out community through PLSI. “PLSI really changed my perspective in unpacking my approach to education in order to give me the tools to prepare. In coming to law school, the perception of not knowing other attorneys changed in walking down the hall [of the American Indian Law Center],” he said. “To see the amount of Indian people who had gone through that program ... it was powerful and motivating to know that I’m not alone and there’s other people out there.” When speaking further about his time in PLSI, Sims reflected that, “I really have to say thank you to Rodina [Cave Parnall] and Helen [B. Padilla] and the staff there and many of the staff and faculty before them who have volunteered over the many years to be part of the program. It really is an institute in Indian legal education ... but Indian lawyers are still a fraction of the entire population. It all starts with the gateway at law school and it’s important to recognize the vision and longevity they’ve fought for in becoming a pipeline and keeping those doors open.”

Looking Forward

While Native American students still face significant barriers to receiving a legal education, it’s clear that PLSI has made a difference not only in the lives of students but also within the tribes and communities they represent in creating a pipeline to tribal sovereignty. PLSA has shown it is possible for Native American students not only to survive, but also truly succeed. Generations now have graduated from PLSI, going on to achieve their goals as practicing Native American attorneys. The need for more Native lawyers remains, but there is hope that the need could one day be met—so long as PLSI continues to develop and support accomplished Native American law students for the next 50 years and more. ☉



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Endnotes

¹Matthew Fletcher, *The Growing Market for Indian Lawyering*, TRIBAL C. J. AM. INDIAN HIGHER EDUC. (Nov. 8, 2015), <https://tribalcollegejournal.org/the-growing-market-for-indian-lawyering>.

²*Id.*

³Philip S. Deloria, *The American Indian Law Center: An Informal History*, 24 N.M. L. REV. 285 (1994).

⁴*Id.* at 286.

⁵*Id.*

⁶*Id.*

⁷NAT’L NATIVE AM. BAR ASS’N, THE PURSUIT OF INCLUSION: AN IN-DEPTH EXPLORATION OF THE EXPERIENCES AND PERSPECTIVES OF NATIVE AMERICAN ATTORNEYS IN THE LEGAL PROFESSION (2015), http://www.nativeamericanbar.org/wp-content/uploads/2014/01/2015-02-11-final-NNABA_report_pp6.pdf.

⁸Deloria, *supra* note 3, at 293. The AILC was later incorporated as an independent, Indian-controlled 501(c)(3) corporation separate from the UNM School of Law in 1977.

⁹*Id.*

¹⁰*Id.* at 294.

¹¹*Our History*, AM. INDIAN L. CTR. INC., <http://ailc-inc.org/History.htm> (last visited Nov. 27, 2018).

¹²*AILC Staff Members*, AM. INDIAN L. CTR. INC., <http://ailc-inc.org/Staff.htm> (last visited Nov. 27, 2018).

¹³Abe Streep, *The Tribes vs. Donald Trump*, OUTSIDE ONLINE (May 1, 2018), <https://www.outsideonline.com/2295271/tribes-v-donald-trump>.

¹⁴*Id.*

¹⁵Anna V. Smith, *How the Yurok Tribe is Reclaiming the Klamath River*, HIGH COUNTRY NEWS (June 11, 2018), <https://www.hcn.org/issues/50.10/tribal-affairs-how-the-yurok-tribe-is-reclaiming-the-klamath-river>.

¹⁶Joshua Holland, *Meet Deb Haaland, Democrat for Congress*, NATION (June 1, 2018), <https://www.thenation.com/article/meet-deb-haaland-democrat-congress>.

¹⁷*Id.*

¹⁸*Id.*

¹⁹*About Sharice Davids*, SHARICE DAVIDS, <https://www.shariceforcongress.com/about> (last visited Nov. 27, 2018).

²⁰During 1987 and 1988, funding was cut and PLSI was unable to run the summer program. This explains the discrepancy between PLSI celebrating their 50th anniversary in 2017 and their 50th class in 2018.

²¹Mary Smith, *For Native American Attorneys, NNABA Groundbreaking Study Reveals Devastating Lack of Inclusion in the Legal Profession at Large*, FED. LAW. (Apr. 2015), http://www.fedbar.org/Resources_1/Federal-Lawyer-Magazine/2015/April/Features/For-Native-American-Attorneys-Groundbreaking-NNABA-Study-Reveals-Devastating-Lack-of-Inclusion-in-t.aspx?FT=.pdf.

²²*Id.*

²³*Id.*