Hon. Mark Pouley  
Chief Judge and Court Administrator, Swinomish Tribal Court  
by N. Lauryn Boston

For more than a decade, a visitor to the Pouley household calling out, “Hello, Chief Judge Pouley!” might have been greeted by a dual response. That’s because Mark Pouley, chief judge and court administrator for the Swinomish Tribal Court since 2004, is married to Theresa Pouley, his college sweetheart, fellow lawyer, and accomplished Indian law specialist in her own right who was chief judge for the Lummi Nation and Tulalip Tribes until 2015.

At some point, when both were employed as tribal court judges, people began referring to the couple as “Mr. Judge Pouley” and “Mrs. Judge Pouley.” But in their early college days the Pouleys couldn’t have known their route would take them to the Midwest city of Detroit for six years, or that they would both earn law degrees and eventually return home to Washington state to become respected Indian law practitioners.

Mark Pouley grew up in Yakima, in southeastern Washington, before heading to Spokane to attend Gonzaga University. It was there that he met Theresa, an enrolled member of the Colville Confederated Tribes. They were married and had their first son while still undergrads, resulting in dire predictions from concerned family members. “Everybody warned us that if we got married and had kids in college, we’d quit school and never amount to anything,” he laughed. “And we said, ‘No, we’re still going to do exactly what we planned on doing with our lives.’”

And forge ahead they did. The couple received generous scholarships from Wayne State University in Detroit where Theresa entered law school and Mark pursued his master’s degree with the goal of becoming a professor and college debate coach. Their second child was born while Theresa was still in law school, and the growing family buckled down and demonstrated the diligence and work ethic that would ultimately serve them well in their respective careers. After Theresa landed a job with a firm in Grand Rapids, Mich., Mark Pouley switched his focus to law and enrolled at Thomas M. Cooley Law School in western Michigan.

Upon his graduation, the family faced a not-uncommon dilemma: Should they put down roots in Michigan or return home to Washington state to be closer to family? “It really was a crossroads at that point,” he recalled. “We said, we’re either going to move back to Washington now or not at all. And I’m so happy with our decision, because our kids were able to grow up here with our family, to spend time with my parents before they passed, and to be with Theresa’s family on the Colville reservation and grow up close to their heritage. We would’ve really missed out on all of that had we stayed in Michigan.”

The family settled in Arlington, and Pouley clerked for the Washington Court of Appeals before venturing out to seek employment in private practice. He recalls the experience of being a new lawyer trying to land a first job. “Somebody said, go talk to Bob Cole, he might need somebody.” At the time, Charles Cole and his son Robert comprised the firm of Cole & Cole in Stanwood. They hired the young lawyer immediately. “That’s how those things happen,” Pouley opined. “You go out and look for some connections, and hopefully somebody gives you a chance.” He started out doing small town private practice—dissolutions, estate planning, contracts, property issues, and boundary line disputes. “I was really interested in getting into the courtroom, so anything that looked like it might wind
up in court ended up on my desk,” he said. He spent 12 years with Cole & Cole, eventually becoming a partner.

By this time, the Pouleys had added two more children and Theresa was a solo practitioner doing some enrollment casework for family members. “Because of Theresa’s Native American heritage, she became really interested in doing more work for tribes, and then so did I,” he said. Asked whether he intended on becoming an Indian law specialist, the chief judge laughs. “How does a lawyer become a specialist in anything? Well, you just start doing it, and then you try to become smart, and then people call you and say, ‘Hey, I heard you did this thing a year ago, could you come and do it for me, too?’”

The couple’s shared interest in serving tribal communities grew from there. Theresa became a reservation attorney for Lummi, and they both began serving as pro tem judges for the Lummi courts. “It wasn’t something I planned on doing when I was in law school or starting out as a young lawyer. In fact, I didn’t even know a specialty in Indian law existed,” Mark Pouley said with amusement. “My big plan was to just do appeals. I really liked that kind of writing and argument.” Cole & Cole contracted with the Swinomish tribe to help with their codification project over a two-year period. When their judge retired, the Swinomish Indian Tribal Community appointed Pouley to the bench in 2004. He considers the position, and the trust placed in him by the tribe, a privilege earned over the years spent working closely with tribal members. “Working in tribal communities gives you the chance to work with the people there and build up a trust over time. The community knew they could trust me, knew that I would handle their court properly, and that I respected their culture and their ways.”

Besides serving as chief judge for the Swinomish tribe, Pouley was also chief judge for the Suquamish tribe from 2006 to early 2015 and currently serves as a justice on both the Colville Court of Appeals and the Lummi Court of Appeals.

But life wasn’t all work and Indian law in the Pouley household. When their children were still young, the family bought a vacation home on the scenic shores of North Twin Lake, located on the Colville reservation, where they could spend time with their extended family. With all of their children grown today, Judge Pouley recalls those days with nostalgia. “My kids grew up there. I think all of them learned to swim in that lake. It was nearly 20 years ago, but it seems like just yesterday.”

Now, the Pouleys enjoy the same family vacations at the lake house with their two grandchildren, ages 3 and 1 year. “These are the ages my kids were when we first started coming to Twin Lakes,” he said. “Seeing my oldest son here, with his own kids, starting that cycle all over again and imagining that they’ll keep coming for the next 20 years and grow up the way my kids did—it’s a truly remarkable feeling.”

But he also considers the experience from his wife’s perspective. “Theresa was a child here on the Colville reservation, and her mother and father were children here, and how many generations of her family going back in time have brought their children here and taught them to swim, to go fishing?” he said. “It’s really remarkable that this place we love so much is not just a nice vacation place. It’s the roots of her family. How many generations before us have done exactly what we’re doing? It’s a very humbling feeling.”

Judge Pouley’s deep connection to the Twin Lakes area led him to turn a casual interest in photography into a lifelong passion. “We spent so much time at Twin Lakes and it’s such a gorgeous landscape,” he said. “What would happen is that we’d be there on vacation, and I’d get up very early in the mornings while everyone else wanted to sleep in, so I needed to find something to do. It was really quiet and very beautiful, so I’d go out and take pictures.”

His photos were admired, and he was encouraged to start selling his prints as postcards at the local resorts. “That was my first venture in commercial photography. I wasn’t getting rich, but I was getting better.”

His love of nature is evident in the stunning landscapes he captures throughout the Pacific Northwest, and his talent has been recognized in art shows and, more recently, by his peers. “I was honored to have one of my canvases hung at the Skagit County courthouse last year,” he said. “They invited me over for a consortium meeting and surprised me by having one of my pictures framed and hung in one of the meeting rooms, together with a plaque commemorating that first Tribal State Court Consortium meeting. For me, it was a big shock. I was very honored by it.”

Today, his award-winning photography is on display at numerous galleries and exhibits and available on his website, www.twinlakesimages.com.

In addition to his work for the tribes, Judge Pouley has taught a class in tribal governance for several years at Everett Community College in conjunction with the Tulalip Tribes. “It was a mix of history, Indian sovereignty, and law,” he said. Primarily attended by Tulalip tribal members and employees, the class was quite popular and received positive student feedback. “Almost always, the students expressed surprise about what they didn’t know,” Pouley said. “A lot of times people would say, ‘Every employee should take this class.’ They were surprised by the information they were learning and thought it would have a much broader appeal to anyone who works in Indian country, or even tribal members who vaguely understand the history but don’t understand it in context.”

Judge Pouley believes that such a curriculum incorporating historical facts with contemporary Indian community challenges could be beneficial for tribal members in general. “Tribal members know their history and know what has happened, in terms of how they got to where they are today. Certainly they have a better understanding than the general population. But I think that being provided with that information in context makes a lot of sense. For instance, there is a great deal of information about the historical trauma that Native Americans have suffered, because it’s generational, it’s significant, and it’s
write the text as if you were reading it naturally.