



# Hon. Diane J. Humetewa

## Judge, U.S. District Court, District of Arizona

By Trevor W. Carolan



Trevor W. Carolan has clerked for Judge Humetewa since 2018. He previously clerked for Judge William J. Fisher of the District of Minnesota (2016-2017) and is also an accomplished organist.

**W**hen entering Judge Diane J. Humetewa's chambers at the Sandra Day O'Connor Courthouse in Phoenix, one is immersed in décor encapsulating the beauty and diversity of Arizona—petrified wooden tables, turquoise Native American pottery, assorted cacti, and art depicting the vast Grand Canyon. This rich landscape has been the backdrop of Judge Humetewa's life and career. A lifelong Arizonan and enrolled member of the Hopi Tribe, Judge Humetewa is proud of her heritage.

When first examining the professional history of Judge Humetewa, it seems to be a fairly traditional path to the federal judiciary. She held positions as deputy counsel for the U.S. Senate Committee on Indian Affairs (1993-1996) and counsel to the deputy attorney general of the United States (1996-1998), and she served as an appellate court judge to the Hopi Tribe. Judge Humetewa then spent 13 years at the U.S. Attorney's Office in Arizona, including as senior litigation counsel, prior to her appointment by President George W. Bush as U.S. attorney for Arizona in 2007. Following her tenure as U.S. attorney, Judge Humetewa worked in private practice and as legal counsel to the president of Arizona State University (ASU). Appointed to the district court bench by President Barack Obama, she was unanimously confirmed by the U.S. Senate on May 14, 2014.

However, Judge Humetewa's path to becoming the nation's first female Native American to serve as a federal judge was not completely conventional.

### Early Life

Judge Humetewa spent much of her childhood on the Hopi and Hualapai Indian Reservations in Northern Arizona. Her parents raised her with Hopi traditions, culture, and language. Her father, who was an engineer for the Bureau of Indian Affairs, and her mother, a primary school employee, frequently brought their children to the reservation, where many of her family members still reside. The Hopi Reservation, located near the Grand Canyon in Northern Arizona and encompassing an area slightly larger than the state of Delaware, is a vast and rugged territory. Judge Hume-



tewa considers this land to be her traditional home, where she regularly returns to participate in cultural ceremonies and to visit family.

Having themselves been distanced from their families and not having the educational opportunities of others, her parents hoped that she would pursue higher education. After high school, she enrolled at Phoenix College, initially desiring to be a teacher. It was there that she had her first encounter with the law—a dry constitutional law class that did nothing to provoke her interest in being an attorney. She did, however, become interested in the workings of the criminal justice system and subsequently attended ASU to major in justice studies.

While at ASU, Judge Humetewa interned with the U.S. Attorney's Office in Phoenix and was assigned to work on a pilot program to assist victims of crimes the office was prosecuting. After earning her degree, she was hired full time as a crime victim advocate. This work was transformational for Judge Humetewa, as she saw first-hand the federal judicial system's impact on tribes and tribal members.

"I originally observed that very few lawyers traveled to reservations to view the crime scenes or to conduct interviews, which often resulted in cases being dismissed or resolved to a lesser charge that

the victim advocates were left to explain to the victims,” said Judge Humetewa. Another reality for tribal peoples involved with the federal criminal justice system is the geography of the state of Arizona. Victims, witnesses, and family members often have to travel over four hours by car from one of the most rural areas in the country to the city center of the fifth most populous city in the United States. This geography also presents serious challenges to achieving representative jury pools.

Nationally, many federal magistrate, district, and appellate courts do not hear Indian country cases. As a result, Judge Humetewa says, “[w]hen national judicial policies are being debated or implemented, these realities are often overlooked.”

Judge Humetewa noted, however, that the work of her program drew attention to the plight of victims on the reservations, and, as a result, the entire process was improved. She stated that “when the attorneys showed a willingness to learn about the victims, their backgrounds, and their communities, it made a real difference in the case, and the decisions that needed to be made for a just result.” This work helped to foster trust among all the parties involved.

These early interactions with the justice system indelibly influenced Judge Humetewa. She was content, however, with the work she was doing and did not consider attending law school until the attorneys she worked with persuaded her that she needed to. “My supervisor put a packet of law school applications on my desk, and told me to complete them,” said Judge Humetewa. “At the time, I thought to myself, ‘I don’t really want to go to law school,’ but I realize now that it is the path that I was meant to walk.”

Returning to ASU for law school, Judge Humetewa focused on Indian law. During law school, she had the opportunity to intern for Sen. John McCain, R-Ariz, in Washington, D.C. After graduating from law school, she returned to Washington and served as deputy counsel for the Senate Committee on Indian Affairs, of which Sen. McCain was the chairman. This experience was groundbreaking for Judge Humetewa, her experiences there serving to mold her into the judge she is today.

## Public Service

Sen. McCain’s work with the nation’s tribal governments and their citizens inspired Judge Humetewa to enter public service. She says that “Senator McCain would remind his Senate colleagues that the United States must adhere to the solemn vows it made when entering into Treaties with Indian tribes.” She adds that Sen. McCain “truly believed that our Government, and those who worked in it had a moral obligation to uphold the promises made, and to avoid the past mistakes of the laws and policies that lead to tribal population and government diminishment.” Judge Humetewa notes that “Senator McCain’s, along with my parents’ view of public work as being noble work, all directly influenced my desire to be a public servant.”

She carried Sen. McCain’s words with her throughout her career, and, in 2007, she had the opportunity to lead the office that initially inspired her to attend law school. As U.S. attorney for the District of Arizona, she worked to improve relations between her office and the communities that were impacted by the crimes her office was prosecuting.

## Federal Bench

In May 2014, in a rare moment even by U.S. Senate standards, Sen. McCain moved for the confirmation of six federal judicial nominees for the District of Arizona in one day, some to seats that had been vacant for three years.

Judge Humetewa recalls watching the vote on her nomination from the ASU campus in Tempe. In a speech from the Senate floor, Sen. McCain stated, “With this vote, we will be making history in some respects. We should all be proud that this nominee, Diane Humetewa of the Hopi Tribe, will be the first Native American woman to be on the Federal bench.” Applause erupted on the Senate floor. When Sen. McCain called to congratulate her on the unanimous vote, Judge Humetewa was able to tell her former boss how proud her parents were to watch the vote from their home on the Hopi reservation. Sen. McCain remained proud and inspired by Judge Humetewa as well, making a last request of her in his final weeks: to serve as a pallbearer at his funeral service in Phoenix, which she did on Aug. 30, 2018.

From Sen. McCain, Judge Humetewa learned the importance of public service and of staying connected to those whose lives are impacted by one’s work. Today, she gets the chance to put those lessons to use on the bench. As an active judge in one of the busiest districts in the country, Judge Humetewa presides over numerous cases related to civil and criminal Indian law. The large number of cases is a result of the many federally recognized tribes in Arizona and ramifications of the Major Crimes Act, which designates certain crimes occurring on tribal lands as federal crimes. Along with immigration-related crimes, those arising on tribal lands or involving tribal members comprise the majority of the court’s criminal docket in Arizona.

Judge Humetewa’s early work with crime victims confirmed for her just how few citizens are even remotely familiar with the justice system. She recognizes that, for most individuals, the system is confusing, frightening, and impersonal. “As a judge, I try to approach the parties, especially those involved in criminal cases, with great patience and allow them to be fully heard. I try my best to fully explain the law, and the decisions that I must make according to it,” Judge Humetewa says. Her law clerks spend the majority of their time on the multitude of civil cases on her docket, while Judge Humetewa primarily handles her heavy criminal caseload herself with minimal assistance from her clerks.

Judge Humetewa also continues the work to improve the relationships between the federal court system and

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tribes. Her positive influence has been felt throughout the district. G. Murray Snow, chief judge of the District of Arizona, credits Judge Humetewa's knowledge and experience with an increased understanding of the issues facing Arizona's tribal peoples. "In this District, one of the things we grapple with is doing justice in Indian Country consistent with both tribal sovereignty and American citizenship. Nobody knows this interface like Judge Humetewa; it is her life," says Chief Judge Snow. He adds that Judge Humetewa "has been invaluable in giving her extra time to educate judges on tribal life and cultures, in clarifying issues of access to justice and services, and in tirelessly serving as a leader and role model."

Moreover, as one of only a handful of Native Americans in history to serve on the federal bench, Judge Humetewa is sought after nationwide—by law schools to congressional committees—to discuss issues facing Indian country. She tries not to think about this distinction often, saying that she would not like to be known as the "first female Native American federal judge," but rather a competent judge who is fair and impartial. This is how her judicial colleagues think of her. "She is a thoughtful, considerate, collaborative, hard-working and determined colleague," says Chief Judge Snow.

### Mentorship

Another of Judge Humetewa's joys is being a mentor to her law clerks and staff, law student externs, and law students throughout the country. She is very devoted to her law clerks and court staff. Whether it involves a staff birthday celebration, holiday dinner gatherings, or welcoming members of the extended chambers family in the form of a new baby or fiancé, Judge Humetewa's chambers really does feel like a family. One of her past clerks stated that "the Judge's mentorship style is one of respect, encouragement, and constructive criticism, giving her clerks room to grow and learn, but always being available when direction or guidance is needed." The common refrain when talking about Judge Humetewa with her former and current staff is that she treats everyone with respect, whether that is her staff, lawyers appearing before her, or criminal defendants.

She is also delighted by a recent partnership with area Girl Scouts. The local troop created a merit badge to honor inspiring women. Judge Humetewa was in the inaugu-

ral group of three women who launched the Arizona Inspirational Woman badge. The Girl Scouts earn this badge after learning about the role of the federal judiciary, including coming to the courthouse for a tour, a courtroom simulation, and a question and answer session with the judge and her law clerks. Earning this badge provides the Girl Scouts with role models who help them to "develop confidence, courage, and character and to make Arizona and our world a better place."

Judge Humetewa says, "When I was young, I learned by seeing, then by doing. While spending time at the courthouse, they don't just see me, they see and hear from my courtroom deputy, court reporter, law clerks, and U.S. Marshals, the people who make our court system work. I hope that one day they reflect back and see these court personnel as role models or as an inspiration to help them achieve their dreams."

In her spare time, Judge Humetewa enjoys traveling; spending time with her husband, family, and dog; and running long-distance races throughout the country, in homage to her Hopi roots. ☺