

## Opportunities in law lagging behind for Native Americans



Mary L. Smith

### On The Web

The National Native American Bar Association study “The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession” [is available online](#).

By [Jamie Loo](#)

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Checking boxes for demographic questions on a law school or job application is routine for most people.

But for Native Americans, the choice to check a box — or several boxes — and self-identify is more complicated.

“Given that I did not grow up on my tribe’s reservation, at times, I found it difficult to identify myself as Native American on any sort of application because I understood that I did not have the same difficulties growing up that many other Native Americans did,” Lupe Laguna said.

“And I am not anywhere near 100 percent Cheyenne.”

When Laguna applied to the Northwestern University School of Law, he checked the Native American box on his application along with the Latino and Caucasian boxes because he wanted the admissions committee to have a complete picture of him, he said.

He’s now a third-year law student at Northwestern and the founding member of a Native American student group launched at the school this year.

The box-checking issue is among the topics explored in “The Pursuit of Inclusion,” a report by the National Native American Bar Association (NNABA), which describes itself as the first

comprehensive study on Native Americans in the legal profession.

The study surveyed 527 Native American attorneys. Beyond numbers, the report included anecdotes and observations gathered from focus groups and interviews on issues such as law school admissions, job satisfaction, workplace experiences and advancement as well as recommendations to make the legal profession more inclusive.

[Mary L. Smith](#), immediate past president of NNABA, said the group conducted the study because of a lack of existing research and information on Native American lawyers. She serves as special counsel and estate trust officer for the office of the special deputy receiver in Illinois and is a member of the Cherokee Nation.

“When Native Americans were mentioned in diversity and inclusion studies, it was usually in small numbers or a footnote, or many times not at all,” Smith said.

NNABA comprises 2,640 attorneys — a tiny fraction of the overall 5.1 million Native American population in the U.S., according to 2011-2012 U.S. Census figures.

The federal bench only has one Native American judge out of 900, Smith said, and no Native Americans have ever served on a state Supreme Court.

“We want this to be a launching pad for a discussion and lead to a more robust approach to help Native Americans succeed and join the legal profession,” Smith said.

### **Seeking school involvement**

Many attorneys interviewed for the study said they chose legal careers because of an interest in American Indian law and giving back to the Indian community.

Nearly 65 percent of respondents practice American Indian law.

These practice areas stem from the federal government’s recognition of Native American reservations as sovereign nations with tribal governments, courts and laws that frequently collaborate with state governments on mutual interests, such as law enforcement and environmental protection.

Smith said law schools need to focus efforts on reaching prospective Native American students and supporting current students on their career paths.

Most law schools do not offer American Indian law courses, she said, and adding it to the curriculum could make a difference in recruitment.

The percentage of Native American students compared to the overall law school student population is less than 1 percent, according to the American Bar Association.

But the study notes that this number is unreliable because of a phenomenon of non-American Indian applicants checking the Native American box with no factual basis to claim the heritage “in the hope of receiving some sort of preferential treatment.”

While Native Americans comprise 1.6 percent of the U.S. population, only 0.3 percent are attorneys out of the 65,356 Native Americans age 25 and older with graduate or professional degrees, according to 2011 U.S. Census Bureau numbers.

The study also recommended creating more opportunities for Native American K-12 students to learn about law and the legal profession.

Northwestern law student Ana Avila, a co-president of the school’s Native American Law Students Association (NALSA) chapter, said law school diversity weekends for newly admitted students are not enough.

“It would be nice to see one specifically for Native Americans given the small representation,” she said.

She also said she thinks financial barriers and lack of access to information on navigating the law school application process have been a deterrent in the past.

Smith agreed.

“I think more concrete steps such as scholarships for LSAT prep courses would help a lot,” Smith said.

### **Workplace inclusion**

In the study, 22 percent of attorneys reported careers in the tribal sector, 19 percent in government or nonprofits and 8 percent in private law firms. Of this group, 49 percent reported being “neither satisfied/dissatisfied” with their careers, and 37 percent reported answered with “satisfied.”

Smith said she doesn’t think respondents meant they were lukewarm toward their careers. Based on the study’s anecdotes, she said, it’s more likely they feel a mixture of “both satisfied and dissatisfied” with their careers.

“A lot of respondents said that they’re happy for the small steps forward for their tribe but unhappy personally,” Smith said.

Nearly 41 percent of lawyers reported demeaning comments or other types of harassment in the workplace, and 30 percent felt they were treated differently than their peers.

“There are some people who think Native Americans are not as qualified or intelligent,” she said.

There’s a lack of knowledge about Native Americans, Smith said. And with so few in the legal workforce, discrimination and inclusion concerns are often brushed aside.

One anecdote cited an attorney who got teased by co-workers at his firm after he or she suggested that Native American issues be part of firm diversity programs.

Some respondents reported that practicing American Indian law was somewhat of a dead-end job. When these attorneys tried to expand their practice areas, they felt pressured by employers — native and non-native — to only concentrate on American Indian law.

But Smith said American Indian law is hardly monolithic. In many ways, it’s similar to being a general practitioner because it covers a range of issues such as contract law, human resources and criminal law, she said.

Of the former attorneys surveyed in the study, 60 percent of men and 52 percent of women reported that a lack of professional growth influenced their decision to leave the profession. The report recommended more professional development opportunities; human resources diversity policies that ensure Native Americans are included in hiring and promotion; and better training for supervisors.

“I’d like to see the day when there are not only more Native American attorneys but more in non-Indian law jobs,” Smith said.

### **Building support networks**

As a veteran, Laguna said he often felt isolated making the transition from the military to college. Without the support of other former Marines, he said he would’ve had trouble staying in school.

“I think Native American students face similar obstacles in legal education,” said Laguna, a founding member of the Northwestern NALSA chapter.

NALSA hopes to raise awareness about local Native American issues as well as inclusion in the legal profession. On campus, it also seeks to provide a support network for students interested

in these issues.

The group said it's in discussions with the American Indian Center of Chicago to launch programs together, such as youth law school seminars and legal workshops. About 14,000 people in Chicago identified as American Indian, Native Alaskan, Native Hawaiian or native Pacific Islander in the last census.

Smith said more than half of the national Native American population lives in urban areas.

Avila said NALSA also wants to work with Native American undergraduate groups to encourage students to consider law school.

The organization is inclusive of all students, Laguna said, whether they are Native American or not.

Avila, a Mexican-American, has indigenous roots in the Huichol people native to modern-day Mexico but said she doesn't identify as Native American. But she considers herself an ally to the community.

"There isn't much support for minorities going into law in general," she said. "We are hoping to contribute to the discussion in any way we can."

With so few Native American attorneys, Smith said having support networks and more visible representation to draw more Native Americans to the profession is huge.

"People cannot underestimate the power of just one," she said. "If a law school hired just one Native American professor, that sends a powerful message."