

**THE BURDENS OF BOTH, THE PRIVILEGES OF NEITHER**  
**A REPORT ON THE EXPERIENCES OF NATIVE AMERICAN WOMEN LAWYERS**

**A REPORT OF THE MULTICULTURAL WOMEN ATTORNEYS NETWORK**

(A JOINT PROJECT OF THE ABA COMMISSION ON WOMEN IN THE PROFESSION AND  
THE COMMISSION ON OPPORTUNITIES FOR MINORITIES IN THE PROFESSION)

**THE FEDERAL BAR ASSOCIATION**

AND

**THE NATIVE AMERICAN BAR ASSOCIATION**

AUGUST, 1998

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## **Foreword**

By the year 2010, more than 50% of all attorneys will be women and minorities. Yet, artificial barriers continue to exist which limit their career opportunities and inhibit them from achieving their full potential.

In 1989, the ABA's Commission on Women in the Profession and the Commission on Opportunities for Minorities in the Profession recognized that certain unique concerns of multicultural women attorneys were not receiving sufficient attention. Hence, the Multicultural Women Attorneys Network (MWAN) was born to assess and articulate the priorities and needs of multicultural women lawyers who are encumbered by the double burdens of racism and sexism.

MWAN set out to speak with multicultural women lawyers around the country, hosting regional conferences and roundtables. In 1994, the Multicultural Women Attorneys Network issued a landmark report, "The Burdens of Both, The Privileges of Neither," detailing the difficulties multicultural women face in the legal profession.

We have studied and reported on the problem long enough; it is time to develop effective strategies for ridding the legal profession of bias and discrimination. The backlash against affirmative action referenced in the 1994 report has not abated. If anything, it is getting stronger as we approach the new millennium.

This report is intended to serve as a catalyst for the ABA to reconfirm its commitment to multicultural women attorneys, and to make concerted efforts to develop and implement solutions to the unique challenges they face. It is imperative that the ABA actively encourage and facilitate multicultural women's involvement in ABA projects and activities. In particular, the ABA must reach out to Native American women attorneys who, currently, are almost non-existent within the Association.

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The Network also recognizes the individual contributions of each MWAN member to the important publications, programs and activities of MWAN.

The Network especially thanks the Hon. Dolores Atencio, Chair, MWAN; Teresa Leger, Member, MWAN; the Hon. Donna J. Goldsmith, Deputy Chair, Federal Bar Association Indian Law Section; Kalyn Free, President, NABA; Jonny BearCub Stiffarm and Patricia Tingle, former Presidents, NABA; and Jerilyn DeCoteau, Patrice Kunesh and Hilary Tompkins, Native American women lawyers, for their editorial assistance and work on this report. Each brought considerable knowledge of the subject to this project.

The Network also recognizes P. Sam Deloria, Director, American Indian Law Center and Heidi Nesbitt, Director, American Indian Law Center Pre-law Summer Institute for their invaluable assistance.

The Network is grateful to all of the Native American women lawyers who participated in this project by sharing their thoughts and describing their experiences working in the legal profession.

## **Introduction**

The Network also acknowledges the staff of the Commission on Opportunities for Minorities in the Profession and the Commission on Women in the Profession for assisting with the work of the Network.

In particular, the Network thanks Commission on Women Staff Director Ellen Mayer and Interim Programs and Projects Manager Rebecca Singer for their assistance in drafting and editing this report, Commission on Women staff Karen Berenbaum and Kim Calcagno for their proofreading and editing assistance and former assistant to the Commission on Minorities Joanne Pastores Boy for her considerable research and assistance with this project.

Special thanks to José Gaitán, Chair of the Commission on Minorities, and Karen Mathis, Chair of the Commission on Women, for their enduring support of the Network.

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The Multicultural Women Attorneys Network (MWAN) is a joint project of the American Bar Association's Commission on Opportunities for Minorities in the Profession and the Commission on Women in the Profession. Created in 1989, MWAN's mission is to raise and address the concerns of multicultural women in the legal profession. In its 1994 ground breaking publication, *The Burdens of Both, The Privileges of Neither*, MWAN documented the obstacles and unique challenges facing multicultural women attorneys in practice, on the bench, and in law schools.

Based on information available at the time, the report focused on three segments of the multicultural women attorneys population: African-American, Asian-American, and Hispanic-American. Frustrated by a lack of meaningful demographic information on Native Americans and Alaska Natives, the Network was unable to include them in the larger study.

In 1994 when *Burdens* was released, the Network recognized that special efforts would be needed to obtain a comprehensive picture of the status of Native American women lawyers. To respond to this need, the Network launched an effort in 1996 to gather and compile information about this small, but important, segment of the multicultural women attorneys population. The Network contacted the Federal Bar Association, Indian Law Section, and suggested creating an alliance to complete this project. The FBA subsequently co-sponsored a panel of Native American women lawyers at the FBA Indian Law Section annual Federal Indian Law Conference. This panel was the first step in creating this supplement which may represent the first effort at conducting research and documenting the difficult issues which Native American women attorneys face.

### **Demographic Information**

The 1994 report noted the absence of meaningful demographic information about Native Americans. Unfortunately, the situation has improved little since then. Accurately determining the number of Native American women lawyers is a difficult task -- one that is compounded by a dearth of information on the number of Native American lawyers in the U.S. Kirke Kickingbird, immediate Past-President of the Native American Bar Association (NABA) and a member of the Board of Governors of the American Bar Association (ABA), estimates that there are approximately 1200 to 1500 Native American attorneys in the U.S. He arrived at these numbers by extrapolating from statistics related to the numbers of Native Americans enrolled in law school during the past decade, as well as the overall membership rolls of the NABA. Also, citing anecdotal evidence, Mr. Kickingbird has concluded that between 40% and 50% of Native American attorneys are women. Accordingly, Mr. Kickingbird estimates that there are approximately 600 Native American women attorneys in the U.S.

P. Sam Deloria, Director of the American Indian Law Center, estimates that there are at least 900 Native American women attorneys in the United States. Mr. Deloria extrapolates this number based upon the number of

participants in the Pre-law Summer Institute and upon information gathered regarding the number of Native American graduates from law school, more than half of whom have been women.

The Native American Bar Association, formerly known as the American Indian Bar Association, was formed in the 1970's by Native American attorneys in order to help Native Americans achieve their political aims and develop their law practices. NABA facilitates communication among Native American lawyers, and it serves as a clearinghouse for Native American attorneys on issues affecting tribes throughout the nation. In 1997, NABA published its first directory of Native American lawyers. The directory lists the members of NABA, indexed by location, tribe and area of practice. The numbers in the publication comport with the proportions cited by Mr. Kickingbird and Mr. Deloria; just over 40% of the attorneys listed are women.

The Native American legal environment is very different from that of the majority Anglo legal environment due to the unique influences of Native American culture. These cultural differences present special challenges to Native American attorneys. The majority legal environment is contentious, and equity and relief are generally measured in monetary terms. In contrast, Native American culture seeks to build consensus and harmony among parties and it is often anathema to define justice in monetary terms. Women are often faced with special challenges, as stereotypical Native American women have been conditioned to be less vociferous and more reserved than their non-Native counterparts.

Compounding the cultural differences is the fact that most members of the legal profession are unaware of the unique legal status of the tribe and tribal individuals, and that due to this unique status a whole body of "federal Indian law" has developed. Additionally, most tribes have tribal courts which adjudicate tribal matters or disputes involving Native American parties or non-members when those non-members have acquiesced to tribal jurisdiction either by the nature of their actions, the location of their actions, or consent to the jurisdiction of the tribal court in some way. Native Americans have a special political status as members of a separate sovereign entity which bestows upon them the privileges of a citizen of another nation. It is important to note that while for purposes of this report we do not make distinctions between tribes, each tribe has its own laws and judicial system based on its own individual culture. Many tribal courts are different in their rituals and how they incorporate their tribal culture into their court processes. Some tribal judicial systems are entirely traditional while others are totally anglicized. Yet others have a structure that exists somewhere on the continuum between the traditional and the western or Anglo model. According to one Native American women lawyer, some tribal courts use sweet grass to smudge their rooms while others use sage, cedar, or sweet root. Some courts may begin their session with prayer, singing of sacred songs, or the presenting of tribal symbols such as flags or eagle staffs. While recognizing these cultural differences, the experiences of Native American women attorneys across the tribal spectrum can be generalized.

## **Methodology**

In March 1997, a survey was sent to 69 Native American women attorneys whose names were gathered from the NABA Directory. Surveys were also distributed at the 1997 FBA Indian Law Section's Annual Federal Indian Law Conference. Through the survey, the Network sought to obtain demographic information on Native American women lawyers which would show what areas of the law they practice and what career paths they have taken. The survey also solicited their opinions, observations, viewpoints, and experiences relating to the legal profession. Twenty surveys were returned answered (29%).

Due to the small number of respondents, surveys were distributed again in the spring of 1998. They were distributed at the FBA Indian Law Section's Annual Federal Indian Law Conference, to the alumni list of the American Indian Law Center Pre-law Summer Institute, and to various individuals through personal contacts. An additional 42 surveys were returned.

A total of 62 individuals responded to both rounds of surveys, representing approximately eight percent of the population. With approximately eight percent of the estimated population responding, the survey results constitute a reliable source from which to draw accurate conclusions about Native American women lawyers. Hopefully, this study will prompt future inquiries into the status of this population.

## **Overview of Findings**

The Network found that Native American women lawyers, like other multicultural women lawyers, encounter persistent and unique barriers to career opportunities, growth and advancement.

- C The combination of being Native American and a woman is a double negative in the legal environment;
- C Native American women lawyers encounter frequent race and gender discrimination; there is even evidence of a substantial amount of inter-tribal discrimination;
- C They are nearly invisible in the profession and, thus, face impediments to professional growth and advancement;
- C Native American women attorneys must repeatedly establish their competence to professors, peers and judges;
- C A majority of the women surveyed believe that they are practicing a particular type of law because they are Native American women, although it is unclear from the data whether this pattern is due to free choice, perceived lack of options, bias or discrimination, or a combination of forces.

## **The Law School Experience**

The 1994 study revealed that law school is not a hospitable place for women of color. The environment was described as hostile, alienating and abusive. Native American women, too, suffer in the law school environment. Like other women of color, the most pervasive challenge Native American women face in law school is the need to repeatedly prove their competency. Almost 76% of the survey respondents, at some point during their academic career, confronted the assumption that their acceptance to law school was a product of affirmative action rather than ability. Because their academic qualifications are immediately suspect, Native American women continually feel compelled to prove themselves. One woman commented that she was repeatedly tested, “despite outstanding credentials and previous awards.” Another woman’s response is, perhaps, even more telling. She indicated that she did not feel as if she was tested more but, instead, faced “indifference or disregard, so no testing resulted.”

No doubt, the self-esteem and confidence of Native American women, especially in light of their small presence in the law school population, suffers as a result of these demeaning and demoralizing experiences. While many law students’ self-confidence plummets during law school, the myriad obstacles Native American women face foster feelings of inferiority and self-doubt, exacerbating their struggle to maintain their self-esteem.

Not only must women of color battle to prove their competency, but they also must fight against the phenomenon of invisibility which was described in the 1994 report. This feeling of being invisible is compounded for most women of color by the scarcity of multicultural women law professors and deans. For Native American women, this does not seem to be as acute a problem. Almost five percent of the respondents were themselves law school professors and 64% of the respondents indicated they were aware of Native American law professors. Anecdotal evidence suggests that the small numbers of Native American women lawyers has fostered a network resulting in knowledge of where Native American women lawyers work.

While these statistics are heartening considering the exceptionally small numbers of Native American women lawyers, the law school environment is undoubtedly difficult. One former professor noted that she found the staff and administration at her law school to be particularly sexist and racist, “with professors openly stating their distaste of female associate professors.” She continues, “As an Indian woman--I was virtually invisible and was treated so badly by my supervisor that we had to have a mediator to communicate daily work. I fought back, but had to resign to save my sanity.” This same woman noted that darker-skinned students were discriminated against more than the lighter-skinned students. This disparity, in turn, created a rift within the Native American Law Students Association because many lighter-skinned students did not recognize that discrimination was occurring. Although activism or an attempt to raise awareness of the issues facing this population can appear to be an effective tool in fighting discrimination, one respondent, now a state Supreme Court Commissioner, was asked to leave her first law school as a result of her activism. She described her first year as “a battle between myself and [the] dean.” Another respondent who had attempted to be vocal about her status described her law school experience as “devastating.” When she “spoke up in class . . . the repercussions were enormous. People hissed at me *in class* . .

. I was threatened with physical violence, . . . received harassing phone calls, [and] . . . was often followed by two men.” It was only by keeping quiet in class and occupying herself outside of the law school that she was able to avoid the daily discrimination.

Several students themselves found tools to deal with the racial discrimination at the universities. For some Native American women, organizations such as the Native American Law Students Association provided peer guidance which helped them navigate the difficulties of law school. Several respondents noted that they personally mentor Native American women law students or those aspiring to study law.

Even more encouraging is the fact that some law schools have established programs specifically geared to assist women of color. It is promising that law schools recognize the challenging situation for women of color and, in this case specifically, Native American women. The efficacy of these cultural guidance programs is not documented in this survey, although one respondent noted that the University of Wisconsin’s program, in which she participates, is “nurturing.” Another respondent claimed, “If not for the support of two women law school professors and the American Indian Law Center, I would not have survived my first year of law school.” The law schools’ efforts to help ease the isolation and frustration of women of color by providing support and encouragement should be commended.

## **Challenges in the Workplace**

The difficulties encountered by Native American women in law school follow them into their law careers wherever they practice: their credibility is questioned; as a group, they are marginalized; and they face frequent discrimination, in the form of insensitive remarks, prejudicial assumptions, extraordinary scrutiny, or outright antagonism.

## **The Native American Woman Lawyer: A Profile**

In creating a profile of the Native American woman lawyers who responded to the survey, we discovered that the largest percentage (20%) serve as government attorneys, followed by 19% percent who work as tribal counsel. Additionally, there are women who serve as tribal judges and several who serve as state judges or commissioners. In describing their areas of practice, 45% of Native American women attorneys said they practice some sort of Native American Law or identify themselves as Tribal attorneys. Almost half of the respondents represent tribes in their work. Areas of specialization run the gamut, including Federal Indian Law, child advocacy and child welfare, land use, corporate, environmental and water law. Approximately two-thirds of the respondents believe that they are practicing a specific type of law because they are Native American women, although it is unclear from the data

whether this pattern is due to free choice, perceived lack of options, bias, discrimination, or a combination of forces.

### **Discrimination in the Workplace**

Like other multicultural women, Native American women frequently encounter sex and race discrimination in the workplace.

When surveyed about the frequency of sex discrimination-based conduct in the work environment, 58% responded that they often or sometimes encounter it. They experienced this discrimination with every group they encountered while performing their legal duties: tribal judges and counsel members, state and federal court judges, opposing counsels, employers, clients, co-workers, peers and community members. In most cases, the women experience more gender than race discrimination. One woman was referred to as a “lawyerette” by an Appellate Court Judge. One young lawyer wrote that she often hears that she is “too sweet and nice, you need to toughen up;” her perception is that those making the comments want her to be “more like a man.” This same lawyer often finds it difficult to make substantial contributions to discussions because the male litigators tend to assume the leadership roles and dominate the discussions. Another woman remarked that she experiences condescension by elected tribal leaders due to her gender. Another woman commented that “her tribe is basically sexist. I was told that ‘a woman’s place is to support men and make them look good!’”

Racial discrimination is also an acute problem with 56% of the respondents encountering it almost always, often or sometimes. Some of the discriminatory behavior is blatant. Women hear themselves or their fellow Native Americans referred to with painful epithets such as “blanket head” or they face stereotypical characterizations regarding concepts of time, life on the reservation, or Native American attitudes. One woman felt compelled to resign her position at the Attorney General’s office after a client who was also a staff person for a state agency remarked that “All you Indians just want everything for free.”

Some of the discriminatory behavior is more subtle. One woman responded that when she walks into the courtroom everyone, including on occasion the judge, will stop talking. Another woman noted that while she did not often encounter blatant discrimination, sometimes comments “‘slipped-out’ from non-Indian employees that let [her] get a glimpse of their basic attitudes of superiority.” Another respondent wrote that “Indian law attorneys are often not treated as *real* attorneys.” One attorney indicated she was frustrated by non-Indian attorneys who make “all too obvious and obsequious gestures to show they are ‘hip’ to Indian culture;” the result is that they reveal their discriminatory attitudes.

Not only do Native American women lawyers face discriminatory behavior from non-Native Americans, but many women responded that they encounter racism from other Native Americans. Several women noted that they had witnessed discriminatory behavior between members of different tribes.

Perhaps the most painful aspect of this discrimination is the Native Americans' internalization of these racist perceptions. The original publication cited studies showing that demeaning experiences foster feelings of inferiority and self-doubt among women of color. Similarly, as noted by one respondent, "the Indian people seem to have bought into this attitude [of non-Indians' superiority] and seem to believe non-Indians can do it better, trusting their opinions more, hiring them for key positions." Another woman encountered this attitude with the advisory board of the Indian Law Clinic at her university. Despite the fact that it is dominated by Indian lawyers, the members are "unwilling to push for an Indian Director. Each powerful in their own right, they seemed unable or unwilling to tackle the University system" which is undoubtedly dominated by whites.

The pervasive discrimination negatively impacts Native American women's ability to maximize their potential as lawyers. Several women have wondered "whether or not it is worth it." One woman stated that "it brought tears to my eyes because I have had several painful racist/sexist incidents. After nine years of practicing law, I am not sure that I want to continue practicing law." Another respondent wrote that the discrimination she has faced has made her path "difficult, depressing, disillusioning. I believed people wanted to be lawyers because of an interest in justice. I rarely find myself thinking that today."

Most of those surveyed believe that they do not have adequate training to recognize or respond to discrimination. An overwhelming majority responded that the ABA Commission on Women, the Federal Bar Association and the Native American Bar Association should provide seminars or training on sex discrimination in the workplace and in law schools. This type of training would not only provide Native American women with the most effective tools to deal with discrimination, but could be used as a forum to make non-Native Americans aware of the particular challenges facing this population.

Despite a lack of formal training, most of the respondents have, out of necessity, developed methods to contend with the pervasive discrimination. Many of the women confront the individuals either personally or in writing, or through mutual supervisors. Several women draw attention to the impact of another's remarks, which offenders might not even realize are painful. Although citing limited success, one attorney said that she attempts to resolve these situations "by fashioning a fair outcome for the parties involved. . . within the realm of my authority."

Unfortunately, as one lawyer despaired, "the comments result from ignorance and there isn't much to say that would help." Another woman noted that she attempts to confront people but so many of them are closed-minded. One woman gave apparently sound advice: "Always be the best prepared person involved. . . stay focused on the tasks at hand, [ignore] other people's bias, stupidity, insensitivity. . . In future dealings, try to arrange [it] so that the

offender has the least power to affect your work.” Unfortunately, as many of the multicultural woman in the original study indicated, in addition to facing discrimination, many of the women have been forced to work harder and put forth more effort just to stay in the game.

### **Workplace Environment and Opportunities for Advancement**

The surveys indicate that Native American women lawyers regularly encounter isolation, hostility and disrespect in the workplace. This sort of behavior undoubtedly compounds the difficulty that they have in being treated as professionals and equals. While many Native American women are perceived as having benefited from affirmative action, the reality they report is that, like other multicultural women, they encounter many barriers to advancement: stereotypes that limit job opportunities (59%); the failure to be recognized as competent (73%); pay inequities (52%); insufficient mentoring (70%); heightened scrutiny of hours, work product and performance (62%); and undue difficulties in attaining partnership status or other promotions (46%).

### **Networking and Mentoring**

Multicultural women suffer from a lack of professional networks, supportive opportunities and mentors. Almost all of the Native American women lawyers surveyed agree that they are virtually invisible in the legal profession. It follows that they feel they are excluded from the same or similar professional networks or not offered the same career development opportunities as other women attorneys. As noted in the original publication, the existing and dominant networks were built by white males; multicultural women are not accepted into this “old boys network.” Accessibility to these networks and the tools to navigate them is essential for Native American women as members of a small group which lacks visibility and acceptance. Additionally, the women are almost unanimous in their belief that there is an absence of a conscious effort by the legal profession to recognize and value the diversity Native American attorneys can bring to the legal profession.

As with all women of color, the paucity of mentors is one of the most pervasive obstacles to advancement. Unfortunately, due to their small number the natural source for mentors, other successful Native American women lawyers, are very hard to access. It is encouraging that almost half of those surveyed either have mentors or serve as mentors to other women. But, because the pool of Native American women lawyers is so small, many of these women are over-committed and do not have time to mentor aspiring or rising lawyers. Research and anecdotal evidence show that mentoring is invaluable to career development and success, and it seems as if too few Native American women have access to someone who can help them learn the “ins and outs” as well as the unwritten rules of the working environment.

One Native American woman attorney wrote about her uniquely positive experience. She attended a law school that actively recruited students from Native American tribes. Her first job after law school was with an Assistant U.S. Attorney responsible for water rights for several tribes who was willing to mentor her and provide her with an experience that was “absolutely wonderful and challenging.” Immediately following that job, she joined a firm which specializes in the representation of Indian tribal governments and actively recruits and hires Native American attorneys. Recognizing the value of being mentored, the respondent praises her firm which has “supported and nurtured my legal development over the past four years. . . I feel that I have been very fortunate in my legal development.”

## **Conclusion**

The experiences of Native American women lawyers, for the most part, mirror those described by other groups of multicultural women attorneys in the 1994 report. Barriers to career advancement, in the form of discrimination and disabling stereotypes, inhibit their choices, impede their professional growth, and ultimately limit their opportunities to achieve to their full potential. Lawyers in every segment of the legal population, no matter how few in number, are entitled to equal opportunity regardless of racial/ethnic background or gender.

The Network, through this publication, intends to raise awareness of the unique challenges facing Native American women lawyers. Hopefully, this publication is only the first step in recognizing this population and its unique needs.

## **Commission on Women in the Profession**

The ABA Commission on Women in the Profession was created in 1987 with the purpose of assessing the status of women in the legal profession, identifying barriers to advancement, and making recommendations to the ABA for action to address the problems identified.

The mission of the Commission is to secure the full and equal participation of women in the American Bar Association, the legal profession, and the justice system. The Commission’s goals are to:

- I. Serve as a voice for the concerns of women lawyers.
- II. Address impediments that prevent full and equal participation of women lawyers.
- III. Serve as a catalyst for change.
- IV. Enhance the visibility and influence of the Commission.
- V. Develop opportunities for participation in the work of the Commission.
- VI. Focus attention on concerns of multicultural women lawyers.
- VII. Forge coalitions with other groups to advance shared objectives.

The twelve-person Commission actively develops programs, policies and products to advance and assist women lawyers. In addition, the Commission educates the profession about work and family issues that affect all lawyers.

For further information, contact the Commission on Women at 312/988-5715.

### **Commission on Opportunities for Minorities in the Profession**

The Commission on Opportunities for Minorities in the Profession was created in 1986 in order to realize Goal IX of the ABA: “to create full and equal participation in the legal profession by minorities and women.”

The mission of the Commission is to achieve a multi-ethnic profession conscious of differences and blind to prejudices.

The specific goals of the Commission are:

- I. To assist minorities in their legal education and admission to the bar;
- II. To develop career and employment opportunities for minorities;
- III. To promote the appointment of minorities to the judiciary and to judicial clerkships; and
- IV. To increase minority involvement in bar associations at the national, state, and local levels and with minority specialty bars.

The Commission houses a clearinghouse of information and data regarding minority lawyers. It also provides technical assistance to start programs to address the issues and concerns of minority lawyers and assistance in the appointment of minority lawyers to ABA committees and sections. The Commission conducts research and writing on issues facing minority lawyers and maintains a minority law firm resume bank as well as a bibliographical listing of over 200 articles on minority issues.

For further information contact the Commission on Minorities at 312/988-5643.

## **The Federal Bar Association, Indian Law Section**

The Federal Bar Association (FBA), which is one of the largest national bar associations, established the Indian Law Section nine years ago as a successor to the Indian Law Committee. The Indian Law Section, which has 350 members nationwide, was established to encourage the thoughtful development of Federal Indian Law, with the ultimate goal of strengthening tribal governments and the Native American community. The Indian Law Section effects its goals through various committees which have been involved in national educational and civil rights efforts. The projects undertaken by the Section include drafting testimony to Congress in support of enforcement of the Indian Child Welfare Act, in opposition to the imposition of a federal death penalty on Indian reservations, and to prevent desecration of the Petroglyph National Park, which is home to a sacred site for an Indian tribe in New Mexico. The committees have also publicly responded in opposition to specific publicized incidents of stereotyping, racism, and other civil rights issues pertaining to Native Americans.

Since the inception of the Indian Law Section, the FBA has actively given its voice and support to the Native American community. This effort has included resolutions from both the Section and the FBA as a whole, and letters from the President of the FBA, to the President of the United States, to Congress, and to national news organizations regarding racism issues.

The Indian Law Section's primary method of supporting the Native American community has been through the annual Federal Indian Law Conference, which is now in its 24th year. The Conference now attracts more than 700 individuals from all sectors of the national community, bringing together: tribal leaders, judges, attorneys, and personnel; Native American attorneys, law students, and experts from every field; and state, county and federal judges, attorneys and politicians. The Conference continues to offer panelists who have traditionally found themselves in adversarial positions, offering agendas which encourage dialogue between the various tribal, state and federal legal and political communities.

In addition, the Indian Law Section has utilized proceeds from the Conference to support the efforts of various Indian organizations to increase their strength in the legal and political arenas. The Section formed an alliance with the Native American Bar Association fifteen years ago, providing the Native American Bar Association with rooms for meetings at the Conference, and donating proceeds to support the organization's efforts nationwide. NABA has hosted a welcoming reception at the Conference for many years as part of this partnership.

The Indian Law Section also continues to work with and support other Indian organizations such as the Texas Indian Bar Association and the Native American Law Student Association. Most important among these efforts, the Indian Law Section has actively promoted all efforts pertaining to the education of Native American lawyers. The Section has made regular donations to the American Indian Law Center Pre-Law Summer Institute, including

establishment of an annual scholarship which will be based upon Conference fees. The Section also established an interviewing room and career fair in conjunction with the Conference, and subsidizes Conference fees for law students who attend the Conference.

### **Native American Bar Association**

The Native American Bar Association was originally formed in 1973 as the Native American Lawyers Association. The name was formally changed to the American Indian Bar Association (AIBA) in 1976 at a meeting of Indian attorneys during the National Congress of American Indians' annual convention in Salt Lake City, Utah. W. Richard West, Jr. (Cheyenne) was elected President, Leroy W. Wilder (Karuk), President-Elect, and Larry Echohawk (Pawnee), Secretary-Treasurer. The remaining board members were Charles Lohah (Osage), Joseph Myers (Pomo), and Vicki Santana (Blackfeet). The AIBA and its subsidiary, the American Indian Bar Association Research and Education Project, were incorporated, effective February 17, 1977, pursuant to the Non-Profit Corporation Act of the District of Columbia.

The association is dedicated to the goals established by its founders:

- I. Promote unity, cooperation and the interchange of ideas among its members;
- II. Strive for justice and effective legal representation for all Indian peoples; and
- III. Provide a forum for the discussion, examination, and resolution of problems of concern to Indian people through meetings, publications, and personal contact.

On April 1, 1992, the board voted to amend the articles to change the name of the organization to the Native American Bar Association (NABA). At the same time, to further the goals of the association, the by-laws were amended to permit state Indian bar associations to designate a representative to serve on the NABA board of directors.

## Survey Tabulations

***THE BURDENS OF BOTH, THE PRIVILEGES OF NEITHER***  
**A REPORT OF THE**  
**MULTICULTURAL WOMEN ATTORNEYS NETWORK**  
**OF THE AMERICAN BAR ASSOCIATION**  
**IN CO-SPONSORSHIP WITH THE FEDERAL BAR ASSOCIATION AND**  
**THE NATIVE AMERICAN BAR ASSOCIATION**

# Surveys Answered/Returned                      62

1. Where are you currently employed?

- |                             |      |
|-----------------------------|------|
| a. Solo practitioner        | ( 9) |
| b. 1 to 5 Attorney firm     | (19) |
| c. 6 to 15 Attorney firm    | ( 7) |
| d. Mid-size firm (16 to 45) | ( 4) |
| e. Large firm (46 +)        | ( 4) |
| f. Law School               | ( 2) |
| g. Law student              | ( 3) |
| h. Other                    | (14) |

2. What is your position?

- |  |      |                        |      |
|--|------|------------------------|------|
| a. Non-profit/public interest attorney | ( 4) | g. Partner             | ( 4) |
| b. Law school professor                | ( 3) | h. Government attorney | (14) |
| c. Tribal judge                        | ( 3) | I. Tribal counsel      | (13) |
| d. Tribal prosecutor                   | ( 0) | j. Legal advocate      | ( 2) |
| e. Tribal public defender              | ( 0) | k. Law Student         | ( 3) |
| f. Associate                           | ( 9) | l. Other               | (12) |

3. What are your areas of practice?

- |                           |      |                       |      |
|---------------------------|------|-----------------------|------|
| a. General Practice       | ( 6) | f. Tribal Attorney    | (16) |
| b. Native American Law    | (30) | g. Corporate Attorney | ( 2) |
| c. Civil Rights           | ( 5) | h. Tax Attorney       | ( 4) |
| d. Environmental Attorney | ( 9) | I. Criminal Attorney  | ( 5) |

e. Civil Attorney (10) j. Other (11)

Area of Specialization (Responses represent a sample of those provided):

Gaming  
Education Law & Indian Law  
Child Advocacy  
ICWA, Per Capita/Trust Funds, Enrollment  
Environmental & Water Law  
Land Transfers  
Contracts/Employment/General Civil  
Bankruptcy & Business  
Indian Law, Criminal defense  
Indian Law & Jurisdiction  
Child Welfare/Protection  
Indian Child Welfare Act  
Indian Law, Immigration Law, Constitutional Law  
Juvenile Dependency  
Allottee Issues  
Federal Indian Law  
Tribal Legislation