



# JUDICIAL COUNCIL OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

[www.courts.ca.gov/forum.htm](http://www.courts.ca.gov/forum.htm)  
[forum@jud.ca.gov](mailto:forum@jud.ca.gov)

Request for ADA accommodations should be made at least three business days before the meeting and directed to: [JCCAccessCoordinator@jud.ca.gov](mailto:JCCAccessCoordinator@jud.ca.gov)

## TRIBAL COURT-STATE COURT FORUM

### NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

---

**Date:** February 9, 2023  
**Time:** 12:15 - 1:15 p.m.  
**Public Call-in Number:** <https://jcc.granicus.com/player/event/2231> (Listen Only)

---

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [forum@jud.ca.gov](mailto:forum@jud.ca.gov).

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

---

#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

---

##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the December 8, 2022, Tribal Court-State Court Forum meeting.

---

#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

---

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [forum@jud.ca.gov](mailto:forum@jud.ca.gov). Only comments received by 12:15 p.m. on February 8, 2023 will be provided to advisory body members prior to the start of the meeting.

---

**III. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

---

**Item 1**

**Cochairs Report**

**Item 2**

**Legislation to Address Issue of Foster Children Missing from Placement**

*Presenter: Honorable Abby Abinanti, Chief Judge of the Yurok Tribal Court*

**Item 3**

**Tribal Dependency Representation Program**

*Presenter: Ms. Stephanie Weldon, Director, Office of Tribal Affairs, California Department of Social Services*

**Item 4**

**Tribal Legal Development Clinic: UCLA School of Law**

*Presenter: Mica R. Llerandi, San Manuel Band of Mission Indians Director of the Tribal Legal Development Clinic*

**Item 5**

**UC San Francisco Law: Indigenous Law Center**

*Presenter: Professor Jo Carrillo, Faculty Director*

---

**IV. ADJOURN**

---

**Adjourn**



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

[www.courts.ca.gov/forum.htm](http://www.courts.ca.gov/forum.htm)  
[forum@jud.ca.gov](mailto:forum@jud.ca.gov)

TRIBAL COURT-STATE COURT FORUM

MINUTES OF OPEN MEETING

December 8, 2022  
12:15-1:15 p.m.

---

**Advisory Body Members Present:** *Hon. Abby Abinanti, Co-chair, Hon. Suzanne Kingsbury, Cochair, Hon. Richard Blake, Hon. Ana España, Hon. Joni Hiramoto, Hon. Joni Hiramoto, Hon. Winston Keh, Hon. Lawrence King, Hon. Kristina Lindquist, Hon. Devon Lomayesva, Ms. Merri Lopez-Keifer, Hon. Nicholas Mazanec, Hon. Dorothy McLaughlin, Hon. Stephen Place, Hon. Mark Ralphs, Hon. Dean Stout, Hon. Allen Sumner, Hon. Alison Tucher, Ms. Stephanie Weldon, Hon. Christine Williams, Hon. Joseph Wiseman.*

**Advisory Body Members Absent:** *Hon. April Attebury, Hon. Leonard Edwards (Ret.), Mr. Christopher Haug, Hon. Patricia Lenzi, Hon. Gilbert Ochoa, Hon. April Olson, Ms. Andrea Pella, Hon. Delia Sharpe, Hon. Victorio Shaw, Ms. Christina Snider, Hon. Mark Vezzola.*

**Others Present:** *Ms. Vida Castaneda, Ms. Charli Depner, Ms. Audrey Fancy, Ms. Ann Gilmour, Ms. Anne Hadreas, Ms. Andi Liebenbaum, Ms. Amanda Morris.*

---

OPEN MEETING

---

**Call to Order and Roll Call**

The co-chairs called the meeting to order at 12:18 p.m.

**Approval of Minutes**

The Forum approved the October 19, 2022, meeting minutes. Motion to approve by Judge Alison Tucher, seconded by Judge Lawrence King. The motion carried.

---

DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

---

**Item 1**

**Cochairs Report**

The co-chairs updated members on the status of the annual agenda development process.

**Item 2**

**Rules and Forms: Discretionary Tribal Participation in Juvenile Cases Involving Tribal Children**

*Presenter: Ann Gilmour, Attorney, Judicial Council of California, Center for Families, Children, and the Courts*

Ann Gilmour provided committee members with an overview of changes made to the proposal following comments by the Family and Juvenile Law Advisory Committee. Members were then invited to express any comments, questions, additions, or revisions. An updated version of documents will be reviewed by the Family and Juvenile Law Advisory Committee on December 12, 2022.

**Item 3**

**Indian Child Welfare Act (ICWA) Court Conference**

*Presenter: Honorable Kristina B. Lindquist, Judge of the Superior Court of California, County of Sacramento*

Judge Kristina Lindquist gave the committee a report of the ICWA court conference she and others from the Sacramento ICWA court attended in New Mexico early that month. The conference provided information and examples of how courts implement ICWA laws and make native children more comfortable and included in their court. Also highlighting how state courts are collaborating with tribes. Materials from the conference can be shared on request.

**New Item**

**Judicial Privacy and Security:**

*Presenter: Hon. Richard Blake, Chief Judge of the Redding Rancheria, and Hoopa Tribal Courts.*

Judge Blake raised a concern that the personal information of tribal court judges is not protected in the same way that the personal information of state and federal court judges and their families is protected. The committee held a discussion regarding the safety of tribal court judges and potential action to protect their personal information. This would mirror protections already provided to state court judges. The committee agreed that this will remain an open item for further discussion.

**New Item**

**Tribal Dependency Representation**

*Presenter: Ms. Stephanie Weldon, Director California Department of Social Services, Office of Tribal Affairs.*

Ms Stephanie Weldon proposed a new discussion item for the next committee meeting in February 2023 to present updated information on the state's tribal dependency program.

---

**A D J O U R N M E N T**

---

There being no further business, the meeting was adjourned at 1:14 p.m.

Pending approval by the advisory body on February 9, 2022.

DRAFT


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

## AB-273 Foster care: missing children and nonminor dependents. (2023-2024)

SHARE THIS:



Date Published: 01/23/2023 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

### ASSEMBLY BILL

### NO. 273

Introduced by Assembly Member Ramos

January 23, 2023

An act to amend Section 16501.35 of, and to add Section 366.6 to, the Welfare and Institutions Code, relating to foster care.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 273, as introduced, Ramos. Foster care: missing children and nonminor dependents.

Existing law establishes the jurisdiction of the juvenile court, which may adjudge a child to be a dependent of the court under certain circumstances, including when the child suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of the failure or inability of their parent or guardian to adequately supervise or protect the child. Existing law requires the court to review the status of every dependent child in foster care periodically, but no less frequently than once every 6 months.

Existing law generally provides for the placement of foster youth in various placement settings and governs the provision of child welfare services, as specified. Existing law requires county child welfare agencies and probation departments to develop and implement specific protocols to expeditiously locate any child or nonminor dependent missing from foster care, including, but not limited to, the timeframe for reporting missing youth and the individuals or entities entitled to notice that a youth is missing, and requires the social worker or probation officer to determine the primary factors that contributed to the child or nonminor dependent running away or otherwise being absent from care, among other things.

This bill, among other things, would additionally require the social worker or probation officer, when they determine that a child or nonminor dependent is absent from foster care, to provide notification immediately, or in no case later than 24 hours from receipt of the information, to specified persons, including the child's parents and the local law enforcement agency, and would require the next status review hearing to be held in an expedited manner, but in no case later than one week after the date that the notice is provided. The bill would require the social worker or probation officer to also serve notice of the hearing and to provide a report at the hearing and any subsequent hearings describing their efforts to locate, place, and stabilize the child or nonminor dependent, as specified. The bill would require the court to consider the safety of the child or nonminor dependent absent from foster care, to determine the extent of the activities and compliance of the county with

the case plan in making ongoing and intensive efforts to return the child or nonminor dependent to a safe home, and to continue to periodically review their case at least every 30 days, as specified. The bill would define "absent from foster care" to mean when the whereabouts of a child receiving child welfare services, including dependents or wards in foster care and nonminor dependents, who is placed in foster care are unknown to the county child welfare agency or probation department taking into account the age, intelligence, mental functioning, and physical condition of the child or nonminor dependent. By increasing the duties of county child welfare agencies and probation departments, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** The Legislature finds and declares both of the following:

(a) The release of a 2022 audit by the United States Department of Health and Human Services Office of Inspector General showed that there are several barriers and other deficiencies in California agencies' policies and procedures related to missing foster youth.

(b) It is the intent of the Legislature to create stronger protections for youth who are missing from foster care in order to expeditiously locate them when they are absent from foster care, improve outcomes for missing foster youth, and reduce the number of instances of missing foster youth by doing all of the following:

- (1) Creating notification requirements, including notice to tribes, the court, and other interested parties, when a youth is absent from foster care.
- (2) Requiring all involved parties to engage in collaborative and timely efforts to locate, place, and stabilize the youth when they return to foster care.
- (3) Ensuring there is judicial oversight for the requirements described in paragraphs (1) and (2).

**SEC. 2.** Section 366.6 is added to the Welfare and Institutions Code, to read:

**366.6.** (a) When a social worker or probation officer determines that a child receiving child welfare services, including dependents or wards in foster care and nonminor dependents, is absent from foster care, the next status review hearing required pursuant to Section 366 shall be held in an expedited manner, but in no case later than one week after the date of the notice of a child or nonminor dependent absent from foster care provided pursuant to Section 16501.35, in consultation with the clerk of the juvenile court, who shall set the matter for hearing on the hearing calendar. The social worker or probation officer shall serve notice of the hearing, as follows:

(1) Notice shall be given to all of the following persons whose whereabouts are known:

- (A) The child's or nonminor dependent's parents.
- (B) The child's or nonminor dependent's legal guardians.
- (C) The attorney for the parents or legal guardians.
- (D) The child's or nonminor dependent's attorney of record.
- (E) The court of jurisdiction.
- (F) The child's or nonminor dependent's tribe or tribal representative, if the child is an Indian child as defined in Section 224.1.
- (G) Any known sibling of the child or nonminor dependent.

(2) The notice shall be given to persons described in paragraph (1) as soon as possible, and at least five days before the hearing, unless the hearing is set to be heard in less than five days, in which case notice shall be given at least 24 hours prior to the hearing.

(b) (1) The social worker or probation officer shall provide a report at the hearing and any subsequent hearings describing their efforts to locate, place, and stabilize the child or nonminor dependent, and all other information described in subdivision (b) of Section 16501.35.

(2) To the extent possible, the social worker or probation officer shall work to address the factors described in paragraph (1) in subsequent placements with the child and family team.

(3) Information gathered for purposes of paragraph (1) shall be used for purposes of determining treatment needs, developing case plans to support the child or nonminor dependent, and reporting required data to the state on children and nonminor dependents who run away from foster care for federal reporting purposes. Unless otherwise required by law, the information disclosed by the child or nonminor dependent shall not be used to implicate them in a criminal matter or for any purpose other than tailoring services for the child or nonminor dependent.

(c) The court may examine interested parties who may be able to provide information leading to the safe return of the child or nonminor dependent absent from foster care, make decisions regarding actions that shall be initiated to locate the child or nonminor dependent, and determine appropriate actions to be taken for a child or nonminor dependent who has been located.

(d) The court shall consider the safety of the child or nonminor dependent absent from foster care and shall determine both of the following:

(1) The extent of the activities and compliance of the county with the case plan in making ongoing and intensive efforts to return the child or nonminor dependent to a safe placement. If it is known, or there is reason to know, that the child is an Indian child, as defined by Section 224.1, the court shall also determine whether the county has made active efforts, as defined in Section 224.1 and as described in Section 361.7, to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

(2) The continuing necessity for and appropriateness of the placement when the child or nonminor dependent returns from being absent from foster care.

(e) The court shall continue to periodically review the case of a child or nonminor dependent absent from foster care at least every 30 days, in accordance with this section, until the child or nonminor dependent returns from being missing, turns 21 years of age, or dies.

(f) For purposes of this section, "absent from foster care" means when the whereabouts of a child receiving child welfare services, including dependents or wards in foster care and nonminor dependents, who is placed in foster care are unknown to the county child welfare agency or probation department taking into account the age, intelligence, mental functioning, and physical condition of the child or nonminor dependent.

**SEC. 3.** Section 16501.35 of the Welfare and Institutions Code is amended to read:

**16501.35.** (a) ~~On or before September 29, 2016, county~~ *County* child welfare agencies and probation departments shall implement policies and procedures that require social workers and probation officers to do all of the following:

(1) Identify children receiving child welfare services, including dependents or wards in foster care, nonminor dependents, and youth receiving services pursuant to Section 677 of Title 42 of the United States Code, who are, or are at risk of becoming, victims of commercial sexual exploitation.

(2) Document individuals identified pursuant to paragraph (1) in the statewide child welfare information system and any other agency record as determined by the county.

(3) Determine appropriate services for the child or youth identified pursuant to paragraph (1).

(4) Receive relevant training in the identification, documentation, and determination of appropriate services for any child or youth identified in paragraph (1).

(b) County child welfare agencies and probation departments shall develop and implement specific protocols to expeditiously locate any child ~~missing or nonminor dependent absent~~ from foster care. At a minimum, these policies shall do all of the following:

(1) Describe the *due diligence* efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent ~~missing from~~ *absent from foster* care, including, but not limited to, the timeframe for reporting missing youth, *as described in subparagraph (G) of paragraph (2)*, the individuals or



entities entitled to notice that a youth is missing, any required initial and ongoing efforts to locate youth, and plans to return youth to placement.

(2) Require the social worker or probation officer to do all of the following:

(A) Determine the primary factors that contributed to the child or nonminor dependent running away or otherwise being absent from care.

(B) Respond to factors identified in paragraph (2) in subsequent placements, to the extent possible.

(C) Determine the child's or nonminor dependent's experiences while absent from care.

(D) Determine whether the child or nonminor dependent is a possible victim of commercial sexual exploitation.

(E) Document the activities and information described in subparagraphs (A) to (D), inclusive, for federal reporting purposes, consistent with instructions from the department.

*(F) Comply with the hearing procedures described in Section 366.6.*

*(G) When a social worker or probation officer determines that a child or nonminor dependent is absent from foster care, provide notification immediately, or in no case later than 24 hours from receipt of the information, as follows:*

*(i) Notice shall be given to all of the following persons whose whereabouts are known:*

*(I) The child's or nonminor dependent's parents.*

*(II) The child's or nonminor dependent's legal guardians.*

*(III) The attorney for the parents or legal guardians.*

*(IV) The child's or nonminor dependent's attorney of record.*

*(V) The court of jurisdiction via a request for a protective custody warrant or bench warrant.*

*(VI) The child's or nonminor dependent's tribe or tribal representative, if the child is an Indian child, as defined in Section 224.1.*

*(VII) Any known sibling of the child or nonminor dependent.*

*(VIII) The local law enforcement agency.*

*(ii) The notice required pursuant to this subparagraph shall include an agency contact that noticed persons may reach for additional information.*

(c) *(1)* In consultation with stakeholders, including, but not limited to, the County Welfare Directors Association of California, the Chief Probation Officers of California, former foster youth, and child advocacy organizations, the department shall, no later than January 1, 2020, develop model policies, procedures, and protocols to assist the counties to comply with this section. In addition, the department shall consult with the California Department of Education, the State Department of Health Care Services, state and local law enforcement, and agencies with experience serving children and youth at risk of commercial sexual exploitation in the development of the model policies and procedures described in subdivision (a).

*(2) In consultation with stakeholders, including, but not limited to, the County Welfare Directors Association of California, the Chief Probation Officers of California, former foster youth, child advocacy organizations, and tribes in California, the department shall, no later than June 1, 2024, update the model policies, procedures, and protocols specified in paragraph (1) to implement the changes made by the act that added this paragraph. County child welfare agencies and probation departments shall implement the changes to their protocols specified in subdivision (b) no later than January 1, 2025.*

(d) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section through all-county letters or similar instructions until regulations are adopted.

*(e) For purposes of this section, "absent from foster care" has the same meaning as that term is used in Section 366.6.*

**SEC. 4.** To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.

**State of California**

**WELFARE AND INSTITUTIONS CODE**

**Section 10553.14**

---

10553.14. (a) The Tribal Dependency Representation Program is hereby established to provide funding to assist any federally recognized Indian tribe located in California, or with lands that extend into California, in funding legal counsel to represent the Indian tribe in a California Indian child custody proceeding, as defined by subdivision (d) of Section 224.1, that is initiated or ongoing in the juvenile court. An Indian tribe may designate another entity to administer the allocation of funds on a tribe's behalf upon designation by the tribe for this purpose. There shall be no tribal share of cost for any agreement executed under this section.

(b) To be eligible for an allocation of funds under this allocation, an Indian tribe shall enter into an agreement with the department pursuant to subdivision (a) of Section 10553.1 or in accordance with Section 1919 of Title 25 of the United States Code.

(c) An Indian tribe that seeks funding pursuant to this section shall submit an annual letter of interest to the State Department of Social Services. The letter shall include all of the following:

(1) The approximate number of Indian child custody proceedings, as defined by subdivision (d) of Section 224.1, involving an Indian child who is a member of the tribe or eligible for membership in the tribe that were initiated or ongoing in the juvenile court in the preceding 12 months.

(2) The approximate number of cases in an appellate court or the California Supreme Court involving an Indian child in which the tribe was an active participant in the preceding 12 months.

(3) The approximate number of Indian child custody cases for which the tribe will be served by the legal counsel funded through the allocation provided by this section in the upcoming year.

(4) If the tribe plans to designate another entity for representation, the name of that entity.

(d) Subject to an appropriation in the annual Budget Act for the express purpose described in this section, the State Department of Social Services shall provide each eligible Indian tribe, as described in subdivision (a), that enters into an agreement pursuant to subdivision (b) and submits a letter of interest pursuant to subdivision (c), an annual base allocation of fifteen thousand dollars (\$15,000) for the purpose described in subdivision (a). If the annual Budget Act provides for an allocation of funds of more than fifteen thousand dollars (\$15,000) per eligible tribe, then each eligible tribe shall receive an adjusted allocation within and for that same fiscal year. The adjusted allocation shall be based on a methodology considering the number of Indian children in foster care or prospective adoptive placements through the juvenile

court. The allocation methodology and the implementation plan shall be established by the department in government-to-government consultation with tribes on or before June 30, 2023. The department shall provide an update to legislative staff and stakeholders on the progress of implementation of this section, preferably by January 1, 2023, but no later than February 1, 2023.

(e) An Indian tribe that receives funds pursuant to this section shall submit a progress report to the department. The progress report shall be submitted on or before September 30 following the close of the fiscal year in which funding was received. The report shall include all of the following information:

(1) The total number of Indian child custody proceeding hearings and the number of hearings attended by the Indian tribe with legal representation paid for with this allocation.

(2) The counties in which the hearings were held.

(3) The total number of appellate proceedings and the number of appellate proceedings in which counsel paid for with this allocation appeared on behalf of the tribe.

(f) The department shall seek federal approvals or waivers necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) in order to maximize funding for the purpose described in this section.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section without taking any regulatory action.

(h) This section shall be implemented only to the extent that funding is expressly provided in the annual Budget Act for this purpose.

(i) It is the intent of the Legislature that the state provide the adequate level of funding for legal representation for tribes in child welfare proceedings pursuant to this section, and that the state consider how well the objectives of this policy are being met with the funding appropriated in the annual Budget Act.

(Added by Stats. 2022, Ch. 573, Sec. 16. (AB 207) Effective September 27, 2022.)

# TRIBAL LEGAL DEVELOPMENT CLINIC:

*UCLA School of Law*

LAUREN VAN SCHILFGAARDE\* & PATRICIA SEKAQUAPTEWA\*\*

Tribes possess inherent sovereignty, which includes the authority to self-govern through distinct tribal legal systems.<sup>1</sup> They are extra-constitutional, in which the U.S. Constitution's provisions, including the Bill of Rights, have no force over tribes.<sup>2</sup> Yet the federal government can

---

This article is part of the special section, "Legal History in the Making: Innovative Experiential Learning Programs in California Law Schools," in *California Legal History*, vol. 17, 2022 (see editor's introduction on page 3).

\* Lauren van Schilfgaarde is the San Manuel Band of Mission Indians Director of the Tribal Legal Development Clinic at the UCLA School of Law.

\*\* Patricia Sekaquaptewa, former instructor at the Tribal Legal Development Clinic, is Affiliated Assistant Professor in the Department of Native Studies and Rural Development at the University of Alaska, Fairbanks, and Associate Justice of the Hopi Appellate Court in Arizona.

<sup>1</sup> See *Worcester v. Georgia*, 31 U.S. (6. Pet.) 515, 559 (1832) (recognizing tribes as "distinct, independent political communities") and *United States v. Wheeler*, 435 U.S. 313, 323–324 (1978) (upholding tribal powers of self-governance as the exercise of inherent sovereign powers, as opposed to delegated powers).

<sup>2</sup> Jordan Gross, *Incorporation By Any Other Name? Comparing Congress' Federalization of Tribal Court Criminal Procedure with the Supreme Court's Regulation of State Courts*, 109 KENTUCKY L.J. 299, 301 (2021), [https://scholarworks.umt.edu/cgi/viewcontent.cgi?article=1201&context=faculty\\_lawreviews](https://scholarworks.umt.edu/cgi/viewcontent.cgi?article=1201&context=faculty_lawreviews).

exert plenary authority over tribes, which has produced a variety of both harmful and supportive policies toward tribal self-government.<sup>3</sup> Federal Indian law, the body of federal law regarding tribal-U.S. relations, is a core component of U.S. law and as old as the country itself. Yet, federal Indian law is a marginalized, if not completely neglected component of legal education.<sup>4</sup> Tribal law, the bodies of law developed by any of the 574 federally recognized tribes, fares even worse.<sup>5</sup>

As tribes resiliently continue to self-govern, including through efforts aimed at the forced assimilation and destruction of tribes, their legal needs have grown exponentially. But because the legal academy has failed to sufficiently recognize and incorporate both federal Indian law and tribal law into the mainstream curriculum, there is a dearth of legal competency to serve these needs. The complexity and growing proliferation of Indian law cases across tribal, state, and federal dockets demand an elevated competency threshold for the entirety of the legal profession.<sup>6</sup> Legal curriculum regarding Indian law can and must include exposure to actual tribes, their legal systems, and the diverse ways in which tribes interact with the law. The experiential education model offers a unique opportunity to facilitate these competency obligations to and about tribes and federal Indian law, while also enhancing law students' lawyering and comparative analytical skills.

The UCLA School of Law's Tribal Legal Development Clinic is designed to introduce students to the complexities of tribal law, federal Indian law, and the considerations of group, government, and cross-cultural representation. The Tribal Legal Development Clinic connects law students with tribal governments and organizations to engage in non-litigation, legal

---

<sup>3</sup> See COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 4.01 (Nell Jessup Newton, et al., eds., 2012).

<sup>4</sup> Gloria Valencia-Weber, *Indian Law on State Bar Exams: A Situational Report*, THE FEDERAL LAWYER 26 (March/April 2007), <https://www.fedbar.org/wp-content/uploads/2007/03/focuson-valenciaweber-0307-pdf-1.pdf>.

<sup>5</sup> Elizabeth A. Reese, *The Other American Law*, 73 STAN. L. REV. 555 (2021), <https://review.law.stanford.edu/wp-content/uploads/sites/3/2021/03/Reese-73-Stan.-L.-Rev.-555.pdf>.

<sup>6</sup> See, e.g., *Oklahoma v. Castro-Huerta*, No. 21-429, slip op. at 12 (June 29, 2022) (Gorsuch, J., dissenting) ("Today the Court rules for Oklahoma . . . without any sense of this history recounted above and unattached to any colorable legal authority. Truly, a more ahistorical and mistaken statement of Indian law would be hard to fathom."), [https://www.supremecourt.gov/opinions/21pdf/21-429\\_8o6a.pdf](https://www.supremecourt.gov/opinions/21pdf/21-429_8o6a.pdf).

development projects on behalf of the tribal client, using both classroom teaching and experiential learning methods. Law students work with law faculty on campus and travel to tribal communities and reservations. The Clinic engages in policy research and legislative drafting on a broad spectrum of subjects. Clinic clients have come from all parts of Indian country. Though, in part because UCLA is a public university in a state with a shameful history of tribal justice, the Clinic has a special responsibility to tribes in California.<sup>7</sup> The Tribal Legal Development Clinic has additionally worked with non-federally recognized tribes and nonprofit organizations affiliated with either tribes or tribal issues. This article overviews the history, approach, and impact of the Tribal Legal Development Clinic.

## HISTORICAL BACKGROUND

In 1996, California voters approved Proposition 209, which amended the state constitution to effectively ban the consideration of race or ethnicity in admissions decisions to the University of California.<sup>8</sup> American Indian enrollment in the nine campuses of the University of California plummeted dramatically.<sup>9</sup> Until 2008, when the UC Board of Admissions and Relations with Schools issued a policy clarification that political membership in a federally recognized tribe could be considered in admissions decisions,<sup>10</sup> the UCLA School of Law and the UCLA American Indian

---

<sup>7</sup> See, e.g., BENJAMIN MADLEY, *AN AMERICAN GENOCIDE: THE UNITED STATES AND THE CALIFORNIA INDIAN CATASTROPHE, 1846–1873*, Yale University Press (2017).

<sup>8</sup> CAL. CONST. art. 1, § 31(a) (“The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.”).

<sup>9</sup> Cruz Reynoso & William C. Kidder, *Tribal Membership and State Law Affirmative Action Bans: Can Membership in a Federally Recognized American Indian Tribe Be a Plus Factor in Admissions at Public Universities in California and Washington?*, 1 CHICANA/O LATINA/O L. REV. 27, 30 (2008) (noting that, between 1995 and 2005, American Indian freshman enrollment at UC Berkeley, UCLA, and UC Davis declined by 74 percent), <https://escholarship.org/uc/item/9461z6cr>.

<sup>10</sup> “Position Statement on Admissions Selection Criterion 13 and Membership in a Federally Recognized American Indian Tribe” (Board of Admissions and Relations with Schools — University of California, February 8, 2013), [https://senate.universityofcalifornia.edu/\\_files/reports/MTB2Sakaki\\_Tribal\\_Affiliation\\_final.pdf](https://senate.universityofcalifornia.edu/_files/reports/MTB2Sakaki_Tribal_Affiliation_final.pdf).

Studies Center were the only programs within the UC system to recognize tribal membership as an admissions factor.<sup>11</sup> Still, the wake of Prop 209 caused robust and complex harms.<sup>12</sup>

In response, Professor Carole E. Goldberg, founder and then director of the UCLA School of Law's Native Nations Law and Policy Center and celebrated legal scholar in federal Indian law,<sup>13</sup> established the Tribal Legal Development Clinic. Professor Goldberg reflected that, particularly in the wake of Prop 209, it was essential for students to have direct experience working with a tribal community. From the beginning, she hoped the Clinic would help develop skills in two areas that continue to be under-represented in legal education — cross-cultural representation and legislative drafting. The latter is not really taught in any major law school, and Professor Goldberg was hard pressed to find any published teaching materials on the subject.<sup>14</sup> There is also very little written about representing tribal clients.<sup>15</sup> The Tribal Legal Development Clinic is one of the first law school clinics to center on federal Indian law and tribal law and remains one of the few Indian law clinics in the country.<sup>16</sup>

---

<sup>11</sup> Reynoso & Kidder, *supra* note 9 at 32.

<sup>12</sup> Zachary Bleemer, *Affirmative Action, Mismatch, and Economic Mobility After California's Proposition 209*, 137 Q.J. ECON. 115 (2022), <https://zacharybleemer.com/wp-content/uploads/Papers/QJE%20Affirmative%20Action.pdf>.

<sup>13</sup> See, e.g., Joshua Rich, *Seeds of success: Through her students, law professor sows change in Indian country*, UCLA NEWSROOM (Nov. 18, 2018) (noting she was one of the first female faculty members at the UCLA School of Law in 1972 and her receipt of the 2013 Lawrence R. Baca Lifetime Achieve Award, the highest honor bestowed by the Indian law section of the Federal Bar Association, among her many accolades), <https://newsroom.ucla.edu/stories/seeds-of-success-through-her-students-goldberg-sows-change-in-indian-country>.

<sup>14</sup> *But see* JUSTIN B. RICHLAND & SARAH DEER, INTRODUCTION TO TRIBAL LEGAL STUDIES, 3D ED. (Rowman & Littlefield, 2015) (which now serves as the primary textbook of the Tribal Legal Development Clinic).

<sup>15</sup> Since then, some notable exceptions now include Carole Goldberg, *Members Only? Designing Citizenship Requirements for Indian Nations*, 50 U. KAN. L. REV. 437 (2002) and Kristen A. Carpenter & Eli Wald, *Lawyering for Groups: The Case of American Indian Tribal Attorneys*, 81 FORDHAM L. REV. 3085 (2013), <https://scholar.law.colorado.edu/articles/95>.

<sup>16</sup> A list (though not exhaustive) of notable Indian law clinics includes the Tribal Justice Clinic at the University of Arizona James E. Rogers College of Law, the Indian Legal Clinic at Arizona State University Sandra Day O'Connor College of Law, the American Indian Law Clinic at the University of Colorado Law School, the Tribal Judicial Support Clinic at Kansas University School of Law, the Indian Law Clinic at Michigan



In 2001, Professor Goldberg recruited Pat Sekaquaptewa (Hopi) and her Hopi Tribal Court Project from the University of California Berkeley School of Law. Professor Sekaquaptewa, a 1995 Berkeley Law graduate, started the Hopi Appellate Court Clerkship in 1993 following a summer visit home from law school — and a summer clerkship with the Hopi Tribal Courts — to the Hopi Reservation in Arizona. Like many tribes, the Hopi Courts lacked the personnel and the legal resources to consistently manage appeals from the Hopi Trial Court. At the end of the summer, Hopi Appellate Court Chief Justice Emory Sekaquaptewa (her uncle), suggested that she return to Berkeley Law and recruit her fellow students to assist in resolving the backlog of appeals. According to Professor Sekaquaptewa,

After spending the summer with those files, I realized the significance and magnitude of the many questions of first impression bearing on the shaping of the Hopi tribal government. I also recognized a need to find a way to balance the recognition of, and the integration of, custom and tradition with contemporary Hopi and Tewa peoples' growing expectations of individual rights and other western norms and values.

After six years of running the clerkship at Berkeley Law, Professor Sekaquaptewa moved the project to the UCLA School of Law and incorporated it within the broader Tribal Legal Development Clinic. The Tribal Legal Development Clinic has since oscillated between incorporating tribal appellate clerking within its docket and offering a Tribal Appellate Court Clinic as a stand-alone course.

The Tribal Legal Development Clinic is housed within the UCLA School of Law's experiential program, which features a comprehensive selection of clinics, practicums, simulation courses, and externships. Since the foundational work of Professor Goldberg and Professor Sekaquaptewa, the Tribal Legal Development Clinic has functioned under the leadership of an array of instrumental adjunct faculty, including Clifford Lyle

---

State University College of Law, the Indian Child Welfare Clinic at the University of Minnesota Law School, the Margery Hunter Brown Indian Law Clinic at the University of Montana Alexander Blewett III School of Law, the Southwest Indian Law Clinic at the University of New Mexico School of Law, the Tribal Environmental Law Project at the University of North Dakota School of Law, and the Tribal Court Clinic: Criminal Defense and Family Advocacy at the University of Washington School of Law.



CLINIC STUDENTS SERVED AS JUDICIAL CLERKS AT THE HO-CHUNK NATION SUPREME COURT, BLACK RIVER FALLS, WISC., 2019 (L.-R.): BEN RATHELON (THEN LLM); SIMONE CHUNG (THEN 2L); ASSOCIATE JUSTICE DAVID J. W. KLAUSER, CHIEF JUSTICE TODD R. MATHA, AND ASSOCIATE JUSTICE TRICIA A. ZUNKER (UCLA LAW 2006); LAUREN VAN SCHILFGAARDE, SAN MANUEL BAND OF MISSION INDIANS DIRECTOR, TRIBAL LEGAL DEVELOPMENT CLINIC, UCLA SCHOOL OF LAW; HOLLIE CHE (THEN 2L); ALEX BOOKOUT (THEN 3L).

*Photo courtesy UCLA Tribal Legal Development Clinic.*

Marshall, former chairman of the Hoopa Valley Tribe; William Wood, associate professor of law at Southwestern Law School; and James Kawahara of Kawahara Law. In 2019, the San Manuel Band of Mission Indians significantly impacted the trajectory of the Tribal Legal Development Clinic through a five-year \$1.3 million gift that facilitated the hiring of a full-time director. With this gift, the Tribal Legal Development Clinic was transformed from being offered once a year into a full-time clinic, offered both fall and spring semesters, as well as during the summer, in which law clerks are hired full-time. Lauren van Schilfgaarde was hired as the Clinic's first full-time director and served from 2019–2022.

## THE CURRICULUM

Like most clinics, the Tribal Legal Development Clinic curriculum is multi-faceted. The seminar portion of the Clinic is designed to impart

substantive law, predominately tribal law and federal Indian law. Students are expected to recognize and understand that there is a third sovereign in the U.S. system — tribal governments with sovereign powers that pre-exist the formation of the United States and that persist today, with over 570 tribes formally recognized by the U.S. government. Students must recognize and understand the legal foundations and limitations of tribal sovereignty under U.S. law, particularly as they inform the subject matter of their project. Today, tribes are engaged in nation-building from the bottom up, in response to a historical federally controlled top-down construction of tribal government and its laws. As a consequence, tribal legal system development can mirror the early states' legal system development but must also respond to contemporary demands. Tribal law can include variations of a tribal constitution, code, case law, resolutions, and unwritten custom and tradition. Crafting substantive tribal law requires keen appreciation for the binding nature of existing tribal law, the historical context of the tribe, the contemporary state and federal legal frameworks impacting the tribe, and the extent to which other tribal, state, federal, and/or international laws are persuasive influences on the tribe. Students must recognize and understand that the foundations of tribal law stem from each tribe's unwritten customs and traditions as modified by their contemporary tribal constitutions, statutes, and common law.

The Clinic additionally strives to teach students how to work with tribes, including the complexity of interactions with tribal leaders, judges, agencies, and communities. The Clinic is designed to build specific legal skills that include legal research, memo drafting, client interviewing, crafting legislation, and clerking on appeals. Particularly with tribes as clients, students must navigate a group as a client. Do they represent the in-house counsel, tribal leadership, the tribal government, or the tribe itself? The student must develop skills in working with these various entities, including soliciting input for the (re)drafting of legislation. Critically, in conducting this work, the Clinic seeks to build the student's professional self-awareness — as a non-tribal member and also as a legal professional working in Native communities that are engaged in nation-building efforts within a different culture, with different world views and languages, and with different colonial histories and experiences. What type of lawyer does the student strive to be? What duties are encompassed in that role? How do they define success?

## CLINIC PROJECTS

Over the course of the Clinic's two decades of work, hundreds of tribes and tribal organizations from across the country have worked with the Tribal Legal Development Clinic. Tribes submit requests for assistance on various nation-building projects that, once accepted, are assigned to law students. Clinic projects have included reformed constitutions, new statutes, rules, and protocols, the development of tribal courts and alternative dispute resolution processes, and the development of the tribal common law. The Clinic works closely with tribal attorneys, administrators, and leadership to carry out legal projects. UCLA faculty supervise the work on these projects and provide instruction in tribal law, federal Indian law, and in other areas of law implicated in a specific project.

Many tribes lack law-trained judges, law clerks, or in-house counsel. For tribes that do have staff attorneys, the in-house counsel tends to be under-resourced and over-worked. Few tribes have resources dedicated to drafting law. The Tribal Legal Development Clinic is designed to facilitate the organic nation-building efforts of tribal clients in a productive way that serves both the tribe and the students. The breadth of projects is just shy of remarkable. But so too is the work in which tribes are engaged every day. Lawyering in Indian country has always required malleability and eagerness, and so the Clinic strives to approach potential projects with the same zeal that will be demanded of these future attorneys. Purely as an illustration, and with the confidentiality of Clinic clients in mind, we offer this bullet list of example projects:

### *Child Welfare*

- Establish tribal social services and foster care departments
- Research the interaction of state child welfare laws and the Indian Child Welfare Act
- Draft rules of court regarding Tribal Customary Adoption
- Research the inadvertent impacts of artificial reproductive technology and tribal membership provisions
- Research the impact of federal funding pressures on tribal child welfare laws

### *Cultural Resource Protection*

- Draft cultural resource protection code
- Establish tribal institutional review boards for human subjects and cultural property protections
- Assist in the negotiation and drafting of inter-governmental agreement protecting sacred sites
- Publish *The Need for Confidentiality within Tribal Cultural Resource Protection*<sup>17</sup>
- Prepare template comments comparing the National Native American Graves Protection and Repatriation Act with state law
- Research state cultural resource protection laws
- Research the potential for cultural harvesting and access off tribal lands
- Publish, in partnership with the Pueblo Action Alliance, *Sacred Place Protections, Limitations, and Re-Imagination for Chaco Canyon*<sup>18</sup>

### *Economic Development*

- Draft tribal trademark code
- Draft tribal corporations code

### *Environmental Protection*

- Draft environmental code
- Research tribal authority to enforce environmental regulations on groundwater
- Draft cultural and endangered species code

### *Gender-Based Violence*

- Draft domestic violence protection orders, stalking, and elder protection codes
- Implement the Violence Against Women Act's special domestic violence criminal jurisdiction into tribal code

### *Government-to-Government Interaction*

- Draft sample consultation protocols
- Research the history of law enforcement relations in Public Law 280 jurisdictions in which there is concurrent state jurisdiction

---

<sup>17</sup> <https://law.ucla.edu/academics/centers/native-nations-law-policy-center/native-nations-publications>.

<sup>18</sup> [https://drive.google.com/file/d/1a7o5rVAI6v0nSiEJKc3prlxxxCD\\_BrkU/view](https://drive.google.com/file/d/1a7o5rVAI6v0nSiEJKc3prlxxxCD_BrkU/view).

### *International Law*

- Publish, in partnership with the Native American Rights Fund and the University of Colorado Law School, *Project to Implement the United Nations Declaration on the Rights of Indigenous Peoples Tribal Implementation Toolkit*<sup>19</sup>
- Compare federal intellectual property protections for traditional knowledge with international protections under the World Intellectual Property Organization

### *Land Use*

- Assist tribes in acquiring a trust-protected land base
- Research options for a tribal land conservancy
- Research comparing traditional land tenure principles with western property concepts and laws
- Research comparing traditional village burial practices with mainstream property rights

### *Taxation*

- Research examining dual taxation in Indian country
- Draft taxation enforcement criteria

### *Tribal Code*

- Integrate custom and tradition, recognition of duties and privileges of traditional authorities, and use of traditional processes in drafting/ revising tribal laws
- Conduct comprehensive review of a tribal code for internal consistency

### *Tribal Court and Dispute Resolution*

- Research to establish tribal courts and subject-matter dockets, including its subject matter and personal jurisdiction, the selection of judges, and other core components
- Research to establish a tribal nonprofit offering alternative dispute resolution services (mediation and arbitration) for family and property disputes
- Research to establish a Family Healing to Wellness Court (a tribal drug court for dependency cases)

### *Voting*

- Research voting protections for Native communities under state law

---

<sup>19</sup> <https://un-declaration.narf.org/wp-content/uploads/Tribal-Implementation-Toolkit-Digital-Edition.pdf>.

## OBSERVED OUTCOMES OF STUDENTS

Law students have stated that it was an eye-opening privilege to be a part of the founding and the development of tribal governments within the Tribal Legal Development Clinic. The experience, they said, helped them to better understand how their own state and federal governments evolved. They also expressed an appreciation for the insights and sensitivities that they developed as part of the cross-cultural experience. After having completed a term within the Tribal Legal Development Clinic, whether a semester or summer clerkship, students have developed or enhanced their professional legal skills. Critically, however, students have also expanded their cross-cultural capacity and appreciation, and thereby dramatically altered their approach to the law and their future clients. A student reflected, “This class demonstrates the best of all the areas it covers: critical race theory, applied legal work, and cross-area legal theory.”<sup>20</sup> Former student (now attorney) Simone Chung described her appreciation for the comparative legal perspective in noting:

I’ve never read anything like the court opinions written by the Supreme Court of the Navajo Nation, which explore pre-constitutional law and custom through implicit concepts in the Navajo language. In *Navajo Nation v. Rodriguez*,<sup>21</sup> the Navajo Nation adopted Miranda rights, not because the U.S. Supreme Court precedent was persuasive, but because the Fundamental Law or Diné dictates that police officers should treat all tribe members with dignity and respect.<sup>22</sup>

The Tribal Legal Development Clinic is part of the UCLA School of Law’s Native Nations Law and Policy Center, which aims to prepare the next generation of lawyers serving Indian country. And numerous former students of the Tribal Legal Development Clinic have done just that. After taking the Tribal Legal Development Clinic, former student (now attorney) Ethan Elkind worked with Professor Pat Sekaquaptewa to responded to the observed

---

<sup>20</sup> Anonymous Student Evaluation of the Tribal Legal Development Clinic, Fall 2021 (on file with author).

<sup>21</sup> 5 AM. TRIBAL LAW 473 (2004).

<sup>22</sup> Simone Chung, *First Gen in Focus: Students Share their Stories of Success*, 42 UCLA LAW MAGAZINE 12 (Fall 2019), <https://law.ucla.edu/news/first-gen-focus-students-share-their-stories-success>. Chung, class of 2021, is an associate at Skadden, Los Angeles.

burden that the poor and the elderly were disproportionately expected to inform the Hopi Tribe's customary law within Hopi Tribal Court without any institutional support. Ethan Elkind, with the Hopi judges, designed a formal community-based mediation program to work with Hopi and Tewa families in conflict to transform their disputes into working relationships outside of court. These families were able to talk through their valued customs and ways and how they mattered in their families, internalizing traditional values and ways, instead of being court-ordered to follow them.<sup>23</sup>

A small sampling of former students includes:

*Adam P. Bailey*, partner at Hobbs, Straus, Dean & Walker (Sacramento)

*R. Daniel Carter*, partner at Conner & Winters, LLP (Tulsa)

*Carson R. Cooper*, acting general counsel at Seneca Nation of Indians (Buffalo)

*Kori Cordero*, associate general counsel, Yurok Tribe (Medford-Grants Pass)

*Michele Fahley*, deputy general counsel of the Pechanga Indian Reservation (Temecula)

*Richard J. Frye*, associate at Hobbs, Straus, Dean & Walker (Sacramento)

*Madeline Soboleff Levy*, general counsel for the Central Council of Tlingit & Haida Indian Tribes of Alaska (Juneau)

*Caroline P. Mayhew*, partner at Hobbs, Straus, Dean & Walker (Washington, D.C.)

*Padraic McCoy* of Ocotillo Law & Policy (Boulder)

*Melody Meyers*, Office of the Tribal Attorney, Yurok Tribe (Arcata)

*Nicole Sieminski*, executive director at the Tulalip Foundation (Marysville)

*Christina Snider*, tribal affairs secretary, Office of California Governor Gavin Newsom (Sacramento)

*Geneva E. B. Thompson*, assistant secretary for tribal affairs, California Natural Resources Agency (Sacramento)

*Heather Torres*, program director, Tribal Law and Policy Institute (Los Angeles)

---

<sup>23</sup> Elkind, class of 2006, is director of the Climate Program at the Center for Law, Energy and the Environment at UC Berkeley Law and leads the Climate Change and Business Research Initiative on behalf of the UC Berkeley and UCLA Schools of Law.



## CONCLUSION

The Tribal Legal Development Clinic is just one example of the possibility of leveraging the needs of Indian country, the needs of legal education, and the ever dynamic and stimulating nature of Indian law. The Clinic seeks to uplift federal Indian law and tribal law as core components of the legal academy and profession. It seeks to meaningfully connect with tribes and the Native community. It seeks to ensure that law students receive substantive training in legislative drafting, client engagement, comparative legal research, and professional responsibility. Yet, with 574 federally recognized tribes, and increasingly hostile attacks on tribal sovereignty, there is simply too much need for just one Clinic. Our hope is that all law schools recognize and incorporate Indian law into all classrooms, as well as stand-alone courses. Tribes have immense wisdom to offer the law, and it is incumbent upon us to ready our capacity to receive it.

★ ★ ★

# Indigenous Law Center

## IN THIS SECTION

[UC Law | San Francisco](https://www.uchastings.edu/uc-law/san-francisco) ([https://...](https://www.uchastings.edu/uc-law/san-francisco) > [Academics](https://www.uchastings.edu/uc-law/san-francisco/academics) ([https://www.ucha...](https://www.uchastings.edu/uc-law/san-francisco/academics) > [Centers](https://www.uchastings.edu/uc-law/san-francisco/academics/centers) ([https://www.uchastin...](https://www.uchastings.edu/uc-law/san-francisco/academics/centers) > **Indigenous Law Center**

[DONATE TO THE CENTER \(HTTP://LAW.UCHASTINGS.EDU/ILC\)](http://law.uchastings.edu/ilc)

## About the Center

UC Law SF established its Indigenous Law Center in September 2020. It is one of [11 interrelated initiatives](https://www.uchastings.edu/our-story/hastings-legacy/initiatives/) (<https://www.uchastings.edu/our-story/hastings-legacy/initiatives/>), proposed by Chancellor and Dean David Faigman and approved by the school's Board of Directors. The Center will develop its program in collaboration with the [UC Law SF Restorative Justice Advisory Board](https://www.uchastings.edu/our-story/hastings-legacy/rjab/) (<https://www.uchastings.edu/our-story/hastings-legacy/rjab/>), which is charged with advising the dean on how best to implement all 11 initiatives.

The purpose of the Indigenous Law Center is to educate students and expand knowledge about how U.S. law affects Native and Indigenous peoples. Its central responsibilities are to enhance the school's Indigenous Law curriculum and to promote related research opportunities.

The Center will feature an annually appointed Visiting Professor of Law. It will also conduct a public law and policy lectures series; initiate an affiliated scholars program; and develop courses, seminars, and panels.

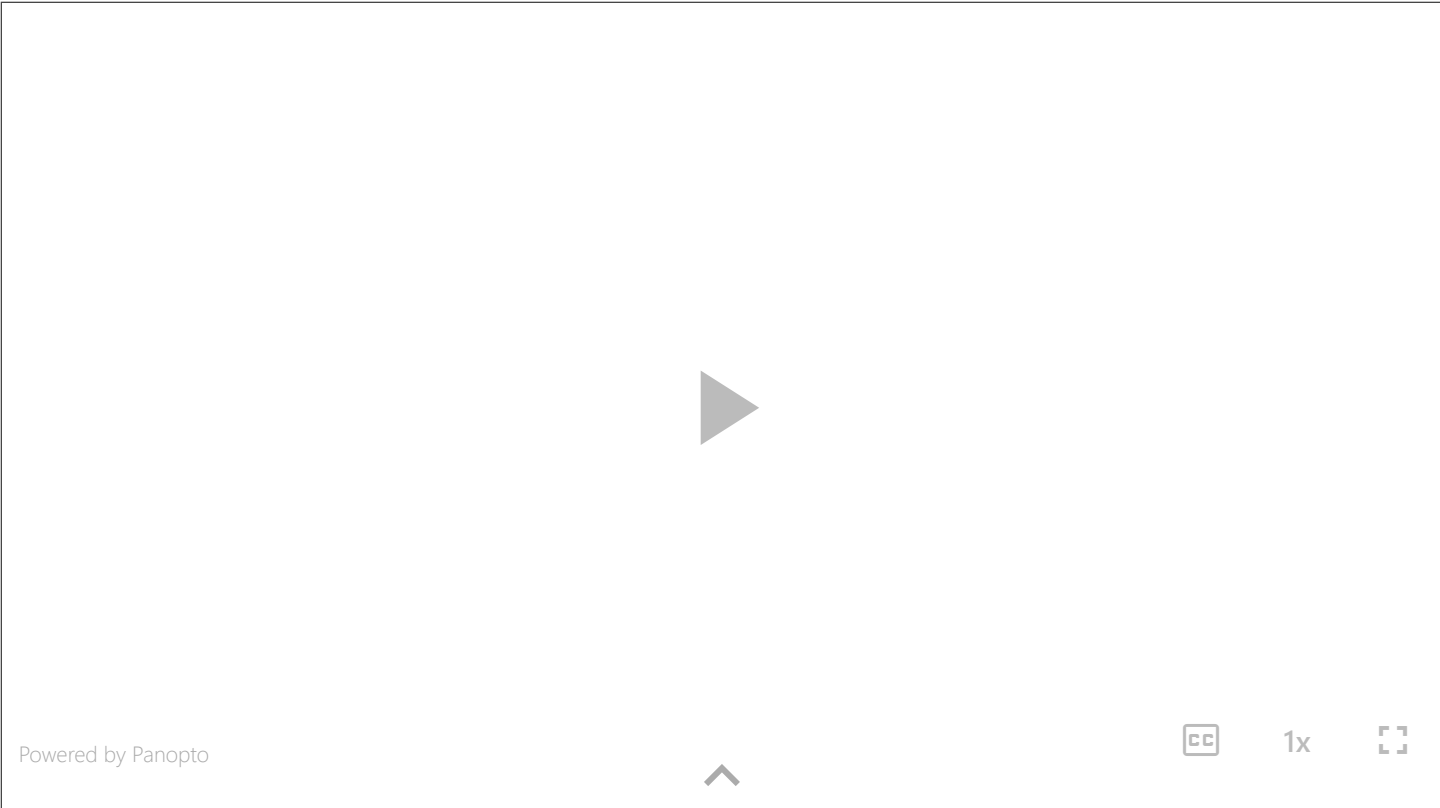


The program's inaugural Visiting Professor of Law is Matthew Fletcher ([https://www.law.msu.edu/faculty\\_staff/profile.php?prof=494](https://www.law.msu.edu/faculty_staff/profile.php?prof=494)), who will join the UC Law SF faculty for the 2021-2022 academic year. A distinguished scholar of Federal Indian Law, Fletcher is Foundation Professor of Law and Director of the Michigan State University College (<https://www.uchastings.edu/academics/centers/indigenous-law-center/>), of Law Indigenous Law and Policy Center. At UC Law SF, Professor Fletcher will teach a seminar on Tribal Law.

The affiliated scholar program will provide research opportunities by acting as a resource for scholars and students. The goal is to create an interdisciplinary space where participants can share insights and ideas. The Center seeks to attract emerging scholars by providing faculty mentorship and other practical support. Information on how to apply to the affiliated scholar program is forthcoming.

Located on an urban campus in the heart of San Francisco, UC Law SF is deeply engaged with organizations across the Bay Area and beyond. Likewise, the Indigenous Law Center seeks to engage diverse voices on issues of importance to Native and Indigenous Nations, communities, and individuals.

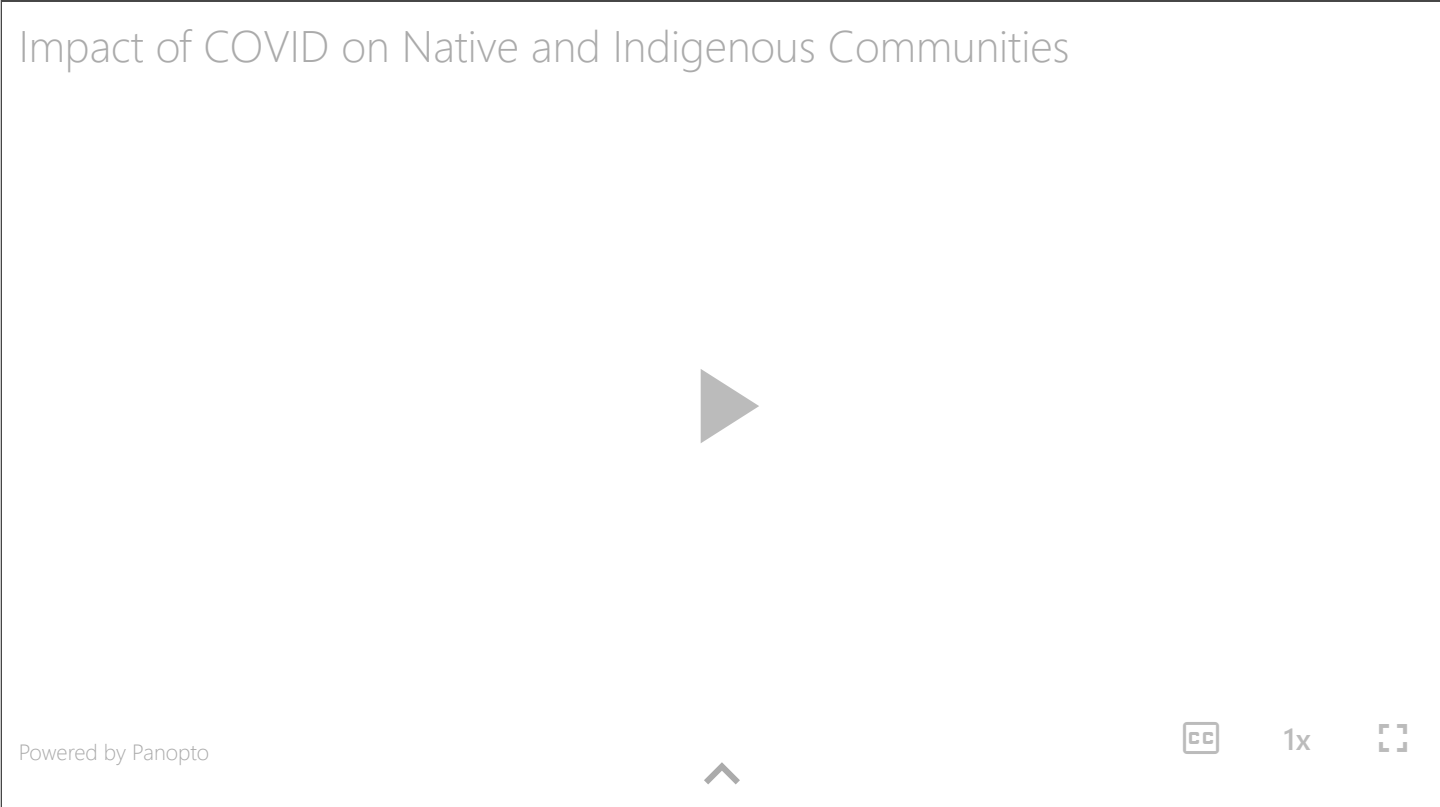
The Indigenous Law Center produced a video showcasing the work four UC Law SF students did in their summer 2022 Restorative Justice Fellowships.



# Advisory Board

The Center's advisory board is in the process of being developed.

# Past Events



## Federal Indian Law After the Notorious RBG



Powered by Panopto



1x



## News

**[COVID-19 DISPARITIES FUEL TRIBES' VACCINE ROLLOUT SUCCESS](https://www.nativesunnews.today/articles/covid-19-disparities-fuel-tribes-vaccine-rollout-success/)**  
**([HTTPS://WWW.NATIVESUNNEWS.TODAY/ARTICLES/COVID-19-DISPARITIES-FUEL-TRIBES-VACCINE-ROLLOUT-SUCCESS/](https://www.nativesunnews.today/articles/covid-19-disparities-fuel-tribes-vaccine-rollout-success/))**

## Faculty Director

<https://www.uchastings.edu/people/jo-carrillo/>. joined the UC Law SF faculty in 1991 and began teaching Federal Indian Law that same year. She is the school's first woman of color to become a tenured professor. In 1997-1998, she served as a Visiting Professor of Law at Stanford Law School. There, she taught Federal Indian Law. Professor Carrillo sees herself as a facilitator—an important role for her, as the Center director, and for the Center itself. In launching this initiative, Professor Carrillo thanks everyone who has lent support—financial and otherwise—to the UC Law SF Indigenous Law Center.

**THERE ARE NO UPCOMING EVENTS AT THIS TIME, PLEASE CHECK BACK SOON.**

**Donate to the UC Hastings Indigenous Law Center**

**<http://law.uchastings.edu/ILC>**

# Initiatives for Reconciliation and Partnership

## IN THIS SECTION

[UC Law | San Francisco](#) ([https://...](#) > [Our Story](#) (<https://www.uchasti...> > [Recognition and Reconciliation...](#) > **Initiatives for Reconciliation and Partnership**

We are continuing to work with the Round Valley Indian Tribes Tribal Council and their Yuki Committee on a variety of initiatives. Below is a list of the initiatives that the College and Round Valley Indian Tribes mutually support, and that are outlined in Assembly Bill 1936. Some are already in place, while others are in progress or in discussion:

- Assists in the formation of a nonprofit organization, as described in subsection (c) of Section 501 of the Internal Revenue Code, in association with, and jointly governed by, Yuki descendants selected by the government of the Round Valley Indian Tribes to provide an organizational structure to raise capital, organize pro bono legal assistance and other support, and assist tribal leadership with federal, state, and county matters, water and property rights, economic development, and efforts to meet the social needs of the community. The College's responsibilities extend only to assisting in the formation of the nonprofit organization, and will not otherwise involve its governance or the ongoing operations of the organization.
- Seeks to organize, through the College's Indigenous Law Center or other administrative offices, as appropriate, pro bono legal assistance and other support, and assist tribal leadership with federal, state, and county matters, water and property rights, economic development, tribal courts, and efforts to meet the social and security needs of the community.
- Works with interested public and private parties or entities to develop scholarship assistance for duly admitted law students at the college that are members of Round Valley Indian Tribes, a federally recognized tribal government. These funds may be used to offset tuition, housing costs, and other incidentals for Round Valley Indian Tribes tribal members admitted to the law school.
- Dedicates a permanent and public memorial, and other displays, as appropriate, to the Yuki people at an appropriate location on its campus, with display panels, historical explanations, and cultural

presentations. This memorial should acknowledge and atone for the historical traumas suffered by the Yuki people.

- Provides a fully functional, interactive public internet website to allow dissemination of the College's approach, to seek public input, and to keep the public advised of historical, academic, and programmatic work to address the broader issues and the restorative justice agenda. A page on this internet website shall be dedicated to the College's work with Round Valley Indian Tribes and the Yuki people.
- Establishes clinical or experiential educational programs for its students, one that may serve as a model for other law schools, to address the specific needs of the residents of the Round Valley, including the possibility of a center for pro bono legal assistance in tribal legal matters and public law assistance that could be staffed with student interns, faculty leadership, and pro bono contributors.
- Collaborates with Governor Newsom's Tribal Advisor to engage with, and contribute to, that office and the newly formed Truth and Healing Council, which is working to clarify the historical record of mistreatment, violence, and neglect of Native Americans in California.
- Assists in the organization of pro bono attorneys with a connection to the College to assist in mutually agreed upon goals and objectives.
- Assists tribal leaders, where possible, with other community needs, such as making connections to the College's award-winning moot court program, preservation of the Yuki legacy with an emphasis on youth, preservation of tribal oral traditions and stories, and advancement in teaching and preserving native languages.
- Assists, as appropriate, with the legal aspects of establishing a museum or cultural center in the Round Valley, and a project for the protection of sacred sites and repatriation of artifacts and human remains.
- Highlights the injustices of the past by bringing attention to the public at large and the College's community with a lecture series, guest speakers, and tribal elders, dealing with "Righting the Wrongs."
- Supports collaboration by assisting tribal members to obtain grant opportunities from public and private sources, including identifying grants for economic development.
- Establishes an Indian Law Program and related academic and educational programs at the College, available to all students interested in studying Indian Law. The goal of these programs is the encouragement of scholarship, educational growth, opportunity and support for students, and recruitment of qualified individuals from the Round Valley Tribes or Yuki descendants for legal education and career opportunities in law.
- Assists, as appropriate to the work of a law school, with the revitalization and preservation of Yuki history and language efforts.
- Provides academic support, as needed, to Round Valley Indian Tribes students attending the College.
- Creates a working group consisting of members of the College's Restorative Justice Advisory Board and members of the Yuki Indian Committee to define the content to be placed in the commemorative



space reserved for this purpose at the College.

- Assists tribal leadership with understanding the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) and the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code) laws.
- Engages in ongoing relationship building between the Round Valley Indian Tribes and the Yuki people, submitting reports to the Legislature, and the Assembly Select Committee on Native American Affairs.
- An annual apology on a date to be determined by the Round Valley Indian Tribes, a federally recognized tribal government, its designees of the Yuki Indian Committee, and the College to attest to and acknowledge the social justice components achieved and ongoing efforts.
- Grants a seat on the College's commemorative committee to a representative of the Yuki people. The College shall create a subcommittee of the commemorative committee with Yuki Indian representation.
- The College and the Board of Directors provides resources for restorative justice to the extent required by law, and, when not required by law, assists in restorative justice policies.
- Name the college's campus library with an appropriate Yuki name or name determined by the Round Valley Indian Tribes.
- Ensure that the reading of an annual statement of the history of atrocities committed by S.C. Hastings against the Yuki people occurs at the start of both the convocation and commencement ceremonies, the college's two signature annual ceremonies.
- Reengage in consultation with the Round Valley Indian Tribes if there is a change in the geographical name of the location of the college.
- Develop opportunities for collaboration between the college's Moot Court and Trial Advocacy and Competition Groups programs with students of the Round Valley Indian Tribes to provide experience in debate and writing skills.
- Institute a moot court competition related to California's treatment of Native Americans and atrocities committed against them.