



CALIFORNIA INDIAN LEGAL SERVICES

Spring 2012 Newsletter

STAFF SPOTLIGHT: DOROTHY ALTHER, ESQ.

Dorothy Alther has spent her legal career working for Indian legal service programs and advocating on behalf of individual Native Americans as well as tribes and tribal entities. Her career began at [DNA Legal Services](#) in New Mexico. While at DNA, she focused on cases involving probate and trust land matters, healthcare resources and obtaining public benefits for her clients. In the early 1990s, Dorothy moved to Washington. She worked for the Suquamish Tribe for several years as a court administrator, advocate and litigator on public resource protection and Indian Child Welfare Act cases.

Making a permanent move to California Indian Legal Services in 1993, Dorothy began representing tribes out of the Bishop Office serving Alpine, Inyo, Kern, Mono and Tuolumne counties. Later relocating to the Escondido Office in southern California, her work focused on fee to trust applications, lease drafting, obtaining federal recognition for tribes, sovereign immunity and the creation of tribal law enforcement bodies and codes. Dorothy has been instrumental in training tribes in tribal court and law enforcement development. She has drafted a number of tribal constitutions and codes pertaining to peace and security, and housing. Her work in court development also inspired CILS' Tribal Courts Conferences which offer a venue for California's tribal communities, tribal court judges and law enforcement officers to discuss current issues related to tribal justice while being updated on the law.

Dorothy has been a trainer on Public Law 280, the ICWA, housing law and civil and criminal jurisdiction in Indian Country. From Escondido, Dorothy continues to be the Directing Attorney for the Bishop Office and regularly receives requests for assistance from former clients and colleagues from the Bishop, Washoe and Timbisha Shoshone tribes.

Dorothy is a member of the Oglala Sioux Tribe and graduated from the University of South Dakota and earned her J.D. from Northeastern University. The following is an interview with Dorothy celebrating her 19 years with CILS

What is your legal background?

My primary area of practice has been Indian law, which covers a vast area of law. I also have and continue to act as a basic field legal services attorney for our Bishop CILS office and the staff attorney for the Senior Legal program also based in our Bishop office. The legal work under these two programs is the same as other non-Indian legal services programs. For example, the Bishop office handles unlawful detainers, consumer and debt issues, public assistance and benefit matters and Medi-cal assistance.





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What is the one most interesting case you have worked on? Why?

Working with the Timbisha Shoshone Tribe in Death Valley in obtaining a land base. The Tribe was recognized in the 1980's but was never given a reservation. The tribal members lived in the Death Valley National Park under a Special Use permit and were prohibited from placing any permanent structures on or in the ground. With the cooperation of the National Park Service, the Bureau of Land Management, Bureau of Indian Affairs, Indian Dispute Resolution Services, Professor Charles Wilkinson, CILS and most importantly tribal elders and leaders, we were able to pass the Timbisha Shoshone Homeland Act in 2000 that established a reservation consisting of over 7,000 acres for the Tribe. Over 300 of those acres are in the Death Valley National Park. The Tribe has built a Community Center on the land within the Park. I know you asked for one case, but I must also add that one of the other most interesting cases I have done and am still working on is the *Los Coyotes Band of Cahuilla & Cupeno Indians vs. Salazar et. seq.* The Tribe successfully challenged the Department of Interior, Bureau of Indian Affairs' policy to deny California Tribes law enforcement funding under a contract authorized by the Indian Self-Determination Education Assistance Act. The case is currently on appeal to the 9th Circuit Court of Appeals.

What are some of the greatest challenges of working in Federal Indian law?

Traveling long hours to meet with clients. Also weekend meetings with clients, fighting large federal and state bureaucracies as well as the threat of losing Indian legal services funding.

What is the most common misconception about PL-280?

That PL 280 divested Tribes of their criminal and civil jurisdiction and that the federal government has no law enforcement responsibility to Tribes in PL 280 states.

What significant changes have happened within the area of Federal Indian Law since you began practicing law?

The biggest changes I have seen in California are Tribes establishing tribal courts, tribal codes and law enforcement departments. Tribes in California have expanded their tribal sovereignty and are addressing tribal problems in their community with their own law, in their own tribal forum and providing law enforcement protection against crime in their community.





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What is the most rewarding part of your job?

Helping a client overcome an injustice and knowing that without legal representation he or she or a Tribe would have lost his or her home, public benefits or been lost within a governmental bureaucracy

How has the Tribal Law and Order Act benefited Indian Tribes in CA? Has it harmed the Tribes?

We are still waiting to see. Under the TLOA, Tribes in California can request the Attorney General to re-assume 18 U.S.C §§ 1152 and 1153 criminal jurisdiction and the jurisdiction will be concurrently exercised by the federal, state and tribal governments. Several Tribes have submitted a request for re-assumption but the AG office is only now beginning to act on the requests. Most of the TLOA addresses criminal jurisdiction in non-PL-280 states and so California Tribes are not as affected by the new law. The amendments to the Indian Civil Rights Act (expanded sentencing authority) have not been implemented by any Tribe in California to my knowledge. Because the Tribes in California have no long term (or even short term) correctional facilities, the enhanced sentencing authority may not be something Tribes are in a position to implement.

What are your 3 rules to practicing Indian law successfully?

1. Don't take it personally if you are yelled at by tribal members at a General Council meeting.
2. Do your own research and don't be afraid to challenge the status quo.
3. Learn to listen, be respectful of your client's culture, tradition and social norms.

What might someone be surprised to know about you?

I was first runner up in the Little Miss Martin Contest when I was 6 or 7. I did a Mexican hat dance/chubby checkers twist dance. I was so cute! Otherwise, I am an open book so I don't think there is much that people don't know!

