California Indian Legal Services

Annual Report
2010-2011
October 1, 2011

Dear Friends of CILS:

As CILS prepares for our 45th anniversary, we reflect on this last year with great pride and promise in the work we do for our California Indian communities. CILS’ long and impressive history could not be possible without the support and dedication of so many wonderful and dedicated tribal and community supporters.

This year’s report is sure to impress upon you the vast array and quantity of services that CILS provides to Indian individuals, tribal governments, organizations, and non-tribal entities. CILS strives to not only provide exceptional direct representation of individuals and tribes, but also key community education and advocacy regarding law and policy that affect American Indians.

This year CILS is especially proud of the vital work we have accomplished in the development of tribal justice systems across the state; from fighting for federal dollars for tribal law enforcement in California to bringing together dozens of experts at our annual tribal courts conference, CILS has prioritized the safety and betterment of tribal communities.

CILS has also successfully advocated under the recently enacted Tribal Customary Adoption (TCA) law to bring together a young Native child and her family. We successfully advocated for religious freedom by securing approval for a Native American group to hold a Solstice Powwow celebration in a California state prison that had many years been denied, despite other religious groups being allowed similar events. CILS also commented on important regulations affecting taxation of Native American’s and tribes by encouraging the State Board of Equalization to recognize the inherent right of tribes to not be taxed on their off reservation headquarters in certain circumstances, an example of the unique history of California tribes, rancherias and bands.

We sincerely thank our funders, large and small, that made these accomplishments possible. Support of CILS is not only for individuals, it is for the protection and continued existence of our collective tribal communities. Please enjoy our annual report and make a donation to CILS today to show your support for California Indians.

Sincerely,

CALIFORNIA INDIAN LEGAL SERVICES

Devon Lee Lomayesva
Executive Director
October 2011

Dear Friends and Supporters of CILS,

Do you recall the first time you met a lawyer or needed one? My first experience was prime time television lawyer Perry Mason, then Bob Pelycnger, with his wild hair, speaking to us at a General Council meeting about water rights. In each instance Perry and Bob were going “to make it right”. Today we know life can be far more complex than we want both in our personal lives and in our tribal communities. Simply put, making it right is not always that easy.

Now, after forty-five years CILS staff, administrators and lawyers are more committed than ever to finding the means, the skills, and the heart to make it right in our homes, our tribes, and our lives. CILS is committed to litigation when needed, to being first on the line for tribal concerns at the state and national level; Tribal Customary Adoption training, lay advocate training, and workshops on the American Indian Probate Reform Act are but a few examples.

The CILS board has made it right with its election of Rachel A. Joseph, a Lone Pine Paiute Shoshone Tribal member as the new Chairwoman. Rachel has a dossier that boggles the mind: lobbyist, advocate at the California capitol, interim Executive Director of the National Congress of American Indians, committee chair to secure equitable funding for Indian health service dollars for California, Chairwoman of her own tribe, and the list goes on. The Board anticipates some exciting activities with Rachel’s guidance.

Times may be tough but with enough heart, hard work, historical legacy, and humanity, we can continue to make it right!

Sincerely,

Patricia A. Dixon
Outgoing CILS Chairwoman
The mission of CILS is to protect and advance Indian rights, foster Indian self-determination, and facilitate tribal nation-building. Our priorities serve Indian communities by reflecting those issues most important to advancing our mission. Land-base preservation, self-determination through Indian control of services and benefits, improvement of weakened agency services, family preservation, and bureaucratic accountability top our priorities. Much of our work is driven by the requests for assistance from our varied Indian communities within California.

Our advocacy was born in 1967 at a time of great civil change when a roundtable of lawyers and Indian activists/organizers came together to create CILS. As Indians in California emerged from struggles with termination, relocation and diminished services, they voiced their need for specialized lawyers to support their legal causes. As the first non-profit law group focusing on specific-Indian legal issues, CILS became a blue-print for other groups like the Native American Rights Fund.

Over time the need for such specialized legal advocacy has grown and today most of the 109 federally recognized California tribes have at some point received CILS assistance or representation.

Since the 1970’s the self-determination era has progressed giving tribal governments a greater ability to self-govern their respective members. CILS has provided legal representation and guidance as tribes develop their government systems and find a place among federal and state players. A look at CILS’ work demonstrates its place within the history of California Indian law’s evolution: CILS defended tribes’ rights to protect the natural environment within their reservations; won the right of California Indians to be provided the same level of federal health services as Indians elsewhere; protected sacred sites threatened by development; secured a victory ensuring Indian children full and equal access to a public education; restored “terminated” California Tribes to their full recognized status as tribal governments; assisted tribes with the development and sustainability of tribal justice systems – from the development of laws, the implementation of tribal police forces, to the establishment of tribal courts. We look to the future with memories of our past successes and expectations of new victories for tomorrow.

To explore CILS’ rich history, please visit our website: www.calindian.org.
**Preserving Native Cultural Resources in California**

The Glen Cove recreation area is a fifteen acre park in the city of Vallejo, California, overlooking the Carquinez Strait. It is a popular area for locals and visitors but has special meaning for two local tribes, the Cortina Band of Wintun Indians and the YochaDehe Wintun Nation, because the area contains the remains of several ancestral villages. California Indian Legal Services was retained by the Cortina Band to represent its interests and help secure a cultural easement from the city, which provides the tribes with access to sacred sites and protects them from desecration. Plans to build new bathroom facilities in the park were canceled as a result of the easement.

![Glen Cove Image](image1)

**Defending the Indian Child Welfare Act and Keeping Indian Families Together…**

The Native Village of Eklutna, a federally recognized Alaskan Tribe, sought our assistance in 2008 when ICWA was being violated and the Tribe’s placement preference was being ignored. CILS successfully placed the child with her second cousin and her husband. The placement went well, the child thrived, and the long term plan of Tribal Customary Adoption (TCA) was ordered. This was one of the first TCAs to take place in California. The final adoption hearing occurred on July 13, 2011. CILS proudly provided the client with a copy of the adoption agreement and order a month later.

![Eklutna Image](image2)
Advocating for Public Benefits

Client, in poor health and facing mounting debt related to healthcare costs, contacted CILS’ Bishop Office seeking help in dealing with the Social Security Administration. Her Social Security Disability payments were cut off as there was an alleged overpayment of $50,000 in benefits. On top of these administrative hurdles, Client’s illness caused intense pain which led to thoughts of suicide. CILS intervened on her behalf and, along with Disability Rights California, showed that Client qualified for assistance under the SSA’s medical rules which resulted in a reinstatement of disability benefits and more importantly, medical coverage. Client’s overpayment issue was withdrawn by the Social Security Administration.

Religious Rights Do Not Stop at the Prison Door

Over a year ago CILS learned that for eight years, the Spotted Eagle Circle, a group of Native American prisoners at Lancaster Prison, had been denied permission to hold summer and winter solstice celebrations despite following Department of Correction procedures. Other faith based prison groups held regular holiday events. CILS could not ignore the opportunity to challenge what appeared to be racial and/or religious discrimination by a state agency and initiated a dialogue with the prison administration. CILS pointed out that the Circle had followed protocol but the constant denial of permission amounted to equal protection violations under the state and federal constitutions and issued a written demand threatening a lawsuit. In May, the prison granted permission for the celebration which was held on June 22, 2011. The event included Native American spiritual advisors, hoop dancers, drummers, and prison staff as well as traditional dishes and giveaways. Everyone agreed the event was a success.
Indian Child Welfare

In re W.B. is the first Indian Child Welfare Act case to ever be accepted for review by the California Supreme Court. The question at hand is whether the notice requirements set forth in California’s recent ICWA laws apply to juvenile delinquency proceedings in which the minor is at risk of entering foster care, even if termination of parental rights is not involved. CILS was significantly involved when these changes were passed in SB 678 in 2006. CILS prepared and submitted an Amicus Brief supporting applicability of the notice requirements. We have also worked with appellate counsel in shaping arguments. We have been invited to assist in the argument before the California Supreme Court.

California Sales and Use Tax for Native Americans

The California Board of Equalization (BOE) is charged with collecting sales and use tax for the state. Regulation 1616 describes instances where tribal governments may be exempt from all or a portion of California sales and use tax. Generally, sales made to Indian Tribes are not subject to sales tax when the goods are delivered and ownership transfers to the Tribe on the reservation. When the BOE announced its proposal to amend Regulation 1616, CILS seized the opportunity to submit written comments highlighting the unique history of California’s tribes. Many California tribes were left landless or with significantly diminished land bases when the federal government failed to ratify treaties and later terminated dozens of tribes. Thanks to the efforts of CILS and other interested parties, the BOE is considering special provisions that will expand sales and use tax exemptions to landless tribes and tribes with land that is unsuitable to accommodate the tribe’s governmental business. Such tribes would be able to utilize the same tax exempt benefits as tribes with developed governmental resources on their reservation, when the goods are purchased for use in tribal self-governance and the delivery and ownership transfers at the principle place where the tribe meets to conduct tribal business.
Securing Tax Credits and Refunds for Native Families

CILS and the Legal Aid Society of Orange County through the I-CAN!™ E-file tax program assisted qualifying individuals to prepare their 2010 tax returns. More than 200 people received more than $319,000 in state and federal refunds. CILS has made this service accessible to the community since its inception in 2004. The program guides tax payers through a series of questions and results in the completion of state and federal tax returns and even offers free e-filing. CILS is proud to share that I-CAN!™ E-file addresses most Indian income tax issues as well. This unique program is available over the telephone or through a link on the CILS website beginning in January of each year.

Indian Estate Planning to Protect Trust Assets

The passage of the American Indian Probate Reform Act (AIPRA) in 2004 was another action by congress meant to address the “fractionation” problem. Fractionation has been the unintended consequence of the federal allotment policies and lack of probate regulations and estate planning in Indian Country. Over generations the land interests have been passed on to more and more individuals in smaller and smaller increments making the interests difficult to use and of little monetary value. The AIPRA created a nation-wide probate mechanism to address the devise of Indian interests and established guidelines for tribes to develop their own probate codes. The AIPRA went into effect in 2006, one year after the Bureau of Indian Affairs abruptly ceased providing this service. CILS has been able to fill this gap by providing will drafting services that focus exclusively on the unique aspects of Indian assets. This year CILS provided community education opportunities in four areas throughout the state. Over 50 individual wills were drafted and executed by CILS across California.

California Indian Legal Services

The American Indian Probate Reform Act of 2004, California Statutory Wills & More

A Presentation to Quechan Senior Services
Winterhaven, California
December 15, 2010

California Indian Legal Services routinely gives presentations on the American Indian Probate Reform Act, Will making and estate planning, at the request of senior groups, tribal communities and Native organizations. Questions about these issues and requests for our Will drafting services are common and address the problem of fractionation in Indian country.
Training Lay Advocates for Tribal Courts

Throughout California, the use of tribal courts continues to increase. However, people appearing in tribal court often are not represented by someone knowledgeable in how a particular court works. Sometimes tribal courts conduct business in a less formal manner, allowing leeway to people unfamiliar with how the court works. Other times, however, being unrepresented can be a problem, especially in a more formal tribal court where a lack of knowledge about procedural rules might keep important evidence from being considered or a necessary form from being filed in time.

Getting representation in tribal court can sometimes be challenging. Lawyers can be unaffordable or hard to find in the field of Indian law. One solution is to promote the use of lay advocates in tribal court instead of lawyers. The ideal lay advocate is someone who has learned the basics of how a certain court works but remains affordable. Lay advocates can help increase the use of tribal courts even further, ultimately helping to protect tribal communities and to promote justice.

At the request of the Northern California Tribal Court Coalition, CILS used funds from a Bureau of Justice Assistance grant to develop and hold a one day training for lay advocates. Twenty people attended the June 25th training in Crescent City, from six local tribes as well as from several local social service offices and nonprofits. The training provided a framework for lay advocacy, addressing tribal court jurisdiction, the Indian Civil Rights Act, and the basics of the legal skills and knowledge required for effective lay representation.

Law Day at Hopland Rancheria

CILS co-sponsored a one-day training known as “Law Day” at the Hopland Rancheria. Close to 50 attendees listened as CILS staff and Hopland Tribal Court Judge Christine Williams led the day’s activities. The Tribal Council, Tribal staff and members were provided trainings on Public Law 280 as well as a basic primer on federal Indian law. Agenda items included a presentation on the development of a tribal court. The interplay of the Indian Child Welfare Act and domestic violence concerns were also discussed among interested attendees. The day ended with a tribal court mock trial – an opportunity for the Hopland community to see its tribal court at work.
Outreach: What is CILS?
For All My Relations Conference
Garden Grove, CA
July 15-16, 2010

The State of Tribal Courts in CA
National Legal Aid & Defender
Association Conference
Chicago, IL
July 23-24, 2010

Beyond the Bench: Tribal Customary Adoption
Arcata, CA
September 24, 2010

Tribal Law & Order Act
California Indian Law Association
Pala, CA
October 8, 2010

Tribal Customary Adoption Training
Humboldt County Dept. of Education
Eureka, CA
October 29, 2010

Lay Advocate Training
Bishop Paiute Tribal Office
Bishop, CA
November 1-2, 2010

Indian Child Welfare Act Training
Humboldt State University
Arcata, CA
November 8, 2010

American Indian Probate Reform Act
Pit River Tribe
Burney, CA
November 12, 2010

AIPRA and Estate Planning
Fort Yuma-Quechan Reservation
Winterhaven, CA
December 15, 2010

IRS Taxation in Indian Country
Pauma Band of Mission Indians
Pauma Valley, CA
February 28, 2011

AIPRA Indian Wills & SSI Overpayments
San Francisco Native American AIDS Project
San Francisco, CA
March 1, 2011

Public Law 280 Training
Karuk Tribe
Happy Camp, CA
March 2, 2011

Special Education Training
Yurok Tribal Education Department
Klamath, CA
April 6, 2011

Public Law 280 and Indian Child Welfare Act Training
Two Feathers Native American Family Services
McKinleyville, CA
April 22, 2011

CILS 5th Annual Tribal Courts Conference
Harrah’s Rincon Casino
Valley Center, CA
May 18-19, 2011

Simple Estates for California
Walker Senior Center
Bishop, CA
May 20, 2011

Lay Advocate Training
Northern California Tribal Court Coalition
Yreka, CA
June 25, 2011
Harrah’s Rincon Casino and Resort was the setting where CILS Board Chairperson Patti Dixon opened CILS’ 5th Annual California Tribal Courts Conference. The Conference brought together tribal leaders and members, law enforcement, court and other community representatives, all focused on exploring tribal courts as an exercise of tribal sovereignty. Renowned Indian law scholar Carole Goldberg shared her expertise in a session focusing on Public Law 280. Groundbreaking discussion about the re-assumption of jurisdiction and cross deputization agreements for tribal law enforcement were inspired by the 2010 passage of the Tribal Law and Order Act. Participants received a tutorial on how the Central Violations Bureau (CVB) processes violations committed on federal lands and how Tribal law enforcement can utilize the CVB process to further more effective law enforcement in Indian Country. Notably, CILS was praised by United States Congressman, Mike Honda, for its history of innovation in support of tribal governance via video message delivered on day one of the conference.

Indian families have always been a focus in past courts conferences. This year was no different. Nancy Currie, Director of Soboba’s Tribal Social Services and attorney Kimberly Cluff presented the latest developments in the area of Tribal Customary Adoption (TCA). To emphasize the important interplay between state and tribal courts in TCA cases a mock trial demonstrated the use of both courts to effectuate an adoption without the termination of parental rights. In fact the popular mock trials segment returned to demonstrate the use of tribal courts in divorce and domestic violence cases. Tribal court judges then shared their thoughts on delivering justice to tribal communities and allowed a glimpse into the decision-making process. Continuing the theme of tribal and state courts working towards common goals, a panel consisting of both tribal and state court judges discussed issues related to effective case transfers between courts.

CILS extends a warm thank you to the Rincon Band of Luiseno Indians and Harrah’s Rincon Casino and Resort for their host sponsorship. As CILS Executive Director Devon Lomayesva commented, “The Rincon Band is a front-runner in [the development of] tribal justice systems.” It is the hope of CILS staff that tribal communities continue to be inspired to develop and evolve their tribal justice systems.
INCOME

Government Contracts, $1,457,250

Other Income, $125,719

Program Service Revenues, $552,968

Contributions, $62,129

EXPENSES

Support Services, $350,404

Client Funded Program Services, $337,250

CILS Funded Program Services, $101,444

Bishop Office Senior Program Services, $143,975

Federal & State Grant Funded Program Services, $1,327,867

The selected financial data was derived from California Indian Legal Services, Inc’s financial statements. The financial statements of California Indian Legal Services, Inc., are audited annually and are available upon request.
DONATIONS & ACKNOWLEDGEMENTS

CILS receives major funding through grants from the Legal Services Corporation (LSC) and the State Bar of California. CILS also receives grants such as the Bureau of Justice Assistance Grant designed to assist tribes with developing tribal justice systems. Smaller grants also subsidize overall legal aid services and allow our Office to serve that area’s senior population. Of equal importance is contract work in the fields of economic development, fee-to-trust applications and child dependency cases, all of which help CILS fulfill its mission.

INVEST IN CALIFORNIA INDIAN COMMUNITIES & CILS

- Visit our website at www.calindian.org and click on “Donate Now”
- Designate CILS as a beneficiary of life insurance policies, gift annuities or charitable remainder trusts
- Make a cash gift in your name or in memory of a loved one by mailing a check or money order to CILS at the following address:

  California Indian Legal Services  
  Principal Office  
  609 S. Escondido Blvd.  
  Escondido, CA 92025

Contributions to CILS are tax deductible as allowed by law. CILS is a non profit 501(c) (3) organization.

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- Pauma Yuima Band of Mission Indians  
  Redding Rancheria  
- Rincon Band of Luiseno Indians  
- San Pasqual Band of Mission Indians  
- Soboba Band of Luiseno Indians  
- Sycuan Band of the Kumeyaay Nation

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INSTITUTIONAL SUPPORT
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- Grants in Support - Inyo County  
- Inyo-Mono Area Agency on Aging  
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