

# ANNUAL REPORT 2018



CALIFORNIA  
**INDIAN**  
LEGAL SERVICES

# OUR MISSION:

to protect Indian rights,  
foster Indian self-determination,  
and facilitate tribal nation building.

## Content

A big thank you for the powerful artwork on the cover of our annual report. Ruben Chato Hindojosa, Jr. is a tribal member of the Lipan Apache Tribe of Texas. Chato is best known for his eagle paintings and sculptures from his "Nalwodi" series, which means strength in Apache. Chato says, "let it out so the world can see it." We see the strength and soaring spirit of the eagle with bold blue colors and stoic gaze. Stop by our Escondido office to see it in person.

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# HONORING THE PASSING OF CILS CO-FOUNDER GEORGE DUKE

**Escondido, CA- November 27, 2018: It is with heartfelt sorrow that CILS announces the passing of its co-founder, George Duke, on Tuesday, August 21, 2018, at the age of 83.**



George Duke and David Risling recognized the uniquely complex legal issues facing Native American communities in California and incorporated CILS in 1967. The organization's purpose was to assist rural California Indian Tribes to achieve self-governance, protect their lands against improper infringement, secure federal services, and enforce state and federal law to protect their rights.

"George was dedicated to starting a legal aid for impoverished Native Americans living on rural reservations. He saw the daunting problems and began the process of correcting these problems one by one. George served as the first Executive Director of CILS and had a diverse law career spanning fifty-two years of public service. These are large, admirable accomplishments," said Dorothy Alther, Executive Director of CILS.

George Duke was a dynamic, creative, and generous man who touched the lives of many people during his lifetime through his work and his giving spirit. He knew as a child that he wanted to be a lawyer. He wanted to be the kind of lawyer who used the law for public service, to mitigate injustice and help vulnerable people. Throughout his legal career, Duke did a great deal of volunteer and

pro bono work. He argued twice in cases at the US Supreme Court for impoverished defendants. The fifty-two-year success of CILS is a demonstration of his early leadership. His contributions will always be remembered as CILS continues to build upon his legal legacy.

## ***Fond Memories of George Duke***

"I was hired as a summer law clerk in 1968 by George Duke, then the Director of the Indian Division of California Rural Legal Assistance (CRLA) in Santa Rosa, California. He took very good care of me, my wife and son that summer. Since George was in the process of setting up CILS separately from CRLA, one of my assignments that summer was to look for CILS office space in Berkeley where CILS eventually set up shop. George later hired me to work for CILS upon my graduation from the UNM Law School in 1970. Shortly thereafter, I was assigned to work on a project to start the Native American Rights Fund, where I have been ever since."

***John Echohawk***  
***Executive Director at Native American Rights Fund***

"George hired me in the summer of 1970. George was the founder of CILS. He surrounded himself, for the most part, with remarkably talented attorneys. He and several other CILS attorneys also founded NARF which was initially staffed with CILS attorneys but, at George's insistence, for the protection of CILS, it was established far away in Boulder."

***Larry Eitzen***  
***Law Offices of Larry Eitzen***

# TOP 10 MOMENTS IN CILS HISTORY

## Celebrating California Native American Legal Victories for Half a Century

**1. Restoration:** Filed lawsuits and advocated for federal laws to restore Tribes terminated under the California Rancheria Act. Restored 17 "terminated" California Tribes to their full recognized status as tribal governments through *Tillie Hardwick v U.S.* (1983). Restored 12 other "terminated" California Tribes through other suits and legislative changes. Each of the twenty-nine restored California Tribes enjoys a government to government relationship today with the United States because of CILS' efforts.

**2. Tribal Sovereignty:** Established that a local county or state could not force its zoning and building codes upon the Tribe's reservation trust property, even in a state subject to Public Law 280. (*Santa Rosa Band of Indians v. Kings County* 1975)

**3. Education:** Ensured Native American children full and equal access to public education. (*Quechan Indian Tribes v. San Pasqual Valley Unified School District* 1979)

**4. ICWA:** Drafted the original *California Judges' Benchguide on the Indian Child Welfare Act* which is cited both statewide and nationally as a definitive resource on the evolving ICWA laws. Advocated for passage of SB 678 codifying ICWA into State law in 2006.

**5. Health:** Won the right of California Indians to a level of federally provided health services comparable to those provided to Indians elsewhere. (*Rincon Band v. Harris* 1980)

**6. Land:** Worked with Congress to create specific protection for California Native American lands to keep lands safe from escheatment to the federal government upon death of California Native. (*American Indian Probate Reform Act* 25 U.S.C. § 2206(d) (2))

**7. Religious Rights:** Sued and negotiated a settlement to allow Native prisoners access to their spiritual practices while in state institutions; establishing Native American chaplains within the State's prison system. (*Sample v. Borg* 1987)

### And the fight continues...

**8. Taxation:** Worked to end Franchise Tax Board's attempts to create a "tribal source" rule which would have taxed the income of tribal members living and working on their own reservation. As a result, FTB had to repay those it had already taxed in this way. (2015)

**9. Repatriation:** CILS successfully defeated three University of California professors' legal challenge to block repatriation of ancient Kumeeyaay human remains. (*White et al. v. University of California et. al and Kumeeyaay Cultural Repatriation Committee* 2016)

**10. Cultural Identity:** Sponsored AB 233/AB 1248 allowing Native students' right to wear religious, ceremonial, or cultural adornments at school graduation ceremonies as proud symbols of their communities' pride in their accomplishments. (2018)

# DEAR FRIENDS OF CILS:

**Welcome to the 2018 CILS Annual Report. It was with sadness that we learned that one of CILS' founders, George Duke, passed away in August at the age of 83.** While I did not have the honor of working with or knowing George, I see the fruits of his labor every day. CILS is a profoundly important resource for California tribes and tribal communities that has grown and sustained itself for over 50 years. We at CILS dedicate this year's Annual Report to the memory of George Duke.

2018 brought an unprecedented legal shock wave to Indian Country when, in the case of *Zinke v. Brackeen*, a Texas federal district court found that the Indian Child Welfare Act (ICWA) was unconstitutional. The case is now on appeal before the Fifth Circuit Court of Appeals. The decision galvanized a mass response. CILS mounted a campaign through Tribal Alerts to keep the tribal community updated on the case. CILS also did extensive outreach to California tribes and tribal organizations to join an amicus ("friend of the court") brief filed with the Appeals Court by the Native American Rights Fund, the National Congress of American Indians, and five tribes in support of the ICWA. CILS and other California ICWA advocacy groups were successful in getting 72 California tribes to sign on to the brief. A decision in the case is pending.

Protecting the ICWA was just one of the many legal challenges CILS was involved in during 2018. CILS worked on stopping a county from taxing an Indian allotment after fifty plus years, argued for a Native American prisoner's religious rights, and con-

tinued to protect tribal inherent authority on tribal lands from infringement by county law enforcement.

Our Report highlights many more of the cases and projects CILS was involved in during 2018. We want to thank all those who support our work and have made generous donations to support our mission.

We all look forward to serving you in 2019!



Sincerely yours,

A handwritten signature in blue ink that reads "Dorothy Alther".

**Dorothy Alther**

**Executive Director**

# DEAR FRIENDS AND SUPPORTERS OF CILS:

**It has been a busy year for CILS. We visited twenty-one tribal councils this year as part of our ongoing statewide tribal legal needs assessments.** We gained insight into what legal issues each tribe was focusing on and regional problems many tribes faced. The assessments prepare CILS for future legal challenges and understanding what tribes want most.

In honor of the strength of tribes working toward common goals, this year's painting by Lipan Apache artist Ruben Chato Hinojosa, Jr. called "Eagle Strength" is featured on the cover of our annual report. Chato is best known for eagle paintings and sculptures. Chato says, "I saw the eagle in my vision, and then he called out to me." The strength and soaring spirit of the eagle represents tribal sovereignty taking flight.

This year CILS assisted a Native American prisoner with access to a sweat lodge, we saw AB 1248 signed into law allowing students to graduate with traditional regalia, and helped many tribal members expunge criminal records through our Native American Record Clearing Project.

CILS provided Tribal Economic Development Trainings at five reservations. CILS established the California Public Domain Allottee Association (CPDAA), a non-profit that will protect and advocate for the public domain allottee community, as part of our more massive California Public Domain Allotment Project.

CILS has won many cases, provided countless legal trainings, and defended the rights of multiple individual Indians. As Chairman, I am proud of our organization's dedication to Indian rights, self-determination, and tribal nation building. CILS has repre-

sented nearly every California Indian tribe on a wide range of legal and governmental issues.

After 51 years of service, there are still many legal problems in our California Indian communities, and CILS will continue to work tirelessly to address these legal issues faced by tribes and Native American individuals.

Thank you for reading our 2018 Annual Report, and I hope our work inspires you. I invite you to get involved with CILS as a Board Member, a volunteer, a client, or a donor. As a community, we need legal aid to provide for those who cannot afford justice alone.



**Eyaay Ahun,**



**Mark Romero**

**Chairman**

# 2018-BY THE NUMBERS

Protecting and Serving California Tribes and Their Communities



24 staff members  
at 4 offices  
serving all of California

including

21,106  
read Legal Education  
materials online

29,522  
downloaded  
Pro Se materials

8,317  
attended  
Legal Education

1,226  
referrals to other  
resource providers

764  
direct service cases

102  
were cases involving  
Indian Child Welfare Act





According to the Bureau of Justice Statistics, Native Americans are incarcerated at a rate 38% higher than the national average.

Photo: News From Native California

# IMPACT LITIGATION

CILS Protects Native American Religious Rights, *Bishop Paiute v. Inyo County Update*, Native American Record Clearing Project, and AB 1248 Feather Bill Passed

## Protecting Native American Religious Rights

Plaintiff, Elvin Buck, is an American Indian believer and practitioner confined to Avenal State Prison. He is a Muscogee Creek Bear Clan member. He filed his *pro se* complaint on February 26, 2018. Mr. Buck alleged violations of his First Amendment Free Exercise rights under the color of state law in violation of 42 U.S.C. Section 1983, and separate violations under 42 U.S.C. Section 2000cc-1a (Religious Land Use and Institutionalized Person Act of 2000 (RLUIPA)) that impaired his access to a sweat lodge and other traditional ceremonies, including "smudging." These allegations also implicated violations of the 1987 Sample consent decree (CILS class action). (*Sample v. Borg*, 675 F. Supp. 574 (1987)).

As required by law, the Court reviewed Mr. Buck's complaint in July 2018 and determined that his allegations represented "cognizable" claims under both Section 1983 and the RLUIPA. Sub-

sequently, the Defendants filed their Answer in October 2018 and denied that they had abridged or substantially burdened Mr. Buck's rights under the United States Constitution and under other federal statutes. The Defendants raised other legal defenses to Mr. Buck's claims, including the statute of limitations and failure to exhaust administrative remedies.

Under the established scheduling order, the Defendants filed their initial discovery disclosures in November. We submitted our Notice of Appearance on Mr. Buck's behalf and his initial discovery disclosures in December 2018.

## *Bishop Tribe v. Inyo County et al. Update*

The *Bishop Paiute Tribe v. Inyo County et al.* case continues to move forward with a scheduled trial date of December 3, 2019. More information about the case available as [www.calindian.org/our-work/](http://www.calindian.org/our-work/).

### **Native American Record Clearing (NARC) Project**

As a part of our 2018 Native American Record Clearing (NARC) Project, we created a presentation that details the impact of criminal records on employment and how to minimize or eliminate that impact through the expungement process. The presentation includes a "how-to" segment that highlights a step-by-step approach to expungement, and explains how prospective employers use criminal records in the employment application process when the expungement process may eliminate criminal records from the employment application entirely.

The NARC project launched in the fall of 2018. CILS emphasized in our outreach efforts that expunged convictions can not be used or considered in the hiring, promotion or firing decisions of employees. We will also be emphasizing that employers cannot inquire into an individuals' participation in pre-trial or post-trial diversion programs, any arrests for which pre-trial diversion was successfully completed, and any marijuana convictions more than two years old.

We completed conviction clearing and employment workshops in Butte and Tehama Counties and have two more workshops planned for Sacramento and Lassen counties in 2019. Thereaf-

ter, we will begin the Live Scan and speed screening components of the project in each of our four target counties.

CILS' long-standing service and close ties to Tribes have enabled us to reach underserved individuals through their own communities. Our recent progress confirmed that NARC is reached Indian community members who would remain unserved by other generic record clearing projects because CILS directly involved Tribes and Tribal organizations in our outreach efforts. Our first case from this project highlighted this ongoing progress in community re-entry and employment.

### **Feather Bill Passes Second Time Around**

In 2017, CILS drafted and sponsored AB 233 which would have amended the California Educational Code to allow students to wear cultural, religious and traditional regalia at their high school graduations. CILS successfully ushered the bill through both the Assembly and Senate only to have Governor Brown veto it on the last day of the session. Assemblymember Todd Gloria re-introduced the initiative through AB 1248. With the support of CILS, California tribes, and others, the bill was signed by Governor Brown on September 28, 2018.



*It all began when Clovis High senior Christian Titman, a member of the Pit River Tribe, asked his school to wear a feather on his graduation cap in honor of his heritage and the school replied no.*



# ICWA UPDATES & DOMESTIC VIOLENCE TEAM

CILS Co-Authors Request for Depublication, Updates CA Juvenile Dependency Practice Book, and Provides Domestic Violence Survivors Legal Clinics

## **Depublication of *In re R.H.* by the California Supreme Court**

On January 31, 2018, the Second District Court of Appeal issued a ruling which could have had a detrimental state-wide impact on the likelihood of Indian children involved in dependency cases being placed into Indian homes. (*In re R.H.* (2018) 2018 W.L. 636192.) CILS, in partnership with the California Tribal Families Coalition (CTFC), succeeded in petitioning the California Supreme Court for depublication of the case, so that it cannot be used as precedent in future cases.

The Second District's decision could have been interpreted to absolve a county from searching for an Indian home if the child's tribe said that it would search within the tribe. CILS and CTFC contended, in addition to conflicting with existing law, such a position would be harmful to Indian children whom the ICWA was designed to protect. It would almost certainly result in fewer In-

dian homes outside of a child's tribe being identified in the future.

"We're grateful the California Supreme Court saw fit to grant our request, and we thank the Round Valley Indian Tribes for submitting their own letter in support," said Jedd Parr, Directing Attorney in CILS' Sacramento office, who co-authored the request. "It's already difficult in some counties to be confident that a serious attempt at finding an Indian home has been made. Often the child's tribe does much of the leg work on their own. Allowing *In re R.H.* to stand as a precedent could have shifted that burden further."

## **CA Juvenile Dependency Practice Book**

Once again CILS attorneys edited and updated the ICWA Chapter of the CEB California Juvenile Dependency Practice book to reflect recent changes in state law including AB 3176, which

incorporates the 2016 BIA ICWA Regulations into the California Welfare and Institutions Code, and *In re R.H.*

### **Brackeen et al. v. Zinke Amicus Brief Update**

The Indian Child Welfare Act (ICWA) suffered a significant setback when the federal court for the Northern District of Texas held the landmark legislation unconstitutional. (*Brackeen et al. v. Zinke*, October 4, 2018, Case 4:17-CV-00868.) CILS thanks all of the California tribes (72) and Indian organizations (11) that signed on to the amicus brief in the case, which is pending before the Fifth Circuit Court of Appeals.

### **CILS Domestic Violence Team Update**

The CILS Domestic Violence Legal Team (“DV Team”) consists of a Staff Attorney and a Legal Advocate. The DV Team assists victims/survivors of domestic violence, sexual assault, sex trafficking, and stalking. They primarily assist victims/survivors in San Diego, Riverside, and San Bernardino counties. The DV Team provides victims/survivors with culturally appropriate, trauma-informed, and confidential services. There are no income guidelines for assistance.

The DV Team has successfully developed collaborative relationships with many community partners within the Native American community. They continue to participate in Inter-tribal Multi-Disciplinary Team meetings for domestic violence

and sexual assault in San Diego County, as well as the Riverside County Tribal Alliance Domestic Violence Sub-Committee Meetings, discussing relevant issues pertaining to and affecting tribal communities. Ms. Dalati continues to chair or co-chair the North County DV Coalition meetings in San Diego, and the DV Team participates in High-Risk Team meetings in North San Diego County.

Appointments with clients can be scheduled in advance, or a prospective client can choose to attend a walk-in clinic. The DV Team currently provides two monthly walk-in clinics from 11:00 am – 2:00 pm on the second Wednesday of each month at Indian Health Council on the Rincon Reservation and on the fourth Wednesday each month at Southern Indian Health Council in Alpine. The DV Team is in talks with an agency to provide walk-in legal clinic services in Riverside County.

In 2018, the DV team attended several local trainings as well as the “Women Are Sacred” Conference in New Mexico and the Technology Summit Training in San Francisco. Also, Ms. Dalati gave a presentation during a Human Trafficking Conference at Indian Health Council, a legal training at Community Resource Center, and a presentation at a Staff Meeting at Solutions for Change. The DV Team also presented to the Native American Resource Center at San Bernardino County Indian Health Office in Grand Terrace.



Our DV Team provides trauma victims with informed, confidential, and culturally appropriate services.



Pictured: Executive Director Dorothy Alther, Chairman of the Board of Trustees Mark Romero, and Staff Attorney Mica Llerandi

# YEAR IN REVIEW

## CILS Presents Tribal Economic Development Training, California ChangeLawyers, Statewide Tribal Legal Needs Assessment, and Tribal Elections

### **Tribal Economic Development Training at Round Valley, Table Bluff, Lone Pine, Rincon, and Picayune**

CILS and the Mesa Grande Band of Mission Indians completed five one-day trainings on how to form a tribal economic development entity for tribes with no or little current economic development on their lands. Trainings were presented March 14th at the Round Valley Reservation, April 14th at the Wiyot Indian Table Bluff Reservation, May 3rd at the Lone Pine Reservation, June 13th at the Rincon Reservation and June 27th at the Picayune Rancheria. The training focused on how to form a tribal economic development entity that can not only evaluate economic proposals presented to the tribe but help initiate economic projects which are compatible with the tribe's needs and resources. CILS provided various legal structures for establishing a tribal economic development entity, the pros and cons, and how to protect tribal sovereign immunity. Representatives from the Mesa

Grande Band of Mission Indians spoke about their experience on how their economic development corporation has evolved over the years, how they got started, what worked, what didn't, and offered practical advice on their successes and failures.

The training was funded by the California State Bar Association and was attended by tribal leaders, tribal administrators, tribal attorneys, tribal administrative staff, and tribal community members.

### **CILS Presents to the California ChangeLawyers Foundation**

Executive Director, Dorothy Alther and Legal Fellow, Anna Hohag, attended the annual California Bar Foundation (CBF) Board meeting to present to the Board of Directors in San Francisco. At the meeting, it was announced that CBF would be changing their Foundation's name to "California ChangeLawyers," to better demonstrate the organization's commitment to empowering

the next generation of lawyers, judges, and activists to create a more diverse legal profession, a fair justice system, and a better California. As California ChangeLawyers provided funding for Anna's Fellowship at CILS, Dorothy and Anna presented to the Board the work that CILS does throughout California to represent Native Americans, low-income individuals, and people in more diverse legal profession, a fair justice system, and a better California. As California ChangeLawyers provides funding for Anna's Fellowship at CILS, Dorothy and Anna presented to the Board the work that CILS does throughout California to represent Native Americans, low-income individuals, and people in rural areas of the state. The Board was ecstatic to hear that CILS, through the Bishop office, is making real change for clients in rural communities who would ordinarily have trouble obtaining legal assistance. Tribal issues range from improper taxation to tribal court development, and from drafting Indian wills to special education services and community education. It was clear that CILS, as one of the premier training grounds for attorneys advocating for tribes in California and nationwide, fit perfectly into the vision of California ChangeLawyers, who were happy to see their Fellowship grants used to further their mission.

California ChangeLawyers awards grants to legal aid agencies to cover the cost of hiring diverse law students or recent grads, and this past year Anna Hohag was CILS' recent grad. "As a young attorney from a rural tribal community, it was truly inspiring seeing the work and vision of California ChangeLawyers. I feel incredibly honored to be considered a #ChangeLawyer and to be working alongside CILS in furthering their mission to advocate for tribes and tribal rights," said Anna Hohag.



*Kumeyaay pottery*

*Photo: <https://www.sandiegoarchaeology.org>*

### **CILS Conducts Statewide Tribal Legal Needs Assessment**

Nicole Scott, CILS Director of Marketing and Development, and Mark Romero, Chairman of the CILS Board of Trustees and former Chair of the Mesa Grande Band of Indians, are visiting tribes in California to talk about the current legal issues tribes are facing. They are conducting a statewide tribal legal needs assessment with tribal councils to discuss how CILS can best serve the needs of the tribes and our Native American community as a whole.

So far, Mark and Nicole have met with twenty-one tribes throughout California. We anticipate that it will take two years to reach our goal of visiting all the tribes throughout the state. Starting in February of 2018, we have learned that tribes are looking at revising their constitutions, writing more codes, concerns about school discrimination, and increasing economic development. These tribes gave us great advice. "Visit all the tribes, and find ways to help groups with the same regional problems"; "Keep doing what you are doing"; "Face to face meetings are very powerful, thank you for all you do for tribes."

### **CILS Administers Tribal Elections**

CILS assists tribes with conducting their ballot initiatives and government elections. In 2018 alone the Escondido and Eureka offices conducted a mail ballot to adopt a TERO ordinance, polling to adopt a tribal constitution, and four tribal council elections. Our work includes interpreting and following tribal election ordinances, acting as an independent election board, administering the mail ballots and in-person voting, reviewing petitions for ballot certification, tallying ballots, and certifying election results.

# CALIFORNIA PUBLIC DOMAIN ALLOTMENTS PROJECT

Under our 2018 Indian Land Tenure Foundation (ILTF) grant, CILS has developed the most comprehensive archival documentation of California public domain allotments outside of the United States government. The archive includes the only known allotment resource inventories compiled since the distribution of the last public domain allotment in San Benito County thirty years ago. Below we recap some of the other essential milestones achieved under the grant.

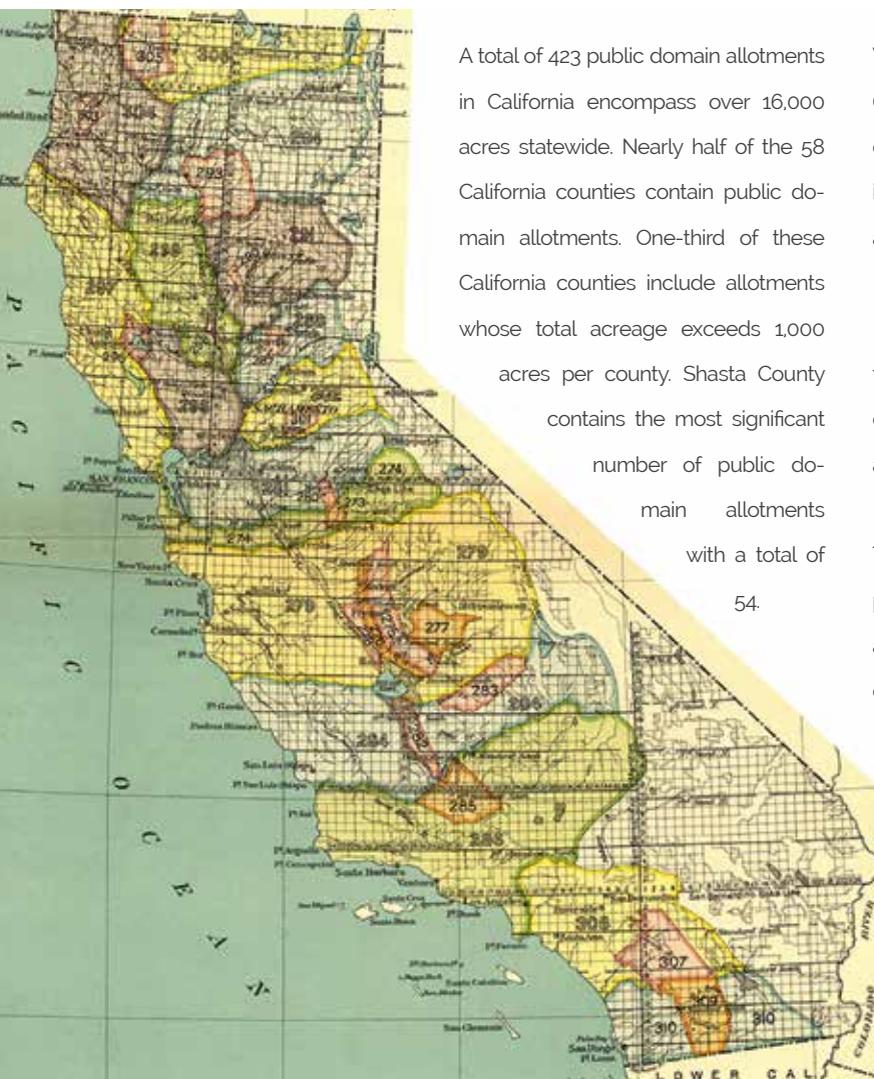
The documents suggests that at least one-third of all public domain allotments in California, comprising 25% of all public domain allotment acres statewide, could be landlocked. We can use the access component in the natural resource inventory reports to help identify landlocked public domain allotments. This will enable CILS to take appropriate steps that could help beneficial stakeholders realize the full potential of their Native land holdings by obtaining unobstructed physical access.

A total of 423 public domain allotments in California encompass over 16,000 acres statewide. Nearly half of the 58 California counties contain public domain allotments. One-third of these California counties include allotments whose total acreage exceeds 1,000 acres per county. Shasta County contains the most significant number of public domain allotments with a total of 54.

We established the California Public Domain Allottee Association (CPDAA), a non-profit that will protect and advocate for the public domain allottee community. The non-profit will work on public policy-making and allotment resource protection as a representative and integral voice in the Native community.

The regional workshops were attended by over one hundred participants. CILS distributed forms that help beneficial interest holders obtain necessary information about their allotments. These forms are also available through our self-help section on our website.

The location and acquisition of the natural resource inventory data provides the basis for environmental planning in both water, timber and other natural resource use and protection. The water resource data provides the foundation for stakeholder participation under the California Groundwater Sustainability Act. The inventory data also gives us the identity of landlocked allotments without physical or legally confirmed access. Providing access to public domain allotments is one of the fundamental trust obligations the United States owes allotment interest holders.



1896 California Map of Indian Cessions and Reservations

# CILS ON THE ROAD

CILS offers a variety of trainings and presentations on federal Indian law topics to tribal communities, state and local government agencies, and the public at large. Below is a partial list of the presentations made by CILS staff during 2018.

## January

Criminal Record Clearing  
San Francisco  
(held 8 times throughout the year)

## February

PL 280 Tribal Law  
Cal Western School of Law  
San Diego

CA Indian Manpower Consortium  
Sacramento

Pro Bono & Public Service Fair  
Cal Western School of Law  
San Diego

## March

Tribal Economic Development  
Round Valley

AIPRA & Estate Planning  
Yurok

AIPRA & Estate Planning:  
Redwood Valley

AIPRA & Estate Planning  
Big Valley

## April

Tribal Economic Development  
Table Bluff

PL 280 Tribal Law  
Mesa College  
San Diego

Protecting Water Rights  
2018 Tribal Water Summit  
Palm Springs

PL 280 Tribal Law  
CA Highway Patrol  
San Diego

Earth Day Presentation  
Bishop

Tribal Court Development  
Table Bluff

**May**  
Tribal Economic Development  
Lone Pine

CalBar Foundation  
San Francisco

## June

Tribal Economic Development  
Rincon

AIPRA & Estate Planning  
Bishop

2018 State ICWA Conference  
Graton

Tribal Economic Development  
Picayune

## July

PL 280 Tribal Law Training  
Tule River

Human Trafficking  
Webcast

MIPPA Elders  
Toiyabe

Public Domain Allotments  
Bishop

## August

Law, Policy, and History  
Owens Valley

Public Domain Allotments  
Big Sandy

Public Domain Allotments  
Oroville

## September

ICWA 101  
Mooretown

Estate Planning  
Nat. Indian Council on Aging  
Pechanga

DV Criminal Jurisdiction  
Yurok

Tribally Approved Homes  
Cahuilla

Tracing Tribal Land & Water  
Owens Valley

Native American Day  
Sacramento

PL 280 Tribal Law  
CHP, Sheriff, Fish & Game  
Redding

## October

Public Domain Allotments  
Redding

PL 280 Tribal Law Training  
Pit River

Criminal Record Clearing  
Friendship House San Francisco

## November

Federal Indian Law & Policy  
Bishop

Criminal Record Clearing  
Paskenta

## December

Criminal Record Clearing  
Oroville

## 2nd Wednesday of every month

Domestic Violence Legal Clinic  
IHC Valley Center

## 4th Wednesday of every month

Domestic Violence Legal Clinic  
SIHC Alpine

# WHY TRIBES GIVE

“Redding Rancheria is grateful to an organization such as CILS not only for getting the tribe restored under *Tillie Hardwick vs the United States* but for all the trainings they put on that the tribe, its members, and employees gain valuable information to assist them in their day to day lives and being available to assist as a non-biased 3rd party when needed.”

*Chairman Jack Potter Jr  
Redding Rancheria*

“The Morongo Band of Mission Indians acknowledges the goals and objectives set forth by your organization and appreciate your activism within the community. We would like to wish you good luck and we hope our contribution helps towards reaching your goals.”

*Chairman Robert Martin  
Morongo Band of Mission  
Indians*

“The Agua Caliente Band of Cahuilla Indians is dedicated to generating and distributing the much-needed resources to make a significant difference in the lives of many. The Tribe is honored to participate in this program. Thank you and we hope this contribution helps you achieve your laudable goals.”

*Director of Tribal Administration  
Betty Callies  
Agua Caliente Band of Cahuilla  
Indians*

“I write on behalf of the United Auburn Indian Community Tribal Council to express our gratitude to CILS for the work it does to assist tribes and individual Native Americans in California. We particularly appreciate the work CILS has done on Indian Child Welfare Act issues across the state. We read with interest about your plan to meet with all 110 California tribes to determine what legal services are most needed by tribal communities. We support that goal and agree that it is a crucial step in continuing to protect and advance tribal sovereignty. I hope you will accept a contribution from UAIC as a show of our support. We send it along with our appreciation for the high quality legal services CILS continues to provide.”

*Chairman Gene Whitehouse  
United Auburn Indian Community*

“California Legal Indian Services was at the rebirth of our Nation.

In fact, continuing this analogy, you might think of them as the co-midwife. With CILS we authored the bill that was eventually passed and signed by President Clinton on December 27, 2000 that recognized the Federated Indians of Graton Rancheria as a federally recognized tribe again. They were with us hand in hand in this long 8-year struggle. Many, many thanks.”

*Chairman Greg Sarris  
Federated Indians of Graton Rancheria*

# Thank You for Your Generous Support



Agua Caliente  
Band



Santa Rosa  
Band



Cher-Ae Heights  
Indian Community



Soboba  
Band



Graton  
Rancheria



Tolowa Dee-ni  
Nation



Morongo  
Band



Yurok  
Tribe



Pechanga  
Band



United Auburn  
Indian Community



Redding  
Rancheria



California Indian Nations flags displayed at the California State Capitol's west stairs on Native American Day.

# OUR HISTORY

## Fifty Years of Service to Native Communities in California

**Birthed from the 1960's upheaval of the status quo, California Indian Legal Services grew out of the California Rural Legal Assistance legal aid program that focused efforts on all rural communities.** Recognizing the uniquely complex legal issues facing Native American communities in California, George Duke and David Risling began our story with the incorporation of California Indian Legal Services in 1967.

CILS began to stretch its legs and spread its wings in the 1970s. From the East Bay office, CILS added field offices in Bishop, Escondido, Eureka, and Ukiah. The fight against termination era actions against tribal communities raged on as CILS scored victories in restoring reservation lands, quantifying water rights, litigating civil rights cases, and strengthening tribal governments. These efforts laid the foundation for future generations to protect Native Americans in California.

The 1980s brought intense efforts by CILS to reestablish tribes that were once terminated through the Tillie Hardwick litigation. The victory was heralded as a major win for Indian Country and catapulted CILS forward as a leader in Indian Country. Shortly following, CILS stood up to the U.S. Forest Service who sought to build a 400-mile logging road between the towns of Gasquet and Orleans, leading to the project dubbed the "G-O Road." CILS was able to convince the District Court judge to issue an injunction preventing the road from desecrating local tribal religiously significant areas.

As tribal governments matured in the 1990s, so too did CILS. Economic development became a focus for lifting Native communities in California out of poverty. CILS assisted in starting the new economic engine of Indian gaming after an alum of CILS was victorious in *California v. Cabazon Band of Indians*, that ultimately

resulted in Congress passing the Indian Gaming Regulatory Act. The infusion of revenue allowed some tribal governments to expand services to their members and increase tribal sovereignty. CILS continues to assist tribes with providing social services and economic development for the twenty-first century.

Over the past twenty years, CILS further assisted Native Communities in California with Indian Child Welfare Act (ICWA) advocacy, understanding the American Indian Probate Reform Act (AIPRA), placing fee land into trust, challenging state taxation, discrimination in schools, religious discrimination in detention facilities, cultural resource protection under AB 52 and SB 18, and preparing for changes to state water rights systems. Another highlight includes CILS's efforts in passing SB 678, which extended federal ICWA protection to California's Indian children. CILS also authored the California Judge's ICWA Benchguide used at all levels of state and tribal court. In 2016, CILS was instrumental in the passage of SB 997, which gives tribal identification cards the same status as a California identification card when notarizing a document. This year, CILS worked with the state legislature and California communities to pass a bill allowing feathers and other culturally significant regalia to be worn at high school graduations, which addressed a major lack of cultural sensitivity pervasive in some California school districts.

We are proud of our five decades of championing the rights of Native Americans in California. CILS continues to grow with the tribal communities in California and serve those communities from our four offices in Eureka, Sacramento, Bishop, and Escondido. The protection of tribal communities requires constant vigilance. We work in all fifty eight California Counties, guided by our Board of Trustees comprised of tribal and community leaders, members of the California Bar Association, and representatives of our client-eligible population. We look forward to working with tribal communities in California for another fifty years.

## Quotes from Clients and Community Members

### "HELP AND GUIDANCE"

"I truly appreciate all your help! With your help and guidance you have made this journey so much easier for me! Thank you."

*Family Safety Supervisor  
Eastern Band of Cherokee Indians*

### "I AM CONFIDENT"

"Thank you for handling my will request. You are professional and thorough. I am confident my documents are complete. If anything changes I will let you know."

*Will Client*

### "PROUD TO HAVE YOU"

"Bless you Mark, because you're the best around and so detailed plus so helpful. I knew the other party wasn't being honest with me so which means she wasn't honest with the State of Washington's Juvenile Court. Glad I have people who give me heads up even if all the facts aren't right. I am so glad and proud to have you for the youth in our Court system along with the heart you have."

*Social Services Case Manager  
Sycuan Band*

### "CILS IS A GREAT RESOURCE"

"For our tribal Social Services department. Our tribal children are the future of the tribe, and CILS effectively advocates and protects our interests in the juvenile dependency system. I value being able to call on them to assist when needed."

*ICW Director  
Round Valley Indian Tribes*

# FINANCIALS

## INCOME



Government Contracts	\$1,277,044
Program Services Revenues	\$780,208
Grants	\$542,884
Contributions	\$73,318
Other Income	<\$59,274>

## EXPENSES



Grant Funded Services	\$1,603,993
Client Funded Services	\$683,827
Support Services	\$253,567
CILS Funded Services	\$94,679
Senior Services	\$62,545

## PROGRAM CASES AND SERVICES



LSC/CA State Bar	431 Cases
OLS	65,506 Services
Private Funding	41 Cases
Private Pay	232 Cases
IMSLP Sr.	37 Cases
ESLAP	20 Cases
BJA	3 Cases

BJA = Bureau of Justice Sub-Grant  
 ESLAP = Eastern Sierra Legal Assistance Program  
 IMSLP = Inyo Mono Senior Legal Program

LSC/CA State Bar = Legal Services Corporation/CA State Bar  
 OLS = Other Legal Services-eligible person receiving other legal service after case assessment

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.

# GOOD STORIES

## **Tribal Court Order Enforced**

The Eureka office assisted a tribal member with the recognition and enforcement of a Tribal Court divorce order (qualified domestic relations order) that directed an employer to distribute 50% of an employee's retirement fund to our client. We filed a petition in state court seeking comity of the tribal court order. The state court granted CILS' request and recognized the tribal court order under California law. Our client has obtained the benefits awarded by the Tribal Court from the employee's retirement fund.

## **Drafting and Adopting Tribal Ordinances**

The Escondido office assisted several southern California tribes with drafting and adopting a number of tribal ordinances relating to land assignments, enrollment, water use, food and beverages, even solid waste regulation. CILS is promoting tribal sovereignty by putting tribes' customs, traditions, and regulations, into written form.

## **Tribal Customary Adoption Preferred Placement**

Last summer Staff Attorney Mica Llerandi, who joined CILS in early 2018, won a trial in San Diego Superior Court where our client tribe disagreed with the recommended placement. As a result the child was placed with the tribe's preferred placement under a tribal customary adoption. She is now working with the tribe on its children's code.

## **No Taxes Due for Tribal Member**

The Bishop office was successful in having the Franchise Tax Board drop all collection action for state corporation taxes on income earned by a tribally chartered corporation that was owned by a Bishop tribal member who operated his business on the Bishop reservation where he also lives. We successfully argued that the client's income, including the corporation income, was earned on his Reservation and because it was a tribally chartered corporation it was exempt from state income and corporation tax.

## **CDSS ICWA Workgroup**

The Sacramento office took part in the California Department of Social Services (CDSS) Indian Child Welfare Act (ICWA) workgroup analyzing the federal ICWA regulations and determining how to incorporate them into the state's Division 31 regulations for County social workers. CILS and several tribal representatives met with CDSS on several occasions to try to ensure the state regulations are consistent with federal regulations as closely as possible. Although the process was somewhat constrained by the timeframe CDSS was working under, we did manage to make excellent recommendations and provide input during the public comment period.

## **Enforcement of Post Adoption Agreement**

Directing Attorney Mark Vezzola brought a motion to enforce a post adoption agreement in Riverside County Superior Court. His client, a local tribe, alleged the minor's adoptive parents were not permitting him to visit his Luiseño relatives or attend tribal cultural events as arranged in the nine year old agreement, which the tribe signed as a party. The Court agreed and ordered the adoptive parents to allow a minimum of four visits with minor's Native American family per year and participation in at least two of the tribe's major cultural celebrations.

## **Parental Rights Termination**

An out of state tribe retained CILS to intervene on its behalf in a dependency case in San Bernardino County and invalidate a prior termination of parental rights order. Until CILS got involved, the County did not comply with ICWA noticing procedures leaving the tribe unaware of essential case developments. Since the termination of parental rights was not a custom of the tribe, the tribe sought legal representation. CILS filed a petition to invalidate the termination of parental rights, which the Court granted. With parental rights restored, the case was closed in a guardianship, the tribe's preferred plan.

# STAFF

## *Principal Office*

Dorothy Alther, Executive Director  
Robert Glen Bryson, Controller  
Patricia De La Cruz-Lynas, Director of Administration  
Tara Edmiston, Executive Assistant  
Nicole Scott, Director of Marketing and Development  
Davina Whitethorne, Executive Administrative Assistant

## *Bishop Office*

Kylee Andreas, Administrative Assistant  
Adora Bissonette, Legal/Administrative Assistant  
Anna Hohag, Legal Fellow\*

## *Escondido Office*

Rachel Bilodeau, Legal Secretary  
Susan Dalati, DV Staff Attorney  
Mica Llerandi, Staff Attorney  
Summer Morales, Intake Advocate  
Yvette Morales, DV Legal Advocate  
Mark Radoff, Senior Staff Attorney\*  
Mark Vezzola, Directing Attorney

## *Eureka Office*

Denise Bareilles, Acting Directing Attorney  
Tamara Honrado, Staff Attorney  
Laura Svoboda, Advocate

## *Sacramento Office*

Sonia Montero, Advocate  
Jedediah Parr, Directing Attorney  
Jay Petersen, Senior Staff Attorney  
Kimberly White, Legal/Administrative Assistant\*

\* asterisk indicates left CILS in 2018

# BOARD

## *Board Chairperson*

Mark Romero  
Mesa Grande Band of Mission Indians

## *Board Vice-Chairperson*

Joe Ayala  
State Bar Appointee

## *Northern Region*

André Cramblit, Karuk Tribe of California  
Jessica Goodrow, Round Valley Indian Tribes  
Victorio Shaw, Hoopa Valley Tribe  
Jessica Warne, Walaki, Numsoos & Cahuilla

## *Southern Region*

Mercedes Amavisca, Mesa Grande Band of Mission Indians  
Mark Romero, Mesa Grande Band of Mission Indians

## *State Bar Appointees*

Joe Ayala  
John Hueston  
Cary Lowe  
Sheila Quinlan

# DONATIONS and Acknowledgements

CILS' primary source of funding is through grants from the Legal Services Corporation and the State Bar of California. CILS also receives funding from the Bureau of Justice Assistance grant targeted to assist tribes with developing tribal justice systems. Smaller grants subsidize overall legal aid services and allow our Bishop Office to serve that area's senior population. Of equal importance is CILS' contract work in the fields of economic development, tribal government services, and child dependency cases, all of which help CILS fulfill its mission.

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## CILS CONTRIBUTORS

CILS would like to thank the following contributors whose donations allow the organization to continue moving forward in advocating for the needs of California Native Americans and Indian tribes.

Agua Caliente Band	Greg and Patricia De La Cruz-	Morongo Band	Southern California Edison
Dorothy Alther & Mark Radoff	Lynas	Jedd Parr	Laura Svoboda
Kylee Andreas	Jennifer Gisler	Pechanga Band	Tarbell Family Foundation
Joe Ayala	Graton Rancheria	Jay Peterson	Tolowa Dee-ni' Nation
Denise Bareilles	Anna Hohag	Sheila Quinlan	United Auburn Indian Com-
Rachel Bilodeau	John Hueston	Redding Rancheria	munity
Adora Bissonette	Paul Jacobs	San Diego County Supervisors	Carl Wenz
Cher-Ae Heights Indian Com-	Mica Llerandi	Santa Rosa Band	Davina Whitethorne
munity	Cary Lowe	Nicole Scott	Yurok Tribe
André Cramblit	Summer Morales	Victorio Shaw	And many anonymous donors
Susan Dalati	Yvette Morales	Soboba Band	

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## Donate Today: Invest in California Indian Legal Services

Contributions to CILS are tax deductible as allowed by law. CILS is a nonprofit 501(c)(3) organization. Thank you for choosing to help further our mission to serve California Indian communities through your generous contributions. Contact our Development Director at [info@calindian.org](mailto:info@calindian.org) for more information.

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