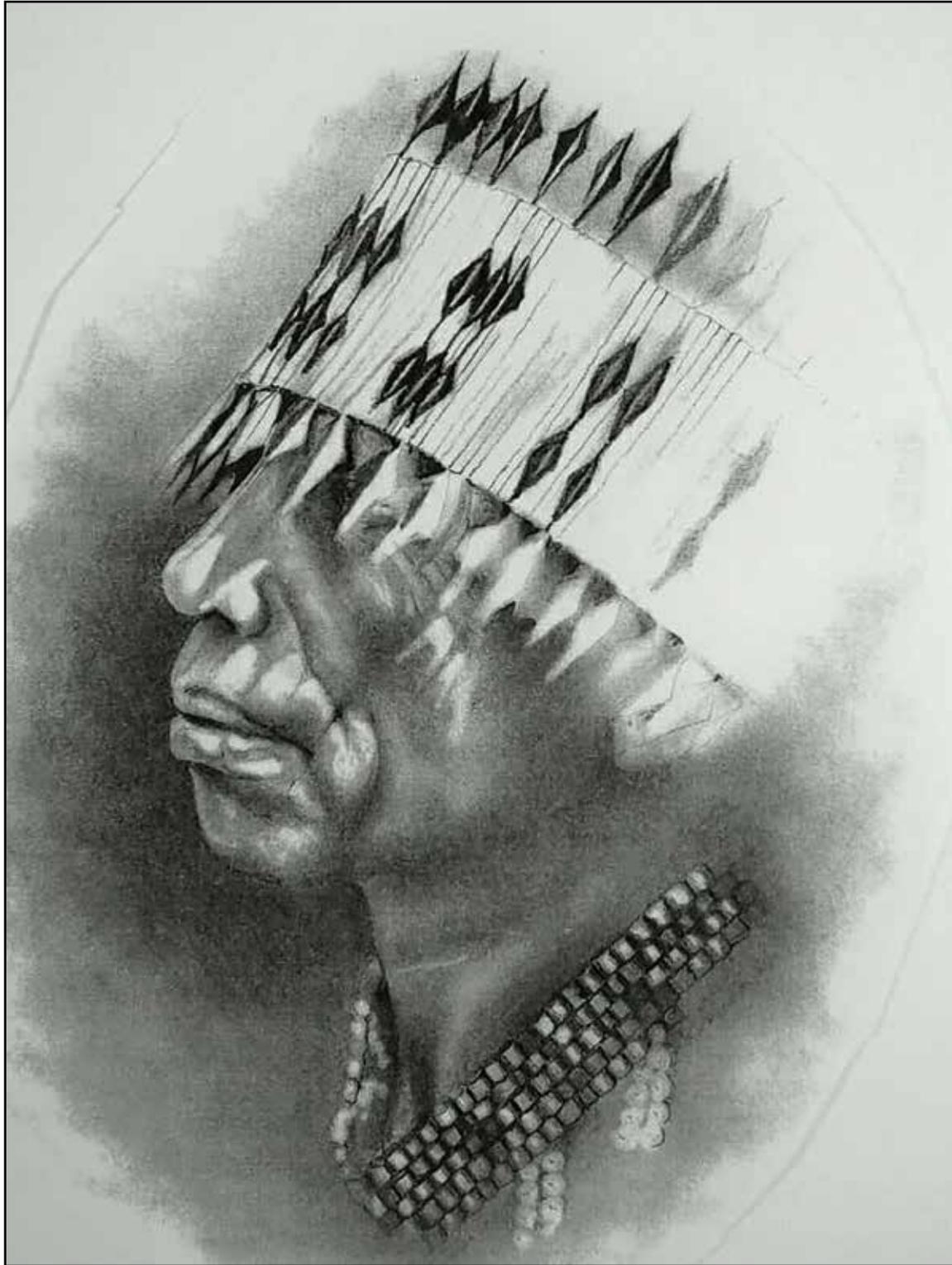


ANNUAL REPORT 2020



CALIFORNIA
INDIAN
LEGAL SERVICES

OUR MISSION:

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

This year's annual report cover art features a powerful portrait of a Wintu dancer. This image speaks of the resilience of our California Indian Country during this difficult year. Johnny Clay, the artist, is a Round Valley tribal member. His work includes animals, feathers, and ceremony from an indigenous perspective. Johnny documents cultural elements and moments that live on in his art. CILS is honored to display this deep connection to spirit captured in Johnny Clay's portrait in our Escondido office.

I APPRECIATE EACH OF YOU

"I have thoroughly enjoyed working with you and your office. You, as well as your staff, have always been most helpful whenever I had a request or needed information. I will be calling your office should I ever need an attorney in California for another ICWA case. Please tell your staff thank you. I appreciate each of you!"

Tribal social worker

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DEAR FRIENDS OF CILS:

Welcome to the 2020 CILS Annual Report. Like so many of us, 2020 was a challenging year for CILS. The COVID-19 pandemic forced us to shift both our workplace and legal services delivery to remote access forcing staff and clients to adjust to changes that were unimaginable and unforeseen.

Despite these challenges, our work continued throughout 2020 with a new focus of assisting tribes and individuals with getting needed resources to the tribal community through CARES Act funding and providing critical updates and guidance on how and when federal relief funding could be used.

Our Report highlights our work during 2020 despite court and government agency slowdowns and closures. We continued to protect Native children and families through the application of the Indian Child Welfare Act, assisted with bringing and expanding broadband to rural reservations, protected and secured Native human remains and argued for tribal inherent authority over non-Indians committing crimes on fee lands within the boundaries of tribal Indian Country. Although COVID-19 limited our community education and trainings, the virtual world of "zoom" allowed us to stay in touch with community members and tribal leaders as highlighted in the Report.

Moving into 2021 we do so with a heavy heart and without many tribal leaders, elders, and others that were lost to the pandemic. CILS remains committed to its mission and optimistic that we can return to the old or a new normal this coming year.

CILS appreciates the support it has received from tribes and tribal communities during this trying time and remains ready to meet the needs of our tribal communities.

Thanks again.



Sincerely yours,

A handwritten signature in black ink that reads "Dorothy Alther". The signature is written in a cursive, flowing style.

Dorothy Alther

Executive Director

DEAR FRIENDS AND SUPPORTERS OF CILS:

In 2020, COVID-19 struck. California Indian Country and California Indian Legal Services responded to the changing reality.

CILS staff created an online legal services delivery system to work remotely. Many of our clients in rural Native communities became harder to reach and communicate with. All the existing problems of social inequality, historical trauma, and discrimination intensified. Disastrous and overwhelming losses of family, jobs, and normalcy pushed our communities to the edge.

From the North to the South of California, Native peoples showed resilience and brotherhood. Tribes wrestled with government bureaucracy to provide for their citizens, communities, and businesses. CILS was there to support and serve California Indian Country as we always have.

CILS adapted to the changes by providing a COVID-19 news brief on our website updated weekly, tribal alerts about government funding and deadlines, interpretations of the funding guidelines for tribes, and blog posts about COVID-19's impact on DV, ICWA, and the courts.

This year CILS supported a bill for federal recognition of the Mono Lake Kutzadika'a Tribe. We developed the California Na-

tive Voter Guide to assist voters with requirements and mail-in voting. We continued our work with the California Public Domain Allottee Association and the Native American Record Clearing Project.

CILS restored parental rights for Native American parents, reunited a child with her tribal family, and continued to fight for domestic violence survivors. We also provided community training for tribes on topics as diverse as Federal Indian Law, Indian Child Welfare Act, Will Clinics, and Record Clearing.

Thank you for reading our 2020 annual report, and I hope our work inspires you. I invite you to get involved with CILS as a volunteer, a client, a board member, or a donor. As a community, we need legal aid to provide for those who cannot afford justice alone.



Eyaay Ahun,

Mark Romero

Chairman

ALL THINGS COVID

Adapting to Change Everywhere

CILS, like so many others, in March of 2020, found itself facing a lockdown that was unprecedented and forced both staff and clients to adjust to a new legal assistance delivery system. CILS closed its office to in-person client meetings with few exceptions. All staff were required to work remotely, requiring CILS to upgrade and install the technical means to do so. These client and staff changes remain in effect until it is safe to return to the office and resume in-person client contact.

Throughout the pandemic and shutdown of 2020, CILS continued to provide clients legal services. Beyond our traditional service, CILS also delivered as much COVID information and targeted services as it could. The following is a brief overview of our 2020 legal response to COVID:

The COVID News Briefs: CILS received daily, sometimes hourly, updates on COVID impacts in Indian Country. Once Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the focus turned to allocating funding for tribes and the more complex questions on how the money could be used. CILS News Briefs provided, and continues to, BIA and

Treasury guidance on what is and is not allowable expenditures of the COVID relief funding.

Blogs: Throughout 2020, CILS posted numerous Tribal Alerts and blog posts on COVID related matters and issues:

- TRIBAL ALERT: Indian Health Council – Covid-19 Vaccine Clinic
- Tribal Courts in the Time of Covid
- DEADLINE for Emergency Rental Assistance Program (ERAP)
- TRIBAL ALERT: Tribal Letters of Support for Federal Legislation to Extend Coronavirus Relief Funds Deadline
- COVID-Related Eviction Protections for Off-Reservation Renters
- Tribal Elections [During COVID]
- TRIBAL ALERT: CARES Act Funding – Second Distribution URGENT Action
- Active Efforts in ICWA Cases During the Pandemic
- TRIBAL ALERT: Domestic Violence During Covid-19
- TRIBAL ALERT: DOI and Department of Treasury Consultation
- Covid-19 Notice-Notice of Office Closure

CILS worked directly with tribes to decipher CARES Act funding guidelines and prove legal interpretations on what projects could be funded. CILS provided legal advice on what benefits could be given directly to tribal members such as: housing assistance, loss wages, transportation costs for food and medical care, food assistance, and the technology needs of families to ensure their children could attend school.

Impacts on ICWA cases: CILS took on the legal challenges facing native parents in dependency cases who were denied or being given limited visitation. Pressure was placed on county workers to make virtual visits available and frequent so that parents and children would remain in contact. CILS also ensured that county workers remained vigilant in providing "active efforts" to native parents to prevent the removal of their children or reunite the family after removal.

CILS joined with other California Legal Service programs throughout the state to pressure the Judicial Council (overseer of state courts) to bring uniformity to state courts in conducting and holding hearings. Some courts continued to have mandatory in-person hearings placing lawyers, clients, and court staff at risk. Others held proceeding by conference call, which was ineffective, costly, and often resulted in clients becoming frustrated and dropping off the call and not participating.

Survey: On October 13, 2020, CILS conducted a "COVID-19 Individual and Tribal Impact Survey" requesting participation in assessing the impact of COVID-19 on individuals in California. The

purpose of the survey was to develop programs and services to better assist individuals living in California.

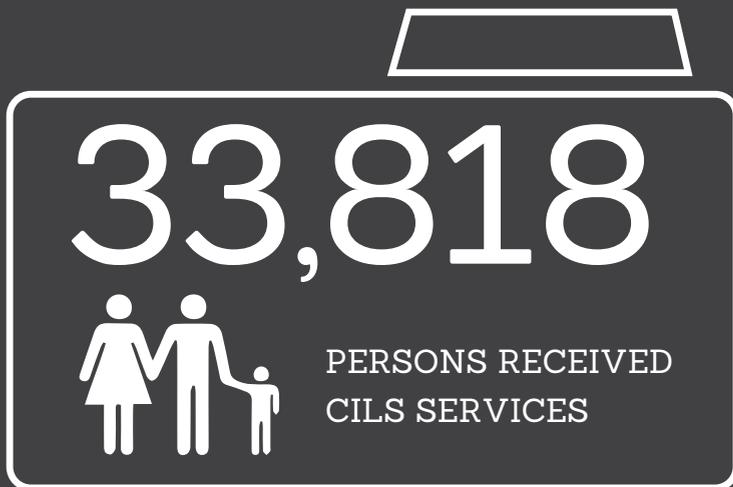
As we move forward into 2021, CILS will continue to focus on COVID and its impacts on our tribal communities. CILS has already participated in tribal consultation on the allocation and distribution methodology being considered by the BIA and Treasury for the American Rescue Plan. As guidelines are released, CILS will ensure tribes are made aware of the restrictions on using the ARP funds and be here to answer your questions.



On Saturday, January 18, CILS attended the fourth annual San Diego Women's March. Thousands of people took part in the event beginning and ending at Waterfront Park. CILS marveled at the many Kumeyaay tribes in their ribbon skirts and red missing and murdered Indigenous women t-shirts. It was a beautiful sight and an even better sound when the bird singers started singing. Pictured are some of the Kumeyaay dancers and bird singers.

2020-BY THE NUMBERS

Protecting and Serving California Tribes and Their Communities



22 staff members
at 4 offices
serving all of California

including

21,584
read Legal Education
materials online

1,028
downloaded
Pro Se materials

9,467
attended
Legal Education

1,193
referrals to other
resource providers

546
direct service cases



134
were cases involving
Indian Child Welfare Act



Mono Lake

"Here it is called Kootzagwae. We are the Kootzaduka'a people. We have always been here in Kootzagwae."

Photo and quote from <https://monolaketribe.us>.

IMPACT WORK

CILS Supports Tribe's Federal Recognition and Creates California Native Voter Guide

House Bill for Federal Recognition of the Mono Lake Kutzadika'a Tribe Introduced by Congressman Paul Cook

Congressman Paul Cook, who represents California's 8th District, introduced a new bill to the House of Representatives, establishing Federal Recognition for the Mono Lake Kutzadika'a Tribe.

The Mono Lake Kutzadika'a have existed since time immemorial in the Mono Basin of east central California. Though first encountered in 1825 by early trappers in the area, they were not officially documented by the Federal Government until June 1852. The tribe has sought federal recognition for decades.

The Mono Lake Tribe's recognition has been one of the longest-lasting cases at CILS. In response to the recognition bill, Dorothy Alther, CILS Executive Director and lead legal counsel for the Tribe said, "I cannot fully express my gratitude to Representative Cook for introducing the Mono Lake Tribe's recognition bill. I have had the privilege of working with the Tribe over a decade

and find no tribe more worthy of federal recognition. While we are excited, we also acknowledge the legislative process can be long and arduous, but the Tribe and CILS are dedicated to seeing the process through. Thank you again, Representative Cook."

* Representative Cook did not seek reelection in 2020 and Representative Jay Obernolte is now the District 8th representative. Representative Obernolte has agreed to re-introduce the Mono Lake Kutzadika'a's bill.

California Native Voter Guide

The California Native Voter Guide was prepared by Mica Llerandi, CILS Staff Attorney and Jay Petersen, CILS Senior Staff Attorney. This guide includes the history of Native American Voting to current voting laws. With the upcoming presidential election, many questions arise like where can I register, where can I vote, etc.; in the beginning, being Native American and voting were two things that were not seen as ever coinciding. There were a

handful of cases worth noting, like *Matter of Heff* (1905), in which the United States Supreme Court stated that all United States have the right to vote regardless of their "race, color, or previous condition of servitude." Unfortunately, cases like *Anderson v Matthews* (1907) where a Pomo Indian Ethan Anderson, who lives on the reservation, attempted to vote in Mendocino County but was denied. With Utah being the last state to allow Native Americans the right to vote in 1957, the right to vote prevailed.

This guide provided a plethora of information on polling locations for each tribe, voting requirements if the wildfires impact you, and mail-in votes to name a few. The *Voter's Choice Act (VCA) SB 450* was passed in 2016 by California lawmakers to expand voters' options for how, when, and where they cast their ballots. Voters with disabilities are included along with Covid safe measures and where they can take their ballots. Recently released former inmates or current inmates will have the right to vote if they are not imprisoned in state or federal facilities or on parole. Since Covid has impacted our usual methods of casting votes, alternatives have been created.

CEB Dependency/Probate Practice Guides

By Mark Vezzola, Escondido Office Directing Attorney

One thing I really like about my job is the fact that no two days are alike. I could be defending Tribal interests in a state juvenile case on a Monday and presenting an overview of federal Indian law to a group of city attorneys the following Friday. The intervening days could include staff meetings, attending a webinar on Public Law 280 through UC-Davis, or drafting a will for a Tribal elder seeking to keep her Indian trust land together for her grandchildren.

Since 2017, some of my work has been for the Continuing Education of the Bar, known to most attorneys as CEB. CEB was founded in 1947 as part of the University of California to train World War II veterans in law and remains a vital resource tool for anyone engaged in the field. The CEB website offers a glimpse into the many available resources, from search engines to training opportunities to case updates and everything in the middle. CEB

may be best known for its practice guides, how-to books on various aspects of the law, including case law, practice tips, and forms.

I have edited and revised the juvenile dependency practice book's chapter on the Indian Child Welfare Act (ICWA) for the last four years. This federal law sets higher evidentiary standards for state juvenile cases involving Indian children. That assignment eventually led to the same kind of oversight and proofreading of the ICWA chapter of the CEB Probate Guide, as ICWA applies in probate guardianship hearings of Indian children. ICWA remains of vital importance to Tribes and a must-know for attorneys practicing dependency law.

You might be thinking, wow, proofreading...yawn. But editing these chapters is both challenging and rewarding. First, the process forces me to brush up on new developments in the law from the past year (I try to pay close attention to alerts about ICWA appeals, but some slip by). Second, the real value in these chapters is the practice tips where I share what I've learned over the last fifteen years with new attorneys and those less familiar with ICWA. Practice tips can be anything from who to call with ICWA-related questions to consulting the Federal Register for Tribal contact information. They are not bright-line rules learned in a classroom, just bits of informal yet helpful advice gathered over years of legal practice.

Forms are another important part of CEB practice guides and are found in the appendices following the substantive text. They provide templates for designating a Tribal representative in ICWA cases and a roadmap for intervening in a state court proceeding, among other things. The Judicial Council of California continues to develop helpful forms for all sorts of actions in state court. Still, the CEB guides provide one-stop legal education written and edited by people who know from experience.

For more information about the CEB, check out www.ceb.com. To learn about the rights of Tribes in dependency and probate cases implicating ICWA or for legal advice, contact CILS at www.calindian.org.



Four out of five Native Americans have experienced violence from an intimate partner. The CILS Domestic Violence Team assists survivors of domestic violence, sexual assault, stalking, and sex trafficking.

ICWA UPDATES & DOMESTIC VIOLENCE TEAM

CILS Restores Dependency Jurisdiction, Reunites Child with Her Grandparents, and Provides Domestic Violence Survivors Services

Lessons Learned from California ICWA Cases in the Last Year

Since the enactment of AB 3176 in 2019, California case law has begun to define when there is "reason to believe" a child is an Indian child (which comes with the duty of further inquiry of Indian status by the county agency), and "reason to know" (which comes with the requirement of providing formal notice to tribes). AB 3176 was a tribally sponsored bill which sought to incorporate 2016 federal ICWA regulations from the Bureau of Indian Affairs into California law. As recent California cases illustrate, understanding when further inquiry should occur and when formal notice to tribes is required should be of utmost concern to courts, county agencies, and tribes. Failure to provide appropriate inquiry and or notice may result in unnecessary delays and infringes on the rights of tribes to be involved in cases involving their children.

Guardianship Moved to California

CILS' Sacramento office was successful in having a court: (1) terminate guardianship of a tribal child that wasn't working; (2) order that dependency jurisdiction be resumed; and (3) that the child be returned to California. The child had been placed in a guardianship in North Dakota, and things went badly for both the child and the guardians due to lack of and access to services for the child's special needs and issues. California had been unwilling to help - basically saying that it was North Dakota's and the guardians' problem now. But they changed their position after CILS filed the Request for Change in Order.

State Court ICWA Cases

CILS Bishop's office represents several tribes in state court ICWA cases. One case involves a step-parent adoption petition

seeking to terminate the Native mother's parental rights. CILS is seeking to have the case dismissed on the grounds that the step-parent and husband have failed to provide Native mother active efforts. The case was ultimately dismissed per an agreement between the parties. Another case involves a grandmother guardian who has passed away and CILS is seeking an aunt and uncle to be substituted in as new guardian without the filing of a new 300 petition.

Termination of Parental Rights

CILS' Eureka Office is working on a termination of parental rights (TPR) case in the Family Law Court. CILS successfully advocated that the ICWA applies in the Family Law Court, not just dependency proceedings. We argued that the petitioner does not meet the basic requirements of the ICWA in the TPR case and that it is not culturally appropriate to terminate the rights of the child to the parent and his/her extended tribal family members. Tribal culture provides that the paternal grandparents step up to support and maintain their relationship with the child and continue to connect him/her to the extended family and their Tribe.

Changes To CILS Domestic Violence/Sexual Assault Legal Services During COVID

The CILS Domestic Violence/Sexual Assault ("DV/SA") Legal Advocacy Program is housed in CILS' Escondido office and is comprised of an attorney and legal advocate. Due to the pandemic, the DV/SA Program staff began providing virtual legal services in March 2020. To date, their services are still being provided virtually. The transition to virtual services has been challenging, but the DV/SA legal staff has met the challenges by assessing their clients' needs and making changes to accommodate those needs.

One of the significant changes was that DV/SA community providers started to meet more frequently to communicate their current status regarding services and sharing their available resources. The North County Domestic Violence Coalition started virtual monthly meetings. During the pandemic, a new virtual

meeting group of providers was formed and comprised of local Tribal community partners. This meeting occurs every week and has been tremendously helpful in allowing partners to keep in touch, share resources, and expeditiously coordinate client services when needed. The DV/SA Legal Staff feels that this meeting has fostered strong bonds with the Tribal community partners.

The DV/SA Legal Staff found that it takes a bit longer to build trust with a new client because client meetings are being conducted virtually. The DV/SA Legal Staff try to make sure the client is comfortable with them before dispensing legal advice. During the pandemic, the DV/SA Legal Staff has had former clients return to them for services. Some of the issues that have arisen for returning clients include; a marked increase in abuse by their perpetrators, custody and visitation issues related to the pandemic, challenges with maintaining sobriety and mental health, etc. The legal advocate and attorney have worked together since the beginning of the CILS's first DV/SA grant in 2015. They have always encouraged former clients to return for services if new issues arise or prior issues re-emerge.

The DV/SA Legal Staff assists survivors of domestic violence, sexual assault, stalking, and sex trafficking. All of their services are cost-free, and there are no income guidelines. They primarily serve San Diego, Riverside, and San Bernardino counties. Potential clients can reach out to the legal advocate at (760) 746-8941 extension 106. Please leave a message along with a safe phone number, and your call will be returned.

Expanding Domestic Violence Unit

CILS partnered with Strong Hearted Native Women Coalition in submitting an application for a U.S. Department of Justice (DOJ) Office for Victims of Crime (OVC) and was awarded a three-year grant in the amount of \$350,000. This funding was greatly needed to replace the loss of a grant award from the Office on Violence Against Women grant for Legal Assistance that CILS was the recipient of since the program's inception. CILS continues to seek grant assistance to keep this valuable program viable.



*Karuk Youth Dancers:
Dante Jerry, Marissa Croy,
Alex Vogel, JeAna Thom,
and Riley Super perform.
Courtesy of On Native
Ground and the Native
American Day Celebration
at the Capitol.*

YEAR IN REVIEW

CILS Assists With FCC Spectrum Licensing, Defends Cultural Preservation, and Provides Estate Planning and Indian Wills

FCC 2.5 GHz Spectrum Tribal Licensing

CILS's Bishop office assisted two California Tribes submit applications and obtain licenses for 2.5 GHz spectrum over their rural Tribal Lands during the FCC's unprecedented Rural Tribal Priority Window. During this window the FCC permitted Tribes to obtain licenses for unassigned spectrum over their lands – a process that is usually determined at auction and would normally be cost-prohibitive for many rural tribes. CILS additionally assisted these tribes in applying for and successfully obtaining three FCC Waivers to control spectrum over tribal land that is outside the bounds of the tribes' reservations. In all three instances the tribes succeeded obtaining the necessary waivers to control spectrum over their lands. CILS believes that tribal control over the spectrum above their lands is an increasingly important aspect of tribal sovereignty as we move deeper into the digital age.

Mono Lake Kutzadika'a Tribe Cultural Preservation

CILS represents the Mono Lake Kutzadika'a Tribe in its opposition to a proposed housing development that is a component of a larger development plan that includes a hotel and restaurant (collectively the "Tiogo Inn" project) located on private lands along the intersection of the U.S. 395 corridor and State Route 120 in Lee Vining, CA. The proposed housing development will negatively impact historical and cultural trails used by the Tribe's ancestors and traditional sites where "Cry Dance" burial ceremonies were performed. Mono County Board of Supervisors has approved the Environmental Impact Report for the housing project but must approve an amendment to the County's Special Plan before the project can move forward. The Tribe asks for archeological analysis specific to the trails and "Cry Dance" district and the mitigation of the project area before the project is approved.

University of California at Davis Native Studies Collaboration

The Sacramento office continues to work with Native Studies programs and faculty at University of California at Davis in funding and related collaborative opportunities that involve the CILS established California Public Domain Allottees Association (PDAA). These preliminary efforts have expanded to include other possible collaborations with graduate environmental programs and faculty in water studies, fire ecology and climate disruption and State water resources programs as they affect California's public domain allotments.

University of California Berkeley Law School NALA Project

The Sacramento office worked with the Native American Legal Assistance (NALA) student project at the University of California Berkeley Law School and worked with a Native NALA program participant through Berkeley's clinical law program in the Fall 2020 semester. Under the supervision of CILS' EAF funded Water Project Group, the NALA student produced "state-of-the-art" research and writing on public domain allotments and reserved water rights. After sitting for the California bar this July, the NALA student will be clerking for Judge Southwick of the 5th Circuit Court of Appeals.

The Native American Legal Assistance Project at UCB Law School is part of UCB's student-initiated legal services project. This program is designed to introduce first-year law students to legal services work. Participants devoting a minimum number of hours to NALA qualify for UCB financial support for summer work with legal services programs. NALA students have worked on ICWA case law updates, ICWA and DV statutory interaction, family law birth certificate amendment requirements and protocols, legislative history research and federal recognition/ restoration issues.

Indian Allotments and Co-Ownership

Spread across the state of California are hundreds of Indian "allotments." These are parcels of land issued to individual Indians by the federal government. The federal government holds legal title to the land in trust for the benefit of individual Indian

co-owners.^[1] Allotments are different from "assignments," the latter being tribal lands assigned by the tribe to its members, usually for housing purposes. The focus of this article is on how current-day allottees can use their land.

There are over 400 allotments on non-reservation lands in California (called "public domain allotments"). Allotments can be found on reservations as well. The probate rules for allotments upon the death of the original allottee provided that the land could be divided between the allottee's spouse, children, grandchildren, and others. Over time, these probate rules resulted in allotments having multiple if not hundreds of co-owners, each jointly owning a small fractional interest in the land. The result of joint ownership is that each person has an "undivided interest" in the land, with no one person owning any specific piece of the land, but everybody owning the land together. In other words, a co-owner who owns a 5% interest cannot just build a fence around 5% of the allotment, claim it for their own, and exclude other co-owners from that area. Instead, that person owns 5% of every square foot of the land and shares every square foot with the other co-owners in proportion to whatever percentage they own.

Joint ownership leaves many allotment interest holders asking, "Am I allowed to live on my allotment?" The answer is a qualified "yes," but there are important details that need to be understood before moving on to the allotment. Because a co-owner has an undivided interest, they could choose to build a house on the allotment, but they would not have the legal right to exclude any other co-owners from the house or the land it sits on. This could make for a lot of potential roommates.

Many co-owners still choose to live on their allotment, often with an informal understanding with the other co-owners that they will not interfere with that person's occupancy – perhaps in exchange for the other co-owners living on the allotment with the same understanding. Such an arrangement could lead to future problems as the land is passed down to new heirs, and who

(continued on Page 15)

EXPUNGEMENT PROJECT SUCCESS STORIES

The Native American Record Clearing (NARC) Project is in its fourth year, creating opportunities for Native people with criminal histories. This project has proven beneficial to the Native communities by helping members obtain jobs and become contributing members of the community. The following cases show that personal fortitude coupled with the community-based legal remedies provided under the NARC project can provide a pathway for Native people with criminal histories to reintegrate into their communities productively.

TANF participant (A) with two convictions was referred to us through her TANF caseworker after a record clearing presentation for TANF caseworkers. She complied with all the post-conviction orders, including the payment of significant fines and costs, and she enjoyed a conviction-free post-conviction life. She earned a college degree while working and had a child. When she came to our NARC project for assistance, she was volunteering at her child's school. She decided she wanted to enroll in a credential program but was concerned her conviction history could affect her admission and bar her from obtaining a credential.

We were able to have both convictions dismissed. She graduated from the TANF program. She is now seeking an emergency credential to teach in her child's school district and is enrolling in an online credential program while she continues to work. She hopes to teach with a full California license in the district where she is planning to substitute.

CILS made a community record clearing presentation at a TANF center on a Reservation. TANF participant (B) attended the presentation. He grew up on his Reservation but attended high school in an urban setting that did not serve him well. He engaged in socially and self-destructive behaviors that led to a series of convictions. All his convictions involved discretionary dismissals, but they are now more than seven years old, and he

served his sentences and scrupulously paid his fines and penalties. He returned to his Reservation and completed his GED. He graduated from the local community college, and is enrolled in a four-year professional degree program. He is married, a dad, and is 18 months away from professional licensing exams.

Thanks to AB1238 (Chiu), he will qualify for the exams and a professional license because his conviction history is more than seven years old. Under the Fair Chance Act (2018), when his conviction histories are expunged, his prospective employers will be prohibited from considering his convictions to assess his job application and instead consider his application on its merits. Both the Tribe and his program faculty support his expungement effort. Once he acquires practical experience, he plans to open a firm on the Reservation.

Tribal courts have also expressed interest in serving as venues for sessions. Tribal court venues will further reinforce the Native connection to this project and build on the emerging use of Tribal wellness courts and record clearing as a part of overall restorative justice efforts.

Our community members are not only charged with crimes disproportionately; they suffer more severe penalties when they are convicted. The project revealed that a significant percentage of sentences led to state prison terms, eliminating expungement. The sites offer critical backup support from trained caseworkers and subsidized access to Live Scan RAP sheet requests that preserve confidentiality via direct delivery to CILS. TANF facilities have allowed us to provide remote sessions to the Native community, including to members who are not served by TANF programs.

If any Native job seekers wish to take advantage of the NARC program, contact the nearest CILS office and bring a copy of their RAP sheet.

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 201

February	Online	September	Online
Law Enforcement Training		Advocating for Tribal Foster	
Bear River Reservation	Probate Guardianships	Youth with Special Education	California Indian Law Association Conference
	Continuing Education CA Bar	Rights	Online
Senior Scams	Online	Online	Online
Cahuilla			
	June	Statewide ICWA Conference	Life Planning
March	Domestic Violence Restraining Orders	Online	Pechanga
Unsealing Adoption Records	Community Resource Center's DV Advocate Training	The POWER Act	ASU School of Law
San Diego	Online	Online	Will Clinic
Protecting Our Children		Public Lawyering	Pechanga
National American Indian Conference on Child Abuse and Neglect	August	Thomas Jefferson School of Law	ASU Marshall School of Law
Online	POWERS Act Presentation	Online	Will Clinic
	Online		Pechanga
May	<i>McGirt v. Oklahoma</i>	October	November
NICWA: Indian Child Welfare- Practice Impacts and Responses to COVID-19	Tribal Court/State Court Forum	Domestic Violence	Tenant Protections During Covid-19
	Online	Southern Indian Health Council's Perseverance Conference	Online

Indian Allotments and Co-Ownership

(continued from Page 13)

may not be willing to agree to the same understanding as their predecessors. Unfortunately, an informal agreement may be the only practical way for people to make use of the land, as the formal means for obtaining the exclusive right to live on a portion of the land – a residential lease – can sometimes be difficult to obtain.

Residential leases are governed by federal regulations and are issued by the Bureau of Indian Affairs (BIA). The difficulty in obtaining a lease is meeting the consent requirement; namely, getting enough co-owners who own enough of a percentage in the land to agree to the lease. For allotments with 1-5 co-owners, the percentage needed is 90%; with 6-10 co-owners, 80%; with 11-19, 60%; and with 20 or more, anything over 50%. One can imagine difficulties with all of those thresholds. As you can see, someone who wants a lease in order to build a house on an allotment is likely to need permission from multiple people to do so.

There has been no clear answer on how to solve the problem of using highly fractionated allotments to date. However, in recent years, the BIA has used a "Buy-Back" program to target certain reservations with highly fractionated allotments. They purchase small interests from the co-owners and return the consolidated land or portion of land to the tribe. Also, the federal American Indian Probate Reform Act includes the possibility of co-owners pooling their interests and creating a formal management entity that can operate as a sole decision-making body on behalf of many, streamlining part of the process. These options certainly have their challenges in terms of funding and proper administration. Still, they represent potential solutions to an issue that has for far too long kept many Indian allotment interest holders from enjoying the benefits of their land.

[1] For convenience's sake, the term "co-owners" here refers to individuals holding an interest in an allotment instead of being cumulatively accurate with "co-beneficial interest holders."

WHY DONORS GIVE

“Thank you for the great work you do supporting Native people in my home state.”

Anonymous Donor

“I wish to support and thank you for all the compassion and love you deliver through your services.”

Anonymous Donor

“To help support the sovereignty and legal rights of native Californian tribes.”

Anonymous Donor

“Because I occupy indigent land and want to contribute back to the various communities, support, preserve cultural heritages, and grow native rights.”

Anonymous Donor

“Sadly the only way actual progress seems to get made (albeit very slowly) is via the Law – which is basically inscrutable to most people. Although nothing our government could do now would make up for centuries of land displacement and genocide. I do appreciate your organization offering pro bono work to indigent people and tribes to try and make our current laws a little more just and equitable.”

Anonymous Donor

“I cannot express enough gratitude for the opportunity to work collaboratively with CILS. I continue to be inspired and impressed with their services.

Every staff member that I've worked with over the years has been positive, informative, and very proactive. As a Tribal Social Worker, I could not do my job without CILS. The Tribal Attorneys are diplomatic and skillful communicators, including during times of intense and sometimes uncomfortable discussions (or courtroom issues). One of the things that I appreciate most in working with the Tribal Attorneys is their ability to break down and explain some of the more nuanced issues of ICWA until understanding is reached. They work diligently to ensure that the legal needs of Native families are met.

They are patient educators, not only to social workers but to Judges and Attorneys alike. They are personable and professional. They draft policies and Tribal Codes in an ongoing effort to protect tribal sovereignty. They have also initiated and offered several educational trainings for Tribal members, including topics such as becoming a Qualified Expert Witness, Estate Planning, and Protecting Elders from popular scams. They also attended a training offered by the Family Services Department regarding Anti-Trafficking as well as attending and being a familiar face at a groundbracking/office blessing. Such actions make a difference. Their responses to questions are often immediate, and their accessibility is refreshing. I cannot recommend CILS highly enough.

Anonymous Client

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, Senior Administrative Assistant

Bishop Office

Adora Bissonette, Legal/Administrative Assistant
Michael Godbe, Staff Attorney
Janet Pettet, Administrative Assistant

Escondido Office

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

Eureka Office

Debra Avenmarg, Staff Attorney

Denise Bareilles, Acting Directing Attorney

Laura Svoboda, Advocate

Sacramento Office

Vanessa McMurray, Legal/Administrative Assistant*

Jedediah Parr, Directing Attorney

Jay Petersen, Senior Staff Attorney

* asterisk indicates left CILS in 2020

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California Indian Legal Services Priorities





Tule River Veterans Color Guard perform. Courtesy of On Ground and the Native American Day Celebration at the Capitol.

CILS HISTORY

The Changing Needs of Native Communities in California

California Indian Legal Services (CILS) was born when the country was undergoing powerful social and political changes. Originally dubbed California Rural Legal Assistance (CRLA), the organization's earliest mission was to reach out and provide legal representation to clients in rural areas, including many Native Americans. Soon the frequency and complexity of legal problems faced by California's Native population led to the formation of an Indian Services Division to deal with these unique issues. In 1967 at a restaurant in San Francisco's Chinatown, then-director George Duke and a young activist/organizer from the Hoopa Tribe named David Risling set out to incorporate an entity distinct from CRLA, which dealt exclusively with Indian law.

Over the next decade, CILS fought passionately for the rights and interests of Native Americans both in and out of court and with the dominant political powers of the time. CILS filed lawsuits and brought attention to issues never before considered by courts of law, let alone the public at large, including holding

the Bureau of Indian Affairs accountable for delivering inefficient services and poor management of trust assets. Despite concern from interest groups concerned that CILS would take land and resources back for Native peoples, CILS soon developed a reputation for providing much-needed yet skilled legal services to California's Native communities and formed a Board of Trustees. The Board, which still governs CILS today, grew to include a Native American majority and a California Supreme Court Justice, a future mayor, and a Congressman-turned-Senator.

During the 1970s, the original CILS office based in Berkeley moved to Oakland to be closer to its Native clientele and legal resources. Eventually, branch offices opened in Bishop, Escondido, Eureka, and Ukiah, California. Services grew to include drafting tribal constitutions and ordinances, tribal sovereignty and termination issues, and even a lawsuit that forced Lake County to retire the County Fair's Indian mascot, Him-Konocti. Through these endeavors, more people came to appreciate the unique

and often complex legal problems faced by Native Americans. Government agencies were now held accountable for fulfilling their obligations to a large and historically exploited cross-section of the population. Outgrowths of CILS eventually sprouted, including the Native American Rights Fund, a non-profit founded in 1970 with a nationwide service area.

In the 1980s, CILS continued to forge ahead as advocates for Native Americans intent on protecting the pristine forests of the Sacred High Country, the sacred center of the universe for Yurok, Karuk, Tolowa, and Hoopa people. The U.S. Forest Service sought to build a 400-mile logging road between the towns of Gasquet and Orleans, leading to the project being dubbed the "G-O Road." Although the road threatened this ancient spiritual place, government attorneys and timber companies fiercely supported it. The presiding district court judge, Stanley Weigel, initially denied CILS's application for a temporary restraining order preventing the final piece of the road from being built. Ultimately he sided with the Native interests after seeing photographs of the area and hearing hours of testimony of what the Sacred High Country meant to local tribes.

The last thirty years have been especially productive for CILS. The organization instituted various workgroups to address issues specific to Native Americans, including the Indian Child Welfare Act (ICWA), Temporary Assistance to Needy Families (TANF), and the American Indian Probate Reform Act (AIPRA). Out of concern for Native families, CILS and other Native advocates fought the "existing Indian family" exception, which would have allowed ICWA to apply only in cases where the Indian children have significant political, cultural, or social ties to the tribes. CILS supported the enactment of California Senate Bill 678, which codified federal law into California statutes – ensuring that ICWA's protections appear in state law. In addition, CILS has published several editions of the California Judge's Benchguide on the Indian Child Welfare Act. CILS also assisted in achieving a re-authorization of TANF by educating tribal members and legislators about TANF programs and the unique needs of Native

communities. Similarly, CILS advocated for a California-specific provision in the AIPRA to allow Natives with special Public Domain trust land interests to devise land in Indian Wills.

Tribal law enforcement and tribal courts have, in recent years, flourished within California tribal communities. CILS has led much of the trainings and conferences for California tribes developing their judicial systems. CILS work includes organizing five annual statewide tribal court conferences, drafting numerous tribal codes, including peace and security codes, moderating tribal police chief meetings, hosting tribal law enforcement roundtables, and offering other tribal justice assistance.

In the decades since its inception, CILS's repertoire of legal services has also grown to include drafting wills for Native trust assets, petitioning courts to unseal birth records of individuals seeking information about their Native ancestry, and placing fee land into trust.

Sometimes CILS steps outside the box and participates in unique cases that do not fit into the categories outlined above. CILS has acted as an advocate for graduating students wishing to display symbols of their cultural heritage and, on behalf of incarcerated Native Americans, denied their constitutional right to practice their religion by filing *amicus curiae* briefs.

Moving into the future, CILS continues to stay attuned to the changing needs of Native communities in California. Today four field offices (Bishop, Escondido, Eureka, and Sacramento) staffed by advocates including attorneys, paralegals, and intake workers serve fifty-eight counties throughout California and tribes outside the state.

FINANCIALS

INCOME



Government Contracts	\$1,154,840
Program Services Revenues	\$787,493
Grants	\$489,759
Contributions	\$18,802
Other Income	\$628,598

EXPENSES



Grant Funded Services	\$1,890,316
Client Funded Services	\$559,955
Support Services	\$197,101
CILS Funded Services	\$72,795
Senior Services	\$37,752

PROGRAM CASES AND SERVICES



LSC/CA State Bar	366 Cases
OLS	18,460 Services
Private Funding	38 Cases
Private Pay	78 Cases
IMSLP Sr.	30 Cases
ESLAP	31 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 Enforcement

Our Eureka office assisted a tribe's Tribal Court and Public Safety Department by working with them to develop their civil citation process on the reservation. The Public Safety Department is currently citing individuals on the reservation and bringing civil enforcement actions against those individuals in the Tribal Court. There have been some tensions between the Tribal Public Safety officers and the local Sheriff regarding tribal authority on certain lands within the reservation. CILS is working with both the tribe and the county to develop an agreeable protocol.

Termination of Parental Rights

Our Sacramento office worked on a depublication request for a recent ICWA case Austin J with possible detrimental effects statewide. The case involves the court finding that the county does not need to inquire into whether a parent is eligible for membership or her children if the parent does not check the box on the ICWA 020 form that they have Indian ancestry even though the parent repeatedly informed the county and the court that she thought she was Cherokee. The court goes out of its way to say merely saying you maybe Cherokee is not the same as saying my children may be eligible for membership.

Estate Planning Presentation and Execution of Wills

Our Escondido office gave several estate planning presentations to Pechanga Members as part of their annual "Life Planning Course." Escondido Directing Attorney Mark Vezzola supervised six ASU Law students as part of the two-day will clinic that followed and prepared estate planning documents (powers of attorney, wills, and healthcare directives) for 13 members.

Criminal Convictions Expunged

Our Eureka office successfully expunged several criminal convictions through the State Court, allowing our client to keep her

job. We were also successful in petitioning the court to eliminate the remainder of the fines owed to the court (the client had paid \$4,158, and the court stopped the balance, \$5,447). Additionally, the client had several arrests that did not result in the District Attorney filing criminal charges. However, they still appeared on her RAP sheet (and she was asked to explain them by her tribal employer). We have petitioned the Humboldt County Sheriff to seal and destroy these records.

Preventing Eviction Cases

Our Bishop office addressed the affordable housing shortage in the Eastern Sierra and prevented numerous eviction cases under state and federal eviction moratorium protections.

DV Pro Bono Lawyers in Tribal Courts

The Eureka office worked on a Continuing Education (CE) program with two local tribes, Northern California Legal Services and Federal District Court for Northern District, which involves private attorneys interested in providing pro bono representation to victims of domestic violence in Tribal Courts in northern California where the court has an active Domestic Violence calendar. The CE program will train private attorneys on representing tribal members in Tribal Court. Included in the program will be training on Civil Protection Orders, jurisdiction, and the two participating tribes' plans for exercising tribal criminal jurisdiction over non-Indians committing DV on their reservations.

CILS Helps Secure Tribal Court Grants

Our Escondido office helped several tribes apply for and receive Tribal court grants through the Office of Justice Services. The awards including funding for court staff, code drafting, updated courtroom and office technology, and training costs. Such funding is an investment not only in tribal courts but also into the sovereign powers of Tribal nations.

YOUR SUPPORT MAKES JUSTICE POSSIBLE

Our mission is to protect and advance Indian rights, foster Indian self-determination, and facilitate tribal nation-building.

Whether it's \$5,000 or \$5, every donation makes a difference! Your gifts provide the crucial support needed to defend the human rights of Native peoples. Make a tax-deductible donation to CILS and invest in justice for indigenous peoples.

Why Contribute to CILS?

For more than five decades, CILS has provided legal assistance to Indian tribes, organizations, and individuals who may have otherwise gone without adequate representation. CILS has successfully asserted and defended the most important rights of Indians and tribes in hundreds of major cases and has achieved significant results in such critical areas as tribal sovereignty, natural resource protection, and Indian education.

SHARING IS A NATIVE AMERICAN TRADITION

We invite you to participate in this tradition by contributing. With your support, CILS can continue **to achieve justice on behalf of Native Americans.**

Thank you for choosing to help further our mission through your generous donations. Contact our Development Director at donations@calindian.org for more information or donate online at www.calindian.org/support-us/.



CILS provides legal assistance to tribes with Indian Child welfare cases. Keeping children safe is a top priority.

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.

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.

Steven Allen	Patti Dixon	Jedd Parr
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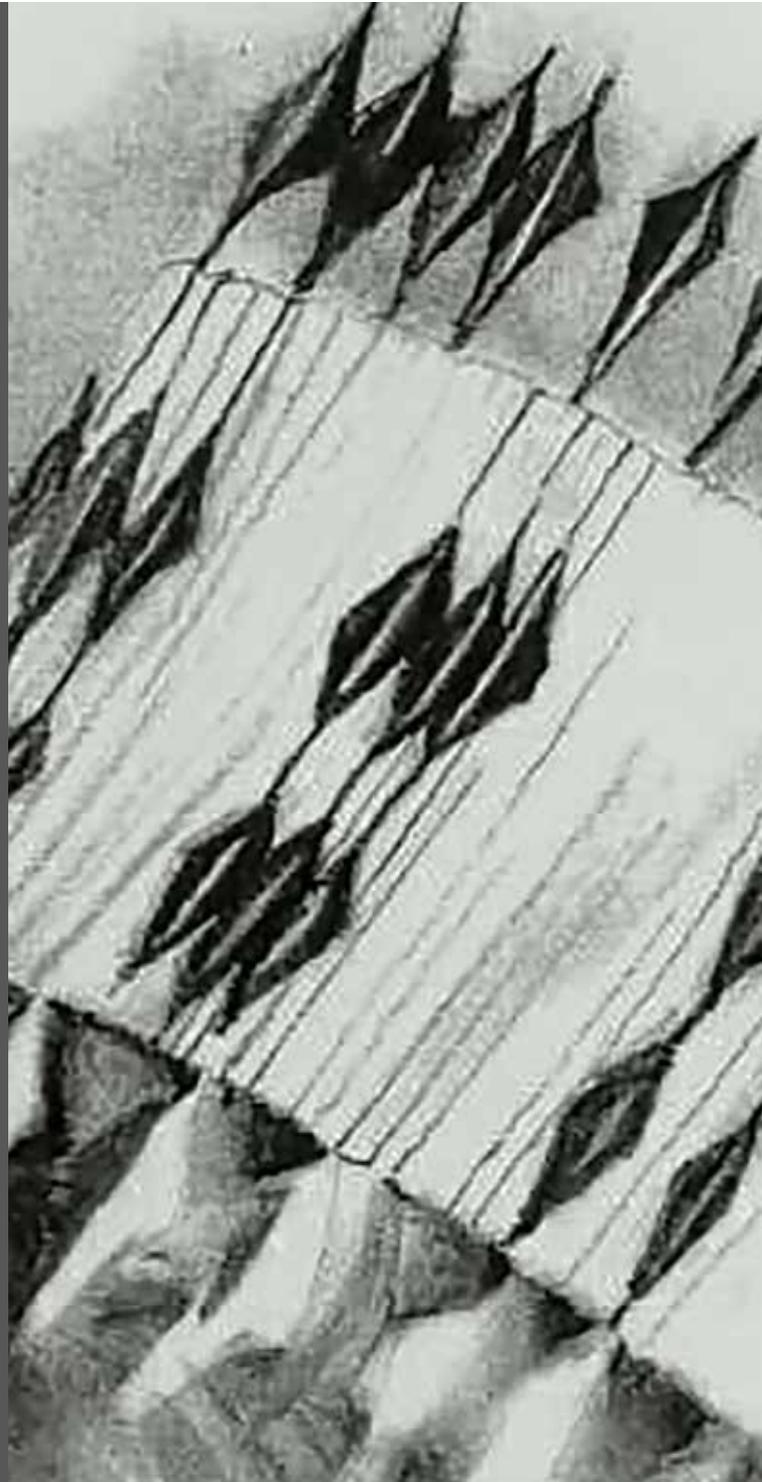
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