

6 Tips For Up-And-Coming Native American Attorneys

By **Andrew Westney**

Law360, New York (June 22, 2015, 5:10 PM ET) -- Young Native American attorneys should keep an open mind as they seek to serve their tribes and build their own careers, as there's apt to be a detour or two along the way, experts say.

For the many rising attorneys hoping to work for their tribes, plunging right in after law school may not be the answer, as working at firms and in government can help develop the legal expertise that tribes are looking for.

"Tribes are like big corporations where they need all sorts of help," says Faegre Baker Daniels associate Leah R. Sixkiller. "They need employment lawyers, trial lawyers, appellate lawyers, corporate lawyers, people who can help with government issues. ... It's difficult to dabble in all of those things."

Here, Native American attorneys under 40 share their advice for the next generation eyeing a career in the law.

Build Your Network

The professional and personal connections made in law school can last a whole career, according to Dion Killsback, a Northern Cheyenne Tribe member who recently joined Rosette LLP.

"Indian Country is a small world," Killsback says. "The circle of Native American lawyers in Indian Country is even smaller."

Many Native law groups, like the Minnesota American Indian Bar Association, let law students attend meetings free of charge, which can help give them a leg up heading into a tough job market, says Sixkiller, a member of the Red Lake Band of Chippewa Indians in Minnesota who works in Faegre Baker Daniels' corporate group.

"These days it seems like a lot of people are coming out of law school without jobs or without the job they hoped to have, no matter your race or minority status, and that's clearly an important time to join those affinity groups," Sixkiller says.

M. Jordan Thompson, who works as an attorney for the Confederated Salish and Kootenai Tribes in Montana, says he strives to stay connected with his law school colleagues, many of whom have gone on to important positions with tribes.

"Being in a more rural community, it's hard to find people that share the same ideas and mindset as I do, so it's really nice to have more of a national network to tap into," Thompson says.

Carve Out a Specialty

With tribes having an abundance of legal needs — from natural resources, economic development and child welfare to gaming and administrative law — tribal governments require attorneys who've developed an area of expertise, experts say.

"You specialize in a particular type of law and happen to work in the industry of Indian Country," Sixkiller says.

But up-and-coming attorneys may not know what area of the law is going to suit them best, KILLSBACK says.

"Surprisingly, some of my colleagues have developed their practices in areas they initially had little interest in — and they love what they do now," he says. "In other words, keeping an open mind is always a good idea, no matter what you're doing."

American Indian attorneys should feel free to pursue whatever path they choose, Sixkiller says.

"I hope that there are American Indian college students and high school students, going all the way down the pipeline, who want to be lawyers but who don't want to do Indian law," she says. "I think we need to be present in all aspects of the law."

Learn How the Federal Government Operates

Thompson, who was a visiting tribal attorney with Van Ness Feldman LLP in Washington, D.C., for a year, said the experience gave him a connection with the federal aspects of Indian law that's been vital in his work for his tribe.

"When you're working for a tribe, you're working for a sovereign entity," Thompson says. "They deal with a lot of states, but also with the United States on a lot of issues, and being able to plug into that national forum is really important."

But working as a tribal attorney in the U.S. can be complicated, Thompson says.

"Being Native, you think you want to shake off this colonized paradigm," Thompson says. "But then when you live in a world that's filled with laws that are designed by the dominant culture, how do you transform that into something more indigenous?"

KILLSBACK, who served two years as the senior counselor to the assistant secretary of Indian Affairs, says he has seen the Obama administration make great strides in improving the Bureau of Indian Affairs, including by increasing agency funding, settling trust lawsuits, promulgating new leasing regulations, and approving water rights settlements and land-into-trust applications.

But there's more to do to redress past actions by the federal government against tribes, KILLSBACK said.

"The BIA cannot solve or remedy all of the wrongs in two terms," he said. "But it's a good start. And as long as Indian people, tribal governments and Indian attorneys continue to work systematically and stay committed on each issue, things can improve."

Gain Experience Wherever You Can

Working for a big firm provided Killsback a strong grounding in the legal profession, with mentoring from nationally known attorneys and experience that helped him learn the intricacies of billing procedures and develop into an accomplished writer of legal documents.

He gained valuable courtroom experience he thinks every young attorney should have while serving stints as a prosecutor for his tribe and representing an Indian housing department.

Big-firm life also brings some attractive perks, says Killsback, who worked for a firm in Los Angeles that had a suite at the Staples Center for Clippers games and played its interoffice basketball games in Malibu.

"Not a bad learning experience for a young Indian lawyer from Busby, Montana," Killsback says.

But Indian law attorneys at a large firm can be "small fish in a big pond," Killsback warns.

Working for a firm like Rosette, which exclusively represents tribal governments, "feels like there is more commitment to achieving the objectives and goals of the tribal client," he says.

Push for What You Want

Firms may assume American Indian attorneys only want to focus on Indian law and not afford them the chance to work on other matters — unless they speak up for themselves, Sixkiller says.

"You have to be very, very clear, and very comfortable advocating for yourself and about what you want," Sixkiller says. "And that can take time to get there. Any new attorney doesn't feel totally comfortable demanding what they want to work on."

Firms may not have much experience dealing with Native Americans, as a study released in April by the National Native American Bar Association indicates that they lag behind other underrepresented groups in inclusion, retention and representation in the legal profession, Sixkiller notes.

"Those kinds of diversity statistics, unfortunately, set the tone for some of those conversations, so you have to be most forceful about what you want to work on," Sixkiller says.

American Indian women in particular may hold back from asserting themselves, due in some cases to cultural norms that don't encourage that behavior, she said.

"To be quite honest, looking back over my so-far pretty short career, I see many, many more times where I should have pushed than where I should have held back," Sixkiller said.

Make It Work With Your Tribe

Many aspiring Native American attorneys dream of coming back to work for their own tribes, but that's

not always as straightforward as it seems, attorneys say.

While Thompson credits his time in Washington as playing a formative role in his law career, the capital may sidetrack attorneys planning to work for their tribes, he says.

"One thing I see is people get kind of trapped up there, and they don't come back," Thompson said.

And young attorneys that do go to work for tribes may find themselves going through a "baptism by fire," KILLSBACK says, tackling a wide variety of legal issues right away.

That can be a plus because it provides a real test and teaches attorneys to think on their feet, but the stress of trying to meet the expectations of tribal leadership can drive some young attorneys away from in-house positions, KILLSBACK says.

"Getting beat up by your own tribe as a young attorney is something that law school doesn't prepare you for," KILLSBACK says.

When they leave, "both the tribe and Indian Country lose out because most young attorneys really want to help and are truly committed to the Indian cause," he adds.

Thompson says working for his tribe, including applying his energy law experience to the tribe's Kerr Dam hydroelectric project on its reservation, has given him a chance to serve a community that's passionate to accomplish change, he says.

"A lot of times, an attorney is really important in helping to shape that kind of energy into something that's tangible," he says.

--Editing by Katherine Rautenberg and Mark Lebetkin.