



**RESOLUTION IN SUPPORT OF THE FIRST-EVER  
COMPREHENSIVE STUDY OF NATIVE AMERICAN ATTORNEYS**

Endorsed July 2014

**WHEREAS**, the Coalition of Bar Associations of Color (CBAC), organized in 1992, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

**WHEREAS**, the member organizations of the Coalition of Bar Associations of Color are the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

**WHEREAS**, the National Native American Bar Association (“NNABA”) works to promote issues important to the Native American community and to improve professional opportunities for Native American lawyers, we do hereby establish and submit the following resolution; and

**WHEREAS**, there is no sound demographic information regarding American Indian, Alaska Native and Native Hawaiian attorneys, which are the constituent groups represented by NNABA; and

**WHEREAS**, because of this lack of information, the number of actual Native American law students and lawyers is dramatically lower than the figure self-reported by ABA accredited law schools:

- The 1990 Census report shows 1,502 American Indian lawyers; in 2000, that number increases to 1,730,<sup>1</sup> an increase in American Indian lawyers of only 228 in ten years; that is an overall growth of 15%;
- Nonetheless, during the same time period between 1990 and 2000, ABA-accredited law schools claimed to have graduated approximately 2,610 Native American lawyers;<sup>2</sup> and
- Even controlling for a variety of factors, there is a vast disparity between 2,610 and 228; and

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<sup>1</sup> U.S. Census Bureau, Census 2000 special tabulation, *previously available at* <http://www.abanet.org/minorities/links/2000census.html>.

<sup>2</sup> Previously available at Minority Degrees Awarded 1990-2004, at <http://www.abanet.org/legaled/statistics/minidegrees.html>.

**WHEREAS**, current statistics do not accurately reflect the number of Native Americans who attend or graduate law school; to highlight this issue, one only need compare Native American graduation rates with census data; from 1990-2000, ABA-accredited law schools reported graduating over 2,600 Native Americans;<sup>3</sup> during the same time period, the U.S. Census only reported an increase of just over 200 Native American attorneys (from 1,502 to 1,730);<sup>4</sup> in 2013, the ABA reports that, according to the 2010 Census, there are over 2500 Native American attorneys<sup>5</sup>; and

**WHEREAS**, the fraudulent self-identification as Native American on applications for higher education is particularly pervasive among law school applicants; anecdotally, it is well-known within the Native American legal community that a large percentage of individuals in law school who identified themselves on their law school application as “Native American,” were not of Native American heritage and have had no affiliation either politically, racially, or culturally with the Native American community; this phenomenon is so pervasive it is commonly understood and referred to within the Native American community as “box-checking”<sup>6</sup>; and

**WHEREAS**, box checking “Native American” on law school and legal admission applications raises serious concerns for the Native American community; and

**WHEREAS**, throughout the history of the federal courts, only three Native Americans have been confirmed to the federal judiciary: Judge Frank Howell Seay, nominated in 1979 by President Carter, who assumed senior status in 2003; and Judge Billy Michael Burrage, nominated by President Clinton in 1994, who resigned his appointment in 2001; and

**WHEREAS**, there are 874 Article III federal judgeships in the United States—nine on the Supreme Court, 179 on the Courts of Appeals, 677 on the District Courts and nine on the Court of International Trade—and currently only one of these judgeships is held by an American Indian, Alaska Native, or Native Hawaiian; and

**WHEREAS**, unlike for other lawyers of color, the legal profession has not conducted a comprehensive study regarding the perceptions, experiences and career trajectories of Native American attorneys; and

**WHEREAS**, CBAC seeks to address this lack of data and seeks support for the first-of-its-kind study of Native American attorneys across the legal profession; and

**WHEREAS**, CBAC applauds the legal community’s commitment to both a diverse workforce and the eradication of barriers for everyone in the legal profession and supports NNABA’s

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<sup>3</sup> Previously available at Minority Degrees Awarded 1990-2004, at <http://www.abanet.org/legaled/statistics/mindegrees.html>.

<sup>4</sup> U.S. Census Bureau, Census 2000 special tabulation, *previously available at* <http://www.abanet.org/minorities/links/2000census.html>.

<sup>5</sup> *See*

[http://www.americanbar.org/content/dam/aba/administrative/market\\_research/lawyer\\_demographics\\_2013.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer_demographics_2013.authcheckdam.pdf).

<sup>6</sup> As CBAC has previously adopted (Resolution on Academic Ethnic Fraud, July 20, 2011).

mission of ensuring the full inclusion of Native American attorneys as well as their Tribal Nations in the legal profession, and notes that this work has added much to the profession's diversity and inclusion efforts, but there is a long way yet to travel; and

**WHEREAS**, to enhance the full understanding and inclusion of Native American attorneys, in 2013, NNABA announced the launch of a first-of-its-kind research study on Native American attorneys; this research will enhance the full understanding and inclusion of Native American attorneys; and

**WHEREAS**, NNABA will focus its research on providing a picture of the issues confronting Native American attorneys across all settings including private practice; government practice in state, federal and tribal arenas; the judiciary; corporate legal departments; and academia; and


**WHEREAS**, ultimately, the findings from this study will be used to develop educational materials and programs that will help improve the recruitment, hiring, retention and advancement of Native American attorneys in the legal profession; and

**NOW THEREFORE BE IT RESOLVED**, that CBAC calls upon the legal community in the United States to support this groundbreaking research of Native American attorneys, and supports efforts to improve the status of Native Americans in the legal profession because it is in the best interest of the profession to do so.


#### **CERTIFICATION**

**WE**, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.



  
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 Miguel Alexander Pozo  
 President, Hispanic National Bar Association

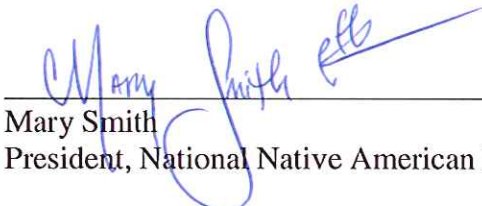
July 15, 2014  
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 Date

  
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 William J. Simonitsch  
 President, National Asian Pacific American Bar Association

July 15, 2014  
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 Date

  
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 Patricia Rosier  
 President, National Bar Association

July 15, 2014  
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 Mary Smith  
 President, National Native American Bar Association

July 15, 2014  
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