



Coalition of Bar Associations of Color

RESOLUTION SUPPORTING THE INCLUSION OF INDIAN LAW ON BAR EXAMS

Endorsed March 2016

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 CBAC 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 member organizations of CBAC are the national voices of their respective legal communities in the United States and its territories and possessions; and

WHEREAS, CBAC supports the strength and well-being of tribal nations, including the vibrancy and success of Native law students and young Native attorneys; and

WHEREAS, in 2004, the National Congress of American Indians passed Resolution MOH-04-001, resolving to “have the topic of Indian law tested by state bar associations, so the American public can better understand the inherent sovereign rights of our Indian nations,” and further, sought “the assistance and collaboration of the American Bar Association, and the bar associations, boards of bar examiners and Supreme Courts in states such as Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Connecticut, Maine, Louisiana and Florida” to include Indian law on the bar examinations of such states; and

WHEREAS, NNABA has, in resolution #2015-07, resolved to urge “all states to include or maintain Indian law on their respective bar examinations, especially those states with large Indian populations such as Alaska, Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, Nevada, Utah, North and South Dakota, Oklahoma, Minnesota, Wisconsin, Michigan, New York, Connecticut, Maine, North Carolina, South Carolina, Virginia, Georgia, Louisiana, and Florida”; and

WHEREAS, the NNABA study entitled “*The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession*” surveyed

Native American attorneys and shows that the overwhelming majority of Native American attorneys are primarily entering the legal professions for reasons such as; serving their tribes/communities, fighting injustices against Indian people, fighting unfairness in Indian law, etc. which played a direct role in the selection process of where to work and in what legal area to practice; and

WHEREAS, as borne out by the data from NNABA's survey, this direct connection between motivation to attend law school and selection of legal practice results in the majority of Native American attorneys practicing Indian/Federal Indian/Tribal law; and

WHEREAS, the Uniform Bar Examination ("**UBE**") is rising in importance across many jurisdictions, it is essential that jurisdictions fully consider the effect of the UBE on minority and historically underserved candidates, as well as the effect on typically underserved and locally relevant legal topics; and

WHEREAS, the UBE does not prohibit state bar examiners from testing or otherwise ensuring competency with respect to local law, which can take the form of online courses, webinars, CLE programs, or addendums to the exam itself; and

WHEREAS, bar exams are not intended to require specialized knowledge, but intended to ensure basic competency of its licensed attorneys, including the ability to at least recognize issues of law that are likely to arise within that jurisdiction; and

WHEREAS, there are 567 federally recognized tribes, 426 tribal court systems, a \$30 billion-a-year gaming industry, and a booming tribal natural resource extraction enterprises generating billions, Indian law is a burgeoning area in at over twenty states; and

WHEREAS, adopting the UBE has led some of the few jurisdictions that test Indian Law to eliminate, or decrease the importance of, that subject for purposes of becoming barred in their jurisdictions; and

WHEREAS, 76.68% of Native American attorneys surveyed for "*The Pursuit of Inclusion: An In-Depth Exploration of the Experiences and Perspectives of Native American Attorneys in the Legal Profession*" reported that more awareness and understanding of issues faced by Native Americans would have a positive impact on their career; and

WHEREAS, the lack of inclusion of Indian Law on bar exams and the UBE disadvantages Native American law students and attorneys whose practice is overwhelmingly within the realm of Indian/Federal Indian/Tribal Law.

NOW THEREFORE BE IT RESOLVED that CBAC urges state, territorial, and tribal bar admission authorities to consider including subjects not included on the UBE, particularly federal

Indian Law in each state and territory with sizable American Indian populations or trust land, when adopting the UBE in their jurisdiction; and

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC authorizes its officers and staff to communicate the content of this resolution to other bar associations, advocacy groups, members of Congress, the Administration, the press, and to whomever else CBAC board deems suitable to receive the information; and

NOW BE IT THEREFORE FINALLY RESOLVED that this resolution shall be the policy of CBAC until it is withdrawn or modified by subsequent resolution.

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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.



Robert T. Maldonado

Roberto Maldonado
President, Hispanic National Bar Association

March 1, 2016
Date

Jim Y. Hwang

Jim Hwang
President, National Asian Pacific American Bar Association

March 1, 2016
Date

BCP

Benjamin Crump
President, National Bar Association

March 1, 2016
Date

Linda Benally

Linda Benally
President, National Native American Bar Association

March 1, 2016
Date