



This issue:

This fall, some of ABIII’s in-house clinicians and students have been exploring the overlap of Indian Law and Veterans Law. Long-term impacts from trauma, whether historical, personal, or systemic, can thwart an individual’s efforts to function in society. Tribal veterans can be particularly impacted when their existing trauma-caused conditions are aggravated by military experiences, but they are unable to access resources that would help them heal to wellness. Faculty and students in the Clinical Program have been learning about Treatment and Wellness Courts, one resource designed to decrease recidivism and to promote healing and wellness in trauma-impacted populations. They have also visited tribal communities to learn about legal needs and gaps in resources to meet those needs. This issue describes what they learned at the Tribal Veteran Healing-to-Wellness Court Symposium. It also highlights Director of the Margery Hunter Brown Indian Law Clinic, Professor Monte Mills, who has been researching the impacts of race and racism in the law while supervising students in Indian Law matters, and clinical law student Victoria Parker, who works in both the Indian Law Clinic and the Veterans Advocacy Clinic.

Tribal Veteran Healing-to-Wellness Court Symposium

August 22 and 23 brought local and national speakers to Missoula to spark discussion on Veterans Treatment Courts (VTCs) and their role in Tribal communities. Students and faculty of the Indian Law Clinic and the Veterans Advocacy Clinic attended along with lawyers and health professionals from across the country. Hosted by the Bureau of Justice Assistance and the Tribal Law and Policy Institute—a non-profit organization that designs and delivers “education, research, training, and technical assistance programs which promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples”—the two day symposium focused on strategies to improve wellness outcomes for justice-involved veterans, with an emphasis on Tribal veterans. Led by David Pelletier, Marine Corps veteran and Project Director for Veterans



Members of the Tribal Law and Policy Institute traveled from New Mexico and California to host the symposium in Missoula, Montana.

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Clinic Supervisors

- Prof. Bari Burke (Faculty Supervisor, Judicial Placements)
- Prof. Elaine Gagliardi (Faculty Supervisor, Transactional Placements)
- Prof. Jordan Gross (Faculty Supervisor, Defense/Civil Rights Placements)
- Prof. Anthony Johnstone (Faculty Supervisor, Judicial Placements)
- Prof. Andrew King-Ries (Faculty Supervisor, Prosecution Placements)
- Associate Prof. Monte Mills (Interim Clinic Co-Director, Director Margery Hunter Brown Indian Law Clinic)
- Adjunct Prof. Jessica Walker-Keleher (Director Mediation Clinic)
- Prof. Hillary Wandler (Interim Clinic Co-Director Director Veterans Advocacy Clinic)
- Prof. Sandra Zellmer (Director Land Use & Natural Resources Clinic; Faculty Supervisor, Civil Placements)

External Placements

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- ACLU of Montana
- ASMSU Legal Services
- ASUM Legal Services
- Federal Defenders of Montana

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- MT DNR Conservation Forestry & Trust Land Management Divisions
- MT DNR Water Resources & Trust Lands Management Divisions
- MT Domestic Violence Field Placement
- MT Innocence Project
- MT Legal Services Assoc.
- MT Legal Services Assoc. Consumer Protection
- Office of Appellate Defender
- Office of Legal Affairs Child Support Division
- Office of State Public Defender
- Office of USDA General Counsel
- Powell County Attorney
- Rocky Mountain Elk Foundation
- U.S. Bankruptcy Court
- U.S. DOJ
- U.S. DOJ—Billings Office
- UM Legal Counsel’s Office
- UM Office of Tech Transfer

Student Spotlight: Victoria Parker

Victoria Parker is a member of the Shoshone Tribe, a veteran, and a 3L working in both the Indian and Veterans Clinics. Last March, she published a paper titled “Native American Cultural Dissonance & Dark Heritage Solutions,” and was then selected to speak at a conference on Community Archeology and Heritage at the Penn Cultural Heritage Center. In the paper, Parker offers several instances of public institutions’ perpetuation of cultural ignorance towards Native Americans and argues that the “American Public needs to know both sides of their history; and public institutions have an obligation to correct the inaccuracies that have been perpetuated for generations.” The paper addresses invisibility and cultural dissonance in established settler-colonial narratives. “Invisibility” in this context means erasure from public discourse, non-acknowledgement of Native American culture and beliefs, and exclusion from conversations on Native issues. Parker states: “There’s a huge problem of being invisible in education and public policy. If we’re invisible, no one can pinpoint or address access to justice issues.” Parker argues that change starts with education, and from education, law and policy may shift: “Without education, people don’t know which issues are culturally relevant or how and where to address them.” The paper was the first step for Parker. Since its publication, she has been working with the University to get more Native students into the law school, and has put her paper into practice by helping connect tribes to the museum and other campus organizations. Her reason for studying Law? “I’d never seen a Native lawyer until I got to law school, and we don’t have enough lawyers in Native communities.” After Law School, she would like to continue to address civil rights law and do policy work for Native Americans and Veterans. Not only does she have personal stakes in both groups, but she knows firsthand the similarities between them, legally and culturally: “The only people in whom I’ve seen a similar sacred interconnectedness [to Native Americans] are public servants who put their lives on the line and sacrifice themselves for others.”

Her paper may be read at: <https://scholarship.law.umt.edu/ss/1/>

“Anything we can do to keep tribal veterans out of federal prison, we should do.”

Carol Wilde Scott, Speaker, Tribal Veteran Healing-to-Wellness Court Symposium

Symposium cont.

Treatment Court Planning Initiative, the first day began with a broad overview of VTCs and their effectiveness in working with justice-involved veterans, especially those who struggle with mental health and substance use issues. Pelletier stressed health, home, community, and a sense of purpose as necessary to recovery. The next two presentations focused on military and veteran culture, and Native American approaches to healing. Day one closed with a presentation on the need for Native American dockets, led by Judge Gregory Pinski of the Montana 8th Judicial District; Kathy Hankes, the Native American Cultural Coordinator for the Docket; and Wes Old Coyote, the Executive Director for the Indian Family Health Clinic in Great Falls. Judge Pinski highlighted the need for equity and inclusion in judicial proceedings, and shared the overwhelming and disproportionate statistics of Native American incarceration. Hankes discussed the key components of a Native American Treatment Court, and stressed the need for community outreach and the integration of traditional Native American approaches to healing for success. Old Coyote illustrated how his Clinic individualizes treatment for greater effectiveness.

The second day opened with Missoula Judge Brenda Desmond’s discussion of the role of mentors in VTC. Judge Desmond underscored that mentors were friends, not counselors, who provided participants in the VTC with a greater sense of community and acted as an extra resource for care. Ashley Trautman and Maegan Rides At the Door, of the National Native Children’s Trauma Center, followed with a discussion of methods to treat combat and historical trauma. They emphasized the need for both evidence-based practices and tradition-

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Faculty Spotlight: Monte Mills

Monte Mills has helped supervise the Margery Hunter Brown Indian Law Clinic since 2015 and, in that time, has taught courses on the many dimensions of Indian Law, including: Federal Indian Law, Natural Resources, Economic Development, Cultural Preservation, Energy, and Employment Law. Last year he co-taught a



course on Race and Racism along with Prof. King-Ries and Prof. Capulong. The experience teaching the course crystallized an important professional question that has become the subject of Mills' current research: What happens when lawyers, who are bound to uphold the Constitution and laws of the United States, recognize the legal system as structural racism?

Last March, Mills published an article in *High Country News*, titled "Bigotry, ignorance and high school basketball in Montana," that tackles a similar theme. He writes: "Marginalizing tribes and young tribal members...also perpetuates a discriminatory power structure rooted in settler colonialism that pervades nearly every aspect of tribes' legal existence. Such treatment, historically ignored or excused by the American legal system, belies our shared commitment to the tenants of equality and fairness. Those values are purportedly central to our national identity and at the very heart of sporting competition." This conflict between the ideal of justice and the practice of excusal becomes a battleground for lawyers like Mills.

In recent years, several cases before the U.S. Supreme Court have hinged on this conflict, including the ongoing case involving the Muscogee Creek in Oklahoma, in which the central question is whether Congress disestablished the Creek reservation before Oklahoma became a state. If the Court rules with the Tribe, it would mean that much of Oklahoma remains Indian country and is therefore subject to different jurisdictional rules. Such a recognition would have potentially large impacts on Oklahoma citizens. This case exemplifies the conflict for Mills; he questions whether a historical practice means that we should ignore the law and perpetuate injustice.

Mills argues that we must keep our eyes on the ideal of justice while following in the footsteps of leaders who have done the same. According to Mills, the "truest patriots are those that rebelled against unjust laws" and practices. He argues that law schools, lawyers, and citizens must all have some recognition of the injustices perpetrated against indigenous peoples by the law and that that recognition must inform the daily practice of the law. In many ways, it starts with the law school itself. When asked what he was most proud of in his time at ABIII school of law, Mills responded that "almost without exception, students have found their most meaningful experience in law school in the Indian Law Clinic."

His faculty website contains links to his previous work, including the *HCN* article cited above: <http://www.umt.edu/law/faculty/directory/default.php?ID=3767>

Some Clinic Highlights

- In early 2019, the Montana Justice Foundation awarded a three-year grant to the Indian Law Clinic focused on building legal sovereignty for Tribal nations within Montana. The funds allow Tribal Court trainings, the creation of a video library of these trainings, a student fellowship for a tribal clerkship, and service trips to reservations to provide legal assistance to individuals.
- In September 2019, faculty and students in the Veterans Advocacy Clinic traveled to the Rocky Boy Reservation for a training on VA Claims and to meet individually with veterans from the Rocky Boy community about VA Claims and military discharge issues.

About the Clinical Program

Founded in 1966, the Clinical Program at the Alexander Blewett III School of Law at the University of Montana, offers four in-house clinics (the Margery Hunter Brown Indian Law Clinic, the Mediation Clinic, the Veterans Advocacy Clinic, and the Land Use & Natural Resources Clinic) and over two-dozen field placements. Under the supervision of faculty and experienced attorneys, third-year students practice law in a variety of settings, from criminal defense and prosecutors' offices to environmental nonprofits and government agencies. They prosecute civil rights claims; handle complex transactions; serve as law clerks to members of the judiciary, legislature, and corporate counsel; analyze and advocate policy; and intervene as third-party neutrals—making real differences in real people's lives.

Symposium cont.

al cultural ceremonies (including sweats and re-entry ceremonies for returning warriors) in treating trauma for Native and non-native veterans. The day continued with a discussion of the role of data in evaluating a treatment court's performance, led by Julie Marie Baldwin of American University. The symposium concluded with a presentation on Tribal VTCs, led by Carol Scott, the Legislative and Veterans Affairs Chair of the Federal Bar Association. Scott highlighted how any Tribal VTC must start with the warrior culture and must help reintegrate the warrior into the family and the community, stating: "Anything we can do to keep tribal veterans out of federal prison, we should do" because prison exacerbates trauma and does not encourage healing to wellness. Scott also discussed the need for Tribal veterans to get their veteran benefits and the barriers to doing so, including the lack of culturally informed psychological evaluations from the VA, which denies many Tribal veterans as a result. Scott did note, however, that Congress will hold hearings on VA practices this year.

Those who attended gained context for how veterans and Indian law overlap in a healthcare setting and how they may be used in conjunction with one another for the benefit of clients.

For more information about the TLPI, wellness courts, and the symposium see:

<https://www.home.tlpi.org/>

<http://www.wellnesscourts.org/>

<http://wellnesscourts.org/events/?a=685>

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