

# Building an Effective Tribal Court Clerkship Program

By Jason Gray and Devra Hermosilla

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For students interested in pursuing an Indigenous Law career, performing an externship or judicial clerkship with a Tribal Court may be the perfect opportunity. In addition to the traditional benefits of performing a clerkship, Tribal Court clerkships can help students gain valuable insights into cultural issues that will prove helpful throughout their career.

There is a tremendous need for legally-trained advocates in all levels of tribal government. As with local, state, and federal courts, there are many types of Tribal Court systems that may provide clerkship

opportunities. It is important for students to understand the differences between the courts in order to select the place that works best for them.

- **Tribal Trial Courts** may be appropriate for students interested in learning how Tribal Courts address daily civil and family law, abuse and neglect, juvenile, and limited criminal dockets. Depending on the size and traditions of each court, law clerks at this level may, in addition to traditional research and writing duties, be asked to serve in other integral court roles like clerk, administrator, or bailiff.

- **Intertribal Court Systems** are courts operated by consortiums of regional tribes, often smaller tribes without the resources or need for a court of their

own. Intertribal Courts may offer students a broader experience to work with a variety of tribal cultures and laws. Intertribal law clerks may handle

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a family law docket one day a week and a criminal docket in another court the next. This type of exposure may be very appealing to some students while others may desire less travel.

- **Tribal Courts of Limited Jurisdiction** deal with only one specialty area of law or type of resolution, such as peace-making (conflict resolution), healing and wellness (drug and mental health courts), or tribal gaming disputes. These courts may be an ideal choice for students who already know they are interested in that specific field of law and want to gain a deeper understanding in that area.
- **Tribal Appellate Courts** often work through a collaborative panel process, addressing issues of first impression. Therefore, an appellate clerkship may offer a great opportunity for students interested in learning more about shaping tribal policy and higher level legal principles.

- **Legal interns or externs** may be possible at each of these Tribal Court levels. Students may also have the opportunity to work with local Tribal Courts as they codify their legal traditions.

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In addition to providing students with knowledge about different types of Tribal Court clerkships, there are several practical steps that career service professionals can take in order to ensure that these opportunities are promoted to students in an effective manner.

First, do not forget the importance of utilizing current connections that the law school may already have with Tribal Courts in your region. Working with your alumni relations department will be a key component of identifying potential contacts that can provide insight into different Tribal Courts and their hiring processes.

Second, set up a panel presentation with Tribal Court judges and attorneys so that students can learn about some of the great careers that are available in this field. Often times this direct interaction will lead to a better understanding of what different Tribal Court positions entail, while also informing students of any particular skills and experience Tribal Courts are looking for in applicants.

Third, determine the types of positions that are available in each Tribal Court (e.g., post-graduation clerkships, paid or unpaid internships, externships). Then, you will want to coordinate with Tribal Courts to advertise job postings to students and

invite Tribal Courts to participate in your on-campus interview process. This collaboration should hopefully lead to a predictable hiring cycle for interns/externs and post-graduation law clerks.

Finally, be persistent in promoting these positions to students. Even placing one intern/extern with a Tribal Court for the first time is an excellent step. Once a student receives a position with the Tribal Court, stay in contact with the student's supervisor and if the intern/extern is a good fit you should ask the supervisor about potential post-graduation career opportunities that may be available.

Each Tribal Court is unique and it may take time to figure out the hiring cycles so that you can effectively advise students on this growing career field. With research, outreach and proper planning though, there is no reason that you cannot implement an effective career plan for students that are interested in a Tribal Court clerkship. ■