

Application for Federal Assistance SF-424 Version 02

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify) <input type="text"/>
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* 3. Date Received: <input type="text" value="05/27/2010"/>	4. Applicant Identifier: <input type="text"/>
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5a. Federal Entity Identifier: <input type="text"/>	* 5b. Federal Award Identifier: <input type="text"/>
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State Use Only:

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>
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8. APPLICANT INFORMATION:

* a. Legal Name: <input type="text" value="Native American Rights Fund"/>		
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text"/>	* c. Organizational DUNS: <input type="text"/>	

d. Address:

* Street1:	<input type="text" value="1506 Broadway"/>
Street2:	<input type="text"/>
* City:	<input type="text" value="Boulder"/>
County:	<input type="text"/>
* State:	<input type="text" value="CO: Colorado"/>
Province:	<input type="text"/>
* Country:	<input type="text" value="USA: UNITED STATES"/>
* Zip / Postal Code:	<input type="text" value="80302-6296"/>

e. Organizational Unit:

Department Name: <input type="text"/>	Division Name: <input type="text"/>
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f. Name and contact information of person to be contacted on matters involving this application:

Prefix: <input type="text"/>	* First Name: <input type="text" value="Debbie"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Thomas"/>	
Suffix: <input type="text"/>	

Title: <input type="text" value="Controller/Grants & Contracts"/>
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Organizational Affiliation: <input type="text"/>
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* Telephone Number: <input type="text" value="303-447-8760"/>	Fax Number: <input type="text" value="303-443-7776"/>
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* Email: <input type="text" value="thomasd@narf.org"/>

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9. Type of Applicant 1: Select Applicant Type:

M: Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Bureau of Justice Assistance

11. Catalog of Federal Domestic Assistance Number:

16.751

CFDA Title:

Edward Byrne Memorial Competitive Grant Program

*** 12. Funding Opportunity Number:**

BJA-2010-2676

* Title:

BJA FY 10 Tribal Civil and Criminal Legal Assistance Grants, Training, and Technical Assistance

13. Competition Identification Number:

BJA-2010-2478

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

*** 15. Descriptive Title of Applicant's Project:**

NARF/NAILS Tribal Criminal Legal Assistance Project

Attach supporting documents as specified in agency instructions.

[Add Attachments](#) [Delete Attachments](#) [View Attachments](#)

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16. Congressional Districts Of:		
* a. Applicant	<input type="text" value="CG-002"/>	* b. Program/Project <input type="text" value="AK-A11"/>
Attach an additional list of Program/Project Congressional Districts if needed.		
<input type="button" value="Attach 7 Project Congressional"/>	<input type="button" value="Add Attachment"/>	<input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:		
* a. Start Date:	<input type="text" value="10/01/2010"/>	* b. End Date: <input type="text" value="10/31/2012"/>
18. Estimated Funding (\$):		
* a. Federal	<input type="text" value="1,250,000.00"/>	
* b. Applicant	<input type="text" value="0.00"/>	
* c. State	<input type="text" value="0.00"/>	
* d. Local	<input type="text" value="0.00"/>	
* e. Other	<input type="text" value="0.00"/>	
* f. Program Income	<input type="text" value="0.00"/>	
* g. TOTAL	<input type="text" value="1,250,000.00"/>	
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?		
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on	<input type="text"/>	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.		
<input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.		
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)		
<input checked="" type="checkbox"/> ** I AGREE		
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.		
Authorized Representative:		
Prefix:	<input type="text"/>	* First Name: <input type="text" value="Steven"/>
Middle Name:	<input type="text"/>	
* Last Name:	<input type="text" value="Moore"/>	
Suffix:	<input type="text"/>	
* Title:	<input type="text" value="Project Coordinator"/>	
* Telephone Number:	<input type="text" value="303-447-8760"/>	Fax Number: <input type="text" value="303-443-7776"/>
* Email:	<input type="text" value="smoore@narf.org"/>	
* Signature of Authorized Representative:	<input type="text" value="Debbie Thomas"/>	* Date Signed: <input type="text" value="05/27/2010"/>

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*** Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

Attachment 1

PROGRAM NARRATIVE

for

Category 2

Tribal Criminal Legal Assistance Grants

Competition ID: BJA-2010-2478

INCLUDES:

Program Abstract

Statement of the Problem

Project Design and Implementation

Capabilities/Competencies

Impact/Outcomes – Evaluation Plan

Attachment 1 – Program Narrative – Criminal Legal Assistance Proposal – NARF/NAIIS Abstract

This proposal is submitted for Category 2, Tribal Criminal Legal Assistance Grants. The purpose of this proposed project is to help enhance criminal tribal court systems and improve access to those systems. Ensuring access to criminal justice for individual Native people has been and continues to be a serious problem in Indian country. This project will serve to strengthen and improve the representation of indigent clients in criminal cases under the jurisdiction of Indian tribes. The Native American Rights Fund (NARF) is the primary applicant and has over 40 years of experience in tribal law and legal representation. NARF will subcontract funds in this grant to the members of the National Association of Indian Legal Services (NAIIS) organization. NAIIS is an organization of programs that have been in existence since the mid-1960's to serve the civil and criminal legal needs of client-eligible individual Indians, and smaller Indian tribes who cannot otherwise afford legal representation. Indian Legal Services (“ILS”) programs serve a vital role in the administration of and access to justice for Indian people in Indian Country. These programs provide legal representation to individual Indian people and to tribal governments, and assist with the development of tribal courts through the provision of their legal representation, expertise and resources. NARF also has significant experience in managing and sub-granting federal funds for tribal court work in this manner.

The NARF/NAIIS Project requests \$1.25 million for carrying out its proposal. It is estimated that, with this funding, the NAIIS consortium will provide criminal representation for an additional 2000 tribal members who would otherwise have no access to defense representation and 25 projects on behalf of tribes and tribal courts. This project will both effectively improve the legal outcomes for those provided direct representation, the courts in

which represented defendants are tried, and the tribal justice systems that receive additional direct assistance.

Criterion 1. Statement of the Problem

In a large number of cases across Indian Country Indian defendants face jail without legal counsel to help them prepare a defense at trial. While some Indian tribes provide public defenders for Indian defendants in their court systems, the majority lack resources to provide public defenders. Tribal lay advocates that provide criminal defense assistance often lack training on evidence, defense strategies, or to recognize due process and jurisdictional issues. The Indian Civil Rights Act (ICRA) provides that a defendant can be represented, but at his own expense. Such protections and rights provided ICRA can only be enjoyed and enforced when the Indian defendant is represented. A federal court judge recently inferred that lack of defense counsel may have prevented the Indian defendant in that case from raising violations of ICRA.

For a number of years, crime in Indian Country has been a topic of much discussion among tribal and national leaders. Reports by the Bureau of Justice Statistics illustrate the extent of criminal justice problems in Indian country. For example, Indian tribes operated 171 law enforcement agencies and the Bureau of Indian Affairs (“BIA”) provided 37 law enforcement services nationwide. These same law enforcement agencies reported over 9,000 violent crimes, including aggravated assaults and 15,000 property crimes among Indian Tribes. These reports show a high rate of aggravated assaults among American Indians and Alaska Natives; and, that it is “roughly twice” that of the Country as a whole: 656.5 per 100,000 compared to 323.6 per 100,000.

The report also noted that data collected by various agencies, including the Federal Bureau of Investigation (“FBI”), does not capture the true nature of crime in Indian Country for a

variety of reasons. One is that agencies like the FBI only captures data on crimes falling within its Uniform Crime Reporting Program Part I Index for major crimes like rape, murder, robbery, etc. Problems in classification occur when federal prosecution is declined and the cases are returned to the tribe for prosecution as misdemeanors.

The BJA report indicated that other crimes reported by tribal and BIA agencies provides another picture of crime in Indian Country. For example, tribes reported 13,546 simple assaults, 24,486 incidents of disorderly conduct, over 37,000 alcohol related offenses and over 53,000 incidents of drunkenness. *See, Matthew J. Hickman, Tribal Law Enforcement 2000*, (Bureau of Justice Statistics, January 2003). Unfortunately, these numbers are only the tip of the iceberg.

Another BJA report profiles tribal justice systems that lack criminal justice resources and personnel. Of the federally recognized Indian tribes, in 2005 only 188 operated some form of tribal justice system, employing nation-wide a total of 200 judges and 153 prosecutors. However, only 50 of these tribes employed-public defenders. Steven W. Perry, *Census of Tribal Justice Agencies in Indian Country*, (Bureau of Justice Statistics, December 2005).

National ILS programs also cite a number of factors that result from a lack of defense representation funding. One is that most tribal courts have no public defender, or at most one person serving as such, which is inadequate to address the large need. Additionally, nation-wide there are a relatively small number of attorneys licensed to practice in tribal courts. Most tribes do not have the resources to contract with outside counsel when the public defender has a conflict of interest, or when there are multiple defendants. There are at times lay advocates, but often they have not received adequate training in criminal defense representation. Finally, another area of significant need is for legal representation in juvenile matters. Most tribes do not

appoint attorneys to appear as guardian *ad litem* in cases arising out of juvenile delinquency actions – again, a resource limitation problem.

It is no surprise then that crime in Indian Country has been a topic of much discussion among tribal and national leaders lately. A Tribal Nations Leadership Council was created by the U.S. Attorney General's office to address the issue of crime in Indian Country. Thirty-three additional federal prosecutors will be added to prosecute crimes in Indian country, and "a television ad campaign to confront the methamphetamine abuse epidemic in Indian Country." *The New Mexico Independent, May 7, 2010.*

Indigent Indian defendants face complex legal and jurisdictional issues without a lawyer to guide them. While tribal and national leaders develop plans to combat crime in Indian Country, the rights and protections for Indian defendants charged with crimes by Tribes in tribal court remains an enigma. The rights of Indian defendants in federal and tribal court was the topic of a panel at the April 8, 2010 Federal Bar Association's Indian Bar Conference. Panelists discussed the extent of the complexity of criminal justice, including defendant's rights, in Indian Country. Which court has jurisdiction (federal, state or tribal) over a crime committed in Indian Country often depends on a number of factors including the race and membership in an Indian tribe of the defendant; the victim; the status of the land on which the crime is committed; and, the seriousness of the crime. Jeff Davis, United States Attorney for the District of Michigan, pointed out that the mishmash of jurisdiction created by the various factors may be much worse today leading Indian tribes to contend with these jurisdictional issues with no resolutions. Martha Vásquez, Chief Justice of the Federal District Court of New Mexico, reported on the harsh sentences Indian defendants convicted in federal court suffer compared to their counterparts who are convicted of similar crime in state court.

University of New Mexico Professor Barbara Creel paints a compelling picture of the disparate treatment of Indian defendants not only in federal court but also in tribal court. The constitutional protections afforded all criminal defendants facing jail time in America, including non-citizens, are not the same for Indian defendants charged with crimes in tribal court. The historic and constitutional relationship of tribes with the United States, in part, explains some of the reasons for limited protections afforded to Indian defendants in tribal court. Congress intended, with the passage of the Indian Civil Rights Act (ICRA), to strike a balance to achieve the dual and “perhaps antithetical purpose” of strengthening the position of individual Indians *vis-à-vis* the tribes, while adhering to the strong federal policy of strengthening tribal sovereignty. Creel states that “As separate sovereigns, Indian tribes may establish legal standards and determine the process afforded the Indian defendants consistent with traditional values and deeply held beliefs on the inviolable and tribal resources, provided that the requirements of the ICRA are met.” She points out several problems with this federal principle, including the lack of right to counsel for Indian defendants in tribal court systems where the process has become adversarial.

Criterion 2. Project Design and Implementation

The problem identified in the section describing Criterion 2 is simply stated. A large number of Indian defendants face jail without the assistance of legal counsel at trial. The Indian legal services programs joining in this proposal will increase the number of Indian defendants and juveniles that will have legal counsel to assist in their defense. At the same time a number of tribal justice systems will benefit by direct assistance in tribal court improvement projects. See the complete list of proposed activities listed by Indian legal services program name in Criterion 3, Capabilities/Competencies.

Barbara Creel writes: “In order to understand and improve federal criminal justice in Indian Country, the role of Defense must be included.” The collaborating legal entities represented here will do just that. While each agency will approach the project individually, all are following the same logic model that is intended to comply with TCCLA goal of “Enhancing Tribal Court Systems and Improving Access to those Systems”. Each program has considered a logic model that involves the progression of:

Resources → Activities → Outputs → Outcomes → Goal

Resources, Activities and Outputs will differ. For example, some ILS programs will hire, others will provide training, and still others will reallocate staff to this important program. Depending on available resources, some programs will be able to incorporate all of the improvements mentioned. The important thing is that everyone will use the same Outcomes. They are:

Reporting the total number of defendants or tribes served during the reporting period.

- Reporting the number of defendants (adults and/or juveniles) or tribes served during the grant funding generated from each program’s case management system.
- Reporting the increase in numbers of defendants (adults and/or juveniles) or tribes receiving legal services during the grant period.
- Reporting the number of defendants (adults and/or juvenile) or tribes who rate the services of their grant-funded attorney from client satisfaction surveys conducted throughout grant period.
- Reporting the number of defendants (adults and/or juvenile) or tribes who rate the services of their grant-funded attorney as satisfactory or better, as tabulated from client satisfaction surveys conducted throughout grant period.

The two main data collection tools will be each agency's case management system and a Client Satisfaction Survey that will be completed at the closing of each case. Legal Aid offices employ user friendly, centralized case management systems tailored to meet the specific needs of each program as they relate to providing legal services to low-income people. Functions include reports on demographic and other statistical information, calendaring, form letters, intake questions, time keeping, and others. Many are unique because they allow for customizing forms and reports.

The second is a Client Satisfaction Survey developed to measure both the numbers of defendants or tribes who, among other things, rate the services of their grant-funded attorney and the number who rate the services of their grant-funded attorney as satisfactory or better. It is anticipated that on the way to reaching the final goal of *Enhancing Tribal Court Systems and improving access to those systems*, a number of other positive things will be accomplished:

These are:

- Collaborative work between lawyers and tribal court Advocates will provide reciprocal understanding of legal and cultural realities.
- To strengthen and improve the representation of indigent clients in criminal cases under the jurisdiction of Indian tribes-
- Avoidance of delays in case processing by making better use of existing resources.
- Preserving individual rights and ensuring access to criminal justice for individual Native people.

- To effectively improve the legal outcomes for those provided direct representation, the courts in which represented defendants are tried and the tribal justice system that receive additional direct assistance.
- Ensure the protections and rights provided ICRA are enjoyed and enforced by Indian defendants.

The Native American Rights Fund (NARF) will administer the grant funds for the consortium of non-profit Indian Legal Services with which it will subcontract if the Category 2 grant is awarded to NARF. All ILS programs have signed memoranda of agreement with NARF as an indication of their support and agreement with this approach. The MOUs are attached as Attachment 5.

Criterion 3. Capabilities/Competencies

NARF is a non-profit 501(c)(3) organization that provides legal representation and technical assistance to Indian tribes, organizations and individuals nationwide - a constituency that often lacks access to the justice system. NARF focuses on applying existing laws and treaties to guarantee that national and state governments live up to their legal obligations. NARF has a proven track record of assisting the National Association of Indian Legal Services (NAILS) programs with the administration of Bureau of Justice Assistance (BJA) grants, having been the recipient of FY 2003 and 2005 funds from BJA for that purpose. In addition, NARF's administrative services are cost effective and will enable the NAILS programs to avoid duplicative administrative, record-keeping, reporting systems and other services, for NAILS member programs.

NARF's participation will also benefit the BJA because, by administering funds, they can impact the largest number of client eligible Indians and tribes in underserved areas throughout

Indian Country. They are able to replicate a proven strategy that leverages scarce resources to provide supplemental funding to Indian Legal Services (ILS) historically funded by the Legal Services Corporation (LSC).

NAILS is governed by a Steering Committee comprised of directors and attorneys from the member NAILS programs. The NARF staff – Attorney and Project Director Steven Moore, Chief Financial Officer Michael Kennedy, and Controller of Grants and Contracts Debbie Thomas – will work closely with the NAILS Steering Committee in administering and reporting on the grant. Resumes for key responsible members of the NARF staff as well as the NAILS Steering Committee are included in Attachment 4.

The primary mission of NAILS is to advocate for increased funding for its membership, mainly “stand alone” Indian Legal Services, programs and components of basic field programs. Through its various efforts, NAILS has succeeded in obtaining additional funds for its members in order to increase legal assistance for our indigent individual Indian clients and tribes and for improving tribal justice systems.

The Indian legal services programs joining in this proposal will provide a full range of legal services to their clients including, counsel and advice, document drafting, research and representation before courts. Typically, in the State Court System, these services are provided to indigent persons at the expense of the State. If ILS legal staff did not represent Indian defendants, however, they would likely go without representation.

The following are examples of the types of legal work participating legal service entities provide to tribes in tribal justice system development who are at or below the federal poverty level: Tribal code and policy and procedure drafting, tribal law enforcement development, tribal-state cooperative relationship building, and enforcement of tribal court orders in state court.

The following are legal organizations collaborating in Category 2, Tribal Criminal Legal Assistant Grants:

SOUTHERN ARIZONA LEGAL AID, INC. (SALA)

Established in 1951, Southern Arizona Legal Aid, Inc. (SALA) is a non-profit public interest law firm responsible for providing free civil legal aid to low-income individuals and families in nine (9) of Arizona's 15 counties. In addition, both civil and criminal legal aid is provided to eleven (11) of 21 Arizona Native American Communities. SALA is requesting funding to provide additional direct legal defense services on Ak-Chin, Gila River, Salt River, White Mountain Apache, San Carlos Apache and Tohono O'odham reservations. The nine staff involved in delivering services on reservations has a combined total experience of more than 120 years. SALA anticipates a 5% increase in clients represented with additional funding.

NEW MEXICO LEGAL AID; NATIVE AMERICAN PROGRAM (NMLA/NAP)

All attorneys with the exception of the .5 attorney are Native American, and one attorney speaks the Keres language spoken by seven Pueblos. The combined experience of the attorneys providing service in the NMLA/ NAP service area is over 55 years. All attorneys have experience providing services within the Justice System of the 22 Indian Tribes. Each of the tribal systems is independent and varies in structure, law and procedure.

NMLA/NAP will provide criminal defense representation to Indian defendants in at least five (5) tribal courts (of 20 tribal Courts in NAP service area). NAP will identify those tribal courts by using the following factors: the presence of tribal prosecutor; Federally funded law enforcement; modern tribal court written criminal codes and procedures; and violation of due process rights under the Indian Civil Rights Act. NMLA/NAP is projecting a 10% increase in the number of individuals served under this grant.

DAKOTA PLAINS LEGAL SERVICES, INC. (DPLS)

The Lower Brule and Crow Creek Indian Reservations border each other and are served by DPLS' Fort Thompson branch office. Neither of the tribes provides indigent adult or juvenile tribal members with a public defenders or court appointed counsel when they charged with a crime in their tribal courts. DPLS will represent an increased number of these tribal members with this funding which would be used to hire an extra advocate, either a paralegal or staff attorney. DPLS will fund a position in the Fort Thompson office to provide direct criminal court representation to indigent defendants and juveniles in these two tribal courts.

LEGAL AID OF NEBRASKA

Legal Aid of Nebraska's Native American Project provides legal representation to Native Americans in all four of the tribal courts located in Nebraska. Three of these courts, the Winnebago, Omaha, and Santee Sioux Nation Tribal Courts, prosecute criminal cases including juvenile delinquency actions. The Ponca Tribal Court only hears civil cases and juvenile dependency cases.

While the Winnebago Tribe is able to provide representation to juveniles and defendants in case in which there are conflicts of interest, and is able to appoint attorneys to serve as guardian *ad litem* in juvenile delinquency actions, the Winnebago Tribal Court handles a large number of criminal and juvenile delinquency cases, and always maintains a need for additional assistance. The three tribal courts are all limited in the representation that they can be provided to their members due to a small number of attorneys licensed to practice in the tribal courts.

IDAHO LEGAL AID SERVICES

Idaho Legal Aid Services (ILAS) anticipates using grant funds to address the lack of attorney representation in the Tribal Court on the Shoshone-Bannock Fort Hall Reservation. Fort

Hall is one of the three Reservations, the Kootenai and Duck Valley being the other two, who do not provide attorney representation to criminal defendants. At the present time, there is no tribal public defender for defendants in criminal matters or for juveniles at Fort Hall. The tribes have two “lay advocates” in criminal cases that are not adequately trained to represent defendants.

Last year, ILAS provided representation in criminal and juvenile cases in the Nez Perce Tribal Court. It is estimated that ILAS can provide representation in approximately 60 criminal and juvenile cases under the grant and would be able to offer training and assistance to lay advocates to increase their effectiveness.

OKLAHOMA INDIAN LEGAL SERVICES (OILS)

OILS provide legal services to twenty-six tribes/tribal courts. One of the biggest problems in the tribal courts in Oklahoma is the lack of affordable attorneys who practice in these Courts. Consequently, there are a great many *pro se* litigants attempting to navigate their way through the tribal court systems on their own. These individuals generally have little knowledge of the complex jurisdictional and procedural requirements involved in tribal courts. Tribal judges and court clerks become overwhelmed with the number of people requesting assistance.

OILS proposes a two-prong project designed to assist criminal defendants in tribal court. The first is to increase direct legal representation of criminal defendants where the tribal court does not provide a public defender as a matter of right. The second is to produce a video for use in the tribal courts that gives basic information regarding the constitutional rights of criminal defendants.

MICHIGAN INDIAN LEGAL SERVICES (MILS)

In 2005, Michigan Indian Legal Services (MILS) concluded an in-depth statewide legal needs study. The study included focus groups on several reservations and interviews with social workers, judges, police officers, tribal council members and tribal attorneys from the reservations in Michigan. Many legal needs were identified. One critical legal need stood out. In a number of tribal courts tribal members went to jail without the benefit of legal counsel.

The MILS Board decided to start with a pilot project in Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court. In late 2009 MILS expanded the pilot project to the Little Traverse Bay Bands of Odawa Indians Tribal Court. Funds provided by this grant will allow further expansion of the project and allow MILS attorneys to provide legal services to additional unrepresented defendants. MILS will expand the project by providing criminal defense representation in a third tribal court plus provide a full range of defense services to eligible low income defendants.

CALIFORNIA INDIAN LEGAL SERVICES (CILS)

California Indian Legal Services (CILS) provides criminal legal assistance to approximately 25 federally recognized tribes who operate tribal justice systems. Support and assistance is offered in transfers of juvenile delinquency cases to tribal court (the California Legislature extended Indian Child Welfare Act to such cases), developing transfer protocols, and assisting tribal law enforcement in the development of code drafting, and facilitating meetings to promote cooperation between state, local and tribal law.

CILS will also continue to work with California Tribal Law Enforcement Departments, the California Tribal Police Chiefs Association, and tribes who do not have developed law enforcement. This will include working to secure funding, working with local law enforcement

to build cooperative working relationships, develop law enforcement policies and procedures, and other supportive services.

CILS expects to be able to serve three (3) additional tribes under this section, and to continued services to the ten (10) plus tribes that collaborate with the California Tribal Police Chiefs Association. Additionally, four (4) tribes will receive assistance in the transfer of delinquency cases to tribal court and the development of transfer protocols. Juvenile delinquency protocol is a new effort with this money. CILS anticipates a 40% increase in Tribal law enforcement.

COLORADO LEGAL SERVICES (CLS)

Colorado Legal Services provides legal assistance on the Ute Mountain Ute and Southern Ute Reservations. Both of these two courts adjudicate adult criminals cases and minor juvenile delinquency cases. The first one, Southern Ute Tribal Court, has a staff public defender that represents most of the criminally accused. Cases in which the public defender has a conflict of interest are often referred to Colorado Legal Services by the court, if the defendant is indigent. Second, the Ute Mountain Ute Reservation BIA-CFR (Bureau of Indian Affairs Code of Federal Regulations) Court operated with a public defender for approximately seven weeks in the last five years. The Ute Mountain Ute Tribe recently hired a new attorney to represent the criminally accused as a public defender. If permissible under Legal Service Corporation Regulations, Colorado Legal Services will take cases from the BIA CFR Court where there is a conflict of interest or the interest of justice would be served by representation by CLS.

MINNESOTA (ANISHINABE LEGAL SERVICES (ALS))

Minnesota's Anishinabe Legal Services (ALS) was established in 1967 and provides free legal services to the low-income residents of the Leech Lake, White Earth and Red Lake

reservations. The four ALS staff members working on this reservation have a total of 55 years combined experience in working on the reservations. ALS assists the Red Lake tribal court code drafting committee. ALS also sits on the juvenile diversion project at Leech Lake wherein the local state courts refer juvenile matters to Leech Lake Tribal Court for disposition hearings. At White Earth, ALS participates in the Drug Court. The Drug Court is for parent(s) whose child(ren) are in 'out of home placements' due to the parent(s) addiction to alcohol or drugs. A two day CLE on addition will be co-sponsored by ALS on June 17-18, 2010

All three reservation tribal courts also exercise jurisdiction over juvenile cases arising from within the reservation's boundaries. With few exceptions, ALS is the only source of help for most Native American juveniles charged with offenses in tribal court. With additional BJA grant funds, ALS will be able to represent 25 additional juvenile cases per year for a total of 50 cases by using part. It is estimated that this is approximately a 5% increase.

MONTANA LEGAL SERVICES (MLS)

MLS has served the native population of Montana since 1969. Montana Legal Services has four attorneys whose primary caseloads arise on reservation. Two are funded with general LSC and LSC-Indian funds. The attorneys have 30+, 20+, 20+ and 10+ years of experience. The 30+ years and one 20+ years attorneys have spent their entire careers in Indian legal services.

In recent years, MLS started a public defender project on the Crow Reservation. After a very short time, the Tribe started contracting with MLS to provide public defender services. That project continues today with strong tribal support. It provides not only criminal defense but also some guardian *ad litem* and juvenile delinquency representation in the tribal court.

With the current round of funding, MLS will duplicate such a program on the Northern Cheyenne Reservation where an interest has been expressed for the program. The public

defender on the Crow Reservation represents approximately 125-150 clients per year. MLS anticipates a similar number on the Northern Cheyenne Reservation. The project would double the volume of criminal cases in tribal court for MLSA and be an increase of 0 to 125 cases in the Northern Cheyenne Court.

UTAH LEGAL SERVICES (ULS)

Utah Legal Services (ULS) has provided representation of individuals in Uintah and Ouray Tribal Court; drafted protection order provisions for inclusion in tribal code; established a juvenile court defender program; and established a Tribal Law Enforcement Task Force which includes tribal court prosecutors, tribal police and ULS staff to address domestic violence issues, particularly enforcement of protective orders issued by tribal courts. ULS is interested in providing guardian *ad litem* services, expanding the use of law student volunteers who assist juveniles in tribal court and in working with the Goshute Tribe in developing a tribal court, especially juvenile court procedures.

ULS is working with the Uintah and Ouray Ute Tribes to recruit a local Native American tribal court advocate to set up a Civil Legal Services Pro Se Clinic. Having assistance from an experienced criminal defense attorney has helped to train other staff to handle criminal matters. Program staff participates regularly with Victims Advocates, Department of Child and Family Services (DCFS) and tribal court staff in meetings to review project goals and to cooperate in serving our clients. The new tribal court advocate will attend weekly meetings with DCFS and will continue efforts to build a coalition that holds regular meetings concerning legal needs on the reservation.

LEGAL SERVICES OF NORTH DAKOTA

Legal Services of North Dakota has represented low income Native Americans in tribal courts in North Dakota since the 1970's. In nearly 30 years the program has handled in excess of 3,500 tribal court cases in Spirit Lake, Turtle Mountain and The Three Affiliated Tribes trial and appellate courts. Attorneys working on the reservations have a total of 85 years of legal experience. Legal Services of North Dakota also has three tribal court advocates who have almost 50 years of combined legal experience.

North Dakota will use funds to represent juveniles in the four tribal courts in cases where judges and judiciary determine there is an unmet need for representation and anticipate a 33.3% increase in the number of defendants served.

PINE TREE LEGAL ASSISTANCE OF MAINE (PTLA)

Pine Tree Legal Assistance Native American Unit serves Native Americans, throughout the State of Maine, with special focus on the five remote Wabanaki reservations. PTLA has worked closely with tribal leaders and staff, including the Wabanaki Criminal Justice Commission, the Penobscot Boys & Girls Club, and the Maine Indian Tribal-State Commission. PTLA appears regularly in the tribal courts.

The full-time attorney in our Native American Unit has almost 35 years of experience as an advocate for Native clients, and substantial experience representing Native juveniles as a public defender. The Unit also includes part-time work by three very experienced attorneys and a very experienced paralegal, located in our local offices near the Indian populations. PTLA's advocacy in Passamaquoddy housing cases has established that tribal law governs housing disputes and has expanded the rights of Native tenants and homebuyers.

PTLA has been asked by the Maine Supreme Judicial Court to house a statewide Juvenile Justice Institute to implement the recommendations of the Maine Juvenile Justice Task Force.

The Task Force included tribal representatives and the report has critical implications for tribal youth. PTLA's proposed tribal court project will focus primarily on the two Passamaquoddy communities. PTLA will provide direct services in juvenile cases and will work on a systemic level to promote best practices for tribal youth. Activities may also include training for court staff and court-appointed attorneys, client education materials tailored to the needs of tribal youth, and collaboration with the new tribal youth task force.

DNA PEOPLE'S LEGAL SERVICES (DNA)

Established in 1967, DNA-People's Legal Services, Inc., DNA is short for the Navajo phrase "Dinébe'iiná Náhiilna be Agha'diit'ahii," which means for "attorneys who work for the economic revitalization of the people." DNA provides comprehensive civil legal services to help residents of seven tribal communities: Hualapai, Havasupai, Kaibab Paiute, Hopi, and San Juan Southern Paiute in Arizona; Jicarilla Apache in New Mexico; and the Navajo Nation which covers portions of Arizona, New Mexico and Utah. In addition, DNA is contracted as the public defender for the Hopi Tribe, providing legal assistance and representation in criminal cases for tribal members who cannot afford an attorney.

Tribal membership for the small tribes in DNA's service area ranges from fewer than 200 to nearly 7,000. Except for DNA attorneys, none of these tribal communities has more than a couple of legal professionals – attorneys or tribal court advocates - who provide legal services for individuals in criminal cases. This means that most Native Americans in DNA's service area, adults and juveniles, have virtually no access to an attorney when they need one.

DNA now provides 2 FTE tribal court advocates for criminal representation at Hopi. Under this grant DNA will add personnel to expand legal defense representation for individuals and enhance tribal criminal justice systems in the smaller tribes in our service area. DNA expects

to increase services to individuals by 5% and to increase efficiency for at least two tribal justice systems.

TEXAS RIO GRANDE LEGAL AID

Texas Rio Grande Legal Aid, Inc. (TRLA) works with one tribal court, the Kickapoo Traditional Tribe of Texas (KTTT) Tribal Court. Though a small tribe, the KTTT is internationally recognized as one of the most traditional tribes in North America. It is important to the KTTT that its justice system comports with its traditions and values, including inclusion of its traditional alternate resolution system. TRLA has worked for many years with the KTTT to create a tribal justice system that meets these values and at the same time protects the rights of tribe members and others who may come within the tribe's jurisdiction. With TRLA's help, the KTTT adopted basic tribal civil and criminal law enforcement codes and procedures, and an interim tribal district court. Now, TRLA accepts appointments and referrals from the interim tribal court and court clerk to provide legal assistance.

The KTTT also established a law enforcement committee which drafted a law enforcement ordinance. The law enforcement committee certifies individuals who are already trained, licensed peace officers as tribal police officers and approve training so other qualified individuals can become tribal police officers. The tribal police are authorized to enforce tribal criminal laws in addition to keeping the peace and good order and issuing civil citations on the KTTT reservation and dependent community.

With resources from this grant would enable TRLA to accept appointments from the tribal court in criminal cases.

LEGAL AID OF WYOMING

Legal Aid of Wyoming Inc. is a new organization that just received full LSC funding in August of 2009. Legal Aid serves the Wind River Indian Reservation made up of Eastern Shoshone and Northern Arapaho Tribal members and is requesting financial support to provide criminal representation to the Tribes.

As a new organization, LAW has a short history of providing services to the Reservation but the need is overwhelming. Legal Aid employs one full time attorney and one full time tribal advocate to try and meet the needs on the Reservation and serve over 23,000 Tribal members. Any additional funding will increase LAW's ability to serve the under-represented population on the Reservation.

WISCONSIN JUDICARE, INC.

Wisconsin has two tribal courts who handle criminal cases. Neither one of them provide any type of counsel for criminal defendants. As for the juvenile delinquency cases, approximately 5 tribal courts hear those cases. None of them provide any type of counsel or guardian *ad litem* in those delinquency cases. Wisconsin Judicare will provide counsel or Peacemakers or guardian *ad litem* in as many of those cases as possible. Judicare has trained both Peacemakers and guardian *ad litem* in these tribal communities so it is very timely and helpful if Judicare can pay them to provide assistance to these individuals. Judicare expects to cover between 5 and 10 per cent of the criminal or delinquency cases in those courts.

Criterion 5. Impact/Outcomes, Evaluation, and Plan for Collecting Data for Performance Measures.

In order to demonstrate the program's effectiveness, each program will develop an implementation plan that will enable NAILS to measure success in achieving the universal goal of 'enhancing tribal court systems and improving access to those systems'. Some programs

provide criminal services to adults or juveniles only, others to both groups, and some programs to tribal justice systems. Regardless, all programs will begin evaluating their program's effectiveness by counting the numbers and types of individuals and tribal justice systems they provide services to under the grant. The programs anticipate being able to calculate the increases in the number of persons or tribal justice systems receiving legal services during the first year compare to the number of persons who were unrepresented previously, and the number of tribal justice systems receiving legal services that did not receive such services previously.

The second major evaluation tool is a Client Satisfaction Form that will be used at the close of each case. Clients will complete the form at the end of each case. Data will be collected and analyzed to determine (a) the number of clients who actually completed the survey; and, (b) how clients rated their legal experience with a grant funded attorney as satisfactory or better.

Both measures will be exceedingly useful in providing future services. First, the case management system of each organization will be able to determine quantitatively the increase in services they are able to provide based on the amount of funding they receive. Secondly, client satisfaction surveys yield both qualitative and quantitative data. Client satisfaction surveys can play a key role in identifying areas of the program that require corrective action and improvement. Surveys can also identify areas that can be leveraged to achieve organization stability, growth and expansion.

Attachment 2

**BUDGET NARRATIVE and
BUDGET DETAIL WORKSHEET**

for

Category 2

Tribal Criminal Legal Assistance Grants

Competition ID: BJA-2010-2478

Native American Rights Fund/
National Association of Indian Legal Services
OJP Tribal Civil & Criminal Legal Assistance
2010 Application
Budget Detail Worksheet

A. Personnel

Name/Position	Computation	Cost
A. Project Coordinator	[REDACTED]	\$ [REDACTED]
B. Grants Manager	[REDACTED]	\$ [REDACTED]
C. Support Staff	[REDACTED]	\$ [REDACTED]

Project Coordinator will work with the Indian Legal Service Providers to coordinate grant. Grants Manager will monitor grants compliance. Support staff will assist Project Coordinator and Grants Manager.

Total Personnel \$ [REDACTED]

B. Fringe Benefits

[REDACTED] \$ [REDACTED]

Amounts shown for fringe benefits are estimates determined by historical data and are provided for proposal evaluation purposes only. Actual fringe benefit costs will be charged to the grant according to each employee's actual benefits.

Total Fringe Benefits \$ [REDACTED]

C. Travel

Purpose of Travel Location Item	Computation	Cost
BJA-sponsored training, location TBD		
Airfare or mileage	\$1000 X 2 trips	\$ 2,000
Lodging	\$125 X 2 nights X 2 trips	\$ 500
Per diem	\$40 X 3 days X 2 trips	\$ 240
Ground transportation, parking, etc.	\$60 X 2 trips	\$ 120
Total Travel		\$ 2,860

Above include airfare, lodging, per diem, and/or mileage to attend two BJA-sponsored trainings during the grant period. NARF travel policies will be followed.

Native American Rights Fund/g National Association of Indian Legal Services
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 Budget Detail Worksheet

D. Equipment

<u>Item</u>	<u>Computation</u>	<u>Cost</u>
None		\$ _____ -
Total Equipment		\$ _____ -

E. Supplies

<u>Supply Items</u>	<u>Computation</u>	<u>Cost</u>
General office supplies - pens, papers, etc.	(\$155/month X 24 months)	\$ 3,720
Total Supplies		\$ 3,720

Office supplies are needed for the operation of the project.

F. Construction

<u>Purpose</u>	<u>Description of Work</u>	<u>Cost</u>
None		\$ _____ -
Total Construction		\$ _____ -

Native American Rights Fund/g National Association of Indian Legal Services
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G. Consultants/Contracts

Contracts

Item	Computation	Cost
Alaska Legal Services	Per MOU	\$
Anishinabe Legal Services		\$
California Indian Legal Services		\$
Colorado Legal Services		\$
Dakota Plains Legal Services		\$
DNA-People's Legal Services		\$
Idaho Legal Aid Services Inc.		\$
Legal Services of North Dakota		\$
Michigan Indian Legal Services		\$
Montana Legal Services Association		\$
Legal Aid of Nebraska		\$
New Mexico Legal Aid		\$
Oklahoma Indian Legal Services		\$
Pine Tree Legal Assistance		\$
Southern Arizona Legal Aid		\$
Texas Rio Grande Legal Aid		\$
Utah Legal Services		\$
Wisconsin Judicare		\$
Legal Aid of Wyoming Inc.		\$
Total Consultants/Contracts		\$

Amounts for each NAILS partner have been calculated based on a formula geared to the client population being served, adjusted to provide each program with a certain minimum floor funding. Memoranda of Understanding will be obtained with each partner. Partners will submit reports to NARF reflecting actual expenses on grant activities.

Native American Rights Fund/n National Association of Indian Legal Services
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 2010 Application
 Budget Detail Worksheet

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H. Other Costs

Description	Computation	Cost
Communications	\$100/mo X 24 months	\$ 2,400
Postage	\$88/mo x 24 months	\$ 2,112
Total Other Costs		\$ 4,512

Postage and communications will be needed for the general operation of the project.

I. Indirect Costs

Description	Computation	Cost
Indirect Costs		\$ -
Total Indirect Costs		\$ -

Native American Rights Fund/g National Association of Indian Legal Services
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 Budget Detail Worksheet

Budget Summary

Budget Category	Amount
A. Personnel	\$ [REDACTED]
B. Fringe Benefits	\$ [REDACTED]
C. Travel	\$ 2,860
D. Equipment	\$ -
E. Supplies	\$ 3,720
F. Construction	\$ -
G. Consultants/Contracts	\$ [REDACTED]
H. Other	\$ [REDACTED]
Total Direct costs	\$ 1,250,000
I. Indirect Costs	\$ -
TOTAL PROJECT COSTS	\$ 1,250,000
Federal Request	\$ 1,250,000
Non-Federal Amount	\$ -