

Guidelines needed for professionals

by Paul Swetzof
for the Tundra Times

Attorneys and consultants. Who are these people who talk in a language known only to themselves have drained us of money and to a large extent, have imposed their voices over our own? Do we need them as much as they seem to think we do?

OPINION **Unangan Tunukun** *The Aleuts Speak*

Unfortunately, attorneys often are our only means to access the legal system. All of the laws which we use to our advantage, our IRA and Traditional governments, our lobbying efforts for increased self-determination, were and are crafted by lawyers. In essence, lawyers have created the rules which govern this nation and, by doing so, have given themselves permanent employment.

Hardly anyone other than a lawyer knows how to manipulate the law to the advantage of whatever client he/she is working for. While having great dislike for the way this system works, I reluctantly have to conclude that we need the services of attorneys.

That said we all are stuck with having to decide when we actually need lawyers, as opposed to when lawyers think that we need them. On this front the news is a little brighter.

We need lawyers when we go to court. It would be irresponsible to be fighting a village government or subsistence issue in court without an at-

torney. However, it's been my experience that lawyers have consistently and successfully managed to convince many of us that we simply can't get along without their advice and paternalistic oversight in every aspect of our lives.

Attorneys, many with bigger egos than is justified, all too often have the nerve to tell us that we must use them when we form commissions, engage in self-determination and take other actions which affect our daily lives as Native people. Don't believe it.

How often have we attended meetings, formed commissions, determined our subsistence needs, when it seemed like there were more lawyers and consultants present than our own people? How often have you heard your elders and village leaders complain after a meeting that the lawyers seemed to be running the show and making decisions which should be left to the people most affected by the decisions being made?

My advice: Never have more than one, or at the most two, attorneys or consultants present at any meeting where decisions are supposed to be made by your own people. Make it clear from the start that, with few exceptions, the lawyers and consultants are to keep quiet and save their advice for when they are specifically asked to give it.

One good tact that I have used in years past is to limit the attorneys and consultants to no more than a certain amount of time, by example 15 minutes, at the conclusion of a meeting.

In fact, the best way to keep control over your attorneys is to enforce

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the amount of time they are allowed to speak and to have them put all of their thoughts on to paper.

This, in turn, allows us to do two things. The first is to separate the legal advice from the attorneys' attempt to control the decision making process and impose her/his agenda over what may be a different agenda of the people. The second is to take the time to study the valid legal advice and decide which advice to accept, which to reject and which needs further clarification.

I've found that this method of doing things, or something similar, provides us with the time to do things in our own way, our own time, and most importantly, using our own methods and ways of decision making.

When it comes time to pick an attorney or consultant how do you know what attorney or law firm to choose? Many of our villages, corporations and associations have chosen attorneys who, usually not known to them, are active opponents of Native sovereignty, subsistence and other Alaska Native concerns.

And yet a portion, sometime a major portion, of their income is derived from Native people and their organizations. Those that fight us on the one hand (often with our money), and take our money with the other hand are hired guns, who regardless of their values, will represent the highest

bidder.

Carefully learn about and analyze the views of lawyers before they are hired. Stay away from those that would destroy us, while, at the same time, put our money in the bank.

It is always best to use attorneys and consultants who are proven proponents of Native self-determination (including sovereignty) because even the ones who have no opinion will likely work for the highest bidder, which means that one day they will be promoting your interests and the next they will be fighting you.

When possible, choose attorneys who are free or who adjust their fees to meet the needs of their clients. Village councils have a number of options when looking for attorneys to represent them in village government, Tribal court, Indian child welfare and subsistence matters.

We should develop and use guidelines for the hiring and use of attorneys and consultants. Most importantly, I believe with my whole being that we should use them only when we really need them in order to avoid so-called professionals from setting our agendas and running our show.

Use attorneys and consultants only after you determine what you want to do and how you want to do it, or you may end up not recognizing the mess that these people are very capable of creating.