According to the 2010 U.S. Census, 1.7 percent of the U.S. population are American Indian, Alaska Native alone or in combination. They also experience high rates of poverty. The median household income for Native Americans was $16,450 less than the U.S. as a whole.\(^1\) Studies have shown that Native Americans often experience significant legal issues and have a multitude of unmet legal needs. Native Americans are more likely to experience employment-related problems, and problems with rental housing, law enforcement, healthcare, and education (Social & Economic Sciences Research Center, 2014).

Page 1 of this research brief provides some research highlights; page 2 a narrative overview; page 3 a featured federal resource; page 4 other helpful resources; and pages 5-7 summaries of the curated studies. All endnotes are to sources not included in our summaries section.

**RESEARCH HIGHLIGHTS:**

- "While 54% of all [survey] respondents experienced one or more problems relating to rental housing, 68% of African-American respondents, 65% of Native America, [sic] and 63% of persons with a disability had a problem in this area" (Social & Economic Sciences Research Center, 2014).

- Native Americans are more likely to have non-parental custodial care (like grandparents having custody over their grandchildren) than other Americans. In interviews conducted with Native American caregivers, they noted "legal custodial issues as critical" and "reported legal aid as a significant need" (Kopera-Frye, 2009).

- Those who used the services of the Native American Disability Law Center reported satisfaction with the services provided but also frustration that there were not more resources available to them. "People who received one-on-one services are twice as likely to believe that they got the kind of help they wanted than those who receive a lesser service. Only 7% of those who got the highest level of service feel they did not receive what they wanted compared to 15% of those who received information and referral, short-term assistance or were unsure about that kind of help they got" (Native American Disability Law Center, 2007).

- Researchers found "The most frequent problem was difficulties in obtaining rights and privileges guaranteed to Native Americans … The second most frequent problem was traffic violations, which accounted for 16% of all IPS [Indian Paraprofessional Services] cases. … Twelve percent of the cases were domestic problems involving family conflict, desertion, separation, or divorce" (Stauss et al., 1979).
NARRATIVE OVERVIEW RE:
WORKING WITH TRIBES AND TRIBAL MEMBERS

Domestic violence (DV) is defined as violent, often aggressive, behavior used by one partner in a relationship that incites fear and intimidates the other partner or among family members. The U.S. Department of Justice Bureau of Justice Statistics differentiates between DV (violence from family members and former or current partners) and IPV (violence only from current or former partners). Experiencing violence can leave a profound impact. Those who have been directly victimized report higher rates of depression, are at higher risk for repeat victimization, and are at higher risk for perpetrating DV in their lifetimes than those who have not experienced violence.

Experiencing IPV/DV is common: The Centers for Disease Control and Prevention reports that in the U.S., 36.4 percent of women and 33.6 percent of men experience sexual or physical violence or stalking perpetrated by an intimate partner in their lifetimes. In 2017, data from the National Crime Victimization Survey found that 1,237,960 Americans had experienced DV in the six months prior to the survey.

DATA AND STUDIES SHOW LEGAL AID HELPS:

Individuals who have experienced domestic violence often display a multitude of legal needs: from assistance with filing protection orders, custody issues, housing, identity theft, and employment. Domestic violence survivors and sexual assault victims are likely to report more legal needs than the average low-income household. Studies show how access to legal aid can both reduce domestic violence and mitigate some of its collateral consequences. Kernic (2015) found that when DV survivors have access to legal representation in child custody cases, they are granted greater protections and visitation decisions when compared to those who are not represented. Another study agrees. The National Network to End Domestic Violence (2017) found in their survey of 1,762 shelters that DV survivors without legal representation are more likely to be later victimized than those without access to legal representation.

Having access to legal representation reduces the likelihood of future violence. In their seminal study, Farmer and Tiefenthaler (2003) found that increased access to legal representation and services is partly responsible for the decrease in domestic violence seen in the 1990s. More recently, Hartley and Renner found that with legal representation to obtain a protective order or on a family law issue, survivors of domestic violence in Iowa saw increases in monthly income and personal growth and support. They also found that, while receiving free civil legal services for intimate partner violence, depression and PTSD decreased significantly over one year.

The Institute for Policy Integrity (2015) also found that providing legal services to DV survivors reduced domestic violence, as well as the societal costs of domestic violence. Elwart and colleagues (2006) found that when state funding of domestic violence service providers was at $9.1 million, the maximum benefits were $27.3 million.
FEATURED FEDERAL RESOURCE:
U.S. Department of Justice, Office for Victims of Crime Vision 21 Report

Vision 21: Transforming Victim Services (TVS) outlines a comprehensive and systematic approach to change how we meet victims’ needs. TVS grew out of a series of meetings that were sponsored by OVC. The discussion and research focused on the role of victim assistance, how to better serve victims, addressing issues in the field, and identify emerging issues in the field.

This report dedicates an entire chapter to meeting the holistic legal needs of crime victims. The TVS statement reads: “Every state will establish wraparound legal networks that will help ensure that crime victims’ rights are enforced and that victims of crime receive the broad range of legal services needed to help rebuild their lives in the aftermath of crime” (p. 9). This chapter summarized efforts made within the last decade to secure crime victims’ rights, the difficulties victims face in navigating the justice system, and ways that legal networks can better address crime victims’ needs.

Highlights:
- “A staggering 42 percent of victims never report serious violent crime to law enforcement. We need to know why. Stakeholders described a maze of overlapping, complex legal issues facing victims; for example, a single victimization can involve immigration status, civil legal assistance, administrative law remedies, and rights enforcement” (p. vi).
- “Victims of crime all too often face a perplexing maze of coexisting, overlapping, and complex legal issues after their victimization. They must navigate multiple systems (i.e., the criminal, civil, and administrative justice systems), each with its own requirements and processes. One case of victimization may produce myriad legal issues for the victim, including orders of protection, victims’ rights enforcement, compensation, employment, housing, home foreclosure, spousal support, and child custody, visitation, and dependency” (p. 12).
- “Serving crime victims in indigenous communities presents a special challenge to all members of the victim service community, particularly providers of legal services. American Indian and Alaska Native populations suffer significantly higher crime rates than the rest of the Nation—a fact that underscores the urgency of finding ways to deliver services more successfully or, in the case of legal assistance, to deliver services at all” (p. 12).
- “Compounding the lack of legal representation for crime victims is the absence of a single point of entry through which victims of all types of crime may access services to address the wide range of legal needs they may have as the result of their victimization” (p. 14).
- “A coordinated, collaborative, and holistic legal response has the potential to serve victims far better through an inherent capacity to provide the type of legal assistance needed at any given time. A network approach would also ensure that victims are connected to community legal resources that can help them address their administrative, civil, and other legal issues” (p. 14).

HELPFUL RESOURCES:

• The U.S. Census provides the most recent statistics about Native Americans.\(^8\)
• The organization, American Indian Youth, has a page with recent statistics about poverty and Native Americans.\(^9\)
• Legal Services Corporation has collected client success stories here.\(^10\)
• For more information about civil legal aid messaging, communications, and story-telling, go to the Voices for Civil Justice and All Rise for Civil Justice websites.\(^11\)
• For a more comprehensive repository of legal aid related research, go to the National Legal Aid & Defender Association’s LegalAidResearch website.\(^12\)

Endnotes

6 Supra note 1.
7 Supra note 5.
8 https://www.census.gov/programs-surveys/geography.html
9 http://indianyouth.org/american-indian-life/poverty-cycle
11 See https://voicesforciviljustice.org/ and https://www.allriseforciviljustice.org/
12 https://legalaidresearch.org/

Researchers with the Social and Economic Sciences Research Center conducted a probability sample of individuals living in Washington state. They found that Native Americans were more likely than other Washingtonians to experience employment-related problems, problems with rental housing, law enforcement, healthcare, and education. This report was commissioned by a special committee of the Washington State Supreme Court.

**Methodology:**

They conducted a statewide random probability survey in the main report, but in this supplement, they present the findings from a targeted non-probability survey they used to obtain responses from groups, like Native Americans, unlikely to be represented in the address-based probability survey. They recruited community-based organizations that provided services to members of these groups and had them fill out the survey.

**Highlights:**

- “59% of Native Americans and 58% of persons with a disability experienced employment-related problems” (p. 7).
- “While 54% of all [survey] respondents experienced one or more problems relating to rental housing, 68% of African-American respondents, 65% of Native America, [sic] and 63% of persons with a disability had a problem in this area” (p. 7).
- “Native American respondents were more likely than all [survey] respondents to report discrimination in the areas of rental housing, law enforcement, health care, and education” (p. 10).


Kopera-Frye, a social scientist, writes that non-parental custodial care (such as care for children by grandparents) is common among Native Americans. In interviews conducted with Native American caregivers, they noted “legal custodial issues as critical” and “reported legal aid as a significant need” (p. 364). For those interviewed, Native American grandparents reported a median income of $1,300. This study interviewed Latino and Native American grandparents about their social and legal needs.

**Methodology:**

Kopera-Frye conducted in-depth interviews with 17 Native American and 7 Latino kin givers. She used a modified version of the Belief Development Scale to see how caregivers influenced their care recipient in religion and spirituality, politics, sexuality, family ideals, education, work, morals, personal identity, and cultural sense and identity. She also had them respond to a Shared Cultural Activities Scale, which asked about how often the caregiver engaged in activities related to their cultural heritage.
Highlights:

- "Among those grandparents aged 30 years and older, 56% of American Indian and Alaskan Native grandparents report primary caregiving responsibility among the 550 federally recognized tribes; the corresponding rate for the U.S. total population is 41%" (p. 399).
- "Regarding issues and needs surrounding the kin caregiving role, results indicated that both groups similarly reported concerns involving finances and health of child; Native Americans noted legal custodial issues to be of importance. … Native Americans predominantly reported legal aid as a significant need" (p. 404).


The Law Center specializes in providing civil legal aid to disabled Native Americans. Using a mail survey, the Native American Disability Law Center contacted 2,000 individuals who had used their services of attended an outreach workshop. They had a response rate of 9 percent for this mail survey. The researchers also held focus groups with 70 individuals who had used their services. Despite the low response rate for the mail survey, the surveys were representative of the Law Center clients. Approximately half of the respondents experienced a favorable outcome and 81 percent said that there is no other place they can go to for legal help.

Methodology:
The Law Center sent out a mail survey to 2000 of their clients and held focus groups with 70 individuals.

Highlights:

- “Three quarters of all respondents, for example, receive Social Security, and nearly half (42%) are on Medicaid. These are strong indicators that the population surveyed is very low income” (p. 13).
- "One important finding of this survey is that people who received one-on-one services are twice as likely to believe that they got the kind of help they wanted than those who receive a lesser service. Only 7% of those who got the highest level of service feel they did not receive what they wanted compared to 15% of those who received information and referral, short-term assistance or were unsure about that kind of help they got. Individuals who received training and education appear to be clear about the service they were seeking and received" (p. 17).
- “Respondents were asked if their problem was solved with help from the Law Center. While 15% of all respondents are still waiting for a final resolution, exactly 50% say the issue was, and fewer (37%) said it was not.”
- “81% of respondents say there is no other place they can go for help” (p. 23).


This study was conducted when almost half of all Native Americans lived in urban areas (today, it is about 71 percent). They conducted a survey of Native American paraprofessionals in Seattle. They were called the Indian Paraprofessional Services (IPS) and provided outreach legal and social aid and made referrals to legal aid services, among other social services. IPS referred almost 700 individuals to the public defender, a legal aid attorney, another attorney, or social services. IPS also offered advice, assisted at hearings, and lent money.
Methodology:
They tracked the activities of the Native American paraprofessionals in Seattle. They reported on the type of problem with which they assisted, the actions of the paraprofessionals to assist the clients, and their outreach activities.

Highlights:
- “Native Americans do have disproportionately high arrest rates: they are arrested six times more frequently than White Americans and twice as often as Black Americans. The difference is even greater for alcohol-related offenses for which arrest rates of Indians are 16 times as high as for Whites and eight times higher than for Blacks” (p. 386).
- “During the 18 months that IPS solicited clients, nearly 700 people came into the office with problems sufficiently serious as to require at least 15 minutes of a paraprofessional” (p. 388).
- “The most frequent problem was difficulties in obtaining rights and privileges guaranteed to Native Americans. … The second most frequent problem was traffic violations, which accounted for 16% of all IPS cases. … Twelve percent of the cases were domestic problems involving family conflict, desertion, separation, or divorce” (p. 389-390).
- “The program demonstrated that minority people without extensive formal training can be trained fairly quickly to deliver legal and social services to their own communities. The practice of careful screening of requests for assistance, with only the more complicated legal problems being referred to the supporting attorneys, seemed to be an economical way of delivering legal aid services” (p. 393).