



Courtesy Abby Abinanti

Abby Abinanti, Yurok Tribal Chief Justice: "We're creating a professional class of lawyers and advocates."

Putting the Yurok Tribe First; Judge Abinanti Reflects on Her Career

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In 1974, Yurok tribal member Abby Abinanti became the first Native American woman to be admitted to the State Bar of California. Over the next 40 years, she served as a San Francisco Superior Court commissioner, acted as judge or magistrate for several Western tribes, and established the Yurok Tribe's fishing court. Today, she is the tribal court's chief justice.

It's been an auspicious career for a woman who, as a youngster, never dreamed of donning a judge's robe. Born in San Francisco in 1947 and raised on the Yurok Indian Reservation, which lies 45 miles from the Pacific Coast along California's Klamath River, Abinanti originally wanted to be a journalist.

“I developed that interest in high school,” reflected Abinanti, 66. “The journalism teacher befriended me and worked with me during a difficult time in my life, and he gave me a scholarship.” With a laugh, she added, “I think he sort of made it up so he could give it to me.”

While Abinanti was studying journalism at Humboldt State University in Arcata, California, she came across a flyer for the University of New Mexico School of Law. The flier addressed programming specifically for Native American students.

“UNM was the home school for the Indian law program,” Abinanti explained. “I never really wanted to go into law, but I was told that we needed lawyers more than journalists. So I pursued it.”

After passing the bar exam in 1974, Abinanti delved into her work. What would become her lifelong specialties, family court and juvenile dependency, took shape in the wake of the 1978 Indian Child Welfare Act.

“I did a lot of dependency work,” she said. “Dependency court, delinquency, family law, back to dependency. It was a natural fit.”

In the late 1970s and throughout the 1980s, she also got involved in training tribal court personnel. She focused on lay judges who hadn’t been to law school, teaching them about process and how to set up appropriate systems.

In 1978, Abinanti returned to the Yurok Tribe, California’s largest Native group with approximately 5,600 members, to help set up its fishing court. She returned again in 1993 when the tribe earned federal recognition. The official Yurok Tribal Court was launched three years later, and she became its chief judge in 2007.

Appointed to the San Francisco bench in the 1990s, she continues to serve as a San Francisco Superior Court commissioner in a part-time capacity; she travels to the city every other week. But she remains committed to serving her community in a way that best meets its unique needs.

According to its mission statement, the Yurok Tribal Court is dedicated to supporting the traditional values of the people and having those values inform the development of the court as a modern institution. Its statement also notes that the court’s role “is to protect the values of the people, to support the development of those values within each member of the community, and to ensure that our responsibility to protect our traditions and traditional lands are carried out.”

In keeping with that mission, Abinanti spearheaded important innovations that are making a difference in the daily lives of tribal members. One is California’s first tribal child support program. This allows tribal members to provide non-monetary forms of

support rather than traditional cash payments. For example, food and labor are acceptable alternatives.

“This is a key issue for our sovereignty,” she said. “We’re in a better position than the state government to set up a fair support system, and we value different kinds of support. It’s more in our interest to handle it ourselves. I’m very pleased with the program.”

She also noted that the tribe will have a fully operational, online child-support court in April.

In addition, Abinanti created the country’s first tribal program that helps members clear their criminal records. Essentially, it allows offenders who have rehabilitated themselves to become productive members of society.

“Without a program like this, it could be very hard to get an education and find housing,” she commented. “I thought it was very important.”

Abinanti also has had a significant impact on the Yurok community through the tribe’s wellness court, which has been part of the Yurok Tribal Court since its inception. Its target: offenders who are suffering from addiction to drugs and alcohol.

“Our purpose is to help them get treatment, refocus and return to their path,” Abinanti said. “We’ve had a lot of individual successes. Our solutions are one by one. We have to keep going — from case management, to inpatient/outpatient treatment, to follow-up — and make sure these people right themselves.

“No one wants to be there,” she emphasized. “They want to get back to their better selves.”

Then there is her newest effort. Abinanti currently is working on a tribal council-approved pilot project, brokered with online Concord Law School-Kaplan University, that will help 10 tribal members pass the bar exam. Fundraising is necessary for program tuition, but Abinanti said it’s worth it, as this is a major area of concern for the Yurok Tribe.

“The employees will participate in an online program and graduate with a law degree,” she explained. “Those who pass the bar will commit to five years with the tribe, if the jobs are available. We’re creating a professional class of lawyers and advocates.”

Funding also is critical to Yurok Tribal Court operations, particularly case management. Abinanti acknowledged that this is always a challenge, so she works hard to help raise money for essential improvements — for example, being able to address truancy at the elementary level by sending case managers out into the field.

Abinanti admitted that she is beginning to contemplate retirement and a quieter life at her Klamath home. Yet she worries about the future of the court and her carefully tended programs, and she wonders how their ongoing management will impact the Yurok Tribe.

“What’s our transition plan?” she asked rhetorically. “Who will do all this? Of course I’m concerned.”

Until that transition plan is realized, she remains dedicated to her role, and that of the Yurok Tribal Court, in the community.

“This court is very different from others in its approach,” Abinanti observed. “There’s not just one way to do things. Our practices are derived from our traditional value systems, our village values.”

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