

Elimination of Bias: Imposter Syndrome & the Challenges of Working for Your Own Community

Rhylee Marchand, Colville Tribal Member

Attorney, Tulalip Tribes

Introduction

- ▶ Rhylee Marchand, Attorney Tulalip Tribes
- ▶ Colville Tribal member; Okanogan, Lakes (Sinixt), Moses-Columbia & Colville Bands.
- ▶ Eastern Washington University, B.A. History 2012
- ▶ University of Idaho College of Law, Native American Law Emphasis, J.D. 2015
- ▶ Represented the following tribes:
 - ▶ Coeur d'Alene (2015-2020)
 - ▶ Kalispel Tribe of Indians (2020-21)
 - ▶ Tulalip Tribes (20201-Present)



Family History:



Francis Camille & Lizette Edwards Camille (Great-Great-Great Grandmother)
Mary Camille (Great-Great Grandmother) and siblings



Mary Broder (Great-Great-Great Grandmother) Pictured with
Son Harry

Family History: Continued



Back Row: Bill Seymour, Gerold Simpson, Jim Symour, Bill Boyd, Walt Moomaw
Front Row: Guy Seymour, John Herron, Fudd Marchand(Great Grandfather), Dan Finley, Vic Desautel



Great-Great Grandmother Mary Marchand (Camille) w/grandchildren

Family History Continued



Great-Grandmother Barbra "Dots" Marchand
(CCT Council member 1971-74) w/ my Grandfather, Ronnie
"Red" Marchand Back R



Great Grandmother Agnes Parsons
Manuel & Great Grandfather Alex
Manuel, with my Grandmother
Lorraine Manuel Back L



Imposter Syndrome

- ▶ Imposter syndrome can be defined as a collection of feelings of inadequacy that persist despite an individual's evident success. 'Imposters' suffer from chronic self-doubt and a sense of intellectual fraudulence that override any feelings of success or external proof of their competence.
- ▶ Imposter syndrome can also feel like you are out of place or unqualified to be in a certain space.
- ▶ Examples of the Spaces I have entered and felt like an imposter:
 - ▶ Law School
 - ▶ Job interviews
 - ▶ Idaho State Capitol
 - ▶ Meetings with corporate partners

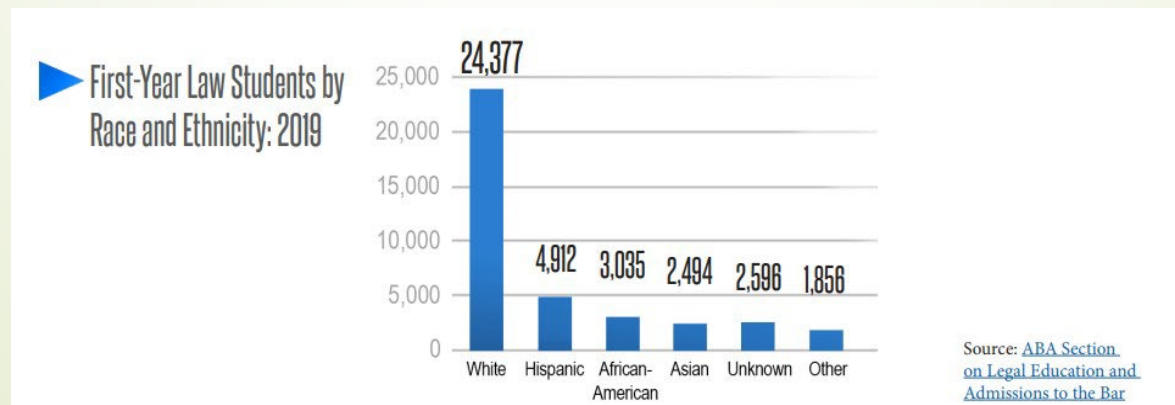
Law School Data Race & Ethnicity

Race / Ethnicity	UG	GR/Law/ WWAMI
Am. Indian/Alaska Native	1%	2%
Asian	1%	2%
Black/African American	1%	2%
Hispanic Latino	10%	5%
Native Hawaiian or Other Pacific Islander	0%	0%
Two or More Races	4%	2%
Total Minority	17%	
White	73%	72%
Unknown	4%	4%
International	6%	11%

University of Idaho 2015 Fall Census Data

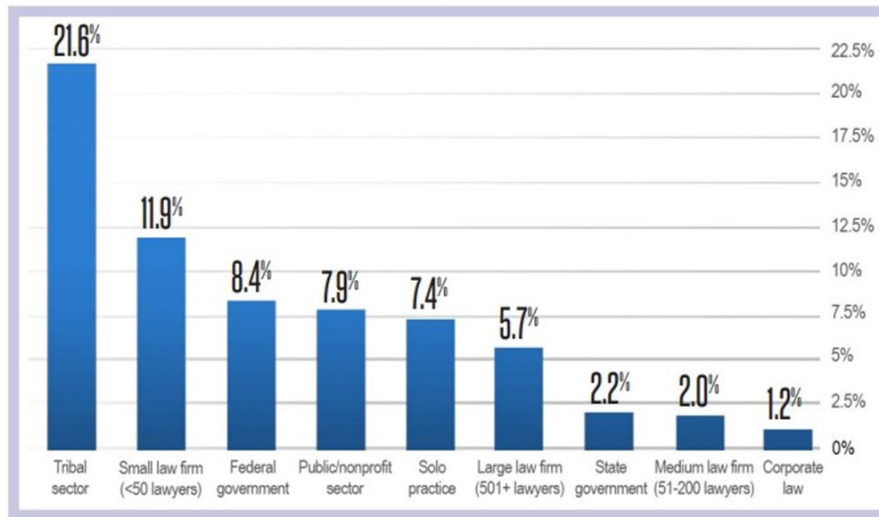
Race / Ethnicity	UG/ND	GR/Law/ WWAMI
Am. Indian/Alaska Native	1%	2%
Asian	2%	2%
Black/African American	1%	2%
Hispanic/Latino	10%	7%
Native Hawaiian or Other Pacific Islander	0%	0%
Two or More Races	4%	4%
Total Minority	18%	17%
White	74%	70%
Unknown	4%	3%
International	4%	11%

University of Idaho 2022 Fall Census Data



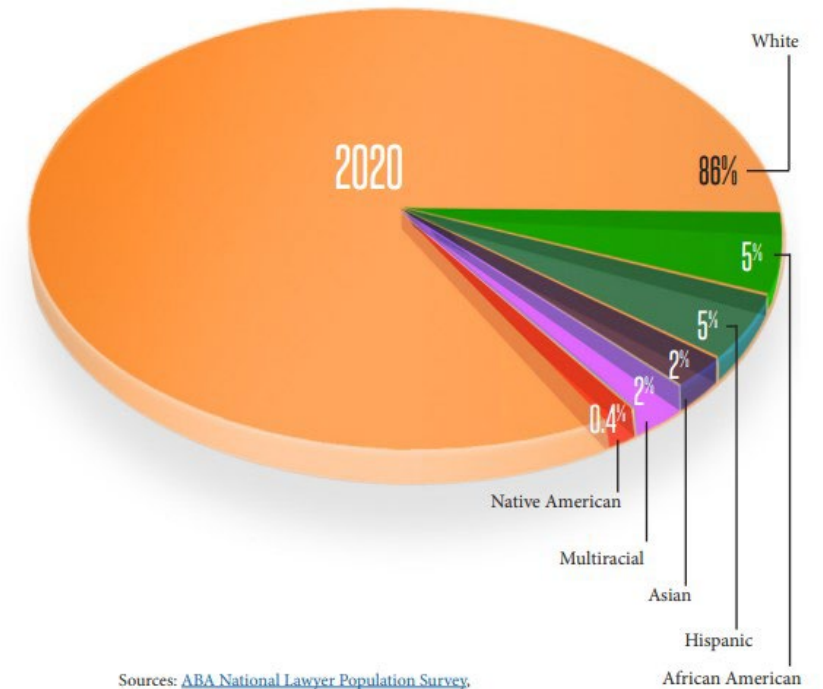
Lawyers By Race & Ethnicity

▶ Where Native American Lawyers Work



Source: National Native American Bar Association: [The Pursuit of Inclusion](#)

▶ 2020 Race and Ethnicity



Sources: [ABA National Lawyer Population Survey](#), [U.S. Census Bureau](#), [BlackPast.org](#)



Working for Your Own Community

- ▶ 2012-2013: Summer internship w/ Colville Tribes Prosecuting Attorneys Office
- ▶ This office covers the following:
 - ▶ Criminal: The Lead Prosecutor is responsible for reviewing all incoming police reports that are received from the police department and assign it accordingly. The assigned Prosecutor will review the case for charges, if the information lacks sufficient information (probable cause) to charge, the prosecutor will then send a request for follow-up back to the police department for further investigation. Once charges are filed, the prosecutor is responsible for appearing before the Tribal Court at the individual's arraignment, all pre-trial hearings, and is expected to take a case to trial, if unable to be settled thru plea negotiations. Once the case is adjudicated, the prosecutor is responsible for monitoring the case until successful completion of the individual's Judgement and Sentence.
 - ▶ Civil: The Prosecutor assigned to handle civil cases is responsible for reviewing all infractions that come from Natural Resource Enforcement, Fish & Wildlife, Police Department, Range, Animal Control, and Solid Waste. Upon reviewing all infractions filed by the respective departments, the assigned prosecutor appears before tribal court and represents each of those respective departments in order to seek a resolution in the Tribes best interest.
 - ▶ MINOC: The Prosecutor's Office is assigned to handle Minor in Need of Care cases and is responsible for representing Children and Family Services. Once a child has been taken into protective custody, the assigned prosecutor is responsible for drafting a petition to initiate proceedings to determine whether a child is a minor in need of care. The Prosecutor will work closely with CFS through the life of the case; will represent CFS at the Temporary Custody hearing, Adjudicatory Hearing, Disposition Hearing, and all subsequent review hearings.



Working for Your Own Community

▶ **RPC 1.7 CONFLICT OF INTEREST: CURRENT CLIENTS**

- ▶ (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
 - ▶ (1) the representation of one client will be directly adverse to another client; or
 - ▶ (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.
- ▶ (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:
 - ▶ (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
 - ▶ (2) the representation is not prohibited by law;
 - ▶ (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
 - ▶ (4) each affected client gives informed consent, confirmed in writing (following authorization from the other client to make any required disclosures).
- ▶ [Adopted effective September 1, 1985; Amended effective September 1, 1995; September 1, 2006.]



Working for Your Own Community

► Comments to the Rule:

► Lawyer's Responsibilities to Former Clients and Other Third Persons

- [9] In addition to conflicts with other current clients, a lawyer's duties of loyalty and independence may be materially limited by responsibilities to former clients under Rule 1.9 or by the lawyer's responsibilities to other persons, such as fiduciary duties arising from a lawyer's service as a trustee, executor or corporate director.
 - Example 1 : Tribal attorney is a guardian of enrolled tribal children in care of the Tribes, and also is asked to advise the Tribes social services department (ICWA) on cases, policy, or standard operating procedures that may have an impact on the children in their care.
 - Example 2: Tribal attorney is the executor of a deceased family members estate, which includes fractionated trust land and trust income. The attorney is asked by their client to make an offer to the estate to purchase the fractionated trust land.



Working for Your Own Community

- ▶ Personal Interest Conflicts

- ▶ [10] The lawyer's own interests should not be permitted to have an adverse effect on representation of a client. For example, if the probity of a lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client detached advice. Similarly, when a lawyer has discussions concerning possible employment with an opponent of the lawyer's client, or with a law firm representing the opponent, such discussions could materially limit the lawyer's representation of the client. In addition, a lawyer may not allow related business interests to affect representation, for example, by referring clients to an enterprise in which the lawyer has an undisclosed financial interest. See Rule 1.8 for specific Rules pertaining to a number of personal interest conflicts, including business transactions with clients. See also Rule 1.10 (personal interest conflicts under Rule 1.7 ordinarily are not imputed to other lawyers in a law firm).

- ▶ Example 3: Tribal attorney is asked to review a land lease and business license for their family member to run a C-Store on the Reservation. How could this have an adverse effect on the client?

- ▶ Lower lease rate, tax incentives, longer lease term



Working for Your Own Community

- ▶ [11] [Washington revision] When lawyers representing different clients in the same matter or in substantially related matters are related as parent, child, sibling, or spouse, or if the lawyers have some other close familial relationship or if the lawyers are in a personal intimate relationship with one another, there may be a significant risk that client confidences will be revealed and that the lawyer's family or other familial or intimate relationship will interfere with both loyalty and independent professional judgment. See Rule 1.8(l). As a result, each client is entitled to know of the existence and implications of the relationship between the lawyers before the lawyer agrees to undertake the representation. Thus, a lawyer so related to another lawyer ordinarily may not represent a client in a matter where that lawyer is representing another party, unless each client gives informed consent. The disqualification arising from such relationships is personal and ordinarily is not imputed to members of firms with whom the lawyers are associated. See Rules 1.8(k) and 1.10.
 - ▶ Example 4: Tribal Attorney's Uncle is elected to the Tribal Council and is now a client of the Tribal Attorney.



Questions?

- ▶ Contact Information:
 - ▶ Rmarchand@tulaliptribes-nsn.gov
 - ▶ Cell: (360) 913-4630