

**LOUISE BURKE CENTER FOR HOLISTIC REPRESENTATION, INC.**  
**A Non-Profit 501(c)3 Corporation**

Louise Marie Caye Burke was a traditional Kootenai elder and member of the Confederated Salish and Kootenai Tribes. As the mother of twelve children, she understood the importance of family and relationships within tribal communities. During her more than thirty years sitting as a tribal judge, Judge Burke routinely demonstrated a depth of wisdom and strength of character that enabled her to effectively utilize customs, traditions, compassion, and a no-nonsense approach.

The Louise Burke Center for Holistic Representation, Inc. (LBC) is a five-year pilot project that seeks to address the detrimental impacts experienced by American Indians involved in the justice system. LBC is a 501(c)(3) non-profit corporation created in Judge Burke's honor by individuals that had the privilege of working with her. The Board of Directors is comprised of tribal members and non-members, including persons with a background in criminal justice, native populations, and in managing non-profits.

LBC embraces a multifaceted approach to reducing the current disproportionate representation of American Indian people in legal actions initiated by governmental entities by recognizing the impacts of historical trauma, past federal policies, structural racism and their effects on tribal communities and Indian people. An alternative to public defense, LBC will operate in Missoula, Montana where 14% of the jail population is American Indian, but only 3% of the county's population. Projects are underway in Missoula to divert jail populations, but public defenders must be more active to address the disparity among American Indians caught up in criminal cases and civil, collateral complications. To do so, LBC will employ the holistic defense model developed by the Bronx Defenders in New York and the Tribal Defenders Office for the Confederated Salish and Kootenai Tribes. Holistic defense addresses not only the immediate issues that bring an individual into the criminal justice system but also the underlying contributing factors and the collateral consequences that may flow from that person's involvement with legal issues.

LBC will focus on four core concepts:

**1. Seamless access to services.**

Clients who encounter the criminal justice system have issues that, if unmet, will lead them to continually cycle through the system. Clients frequently face

collateral consequences to criminal charges that push them further into recidivism such as loss of housing, employment, and driver's license suspensions. Accessing services is often an obstacle for clients. LBC intends to offer seamless access to services whether in-house or in collaboration with other service providers in the community.

## **2. Interdisciplinary communication.**

Communication in holistic representation is characterized less by hierarchy and referrals and more by a genuine interdisciplinary exchange of ideas and information. LBC's team will be well informed not just about their clients' involvement in the justice system but also about their clients' progress in their work with other advocates.

## **3. Advocates with an interdisciplinary skill set.**

All advocates in a holistic practice must be willing to develop and enhance a set of skills that is client-centered and recognizes the benefits that may be achieved through an interdisciplinary approach.

## **4. An understanding of, and connection to, the community served.**

At its core, holistic representation cultivates an understanding of, and connection to, the community served. Advocates with that understanding and connection are better equipped to provide effective representation, address clients' needs and have an impact on recidivism. Community engagement will help LBC earn the respect and trust of the American Indian community within the Missoula area, while building a community-based network of support services for clients and their families.

## **Services**

Initially, LBC will provide criminal defense to those charged with misdemeanors that pose a risk to the person's liberty and civil advocacy to those facing collateral consequences resulting from criminal charges, including eviction from public housing. LBC will represent parents, guardians, or children in Indian Child Welfare Act cases, provide legal awareness training for affected members of the public, and strategic civil litigation to help create systemic change. Expansion of services is anticipated based on competency levels of advocates and sufficiency of resources.

LBC will offer driver's license restoration assistance, psychological and chemical dependency assessments and treatment, and cultural mentoring. LBC will

advocate for diversions by community outreach and by collaborating with prosecutors, treatment courts, and existing community services.

LBC will offer training to justice system professionals serving American Indians to raise awareness about systemic and structural racism, and the effects of implicit bias on this segment of the population. LBC will reach out to communicate, network, and advocate with other communities, both nationally and internationally, that address the same issues.

LBC will actively recruit American Indian personnel to continue to fulfill the purposes of the pilot project.

### **Staffing**

LBC will be staffed by a project director, a criminal defense attorney, a civil attorney, a research and training director, a social worker, an investigator, clinical psychology trainees, and support staff. The LBC will also be supported by interns who will provide criminal defense, civil advocacy, mediation, veteran's advocacy, social work and investigative work. All staff will be trained in holistic representation principles and methodology, as well as the impacts of systemic and structural racism in justice systems.

### **Co-Founders**

Ann M. Miller the managing attorney for the Tribal Defenders Office of the Confederated Salish and Kootenai Tribes on the Flathead Reservation in Montana. During her tenure, the Defenders Office implemented an innovative in-house service for clients with co-occurring mental health and chemical dependency, the Flathead Reservation Reentry Program, and a holistic defense practice with assistance from the Center for Holistic Defense sponsored by the Bronx Public Defenders Office in New York. Ms. Miller served on Montana's Public Defender Commission for 6 years and currently serves on Montana's Statewide Reentry Task Force.

Maylinn Smith is the Co-Director of the Margery Hunter Brown Indian Law Clinic at the University of Montana, Alexander Blewett III School of Law. For more than two decades, she has supervised third year law students in the Indian Law Clinic working on a variety of legal projects for tribal governments, organizations and individuals. In addition to handling litigation involving Indian issues in tribal, state or federal courts, the Indian Law Clinic drafts tribal codes; provides training to tribal justice systems, federal agencies and Indian organizations on requirements and procedures in accordance with Indian law

principles; assists with tribal economic development; represents parties in Indian Child Welfare Act matters and comments on legislation at the tribal, state and federal level. She has acted, or is currently acting, as an appellate judge for the Blackfeet Nation, Fort Peck Tribes, Crow Nation and the Southwest Intertribal Court of Appeals. She previously was Chief Judge of the Southern Ute Indian Tribal Court, legal advisor for the Salish & Kootenai Tribal Court and did private practice work. She recently established and is currently seeking funding for the Louise Burke Center for Holistic Representation to provide direct representation to American Indian people.

James Park Taylor manages the Tribal Prosecutor's Office for the Confederated Salish and Kootenai Tribes. Before that, he was Country Director for the Myanmar program of International Bridges to Justice. His duties included establishing and supporting public defender offices in Myanmar. His career includes many years of private practice emphasizing criminal defense, and almost a decade as the Managing Attorney of the Tribal Defenders for the CSKT. He left the Tribes in 2005 to accept a position as a Visiting Clinical Supervisor at the University of Montana School of Law. In 2007 he moved across campus to take a position with the Maureen and Mike Mansfield Center at the University of Montana. From 2008-2010 he traveled to China on behalf of the Mansfield Center to work with the Swiss based NGO International Bridges to Justice (IBJ). His work with IBJ in China focused on criminal justice reform, and served IBJ in China as Clinical Director, Acting Country Director, and Asia Training Director. From 2010-2013, he worked in private practice in Missoula, taught part time at the University of Montana School of Law, and did international consulting. He served as the first Chair of the Montana Public Defender Commission, and was a member of the Commission from 2005-2011. He is a past President of the Montana Association of Criminal Defense Lawyers. He was named as a Fulbright Senior Specialist in 2008, and traveled to the University of Pecs in Hungary and to Can Tho University in Vietnam. His consulting work has taken him to Afghanistan, Georgia, Vietnam, and Ghana. From 2013 to 2017, he served as the Legal Director for the ACLU of Montana, and has been involved in litigation on voting rights, marriage equality, the death penalty, and other civil rights issue.