



Les Ching, '82. Photo submitted

Tribal Jurisdiction

Tribal customs are often applied in Ching's court.

By Annie Flachsbarth

“Most young law students don’t know what they’re interested in really,” Les Ching said. “You have your goals and your ideas, but tribal law certainly wasn’t my foremost choice.”

Like it is for many students, the route to finding a niche after law school isn’t always a straight line – and tribal law usually isn’t even on the radar. But for the past 24 years, **Les Ching, '82**, has had the unique opportunity to serve as a tribal judge in Olympia, Washington, for the Squaxin Island Tribal Court.

Born in Hawaii and growing up in a military family, Ching’s father was stationed at McChord Air Force Base in Washington when he was in grade school. They moved back to Hawaii when he was in high school, and he received his undergraduate degree at the University of Hawaii. He attended his first year of law school at the University of Dayton in Ohio, before transferring to Washburn University School of Law.

“I had several choices, and I thought that Washburn would be a good choice for me being in the middle of the U.S.,” said Ching. “I chose Washburn Law, and I didn’t regret it. I was impressed

with the quality and friendliness of the professors. It is a great law school and I enjoyed going there.”

Ching noted he was the new kid on campus but the students were so nice that he had a whole group of friends by the end of his first week. He was even asked to join the law school student basketball team – a group that beat the faculty team in a game two years in a row.

After graduating, Ching wanted to get back to the west coast. His first legal job out of school in 1983 was as a deputy prosecutor in Washington. After five years, he opened his own private practice in Olympia, Washington. During that time, he held contracts and was the city attorney and city prosecutor for Tumwater, a small town outside of Olympia. He eventually served as the municipal court judge for 10 years before they disbanded the court entirely and unified with the county court. That experience is what led him to interview with Squaxin tribe in 1997.

Culture Shapes the Future

Being of Chinese, Filipino, and Japanese descent, Ching had no connection to the Squaxin tribe prior to obtaining the judgeship, but that wasn't a requirement of the job. The court is set up differently than a traditional court – with a built-in flexibility that allows tribal customs to be considered as part of the decision-making process and outcome of the case.

“Aside from the law we've adopted, there's also a tribal ordinance which dictates things like divorce, criminal law, fishing, and hunting,” Ching said. “We look at what has been the custom of the tribe over the last several decades or centuries to determine what rights are given.”

The process is more informal than other courts. When violations are made like hunting in certain places or clamming – or even when couples divorce and they are deciding on child support or custody – tribal customs are often considered. Anyone can raise their right hand and explain how it was done in their family and those customs are taken under advisement.

“I like it because it's smaller and it's friendlier. It's like a small town, you get to know all of the people,” Ching said.

Ching hears about 20-30 cases per month ranging from workers compensation and employment discrimination at the

local casino all the way to hunting and fishing. The gaming violations are so huge that they often have to work with the state of Washington to enforce those tribal hunting and fishing laws, but also state laws.

“Sometimes outsiders come onto the reservation land and they hunt and fish illegally, so we have to work with state authorities because we have no criminal authority over those who are not Indian. We work with the state of Washington fish and wildlife to make sure they get prosecuted,” Ching said. “Likewise, when Indians are caught violating laws off of the reservation, they throw those cases to our court.”

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Half of Ching's docket is fishing, clamming, and hunting violations – for example, when someone is catching too many fish, harvesting too many clams, fishing in enclosed areas or hunting off season. Usual penalties for these violations include fines and forfeiture.

“We don't usually put them in jail because that would be counterproductive. But what we usually do is take their nets, rifles, and fishing equipment,” Ching said. “All that has to happen is for them to get caught a couple of times and lose thousands of dollars in equipment – it helps them learn to toe the line.”

The maximum sentence Ching's court can give is a one-year sentence for misdemeanors and gross misdemeanors. Anything more serious than that, and they refer to the department of justice.

In 2016, he decided to hang up his private practice and mostly retire, but he continues to be the judge of the Squaxin tribe – work that he truly enjoys.