

Cibola Beacon, January 16, 2015

http://www.cibolabeacon.com/news/law-school-students-provide-much-needed-services/article_06d86028-9d8d-11e4-9de0-eb775f0c94b9.html

Law School Students Provide Much-Needed Services



BEACON / CHAVEZ

Patricio Serna

Retired New Mexico Supreme Court Justice Patricio Serna (left) speaks to 22 University of Denver Law School students at La Ventana last week. The students, along with Professor Lucy Marsh, were in the area for the Tribal Wills Project.

By Donald Jaramillo |

CIBOLA COUNTY – “Doing real things for real people,” said Lucy Marsh, Tribal Wills Project Coordinator. Marsh is also a Law School Professor at the University of Denver.

Marsh, along with 22 University of Denver Law School students, was in Grants last week as they assisted Native Americans with some legal services in Ramah and Crownpoint.

The Tribal Wills Project allows students to go to American Indian reservations at the invitation of the tribes to spend a week drafting much-needed wills, medical powers of attorney, living wills, and burial instructions for tribal members.

Students gain the experience of doing real work for real clients in a rural unique setting.

Partnering with the students was an assortment of volunteer attorneys who are major components to the project, said Marsh.



BEACON COURTESY PHOTO / M. HAMBLIN

Ramah Signing

University of Denver Law School student Sam Brown assists Ramah tribal member Tony Jake, in completing a will. On the right is Notary Louise Maria, also a tribal member of the Ramah Chapter.

A group of students set up an office in Crownpoint and another group set up in Ramah. The students were successful in assisting residents at both sites. The students were set up to assist through Thursday. However, because of the great response, both sites were still active on Friday, Jan. 9.

The visit to Crownpoint was their second, the group assisted residents there last year in May. In May, they completed nearly 40 wills, valued at nearly \$2,000 each. “The way we look at it,” said Ryan Cusick, “without this service, in many cases, it simply won’t get done. That is estimated at \$80,000 in attorney services in May alone... The Tribal Wills Project was the best thing I have done as a DU law student. I get direct face-to-face experience with clients and felt like the work we accomplish really benefits tribal members on a personal level.”

He added, “We essentially set up a micro law-firm...”

Kate Puckett, a law school graduate from the University of Denver, said, “The Tribal Wills Project provides the opportunity for students to expand their legal and cultural horizons, while understanding the value of pro bono work. It has been a highlight of my law school career.”

Thus far, the group has served Native Americans in three different states.



BEACON COURTESY PHOTO / M. HAMBLIN

Students and Michelle Begay

Ramah resident Michelle Begay works alongside two University of Denver Law students Alex Gunning (foreground) and Eric Johnson.

The primary reason the initiative was created in 2013 was because in 2004, the federal government passed the American Indian Probate Reform Act (AIPRA). Congress then amended the Act in 2008 in ways that has drastically affected the way that tribal member trust estates are distributed to heirs after death. “Understand, death is not a topic tribal officials wish to discuss openly,” said a longtime resident of Ramah. “They will talk to tribal members about being prepared for when they, or another could be gone. However, death specifically, is like taboo.”

Under the Act, if a tribal member were to die without an official will in place, most of his or her trust lands would pass to the oldest child, the oldest grandchild, or the oldest great grandchild. If none of these specific descendants exist or are able to receive the property, the trust lands will pass to the tribe. This means that regardless of the tribal member’s desires, no other family member will have any claim to the lands.

One law school student testified of helping a 99-year-old man in Ramah last week.

According to the Ramah longtime resident, there are more than 2,000 people tied to the initial 250 heirs of tribal land in the Ramah area. “Things could get a little confusing,” she said. “The Tribal Wills Project has been a great help in clearing some things up.”

The Act allows for tribal members to have wills, this is where the Tribal Wills Project comes in. It has created a need for wills for tribal members so they can determine to whom their land shall pass. “Our goal is to assist tribal members who often do not have access to legal counsel,” explained Marsh.

Last week's trip was one of three trips planned this year. Instead of taking a break when most University students do in the winter, spring and summer, students who volunteer for the Tribal Wills Project volunteer their time on the reservations.

The highlight of the group's trip last week was a banquet at La Ventana Steakhouse on Tuesday evening. Guest Speaker of the event was Patricio Serna, the retired justice of the New Mexico Supreme Court. Serna is a strong advocate of the Tribal Wills Project and he is a member of The New Mexico Tribal-State Judicial Consortium. Serna told the students, "You guys are addressing issues that resulted from the 2004 law. Fairness is justice. Keep up the good work and keep caring. By doing wills for these people, items can be equally distributed."

You can learn more about the Tribal Wills Project at www.law.du.edu/index.php/tribal-wills-project.