American Indian Wills Clinic Provides Development of Practical Skills through Service

Casey Ross-Petherick, Oklahoma City University School of Law
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By Casey Ross-Petherick

Oklahoma City University School of Law is home to the Jodi Marquette American Indian Wills Clinic. The clinic provides will drafting services to American Indians in Oklahoma who own an interest in trust or restricted American Indian land. Through the clinic, law students earn academic credit working with clients to draft estate planning documents, while under the direct supervision of the licensed attorney clinical professor.¹

There are 38 federally recognized tribal governments within the state of Oklahoma. Over 330,000 of Oklahoma’s citizens are American Indian or Alaska Native.² Nearly 1.1 million acres of land within Oklahoma are held in Indian status.³

FEDERAL LAW FOR AMERICAN INDIAN ESTATES

In 2004, Congress passed the American Indian Probate Reform Act.⁴ This act amended the Indian Land Consolidation Act to create new procedures for the administration of American Indian land estates,⁵ specifically setting forth the intestate succession law, wills requisites and probate procedures that are to be followed. The act was passed to eliminate confusion among various state laws, to reduce fractionalization of Indian land interests and to create incentives for individual landholders to engage in estate planning. The act also expands the testamentary powers of individual landholders to dispose of property without compromising the land’s Indian status.

HISTORY OF SERVICES

Oklahoma City University School of Law began providing wills services to American Indians in Oklahoma during the 2009 calendar year. The Wills Services Project received funding through a generous
grant from the Oklahoma Bar Foundation in the amount of $20,000 for the 2009 calendar year, and in that initial year, the project completed 66 wills.

In 2010, OCU opened the Jodi Marquette American Indian Wills Clinic. The clinic was made possible through an anonymous donation of $250,000, which was directed to continue and expand the services offered under the initial OBF grant. This generous donation will sustain the clinic through the 2013 calendar year.

The course has become a popular choice for students seeking to enhance their professional skills; more than 50 students have completed the American Indian Wills Clinic. Since the clinic’s inception in January 2010, legal services have been provided to hundreds of clients, completing over 300 wills.

While the clinic provides a wonderful service to clients who might not otherwise be able to afford this specialized legal representation, the bigger benefit is realized by the students who develop their practical skills and substantive knowledge through the clinical experience.

Fundraising efforts are now underway to sustain the clinic beyond the term of the initial gift. For more information, please contact me at 405-208-5312 or by email at crosspetherick@okcu.edu.

Ms. Ross-Petherick is a professor at Oklahoma City University School of Law.

1. Professor Casey Ross-Petherick, J.D., M.B.A (Cherokee) serves as the clinical professor for the American Indian Wills Clinic.
5. AIPRA does not apply to Restricted Property Allotments of the Five Civilized Tribes, or the Osage Allotments.