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From the Selected Works of Joseph E Hardgrave

Fall November 5, 2008

Pro Bono Attorneys in Montana needed to write Indian Wills

Joseph E Hardgrave, *Montana Legal Services*



Available at: https://works.bepress.com/joe_hardgrave/3/

Montana Legal Services Association



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November 5, 2008

Indian Wills Project—Pro Bono Attorneys

The Montana Legal Services Indian Wills Project is looking for Pro Bono attorneys to draft wills for tribal members. This project, founded in 2006, is a unique and vital Montana resource. The Project was established in response to the American Indian Probate Reform Act (AIPRA) of 2004, and addresses the dire need for will drafting services on all seven of Montana's Indian reservations. AIPRA creates a uniform federal probate code for reservations, and increases the importance of estate planning for tribal members. Without a will, AIPRA determines how Indian trust lands pass from one generation to the next, with the overall goal of consolidating ownership interests. Under certain circumstances, AIPRA provides for the forced sale of highly-fractionated interests in trust lands, thus tribal members lose land that has been in their families for generations. However, most reservation residents in Montana have little or no access to estate planning services. The Indian Wills Project is designed to address this need.

The Project is currently staffed by one AmeriCorps Legal Fellow. There is a much greater need than can be met with the limited resources available, and the Project is now grappling with a growing list of tribal members waiting to obtain estate planning assistance. For this reason, pro bono development has become critical to the ongoing success and sustainability of the Indian Wills Project. Pro Bono attorneys will be involved in all stages of the will drafting process; including initial consultation and information gathering, obtaining required reports such as an ITI report from the Bureau of Indian Affairs, drafting the will, and execution.

We are in immediate need of attorneys willing to participate. The Project will provide both training and support to pro bono attorneys, including information and guidance on AIPRA, and forms to aid in drafting Indian wills. Attorneys participating in this Project can take great satisfaction in providing a much needed service to Montana's low-income Indian population. The drafting of a will not only preserves land for generations to come, but it also helps preserve the cultural heritage of Montana as a whole.

Please contact Joe Hardgrave via phone or email from the above contact information. Thank you for your consideration!

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