Announcement--Indian Law Project

Joseph E Hardgrave
Indian Law Project—Description (2009-2010)

The project, originally founded in 2006 as the Indian Wills Project, is tailored to meet the needs of low-income individuals in Montana Indian Country with various Indian Law and consumer issues. The Project was first established in response to the American Indian Probate Reform Act of 2004, and addressed the dire need for will drafting services on all seven of Montana’s Indian reservations. However, most reservation residents in Montana have little or no access to estate planning services. The Indian Wills Project was originally designed to address this need. The Indian Law Fellow will continue to address the need for will drafting by training and recruiting other attorneys for will drafting, but the bulk of the Indian Law Fellow’s duties will be to assist low-income Native clients with other legal and consumer issues. Much of Montana Indian Country is located in remote areas where access to legal assistance is virtually non-existent. Because of the large geographic size of the state and the relatively small number of MLSA attorneys, the Indian Law Project is designed to support MLSA and to serve these Native clients..

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, so the Fellow’s mission is to create and support sustainable resources to meet the needs for will drafting, consumer law and other issues effecting Indian Country. The project has partially met the need for will drafting services in the past three years by training and recruiting pro bono attorneys and by conducting CLEs on Indian Will drafting around the state. The Indian Law Fellow will continue to support and recruit pro bono attorneys to meet this need.

However, the Legal Fellow will also assist the MLSA Indian Law Unit and Consumer Law Unit in carrying a small number of cases. These cases will be chosen for the legal fellow based on the relevance of the case to the Indian Wills Project (ie probate, land issues) and on the relevance of the other goals of the Indian Law Project. The Indian Law Fellow will maintain an individual caseload of 10-12 cases at a time. The Fellow will also create ways to educate tribal members on various consumer practices that would help them avoid many of these problems to begin with. The Fellow will design and conduct CLEs for Tribal Advocates on various topics. The fellow will contact tribal courts and judges to discuss what sort of training the advocates need. The Fellow will also design forms for Tribal Advocates.