Indian Estate Planning Institute Opens in Seattle

A new program at Seattle University School of Law (SUSL) will help ensure that American Indians receive needed legal services to help preserve their lands.

The Institute for Indian Estate Planning & Probate has a three-fold mission. First, it will assist Indian people in making informed decisions about their property by providing free and reduced-cost estate planning services to individuals.

Second, it will provide estate planning and probate training to tribes, government officials, and the legal community. Third, it will serve as a clearinghouse for Indian estate planning information.

The institute is a project of the Indian Land Tenure Foundation (ILTF), a non-profit corporation that recognized the need for a comprehensive and efficient approach to estate planning in Indian Country.

Estate planning gives Indian landowners the ability to reconsolidate and manage their land. The need is particularly pressing given the passage of the American Indian Probate Reform Act in November 2004 and the announcement in April 2005 that the Bureau of Indian Affairs would no longer be drafting or storing wills for tribal members.

"That's the void we're trying to help fill," said Douglas Nash, director of the institute, a member of Nez Perce Tribe, and an attorney with more than 30 years' experience working with Indian law issues. "Our objective is to grow into a national program that directly impacts and reduces the fractionation of Indian lands through education and the provision of estate planning services to tribal members and communities."

With the General Allotment Act of 1887, tribal lands were allotted to individual tribal members on more than 100 reservations. Those lands were held in trust by the United States for tribal members, meaning that the United States holds legal title to the land. Between 1887 and 1934, when the allotment policy was repudiated, more than 90 million acres of land were lost to Indian ownership.

Of those lands remaining in Indian ownership, the majority of the original 80- to 160-acre parcels are held today by dozens or even hundreds of interest holders because federal law required that ownership pass according to state laws of intestate succession. Each owner of an undivided interest needs permission from the others and from the United States in order to lease, manage, encumber, or improve the land.

The institute oversees existing ILTF projects that provide free or reduced-cost Indian estate planning services to tribes in Washington, Oregon, Idaho, North Dakota, South Dakota, and Wisconsin. One of those is the Estate Planning Project at the University of Idaho, which sends eight law students from around the country into reservation communities in Washington, Oregon, and Idaho, where most members have limited access to legal services.

The externs provide free estate planning and will drafting services under the supervision of a licensed attorney. The institute is working in partnership with SU clinical and externship programs to create a similar program at SUSL in 2006-07, said Cecelia Burke, deputy director of the institute and a SUSL graduate who was an extern under the UI program.

The institute recently was awarded a $519,000 one-year contract from the Department of the Interior to develop and implement an estate planning pilot project in the Great Plains and Pacific Coast regions. The pilot project will send legal services attorneys and paralegals to reservations in each region.

Training is another important part of the institute's work. It will host a two-day national symposium and continuing legal education program on the American Indian Probate Reform Act on March 14-15 at SUSL.

Dean Kellye Testy said the institute will help SUSL advance its mission of training outstanding lawyers for the service of justice.

"This institute is critical to ensuring Native Americans have access to legal services they need," Testy said. "We look forward to being at the heart of service to tribal communities nationwide."

For more information, contact Cecelia Burke at 206-398-4277 or burkec@seattleu.edu, or see the Indian Institute's Web page at www.law.seattleu.edu/indianinstitute?mode=standard.

Salem First Nations Gathering

Come check it out!

A potluck dinner is held every fourth Friday of the month at Northside Fellowship (7685 River Road NE, Keizer) at 6 p.m. Fellowship around the drum starts at 7 p.m.

The gathering is an inter-tribal all-nations get-together. Native-language songs and drumming honoring God our Creator are encouraged.

Everyone is welcome!
For more information, call 503-982-2505 or 503-409-4228.

Boaters 50 and Younger Need Boater Education Card

Boaters age 50 and younger are required in 2006 to carry a boater education card when operating powerboats greater than 10 horsepower, according to the Oregon State Marine Board. Almost 120,000 cards have been distributed to boaters so far. While more than 10,000 operators in this age group have already received their education card, an estimated 22,000 have not.

The slow winter season is an excellent time to take a boating safety class and apply for your boater education card – before the springtime rush.

"Applications come rushing in on the first nice days of spring," says Ashley Massey, Mandatory Boater Education Program coordinator for the marine board. "Heavy volume can delay processing of boater education card applications. Boaters should be thinking about completing a class and applying for their cards now, before they get the itch to go boating this spring or summer."

The cost of the card is a one-time $10 fee. Last summer, 478 boaters were cited for not carrying a card, a fine of $94.

The boater education card shows that the holder has completed a basic boater education course. The boater education law was enacted by the 1999 Oregon Legislature to reduce accidents, injuries, and property damage on Oregon's increasingly crowded waterways.

The marine board is phasing the requirement in by age. When fully implemented, it will apply to all boaters operating boats greater than 10 horsepower. The age requirement will increase to boaters 60 and younger in 2007, 70 and younger in 2008, and all boaters in 2009.

For information on the program or for available classroom and online courses, as well as equivalency exams for experienced boaters, check the marine board's Web site at www.boatoregon.com or call 503-378-5163.

Governor Urges Residents to Consider Buying Flood Insurance

Regular Homeowner's Insurance Does Not Cover Flood Damage

SALEM, Ore. – Heavy rains in Oregon that saturated the ground in many locations in January mean that now is the time to take action to protect your home and your possessions with flood insurance, Gov. Ted Kulongoski's office announced last month.

To prepare for a predicted wet winter, the governor and Oregon Emergency Management (OEM) encouraged residents to buy low-cost flood insurance. Regular homeowner's insurance does not cover flood damage, but flood insurance protects a person's home and belongings.

"It's a tragedy that so many people think their homeowner's insurance protects them from flood damage, only to find out after a flood that they have no way to pay for repairs and replacements," the governor said. "If you live in an area that's vulnerable to flooding, I urge you to consider buying flood insurance."

Nearly everyone living in Oregon can purchase flood insurance, the governor pointed out, since all Oregon communities with identified flood hazards participate in the National Flood Insurance Program. Even citizens who live in high-risk flood zones can buy insurance, according to OEM.

Flood insurance also is advisable for those who live where flooding is not a high risk, the agency says, since 25 percent to 30 percent of all flood insurance claims come from people who live outside high-risk areas. Low-cost flood insurance policies, available for a few hundred dollars per year, are designed for residential properties located in low to moderate flood-risk zones.

A person need not be a homeowner to buy the insurance. Renters can buy flood insurance to cover contents for apartments and commercial buildings. Special coverage is available to people who live in condominiums.

Many people rely on federal disaster assistance to pay for flood damages. Before a community is eligible for disaster assistance, however, it must receive a declaration as a federal major disaster area.

Federal declarations occur in fewer than 50 percent of flood events. Typically, federal disaster assistance comes in the form of a loan that a borrower must repay with interest. A flood insurance policy, on the other hand, will reimburse a resident for covered losses even if the flood is not a federally declared disaster.

The governor and OEM encourage residents to buy flood insurance now, if they have reason to believe they may suffer flood damage because flood insurance policies – in most cases – require a 30-day waiting period after a person has applied and paid the first premium. With the reminder in January of winter flooding potential in Oregon, it's important that homeowners contact their local insurance company today.

Flood insurance is available from any insurance agent. Interested homeowners and renters can visit www.floodsmart.gov for more information.