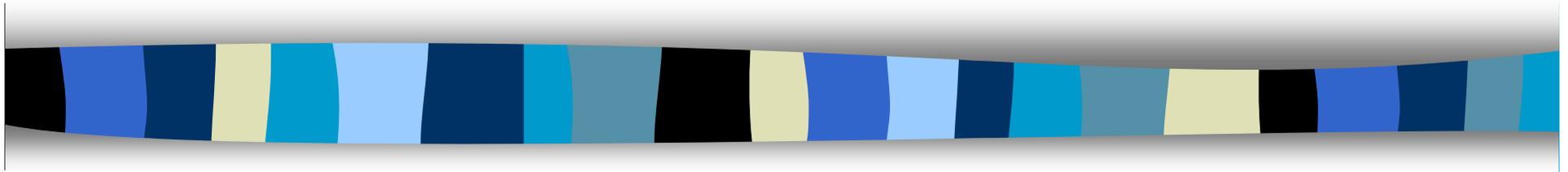


Land Law and Tenure Security

a summer law extern program

University of Wisconsin



Land Tenure Center

Center for Minority Land and Community Security

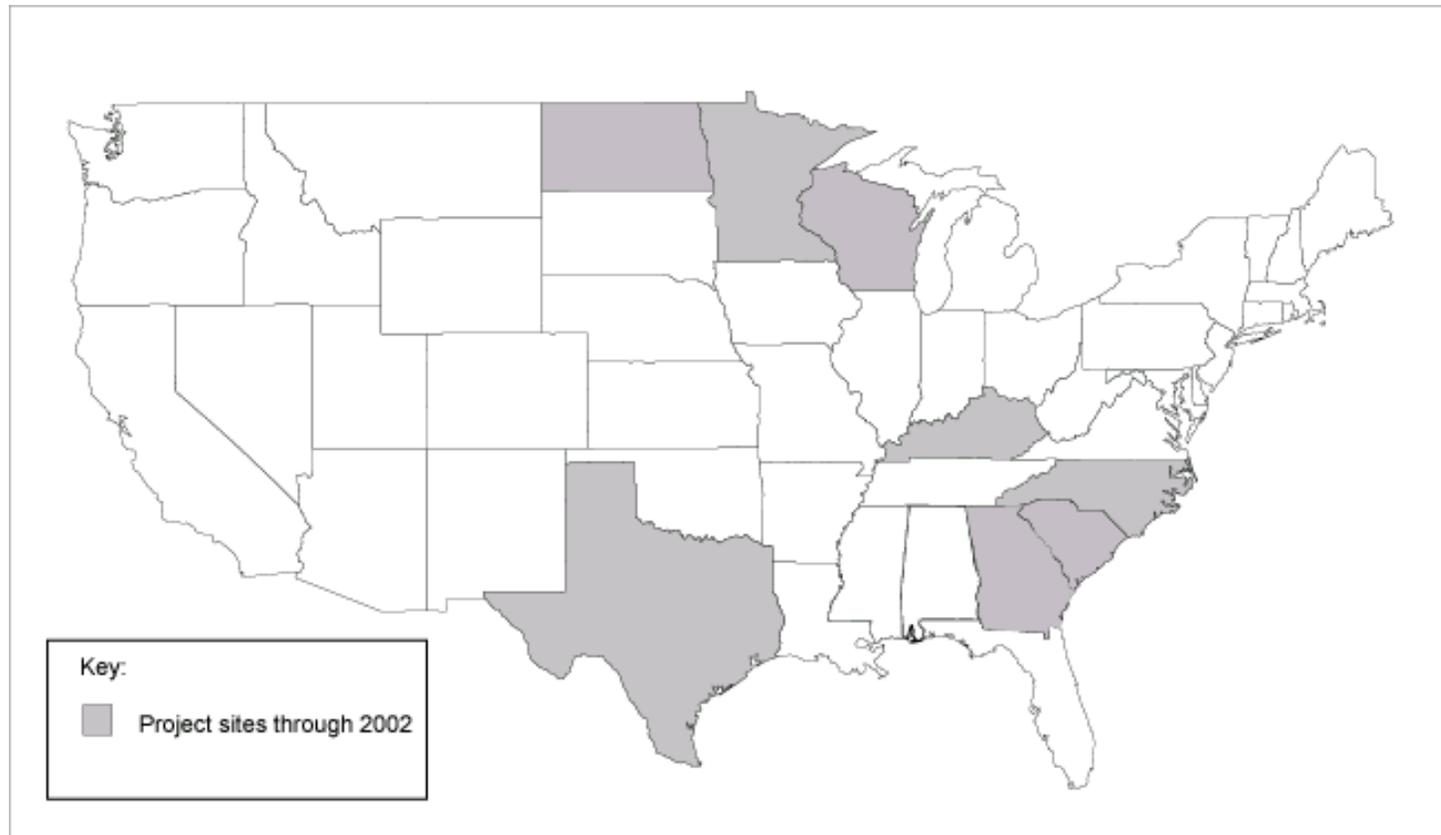
Brenda R. Haskins, Extern Program Director

in conjunction with

University of Wisconsin Law School

Professor Jane Larson, Faculty Sponsor

Externship sites

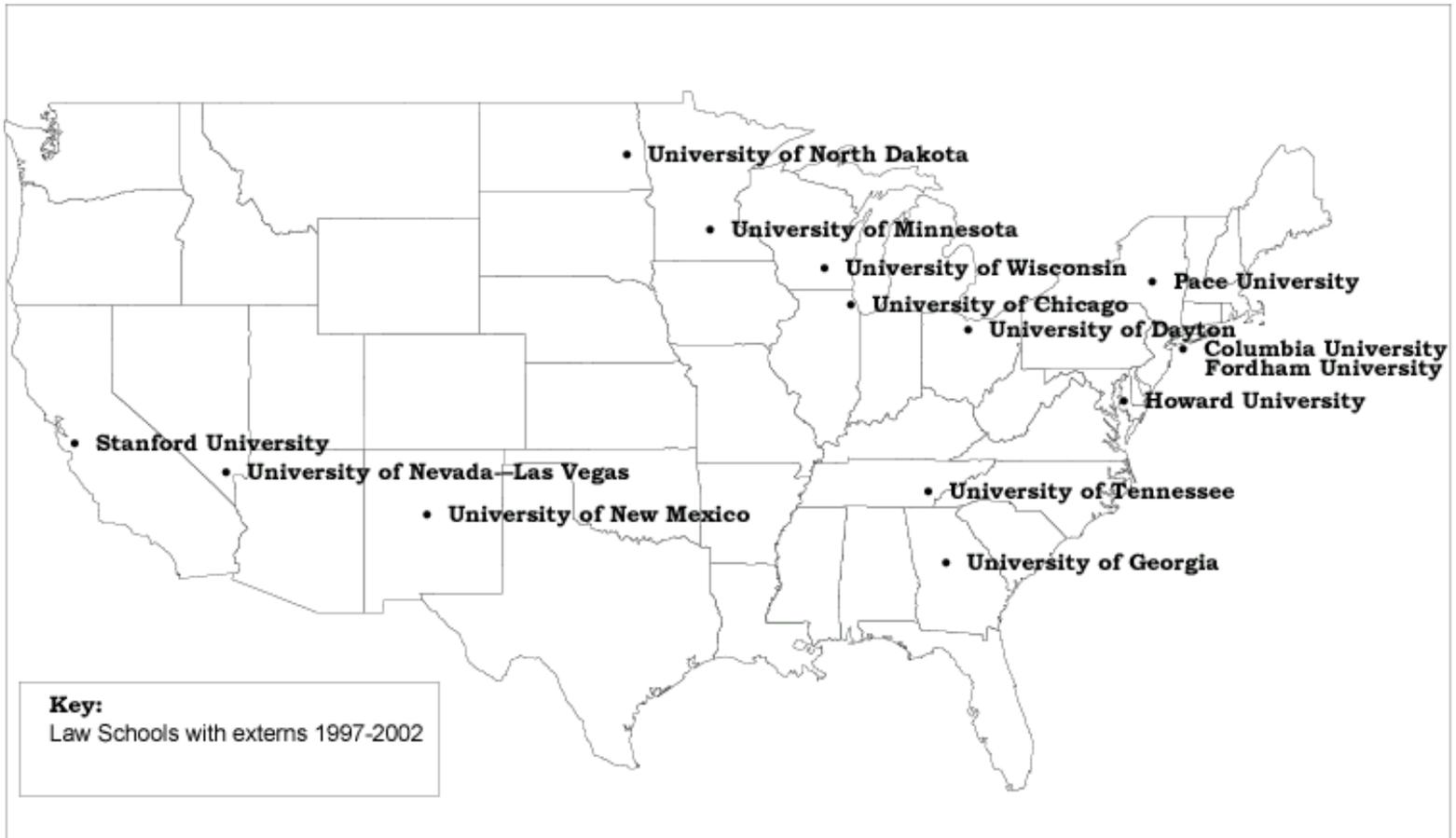


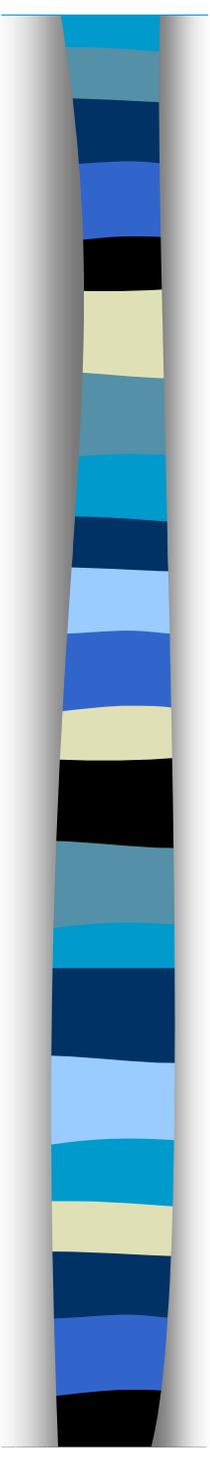
2002 Extern Orientation



Externs, site supervisors, and staff at the Pyle Center on the University of Wisconsin-Madison campus.

Law schools





2002 Externs

Appalachian Citizens Law Center/Kentuckians for the Commonwealth - *Kentucky*

Bridget Baker, UW Law School

Community Resource Group Colonias Project - *Texas*

Michael DiPresso, Fordham University

Department of the Interior - *North Dakota*

Jessica Shoemaker, UW Law School

Federation of Southern Cooperatives - *Georgia*

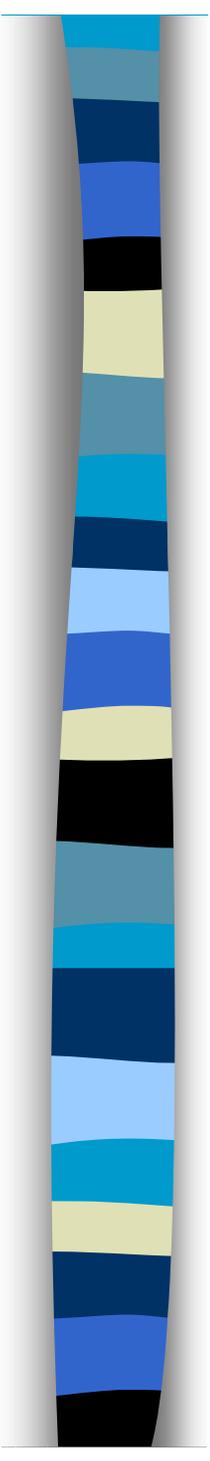
Francys Johnson, University of Georgia

Georgia Legal Services - *Georgia*

Shelton Starks, University of Tennessee

Farmers Legal Action Group - *Minnesota*

Jess Anna Speier, University of Minnesota



2002 Externs, continued

Ho-Chunk Nation - *Wisconsin*

James A. Washinawatok II, UW Law School

Land Loss Prevention Project - *North Carolina*

Scott Bowman, Fordham University

Oneida Tribe of Indians of Wisconsin - *Wisconsin*

William Cornelius, UW Law School

Penn Center - *South Carolina*

Katie Brey, UW Law School

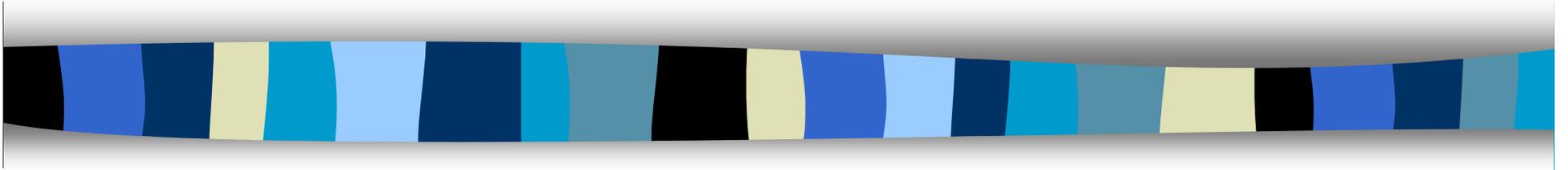
Texas Rural Legal Aid - *Texas*

Emily Collins, Pace University

White Earth Nation - *Minnesota*

Hector Martinez, University of North Dakota

Texas Colonias



Texas Rural Legal Aid
Community Resource Group

Colonias housing



Colonias housing development "South Tower." Housing without running water or paved streets.

Water in the colonias



Irrigation ditch, carrying pesticide-ridden water, runs through colonias.

Clearing title



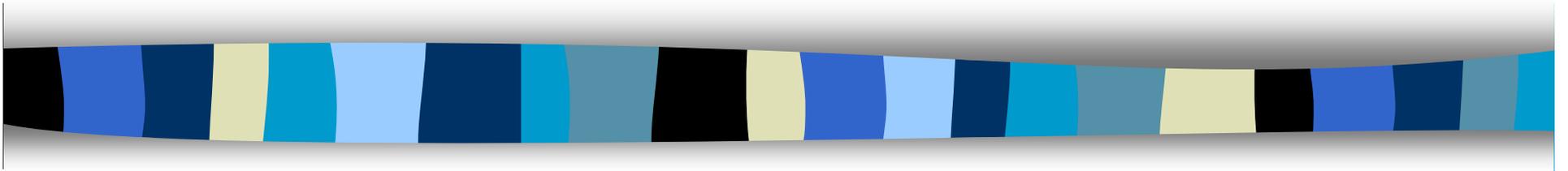
Texas Rural Legal Aid and Community Resource Group team up to provide clean title to colonias residents. Summer extern does intake for colonia resident.

Upgrading colonias housing



Texas Rural Legal Aid (TRLA) assists colonia residents to upgrade their housing through *Proyecto Azteca*. Shown in the doorway of a new home are Veronica Rodriguez (TRLA staff), Donna Harvey (attorney, site supervisor) and Emily Collins (extern from Pace University Law School).

Georgia Legal Services



Sapelo Island and Gainesville
Georgia

Hog Hammock



Sign identifying Hog Hammock Community, established before the Civil War, on Sapelo Island, Georgia.

Sapelo Island environment



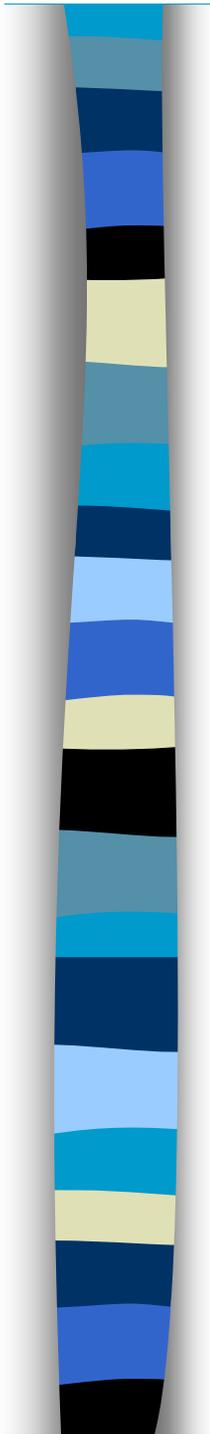
View from the mainland.



Pristine beaches.



Sand dunes and sea oats.



SICARS



Sapelo Island Cultural and Revitalization Society was established to help residents retain ownership of their land, to preserve residents' unique history and culture; and to aid in economic revitalization. SICARS hopes to prevent Sapelo Island from going the way of other coastal black communities that have been dismantled by development as floods of outsiders move in. Community youth pose in front of the SICARS headquarters building.

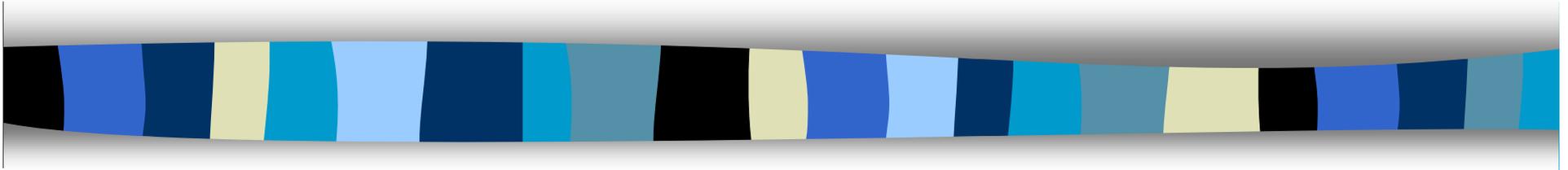
Courthouse research



University of Tennessee College of Law extern Shelton Starks (center) researches property records at the Jackson County Courthouse in Gainesville, Georgia. Newtown residents Mary Faulkner (left) and Faye Bush (right) learned how to search land titles, an essential yet time-consuming task. Externs often perform title searches to help lower the costs of land retention.

Bridget Baker

UW Law School



Appalachian Citizens Law Center/
Kentuckians for the Commonwealth
Prestonsburg, Kentucky

Journey to Kentucky



Steve Sanders (site supervisor), Bridget Baker, and Joe Childers, attorney with Kentuckians for the Commonwealth, attended the orientation picnic in Madison.

Bridging the Clover Fork

On the other side of this bridge lives an elderly client who can see mining violations from her front porch.

Her observations led public interest lawyers to intervene in a “pattern of violation” proceedings between the mining company and the State of Kentucky.



Land ownership



Maps and visits to the land itself can help verify property ownership boundaries. Client Weldon Staton believed that the coal company was violating his surface rights.

Coal mining permit maps



Often to determine if surface rights are being violated, you need to look at the coal mining permit maps, drawn up by the companies and submitted for state approval.

Investigating coal theft

Local residents suspected their coal had been stolen in the 1980s. After 10 years, they convinced the Federal Office of Surface Mining to investigate by drilling core samples. Instead of coal, they found explosive methane gas—all that was left of the property owner's mineral rights.



Externs accompanied landowners and public interest lawyers to witness the drilling.



Mining sites



Giant sized equipment is used to chew up the Kentucky mountains in search of coal. Bridget stands near a “shovel” three times her size.

ACLCLC office



Steve Sanders (supervising attorney), Nancy Christensen (Columbia Law School extern with a different program) and Bridget Baker (UW Law School extern) at the Appalachian Citizens Law Center office.

Brush with fame

U.S. Senate Environment and Public Works clean air subcommittee hearing, on proposed changes to the Clean Water Act by the Army Corps of Engineers.

The changes were intended to facilitate mining to the detriment of the environment.



Kentucky native Kevin Richardson of the musical group Backstreet Boys, testified against the changes.

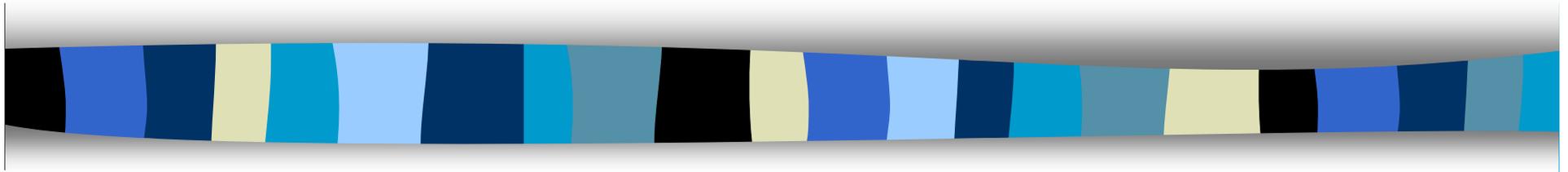
The future



Externs are needed for the Class of 2025. A prospective candidate visited Bridget in Kentucky with his mom, Program Director Brenda Haskins.

Jessica Shoemaker

UW Law School



U.S. Department of the Interior
Office of Hearings and Appeals
Bismarck, North Dakota

Beautiful North Dakota



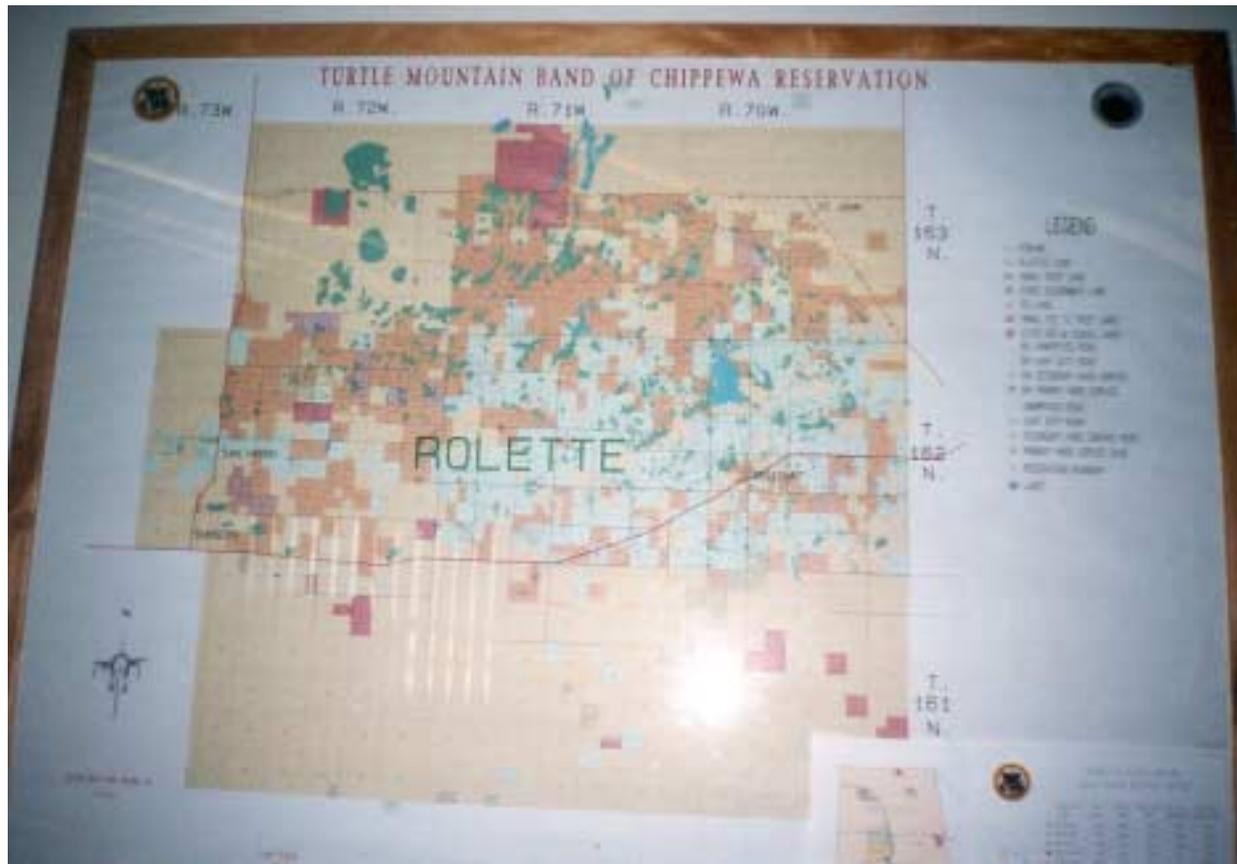
A buffalo grazes near starkly eroded bluffs in Theodore Roosevelt National Park.

Office of Hearings and Appeals



From left to right: Darla Dittus (legal clerk); Judge Diane Johnson; Jess Shoemaker (extern); Debra Carney Wolf (attorney adviser); and Judge George Tah-bone (seated).

Turtle Mountain Reservation



One of the agencies served by the Bismarck Office. Map illustrates “checkerboard” ownership patterns common on Indian reservations. Most title is fee (beige); only a relatively small portion is still held in trust by individual Indians and/or the tribe.

Records



Low-tech systems characterize recording and management of the land held in trust by the U.S. government. Carrie Wilkie, BIA probate specialist for the Turtle Mountain Agency, must rely on cumbersome paper and microfiche records.

Hearing



Judge Tah-bone (right, behind the bench) conducts a hearing to probate an estate. Indian lands held in trust are probated through the Department of the Interior Office of Hearings and Appeals.

Due process

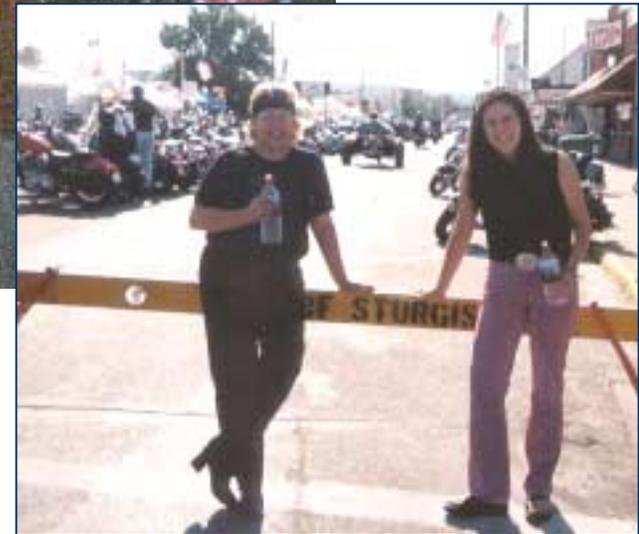


Darla Dittus, legal clerk, prepares boxes full of hearing notices and decision packets to be mailed to interested parties. In probating estates—even small holdings—there is a high level of bureaucracy.

Cultural opportunities



Colorful attire and headdresses
at a night-time Pow Wow on
Standing Rock Reservation



Darla and Jess at the Sturgis
Black Hills Motorcycle Rally

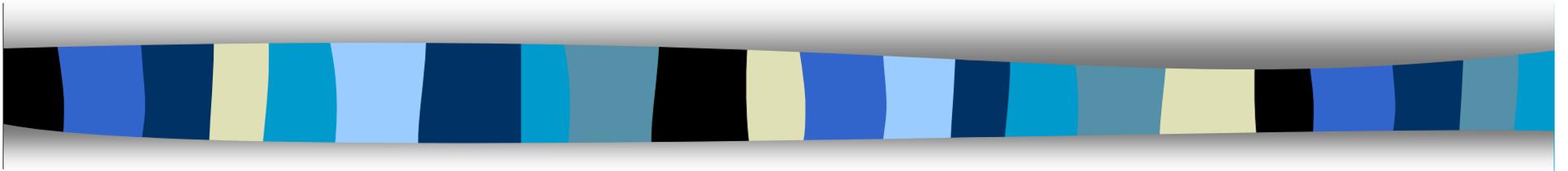
Farewell!



After 10 weeks, Jess bids a fond farewell to North Dakota and passes a sign stating, "Thank you for Visiting Spirit Lake Nation."

James A. Washinawatok II

UW Law School



Ho-Chunk Nation

Black River Falls, Wisconsin

Ho-Chunk Nation



James A. Washinawatok II (left) stands in front of the Ho-Chunk Nation Executive Building, where the Legislature and other offices are located. The Legislature and staff (right) are shown in front of the building.

Legislature



Legislative meetings are held twice a month to discuss ordinances, resolutions, and other business affecting the Nation.

Town meeting



When land owned in fee is put into trust, land is taken off the local tax rolls. Thus, local government loses tax revenues. Town of Komensky residents met to discuss a “payment in lieu of tax” system proposed by the Ho-Chunk Nation for tribal land put into trust.

Homes on trust land



Homes are being built on trust land. The lots are leased to tribal members, and individuals own the structures.

Housing situation at Ho-Chunk



Ho-Chunk Nation has made great strides in housing for its members, such as this modern ranch home . . .



yet other deteriorating housing indicates that a lot remains to be done.

Gaming



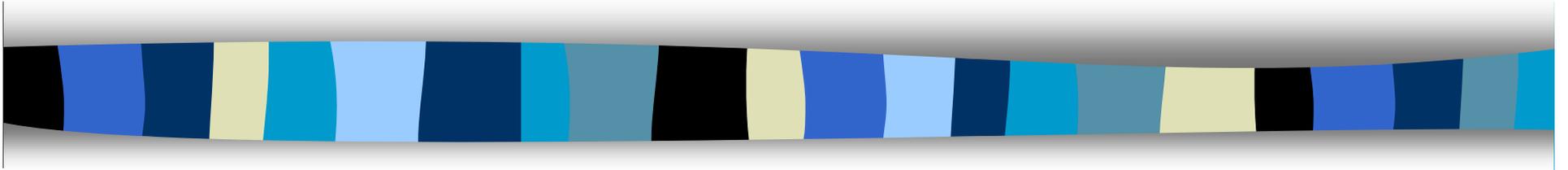
Majestic Pines Casino is one of four Ho-Chunk gaming facilities.

Building for the future

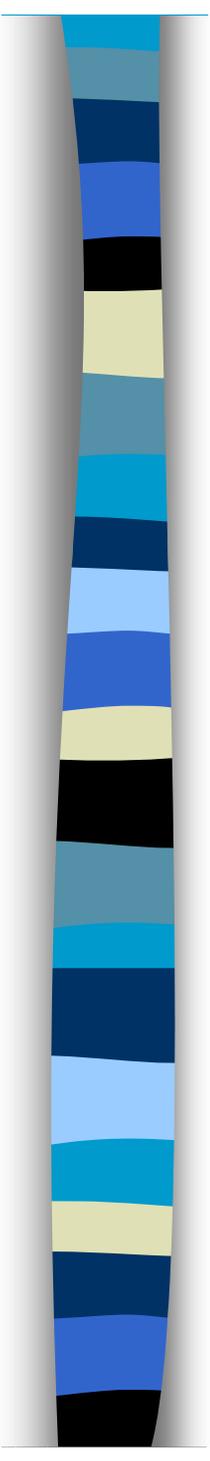


The new Indian Health Service Hospital, under construction.

William T. Cornelius
UW Law School



Oneida Tribe of
Indians of Wisconsin



Division of Land Management

The Division of Land Management was established 25 years ago by Christina Doxtater. She recognized the need for a land base at Oneida.

Once the casino began producing profits, the Business Committee (governing body) also recognized the need and began investing money . . . in 2002, a \$9 million annual commitment to land acquisition.

Self-governance and land



Through an agreement with the U.S. Bureau of Indian Affairs, the Oneida Tribe of Indians of Wisconsin has a self-governance compact. It allows the Division of Land Management to acquire fee land on behalf of the tribe and the authority over probate, land transfers, and leases (commercial and residential). Shown here is the DLM office.

Bay Bank

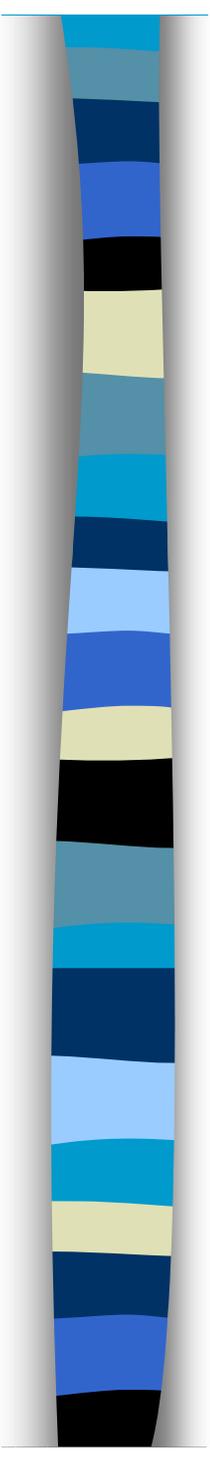


Because the Tribe recognizes the importance of land retention, the Division of Land Management has grown. A branch is located in the Bay Bank Building, where probate hearings, land lease signings, and other real estate transactions take place. The Tribe owns the bank and the building. Bill had office space at the Bay Bank.

Oneida Bingo and Casino



Profits from gaming and the Radisson Hotel, owned by Oneida, are what gives the Tribe the ability to reinvest in land and housing. Since the opening of large-scale gaming, Oneida have been able to reacquire approximately 26% of the property within the 64,000- acre reservation.

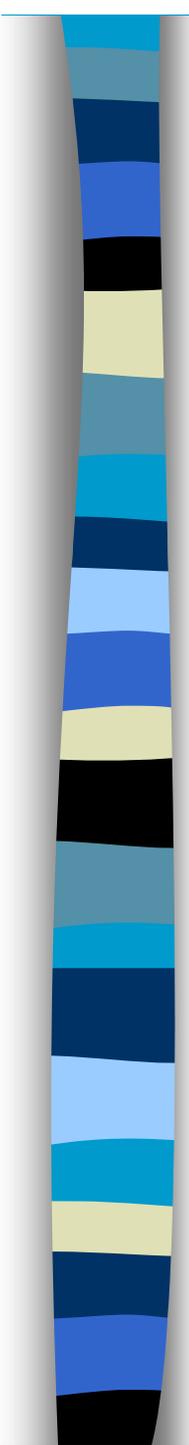


Allotments

In 1887, the Oneida Reservation was allotted to all tribal members of record at the time. After 25 years, if an Oneida was considered “competent,” the property was taken out of trust and taxes became assessed.

Female heads of household were often considered not competent, and their land was not taken out of trust.

Since many allottees died intestate, their land was divided equally among their heirs according to state probate laws.



Fractionation

Extern William Cornelius worked on a 90-acre parcel with fractionated ownership.

After generations of intestate inheritance, there were approximately 125 heirs. Of these, 123 shared 60% of the whole.



The William Cornelius allotment

Ironically, the original allottee was an ancestor of the extern and also named William Cornelius.

Bill's job was to construct a family tree for the heirs, then contact each one and inquire whether the owner wished to sell to the Tribe or otherwise consolidate the land.



Tracking down heirs

The BIA has a list of all heirs to allotted land.

The biggest problem was due to an internal Oneida Tribal policy, whereby member's addresses were unable to be given out.

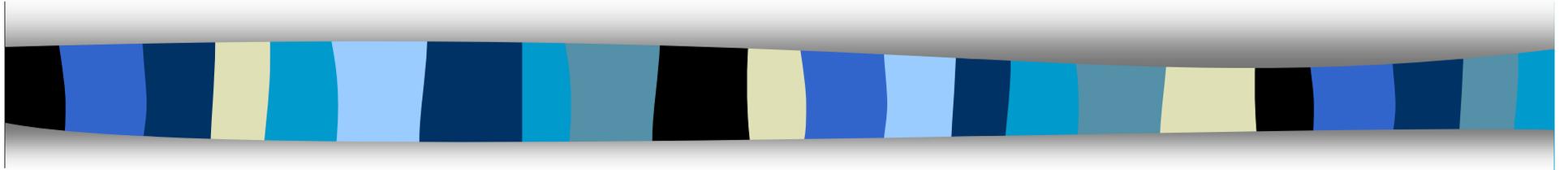


Clearing the way



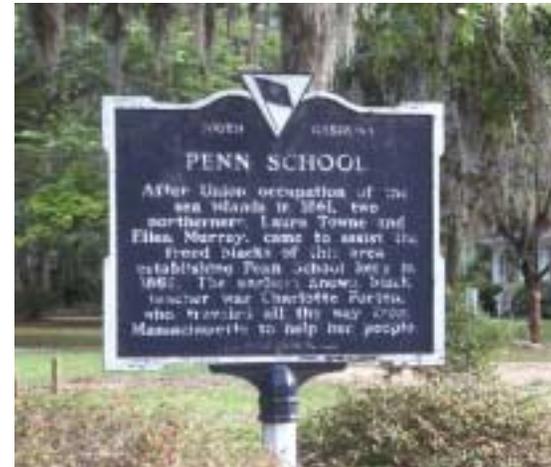
Once title is cleared, the Oneida community could put to good use 90 acres of land, already in trust. Bill stands at one corner of the parcel, where corn has been planted.

Katie Brey
UW Law School



Penn Center
St. Helena Island, South Carolina

Historic Penn Center



Site of the first school for freed slaves, Penn Center was established in 1862 among ancient live oaks draped with Spanish moss. Development threatens to change the rural character of St. Helena Island.

Preserving cultural traditions



Indigo House is an example of sustainable, land-based economic development.

St. Helena Island artists use locally-grown indigo dye for designs that reflect spirituality, nature and Lowcountry Gullah culture.



St. Simons African American Heritage Coalition



Externs Katie Brey and Francys Johnson view a map of land the Coalition seeks to preserve from development. Harrington is the only St. Simons community not yet developed into high-priced condominiums. The island is located off the coast of southern Georgia.

A hard day's work

After a long day researching titles at the local courthouse, externs relax over a bowl of boiled peanuts.

Coalition Board of Directors members were eager to test the externs' knowledge of property laws.



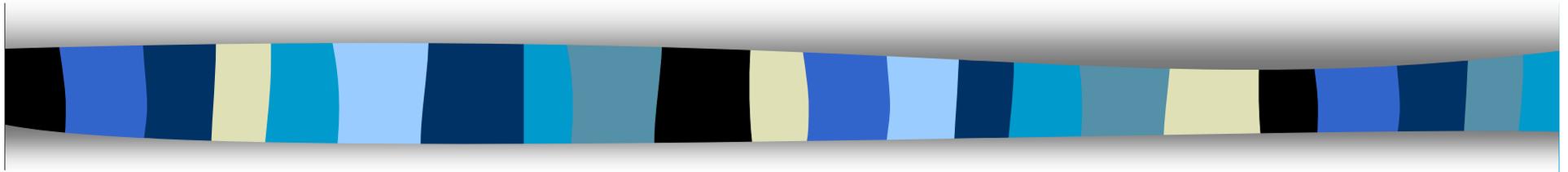
Educational opportunities



Externs in the Southeast were invited to participate in mediation training at Southern University Law Center in Baton Rouge, Louisiana. The training was sponsored by the Center for Minority Land and Community Security.

Scott Bowman

Fordham University Law School



Land Loss Prevention Project

Raleigh-Durham, North Carolina

Land Loss Prevention Project



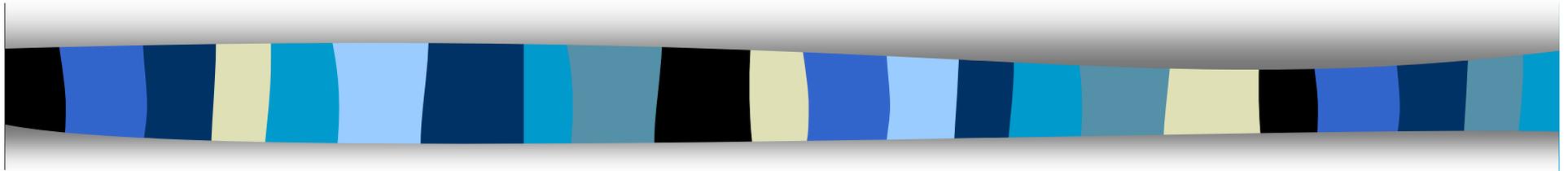
Main office of the Land Loss Prevention Project, in Raleigh-Durham, North Carolina.



Extern Scott Bowman (center) spent one day a week in LLPP's Rocky Mount office, (building with red awnings) helping out with a major case.

Francys Johnson

University of Georgia School of Law



Federation of Southern Cooperatives

Land Assistance Fund

East Point, Georgia

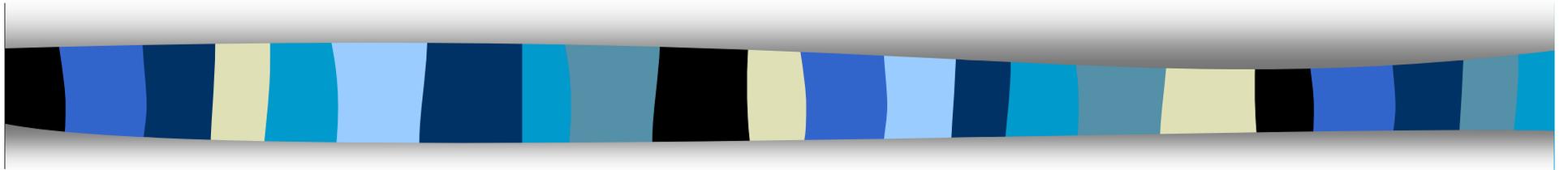
Albany, Georgia office



Extern Francys Johnson (left) spent part of the summer working out of the Federation's Albany, Georgia office. Also in the photo are Shirley Sherrod, supervisor of the Albany office (center), and Miessha Thomas, Federation attorney and extern supervisor.

Jess Anna Speier

University of Minnesota Law School



Farmers' Legal Action Group (FLAG)

Saint Paul, Minnesota

Orientation opportunities

FLAG site supervisor Carl Flink (right) explains the organization's history providing legal services to financially distressed family farmers and ranchers nationwide.

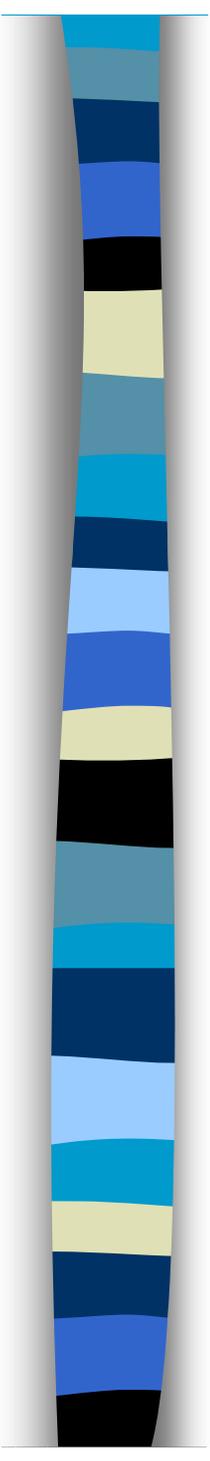


Extern Jess Anna Speier (left) got into the FLAG spirit at the orientation picnic.

Hector Martinez
University of North Dakota
School of Law



White Earth Band of Ojibwe
White Earth, Minnesota



Your commitment as an extern

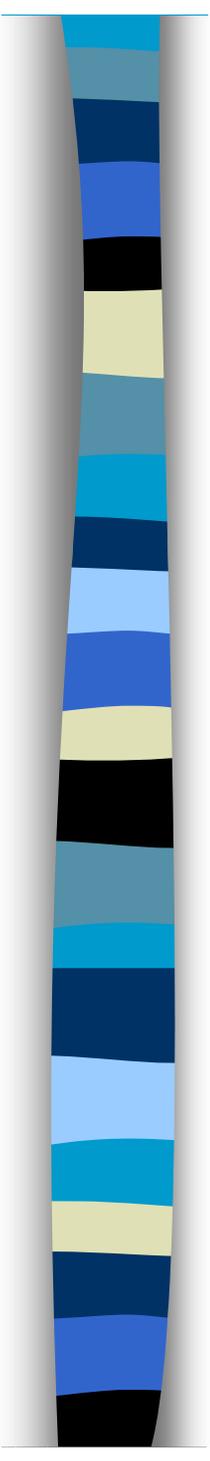
- **3-day orientation in Madison, Wisconsin**

May 29, 30 and 31, 2003

- **10 weeks full-time at site**

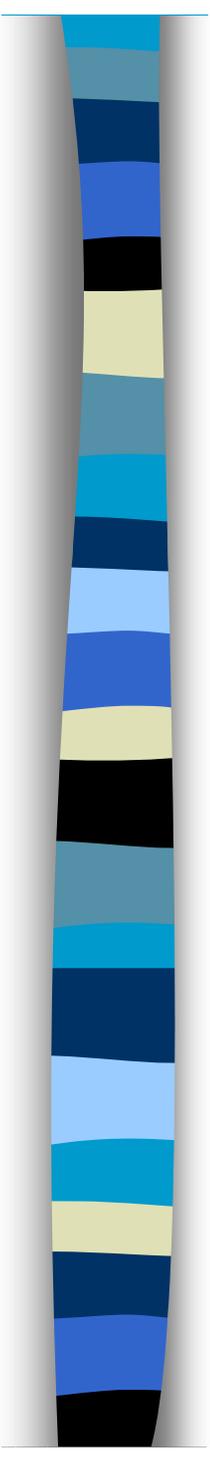
June 1, 2003 - Leave direct from orientation
to externship site

August 8, 2003 - Depart extern site



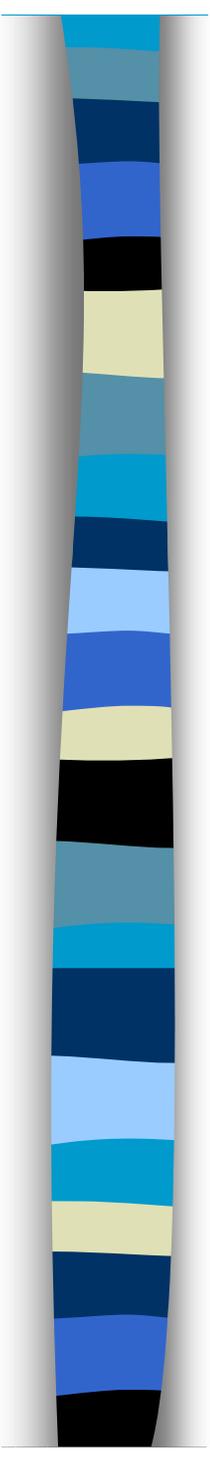
UW's commitment to you

- Weekly contact with program director
- Site visit by UW staff during the 10 weeks
- Stipend: \$4,000
- Transportation to site and back to school
- Transportation on site
- UW students receive 4 credits
- UW students receive 2 credits for directed research in the fall semester



Site commitment to extern

- Supervision on site by member of the state bar
- Provide office space
- Provide housing



Application Information

Send the following materials:

- Resume
- Contact information for 3 references
- Law School Transcript
- 2-3 page letter indicating interest in the program
- Writing sample

Send to:

Brenda R. Haskins
Land Tenure Center
1357 University Ave.
Madison, WI 53715

Application Period:

December 1, 2002 - January 31, 2003