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# **Bridging the Gap between Native Veterans Residing in Rural “Legal Deserts” and Legal Service Providers in Other Locations**

**2023 Tribal Healing to Wellness Court  
Enhancement Training**

**S e p t e m b e r 1 3 , 2 0 2 3**

**Agua Caliente Band of Cahuilla Indians Reservation**



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# PRESENTERS:



**Andrea Seielstad**  
Professor of Law, University of Dayton  
Tribal Law Consultant, NAICJA



**Regina Roanhorse Begay**  
Navajo Nation Judicial Branch Court  
Administrator, Alamo-Tohajiilee Judicial District



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# TRIBAL CIVIL AND CRIMINAL LEGAL ASSISTANCE

The Bureau of Justice Assistance (BJA), through the National American Indian Court Judges Association (NAICJA) offers Training and Technical Assistance (TTA) to Tribal Civil and Criminal Legal Assistance (TCCLA) grantees and subgrantees. The TCCLA program seeks to increase and improve access to legal assistance for Native Americans and Alaska Natives by providing TTA for the development and enhancement of tribal justice systems. Further, TCCLA will assist in strengthening the capacity and the quality of indigent criminal defense services and defense strategies for tribal justice systems.

This project was supported by Grant No. 2018-AL-BX-K001 awarded by the Bureau of Justice Assistance (BJA). The BJA is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



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# NATIVE VETERANS LEGAL ASSISTANCE PROJECT

The Native Veterans Legal Assistance Project seeks to enhance and provide delivery of legal services to American Indian and Alaska Native (AI/AN) veterans.

- Webinars
- Legal Clinics
- Online Resources



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## PRESENTATION OUTLINE

This presentation will focus on models of connecting legal services and information to American Indian and Alaska Native veterans residing in rural areas in or near reservations, bridging lawyers and legal assistance with “legal deserts” that often exist.

- The problem of “legal deserts” in rural areas and reservations.
- Issues and challenges to delivering legal services to rural areas.
- The importance of “boots on the ground” veterans’ outreach in conjunction with veterans’ organizations; healing to wellness courts; and Medical and Behavioral Health programs.
- Models and issues to consider in designing effective AI/AN veterans’ specific outreach and legal services delivery.
- Questions and answers.



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# LEARNING OBJECTIVES

After participating in this session, attendees should be able to:

- Understand the need for increased and coordinated legal services focused on AI/AN veterans and their families living in rural areas.
- Understand ways of conducting outreach and legal needs assessments with veterans in diverse geographical locations in coordination with community-based behavioral and healthcare programs, tribal courts and healing-to-wellness courts, veterans' organizations and grassroots veterans' groups.
- Share strategies and models for enhancing outreach and legal services delivery to AI/AN veterans, including technology-enhanced methods of linking legal services providers in remote locations to veterans.
- Understand jurisdictional and professional licensure issues that may be encountered in this work and ways of working around them.



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# THE PROBLEM OF LEGAL DESERTS

- “There are 1.3 million lawyers in the United States, but they are mostly concentrated in cities, while many small towns and rural counties have few lawyers. Despite efforts in some states to entice young lawyers to rural settings, the scarcity of rural attorneys is unlikely to change in the next decade. . . . [“ABA, Legal deserts threaten justice for all in rural America \(americanbar.org\) \(2020\).](#)”
- Rural residents are disproportionately poor.
- It is necessary to travel long distances to find legal assistance, even for basic needs like wills, divorces, simple civil and criminal representation.
- There is disproportionate exposure to dire situations, accidents, environmental hazards, healthcare emergencies.
- Likely to encounter shortages in expertise and responsive assistance in other areas as well.
- See ABA Report (includes maps and charts of lawyer demographics and access to technology in every county); [ABA, Profile of the Legal Profession \(americanbar.org\) \(2020\).](#)



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## RESOURCES ON LEGAL DESERTS

- Video: [“Legal Deserts in America: A Threat to Justice For All”](#)
- [2020 ABA Profile of the Legal Profession](#)
- ABA Journal: [“No Country for Rural Lawyers: Small-town attorneys still find it hard to thrive”](#)
- [“Legal Deserts: A Multi-State Perspective on Rural Access to Justice,”](#)  
Harvard Law & Policy Review, 2018
- Legal Services Corporation: [Access to Justice in Rural Areas](#)





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## DEFINING RURAL V. URBAN

- U.S. Census Bureau defines rural v. urban communities using assessments of population thresholds, density, distance, and land use.
- **Urban**: urban cores of over 50,000 people. Urban generally includes urban core and connecting suburbs.
- **Micro-urban centers**: 10,000 to 50,000 people.
- **Rural**: whatever is not urban based on population density.

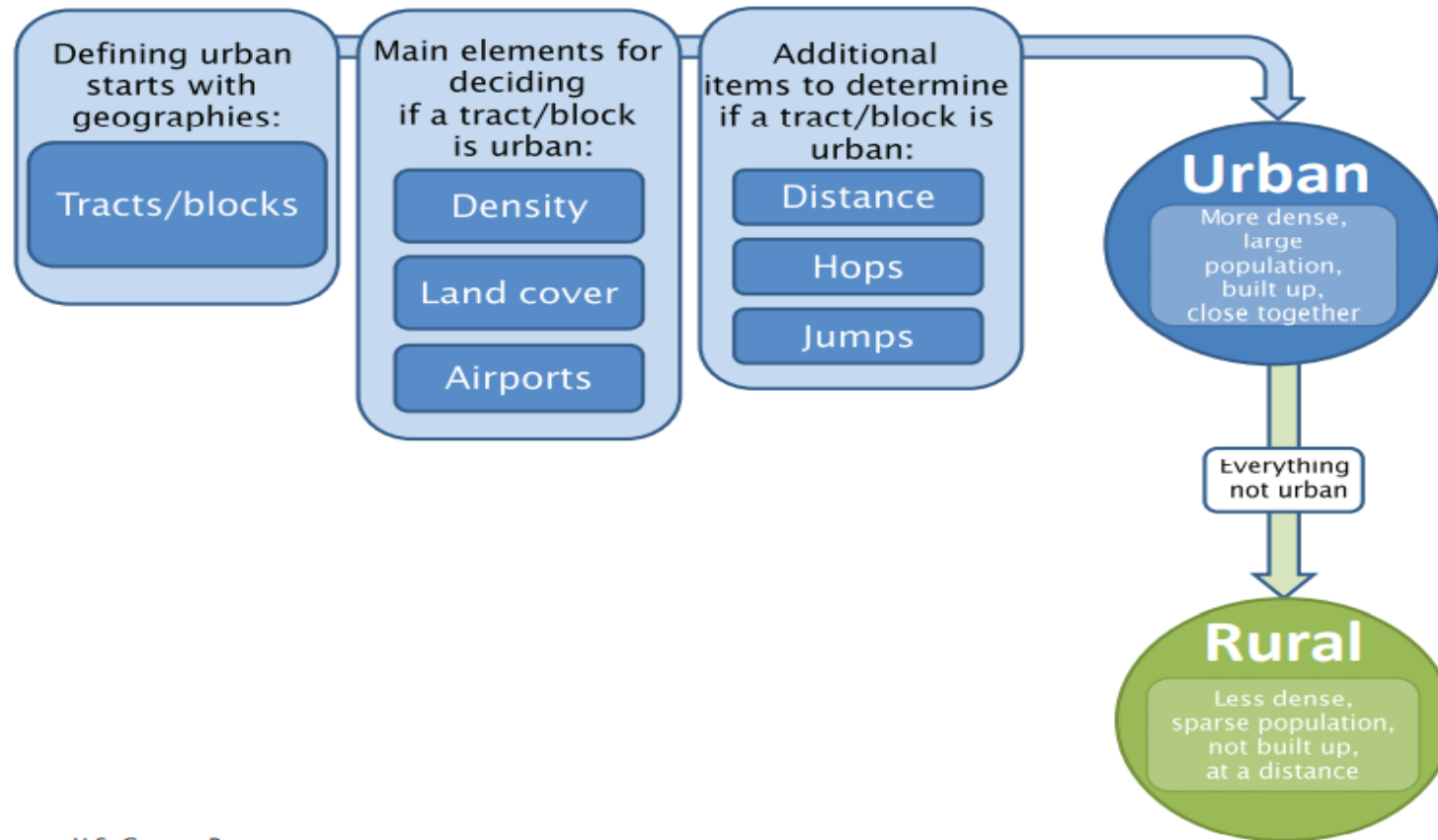
“[T]he rural portion of the United States encompasses a wide variety of settlements, from densely settled small towns and “large-lot” housing subdivisions on the fringes of urban areas, to more sparsely populated and remote areas.”

Less dense; not built up; sparsely populated; distant from urban centers.

Source: [Defining Rural at the U.S. Census Bureau](#)

# U.S. CENSUS DIAGRAM

Figure 2.  
**Graphic Depiction of Urban/Rural Classification**



Source: U.S. Census Bureau.



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# RURAL VETERAN DEMOGRAPHICS

In the United States, there are 4.7 million rural and highly rural veterans with 2.7 million enrolled in VA.

- 58% of rural veterans are enrolled in the VA health care system, significantly higher than the 38% enrollment rate of urban veterans.
- 58% of rural enrolled veterans have at least one service-connected condition.
- 8% of enrolled rural veterans are women; 10% of enrolled rural veterans are minorities.
- 27% of rural veterans do not access the internet at home.
- 55% are over 65 (generally older than urban veterans and more medically complex).
- The next generation of rural veterans also have multiple medical and combat-related issues, which will require significant ongoing access to care.
- More than 301,000 rural veterans served in Iraq and Afghanistan.

Source: [RURAL VETERANS - Office of Rural Health \(va.gov\)](#)



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# RURAL STATISTICS

“In the 2011–2015 period, 24.1 percent of the veteran population 18 years and older lived in areas designated as rural.” Rural veterans have the most difficulty accessing services.

Source: [Veterans in Rural America: 2011–2015, Community Survey Reports \(census.gov\)](#)



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## DEMOGRAPHICS & PROFILE cont.

**“After 9/11, almost 19% of Native Americans served in the Armed Forces, compared to 14% of other ethnicities.** Currently, there are more than 31,000 American Indian and Alaska Native men and women on active duty today, serving in Iraq, Afghanistan, and elsewhere around the world.”

Veteran families expand the numbers of service-impacted people in need of legal outreach and assistance.

Source: <https://www.veteranaid.org/blog/native-american-veterans-5-facts-you-may-not-know/>



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## WHERE DO AI / AN VETERANS LIVE?

In 2018, three states accounted for 31% of people reporting to be only American Indian or Alaska Native and 34% of people claiming at least partially one of those two: California, Arizona, and Oklahoma.”

Alaska has the most substantial proportion of American Indians or Alaska Natives (20% in combination with another race, 15% alone.)

Based on population estimates taken by U.S. Census Bureau between 2013-2017, 36% of people reporting single-race Native American status lived in American Indian, Native Alaska and Hawaiian homelands.

[Source: Native Americans and the US Census: How the count has changed – USAFacts](#)



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# INDIAN HEALTH SERVICE DEMOGRAPHICS

## **Population Served:** *(as of January 2020):*

- Members of 574 federally recognized Tribes in 37 states
  - 2.56 million American Indians and Alaska Natives (veterans and non-veterans)
- 
- Source: [IHS Profile | Fact Sheets](#)



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## AI / AN RURAL vs. URBAN DISTRIBUTION

- “Urban legend”: Majority of AI/AN people live in urban areas (by some estimates the number went as high as 72%).
- First Nations Development Institute published a report in 2017 that challenged this belief [Twice Invisible - Research Note.pdf \(usetinc.org\)](#).
- The report used a definition of “rural” areas developed by the Housing Assistance Council that is calculated with a formula that takes into account population and housing density in a way that is different from the census.
- “Using this definition, First Nations’ researchers found that 54% of American Indian and Alaska Native people, or a majority, live in rural and small-town areas on or near reservations, contrary to common myths.”
- Additionally, 68%, live on or near their home reservations.

Source: [Majority of Native Americans Live in Rural Areas and Small \(globenewswire.com\)](#)





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# RURAL COMMUNITIES ARE NOT ALL THE SAME

- Urban
- Rural
- Reservation
- Boots on the ground outreach and needs assessments must be conducted to determine:
  - (1) legal needs of AI/AN veterans;
  - (2) lawyer availability in local area;
  - (3) accessibility of technology, i.e., places to video conference to lawyers or law students in other locations;
  - (4) availability of other services and gathering places, i.e., medical and behavioral health clinics, veterans' services organizations or grassroots groups, healing to wellness courts, etc.



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# WORKING WITH VETERANS ORGANIZATIONS IN NAVAJO INDIAN COUNTRY TO DEVELOP VETERANS TREATMENT COURT

Regina Begay-Roanhorse, MLS - Healthcare Law  
Navajo Nation Judicial Branch Court Administrator



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# HEALTH SYSTEMS ARE NOT EQUAL

- The matter of outreach to veterans is not just about numbers & demographics.
- Disparities also exist in essential support systems: medical, healthcare, legal services, etc.
- Chronic diseases, mental health crises, suicide.
- Legal problems contribute to the health and wellbeing.



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# HEALTHCARE SYSTEMS

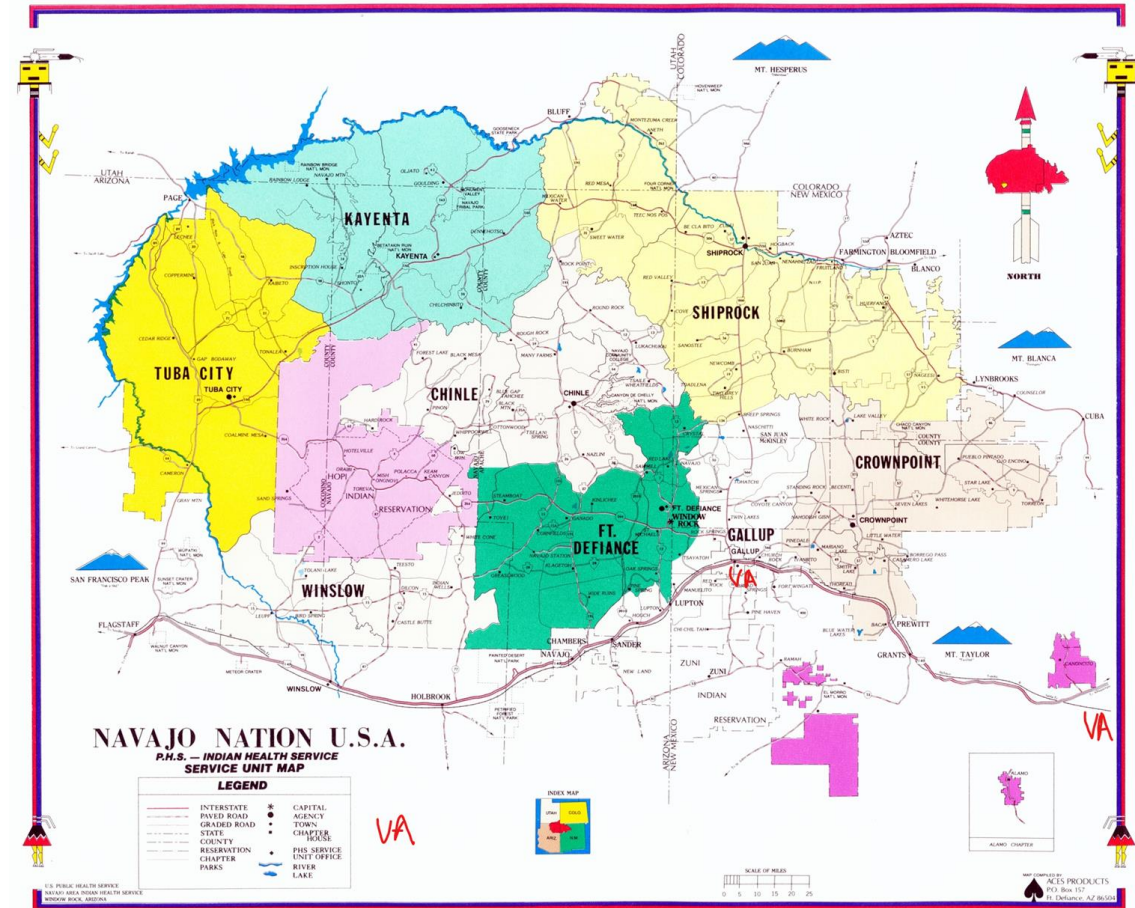
Accessing mental health and physical health services is complex.

- Veterans Administration
- Indian Health Service (IHS)
- Navajo Division of Behavioral Health and Mental Health Services  
(Tribal Program funded with IHS Funds)

# ACCESS TO HEALTH CARE FOR VETERANS THROUGH I.H.S.

VA-IHS MOU: reimbursement to IHS

1. Are I.H.S. personnel culturally sensitive to Veterans Care
2. I.H.S. personnel are culturally sensitive to traditional healing
3. Community Based treatment – since time immemorial. QPR, Mental Health First Aid



## Navajo Area Indian Health Services, or any I.H.S. and the Veterans Affairs MOU

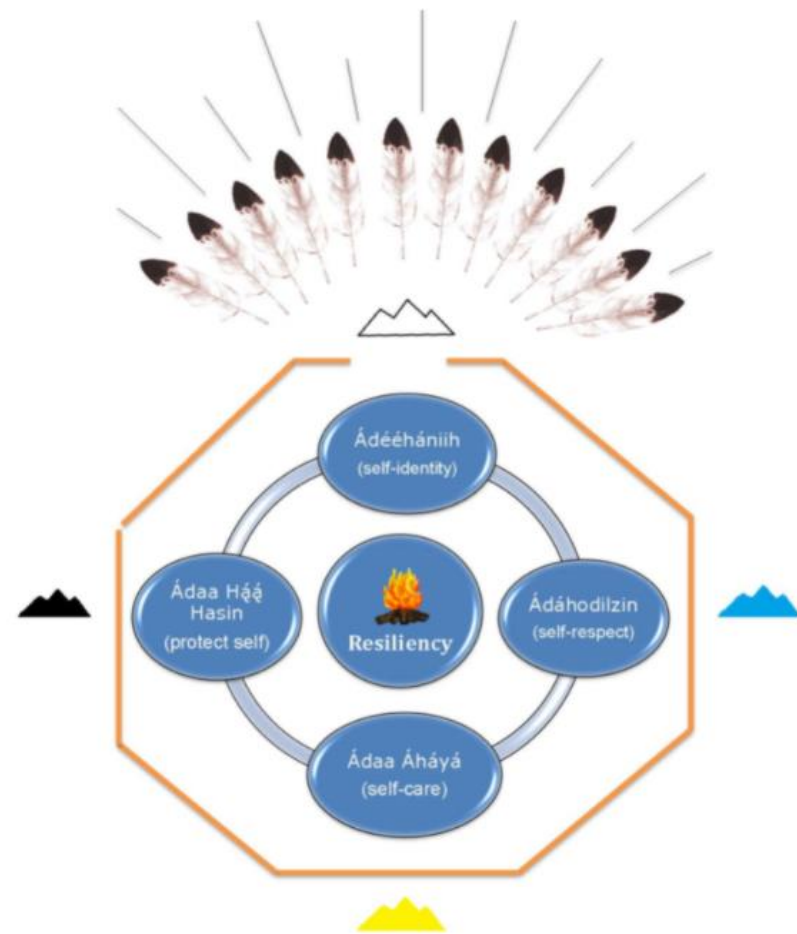


## VA Veterans Health Administration MOU

- Reimbursement for Direct Health Care Services to AI/AN Veterans in 77 I.H.S. facilities to 2022
- Reimbursement of \$75.5 million for 9,400 VHA enrolled AI/AN veterans.
- 2017 – VA reimbursed I.H.S. and the THPs (Tribal Health Programs) \$17 million
- In 2016, the project met with key leadership at the Navajo I.H.S. mental health program to develop better access for Navajo Veterans
- “Military” culturally appropriate care is needed
- Self care (App for PTSD)
- Training – “Peer support” use of Hogan's, etc.

# Wellness Model for *Haskeeji Nahatah* (Military leaders) and Families

- Self-Identity
- Self-Respect
- Self-Care
- Protect Self
- Developed by Office of Native Medicine Traditional Healers and from the Indian Health Service Website



Graphic of the Navajo Wellness Model curriculum entitled "Shá'bek'ehgo As'ah Oodáá'





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# VETERANS HAVE STORIES TO TELL & HAVE SHARED EXPERIENCES- “PEERS”







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# TREATMENT COURTS WORK

1. Setting up a Justice Outreach
  2. Then working on a treatment court.
- Ask Veterans what they want (Logic Model)
  - Work with VA Veterans Justice Outreach program- Get Vets signed up
  - IHS - VA MOU - get I.H.S. to provide access to benefits- they are local and rural
  - Include Families & Community
  - Native American and Veteran Cultures honored





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# NAVAJO WELLNESS COURT DEVELOPMENT



## Peer Support Enhancement to Any Court Off or On Reservation - Mentoring

- Veterans in tribal communities are resources.
- Military culture – a unique bond exists between veterans.
- 110 local Chapter veteran organizations in the Navajo Nation (AZ, NM, UT).
- Peers helping peers. Knowledge of values that make them soldiers and patriots.



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## RURAL NATIVE VETERAN SERVICES

- Reservation volunteer organization - The Navajo Nation has 110
- Reservation VFW or American Legion
- Tribal government programs





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# WHY WORK WITH VETERANS IN DEVELOPMENT OF YOUR TREATMENT COURT OR LEGAL SERVICES PROGRAM?

- Wisdom from their own experience
- Their journey inspires hope and belief that recovery is possible
- Their stories are unique (i.e. work, family and movie careers)
- Thomas H. Begay, Navajo Code Talker, veteran of WWII and Korean War
- Battle of Iwo Jima and Chosin frozen survivor
- <https://www.Bia.Gov/sites/bia.Gov/files/assets/public/pdf/idc2-052411.Pdf>





# MILITARY SUPPORT GROUP-HEALTH AND JUSTICE PARTNERS- PROVIDING ACCESS TO BENEFITS “WRAP AROUND SERVICES”



# BENEFITS, JOB & HEALTH FAIR AND GOURD DANCE

**2016 -2021**



- “MSG” Military Support Group (state, tribal and federal partners)
- One Saturday each year – benefits and gourd dancing
- Increase access for returning combat veterans in an off reservation community (Gallup, NM)
- Speakers: Navajo Nation President Jonathan Nez, Former Cabinet Secretary Jack Fox, NM Veterans Administration, Other tribal officials and leaders
- Over 200 people attended each year except this year due to pandemic
- 2020-2021 OVW “Virtual Run”

# BREAKFASTS AND GATHERINGS TO DO WORK: STRATEGIC PLANNING AND FUNDING VETERANS PROJECTS



# 2021 OVW “VIRTUAL RUN”

## Strava Run Club



**30 Day 60 Mile Challenge Virtual Run**  
June 2021

**Operation Veterans Wellness Running Club**

402 members

Last Week's Leaders

Distance	Total Running Time	Climbing
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- Partnerships with Navajo Department of Behavioral and Mental Health Services
- You Tube Channel: McKinley County Veterans Services Collaborative – 2<sup>nd</sup> week Video was about resources for veterans
- <https://www.youtube.com/watch?v=Yq6G8KqGIsE>



# VETERANS SUMMITS: PARTNERSHIP WITH NAVAJO VETERANS ADMINISTRATION AND THE VETERANS ADMINISTRATION



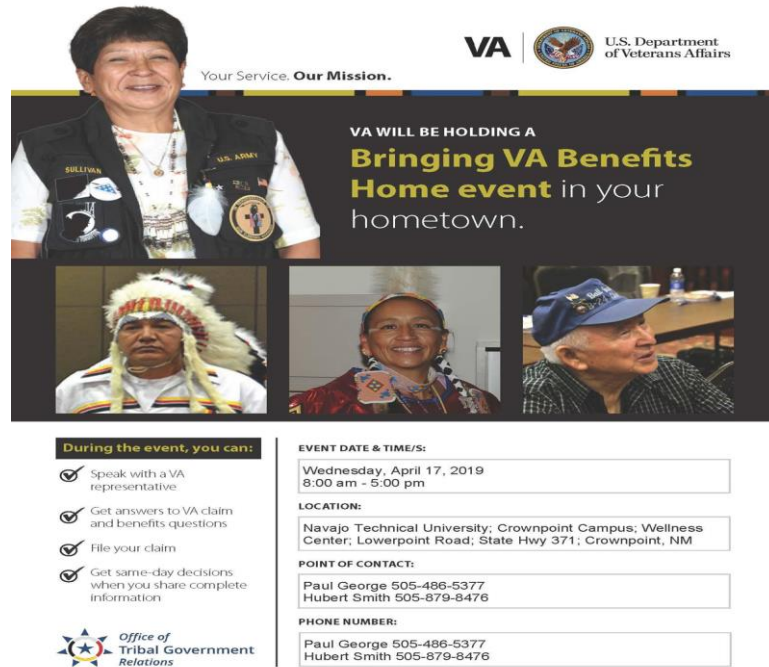
## Chinle, Gallup from 2016 – 2020

- Military Support Group working with volunteers on the Gallup “Stand Down”
- Benefits and claims fair
- Traditional teaching

# BENEFIT EVENTS AND STRATEGIC PLANNING

INVITE OFF-RESERVATION VETERAN ORGANIZATIONS AND VA TO YOUR EVENT

INCORPORATE ALL STRATEGIC PLANS



**VA** | U.S. Department of Veterans Affairs  
Your Service. Our Mission.

VA WILL BE HOLDING A **Bringing VA Benefits Home** event in your hometown.

**During the event, you can:**

- ✓ Speak with a VA representative
- ✓ Get answers to VA claim and benefits questions
- ✓ File your claim
- ✓ Get same-day decisions when you share complete information

**EVENT DATE & TIME/S:**  
Wednesday, April 17, 2019  
8:00 am - 5:00 pm

**LOCATION:**  
Navajo Technical University; Crownpoint Campus; Wellness Center; Lowerpoint Road; State Hwy 371; Crownpoint, NM

**POINT OF CONTACT:**  
Paul George 505-486-5377  
Hubert Smith 505-879-8476

**PHONE NUMBER:**  
Paul George 505-486-5377  
Hubert Smith 505-879-8476

Office of Tribal Government Relations



# 2020 VIRTUAL VETERANS SUMMIT

VIRTUAL SUMMIT ON FACEBOOK LIVE. VIDEOS ARE AVAILABLE:

Building Communities of  
**HOPE**  
"One Voice, One Nation - Protect Life"

June 2021  
**YA'IIISHTA'ASHCHILI**  
PLANTING OF EARLY CROPS

Navajo Nation Division of Behavioral & Mental Health Services  
@nndbmhs · Mental Health Service

Home Videos Photos Events More

VIRTUAL FACEBOOK LIVE EVENT  
facebook  
**6TH ANNUAL VETERANS CONFERENCE**  
November 4-6, 2020

Wednesday 11/4/20	Thursday 11/5/20	Friday 11/6/20
<b>9:00 am - 10:00 am</b> MC: Karina J Watson National Anthem: Kaitlyn Toledo Prayer: DeWayne Begay Welcome: Vera John	<b>9:00 am - 10:00 am</b> Suicide Prevention Presenter: CJ Fletcher and Christina Camacho	<b>9:00 am - 10:00 am</b> History of Navajo Veterans Presenters: Nelvin Tahornie
<b>12:00 pm - 1:00 pm</b> Coping with Stress and Anxiety Presenters: Didl Josea & Eukerson Tsinaimie	<b>12:00 pm - 1:00 pm</b> Cultural Wellness Presenters: Kenneth Begay & TJ Anderson	<b>12:00 pm - 1:00 pm</b> Family support and protective factors Presenter: Alberta Curley, Didl Josea and Eukerson Tsinaimie
<b>2:00 pm - 2:30 pm</b> Veteran's Resource: RBA-DBMHS Readjustment Counseling Vet Center Goodwill Industries of NM Veterans Housing Assistance- Goodwill DineNaazbaa Partnership Veterans Upward Bound-LNM NH Health Education Program - Gallup Service Area	<b>2:00 pm - 2:30 pm</b> Veteran's Resource: BCOH-DBMHS NM Department of Veteran Services Dine College Building Healthy Military Communities NM Farmers Marketing Assoc Navajo Nation Veterans Administration	<b>Closing Remarks: Robertson Yazzie</b> Closing prayer: Denise Tsinaimie - Miss U of A

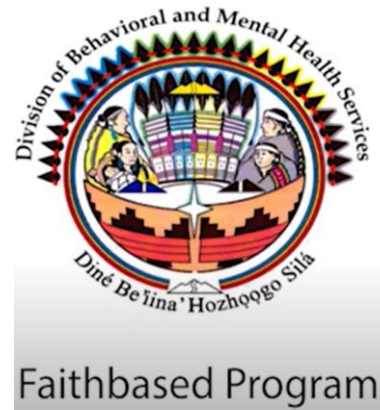
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U.S. ARMY U.S. NAVY U.S. AIR FORCE U.S. MARINE CORPS



# TECHNOLOGY OUTREACH ON WELLNESS

## YOUTUBE: MCKINLEY COUNTY VETERANS SERVICES COLLABORATIVE





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# PROGRAMS THAT WORK

Examples include:

- Technology use.
- Mobile units.
- Combining ‘boots on the ground’ with remote attorneys
- Technology-enhanced legal access
- Medical Legal Partnerships
- Licensure and professional responsibility



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# GENERAL GUIDANCE FOR RURAL LEGAL SERVICES

- **ABA Standing Committee on Pro Bono and Public Service did a report on pro bono legal services in rural areas. [Rural Pro Bono Project \(americanbar.org\)](https://www.americanbar.org/publications/pro_bono_public_service/2017/07/rural_pro_bono_project/)**
- Identified challenges unique to legal services delivery in rural locations.
- Set forth and evaluated an array of strategies used.
- It was not specific to AI/AN or veterans but provides some useful insights.



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## CHALLENGES UNIQUE TO RURAL LEGAL SERVICES DELIVERY

- Greater poverty.
- Lack of transportation, jobs, development capital, medical services, government services & meeting facilities conducive to legal representation.
- No public transportation; inaccessible roads.
- Limited internet and cell phone coverage.
- Geographical distance to urban centers makes a difference, i.e., in MT, SD, ND, AK.
- “Alaska’s geographical constraints are unparalleled. The state’s territory equals approximately one-third of the entire landmass of the United States. Over 200 villages range in size from fewer than 100 to 6,000 people. Most are accessible only by boat or small bush plane, and prices for air travel tend to be exorbitant.” ABA report at 11.
- Critical shortage of lawyers able for private representation or legal services. Veterans’ or “Indian law” qualified attorneys are even less.



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# APPROPRIATE APPROACHES FOR LEGAL SERVICES DELIVERY TO NAVAJO VETERANS

- What methods of connecting lawyers and legal services attorneys to Navajo veterans might be most appropriate?  
Navajo Veterans Affairs Department  
Navajo Veteran's Agency Organizations: Eastern, Ft. Defiance, Chinle, Western, Northern
- How could the organizational structure of Navajo veterans and their connection to the Navajo Nation assist in legal services delivery?

The Navajo Veteran Organization structure include five (5) regional organizations that meet bi-monthly

- Are there any special considerations that attorneys and legal advocates should take into mind when doing outreaching and intake for legal services?

Have flyers; no suits; speak loud and clearly (hearing impairment is common); introduce your purpose and where you are from; accept snacks and beverages; be patient and listen; accommodate for any health dipartites.





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## RURAL PRO BONO LEGAL SERVICES: IDENTIFIED STRATEGIES

- Establishing a presence within the community
- Involving the judiciary and law students
- Building urban-to-rural bridges
- Targeting high-need populations
- Developing non-traditional partnerships
- Minimizing geographic divides with technology
- Planning as a community
- Example: Project Rural Practice (South Dakota): combines funding from the state, rural counties and local bars to support young lawyers in small towns and farm counties.

Source: AT-A-GLANCE CHART OF PROGRAM TYPES AND RESOURCE REQUIREMENTS (ABA Report).  
[Rural Pro Bono Project \(americanbar.org\)](#) [24111 R7 ABA book bleed \(americanbar.org\)](#) pg.10

## AT-A-GLANCE CHART OF PROGRAM TYPES AND RESOURCE REQUIREMENTS

### Resource Guide: Rural Pro Bono Legal Service Initiatives

STRATEGY	INITIATIVE	TYPE	TIME	COST	STAFF	UPKEEP
Opening a pro bono branch office in a rural location	Volunteer Lawyers Project of Maine/Pine Tree Legal Assistance	Established	M	L	H	M
Adapting an urban volunteer lawyer program to a rural community	Ravalli County Family Advice Clinic – Montana Legal Services Association	Established	M	L	L	M
Launching a mobile self-help law clinic	Winnebago of Justice –Ventura County Superior Court	Developing	M	H	L	L
Partnering with local judges to train a community’s lawyers	Judges’ Best Practice Seminars –Rural Law Center of New York	Established	M	M	M	H
Using law students to serve the rural poor	Student Rural Outreach Program – Utah Legal Services	Promising	M	L	M	M
Turning law student vacations into rural service trips	Spring Break Service Trips – Minnesota Justice Foundation	Developing	M	L	H	H
Starting a legal services hotline/advice clinic	Consumer Telephone Advice Clinic – West Tennessee Legal Services	Established	M	L	M	L
Partnering with an urban volunteer lawyer program	Rural Pro Bono Project – Central California Legal Services	Promising	L	M	H	M

Providing training in a specific, high-demand poverty law area	Consumer Law Training – Three Rivers Legal Services' Volunteer Attorney Program	Promising	H	M	L	L
Providing technical training and assistance to farmers' advocates	Family Farm Training –Rural Advancement Foundation International USA/Farmers Legal Action Group	Established	H	M	H	M
Overcoming barriers faced by immigrant workers	Immigrant Poultry Worker Justice Project – Equal Justice Center	Developing	H	M	H	M
Collaborating with public libraries in rural communities	Library Liaison Project – Legal Services of Eastern Michigan	Developing	L	M	L	L
Forming alliances with faith communities and social service agencies	Interfaith Legal Services Pro Bono Clinic – Southeastern Ohio Legal Services	Developing	H	L	L	L
Using the Internet to reach rural clients and their advocates	Rural Outreach – Nebraska Appleseed	Established	M	M	M	M
Using video conferencing for rural client outreach	Video Conferencing –Montana Legal Services Association and Pine Tree Legal Assistance	Developing	H	H	M	M
Convening local community pro bono planning meetings	Rural Community Summit Project – Oregon Law Center	Promising	H	L	M	M
Appointing county leaders to	County-by-County Facilitators –	Promising	H	L	M	M



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# KEY POINTS IN DEVELOPING LEGAL SERVICES

- Tribal-sponsored programs
  - It is important that programs be coordinated and recommended by respected tribal leadership.
- Connecting with veterans
  - It is important to build opportunities for outreach and legal assistance that are responsive to diverse sectors of the veteran population.





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# QUESTION AND ANSWER SESSION





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# THANK YOU!

## NAICJA CONTACT INFORMATION

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