



Visually Establishing Aboriginal Title

The Case: Pueblo of Jemez v. USA

The Pueblo of Jemez is a federally recognized Native American tribe in North Central New Mexico. Comprised of more than 3,400 tribal members, Jemez is one of the 20 remaining pueblos of New Mexico. The tribal members of Jemez cherish their ancestral customs and maintain their traditional way of life.

A long legal fight over claims to the Valles Caldera National Preserve recently concluded after the United States Interior Secretary signed an agreement that recognized the Pueblo of Jemez's rights to occupy and use a nearly 5-square-mile area for traditional cultural purposes.

Banco Bonito, a portion of the Valles Caldera National Preserve northwest of Albuquerque, has been used by the Pueblo of Jemez for more than 800 years for summer residency and agriculture, hunting, gathering, and religious practices. The Jemez people consider it a spiritual sanctuary and part of their traditional homeland. However, in 1860, Congress granted the land to a private party. It was acquired by the US in 2000 and later transferred to the National Park system. As a result, Jemez access was restricted.

The Challenge

In 2012, the Pueblo of Jemez asserted its right to occupy and use the Banco Bonito land by suing the federal government under the Quiet Title Act. A key challenge was to establish aboriginal title, for which a tribe must "show actual, exclusive, and continuous use and occupancy for a long time of the claimed area," and that the actions of the US had not extinguished their title.

The Solution

IMS Legal Strategies was hired by the Pueblo of Jemez's legal team to advise on case strategies, create multimedia visual aids, and provide presentation support. Our consultants joined a series of strategy sessions to determine the best course of action to pursue this case and visually convey the land ownership claims.

Our visual advocacy team then developed compelling demonstratives to explain the aboriginal title elements and the archeological, geographical, and ethnographic evidence. We assisted in preparing presentation strategies for contemporary fact and cultural witnesses—including the Jemez community—and used geospatial (GIS) data to create detailed summaries of historical maps that supplemented expert testimony.

Additionally, we prepared Google Earth-derived aerial videography of the area at issue by blending satellite imagery with historical maps. Interactive 3D maps overlaid with archeological data enabled presenters to travel virtually through the 3,200-acre topography so decision-makers could take in various elements and characteristics of the land. We also displayed maps on large-format boards to reinforce important aspects of the case story.

These insightful materials supported counsel's arguments through several hearings, at trial, and during the appeal court process. Our integrated teams were integrally involved in refining trial strategies and presenting clear expert reports, in addition to expertly running the trial presentation database in the courtroom.

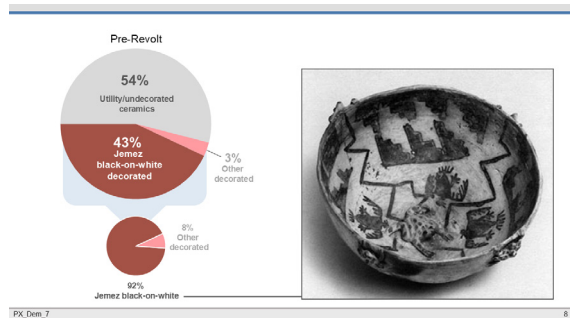
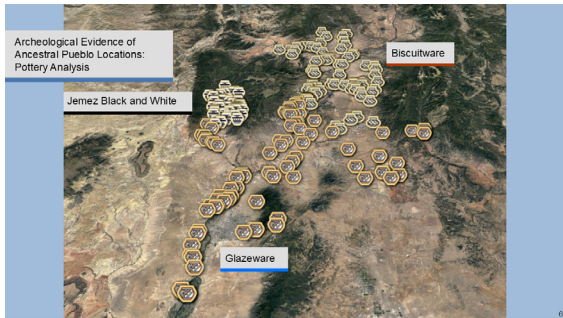
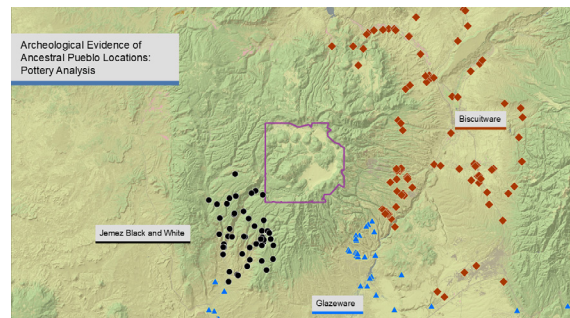
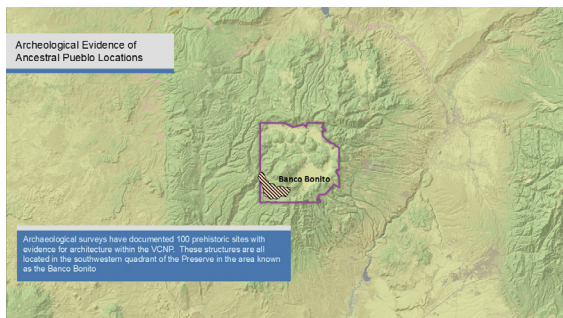
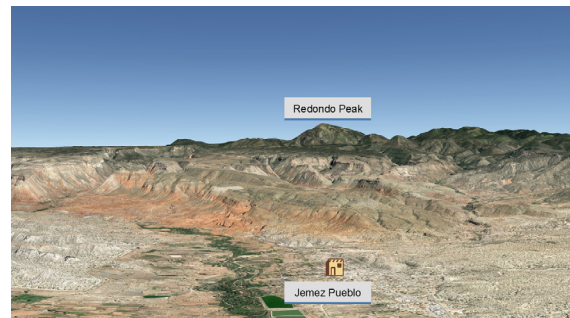
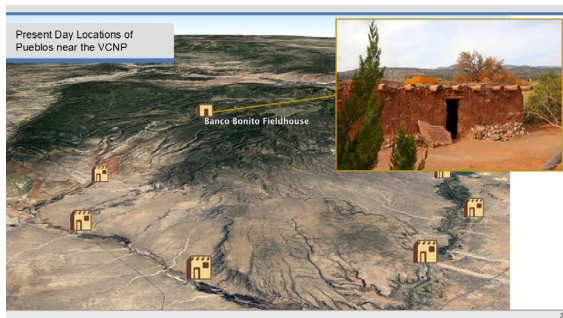
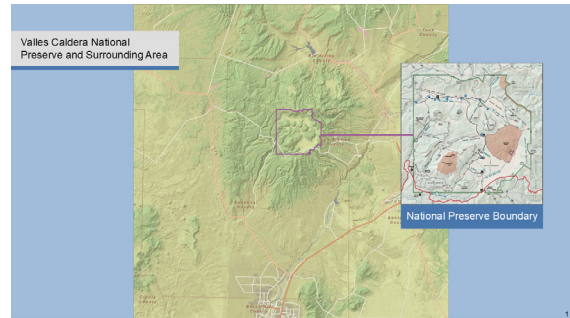
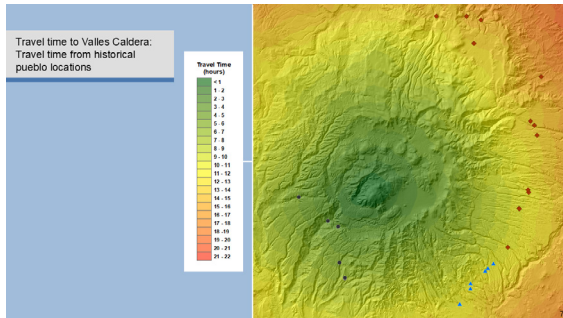
The Outcome

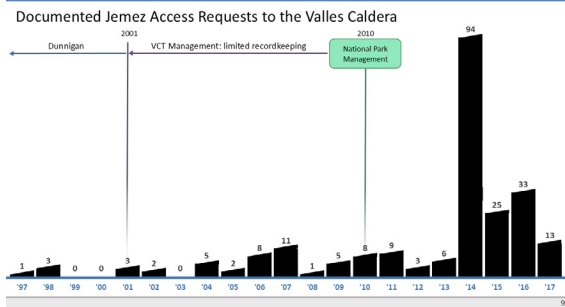
After 12 years of legal proceedings up through the US Court of Appeals for the Tenth Circuit, the parties reached a settlement concerning use of Banco Bonito.

In the settlement agreement, Banco Bonito will be managed by the National Park Services while the Pueblo of Jemez will retain their right to occupy and use the land for cultural and religious purposes, working with the government to exercise joint stewardship.

Lead plaintiff attorney Randolph Barnhouse described the outcome as "monumental," noting that this is the first time a tribe has successfully argued through the US judicial system and succeeded in establishing its aboriginal title rights.

Media Examples





IMS Legal Strategies is a professional services firm that partners with the most influential global law firms and corporations to elevate their legal strategies. Through every stage of dispute resolution, IMS provides the full suite of sophisticated advisory services lawyers need to prevail—world-class expert witness placement, specialized litigation consulting, cutting-edge visual advocacy, and flawless presentation delivery using state-of-the-art technology. Whether identifying expert witnesses from any industry and discipline, developing themes and demonstratives, preparing witnesses for depositions and hearings, conducting focus groups and mock trials, or guiding jury selection and voir dire, we work collaboratively with our law firm partners to strengthen their cases. IMS offers a fully integrated international team with decades of practical experience in more than 45,000 cases and 6,500 trials. Our trusted expertise is hard-earned. Together, we win. Visit imslegal.com for more.