

Tribal-State Court Forums

Tribal-State Court Forums: An Annotated Directory

Tribal Law and Policy Institute

June 2015



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A product of the

Tribal Law and Policy Institute

8235 Santa Monica Blvd, Suite 211

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www.tlpi.org

www.WalkingOnCommonGround.org

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Introduction

Tribal and state courts interact across many issues, including child welfare, cross jurisdictional enforcement of court orders, civil commitments, etc. One of the key arenas of interaction with great potential for collaboration are the courts. Tribal and state courts can misunderstand, misinterpret and disagree about issues of great importance to both jurisdictions. However, beginning in the mid 1980s through the efforts of the Conference of Chief Justices, tribal-state court forums began to bridge some of these gaps with judges and court personnel coming together to foster relationships, discuss areas of mutual concern, develop legislative initiatives and to find a common ground (see www.WalkingOnCommonGround.org for detailed background).

Since the 1980s, several tribal-state, and sometimes federal, court forums have emerged; but unfortunately, some have fallen by the wayside, often due to funding constraints or the retirement of key judges/staff that sustained the forum. To explore difficulties in sustainability and to discuss training needs, the Tribal Law and Policy Institute convened a working group meeting of several forums at the 2012 Indian Nations Conference. This provided a rare opportunity for peer to peer training and networking among forums. It became apparent that both existing forums, as well as those that are developing, have a need for information on how other forums are organized, structured, funded and how they problem solve. To that end, we have developed this annotated guide that provides information on the forums that we are aware of, including information on structure, organization, membership and funding. This annotated directory will be updated on an ongoing basis, and it is our hope that many more forums are added to this list. Efforts are currently underway in several states, including Washington and Oregon; subsequent editions of this publication will detail those efforts.

Compiling the annotated directory highlights several themes common to the forums contained within. First, the forums developed as one or two people had a desire to address difficult problems, such as jurisdictional problems, and worked together to find common ground. One of those areas that most forums have focused on is the Indian Child Welfare Act (ICWA) and most forums have worked together to create trainings or materials to assist state courts with ICWA's implementation. Another common area of interest has been the recognition of tribal court orders by state courts and many forums have developed rules or protocols for this. Another common theme is that the forums typically have co-chairs, one from tribal court judges and one from the state court judges participating in the forum. The forums also seek to maintain an equal balance between state and tribal participants, as well as federal participants who participate in several forums. The active forums have instituted regular and consistent meetings, even if it's only one in person meeting a year. These regular meetings ensure the work of the forum moves forward.

Recent law changes impacting tribal criminal jurisdiction, including the Tribal Law and Order Act and the Violence Against Women Reauthorization of 2013, make collaboration all the more

crucial and courts are often at the center of action. As more tribal and state judges and court personnel come together, we hope that these relationships inspire others to use collaboration as a strategy to bridge jurisdictional gaps to improve safety in Indian country.

The following general guidelines can assist tribes and states with making smart choices that have shown to be successful and to avoid common pitfalls.

Tribal/State Court Forum Dos and Don'ts

(Based on the experience of the members of the Arizona Court Forum as reported by the National Center for State Courts, 1992)

Membership

- DO select forum members from diverse perspectives who have demonstrated interest, expertise, or experience in addressing Indian law issues.
- DON'T select forum members based only on their position within the judiciary or elsewhere.

Mutual Respect

- DO acknowledge differences between tribal and state court systems and seek ways of cooperating consistent with those differences.
- DON'T characterize either system as better or worse or more or less sophisticated than the other.

Scope

- DO proceed in phases with predetermined time frames, including a study phase in which issues are identified, before implementing recommendations.
- DON'T devote resources to implementation until a consensus is reached concerning priority issues and recommendations.

Persistence

- DO design a process that invites broad-based participation in identifying issues and making recommendations.
- DON'T be discouraged by lack of participation or lack of progress.

Performance

- DO assign manageable tasks to forum members or subcommittees to be accomplished within established time frames.
- DON'T delay too long before dividing the work of the forum into tasks that can be accomplished within the time frames established.

Solutions

- DO emphasize creative solutions to jurisdictional issues that avoid litigation and are consistent with the rights of the parties, sovereignty, and judicial independence.
- DON'T emphasize jurisdictional limitations.

Communications

- DO emphasize person-to-person communication and education to address jurisdictional issues.
- DON'T seek to address jurisdictional issues solely through large-scale change in the law or legal systems.

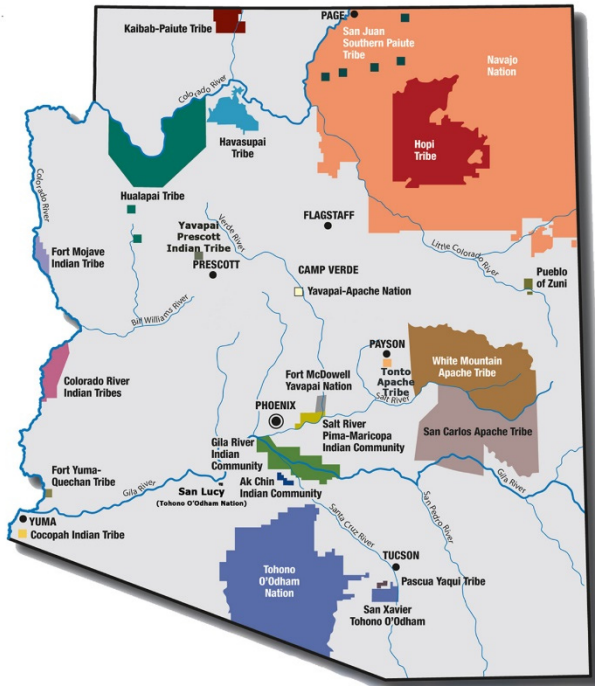
Arizona

Federal, State, and Tribal Court Forum

Founded: 1990

Forum Description:

There are twenty-one federally recognized tribes within Arizona. While not an original Public Law 280 (PL-280) state, Arizona attempted to assume PL-280 regulatory jurisdiction over air and water pollution; in 2003 the U.S. Supreme Court made it clear that PL-280 did not encompass state regulatory jurisdiction of that type.¹ Arizona is no longer attempting to exercise any PL-280 jurisdiction. The Arizona State and Tribal Court Forum formed in 1990, under the Conference of Chief Justices, which recommended an ongoing colloquium. In 1994 the Chief Judges of the U.S. 9th Circuit Court of Appeals and the District Court of Arizona appointed judges to serve in line with the conference recommendation.



The forum meets three times each year and addresses a seemingly limitless set of issues that are brought to the forum by others or raised by members. Historically, the forum has worked on issues such as:

- Orders of protection;
- Enforcement of tribal court involuntary commitment orders;
- Indian law questions on the state bar exam;
- Creating civil remedies;
- Judicial protocol for allocating jurisdiction between state and tribal courts;
- Resolving tribal/state jurisdictional dilemmas;

¹ *Bryan v. Itasca County*, 426 U.S. 373 (1976).

- Extradition of persons to and from Indian country;
- Qualified domestic relations orders; and
- Rules of procedure for recognition of tribal court judgments.

Arizona Tribal-State Key Accomplishments

- ✓ Enforcement of tribal court involuntary commitment orders
- ✓ Indian law question on the state bar examination
- ✓ Extradition statute for persons to and from Indian jurisdiction
- ✓ State rule on certification of questions of law from federal and tribal courts
- ✓ State rule for the recognition of tribal court civil judgements

Members:

The Court Forum consists of four federal members, six state members, at least seven tribal members, one State Bar member, and two public members. The federal members include a judge of the Ninth Circuit Court of Appeals appointed by the Chief Judge of the Circuit, a judge of the District of Arizona appointed by the Chief Judge of the District, the U.S. Attorney or designee, and the Federal Public Defender or designee. The state members include an appellate judge, three trial court judges, and a clerk of the superior court or deputy clerk appointed by the Chief Justice and the Arizona Attorney General or designee. The tribal members include at least seven chief judges or justices or their designees who express interest in Forum membership and who are appointed by the Chief Justice.

Current Members

Hon. Lisa Abrams

Superior Court, Pima County

Hon. Violet Lui-Frank

Tohono O’odham Nation Justice Center

Hon. Ryan Andrews

Salt River Pima – Maricopa Indian Com. Center

Hon. William Canby Jr.

U.S. Court of Appeals, Ninth Circuit

John Major

Public Member

Hon. Paul Christian

Yavapai-Apache Tribal Court

Hon. Arthur Markham

Yavapai-Prescott Tribal Court

Hon. Victor Clyde
Chinle Justice Court

Maria Morlacci
Arizona Office of the Attorney General

Hon. Edd Dawson
San Carlos Apache Tribal Court

Jan Morris
Public Member

Hon. Neil Flores
Fort Mojave Tribal Court

Hon. Kerry Passey
Yavapai Nation Tribal Court

Hon. Donna Grimsley
Superior Court, Apache County

Hon. Michala Ruechel
Superior Court, Navajo County

Sue Hall
Clerk of Superior Court, Apache County

Jon Sands
Federal Public Defender

Jeff Harmon
State Bar, Indian Law Section

Hon. Claudette White
Quechan Tribal Court

Hon. James Hopkins
Pascua Yaqui Court of Appeals

Hon. David Widmaier
Pinetop-Lakeside Municipal Court

Hon. Delfred Leslie, Hopi Tribal Court

Hon. Ida Wilber
Hualapai Tribal Court

Hon. Kay Lewis
Havasupai Tribal Court

Hon. Herb Yazzie
Navajo Nation Supreme Court

Funding Source:

Staff support for the forum is provided by the Arizona's Administrative Office of the Courts (AOC) while members are responsible for their own travel.

Website:

<http://www.azcourts.gov/stfcf/Home.aspx>

Contact Information:

David Withey
Arizona Supreme Court, AOC
1501 W. Washington
Phoenix, AZ, 85007
E-mail Address: dwithey@courts.az.gov
Phone Number: 602-452-3325

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Arizona Authorizing Documents:

IN THE SUPREME COURT OF THE STATE OF ARIZONA

<i>In the Matter of:</i>)	
)	
<i>ARIZONA CODE OF JUDICIAL</i>)	<i>Administrative Order</i>
<i>ADMINISTRATION § 1-801:</i>)	<i>No. 2007 - 25</i>
<i>STATE, TRIBAL AND FEDERAL</i>)	<i>(Replacing Administrative</i>
<i>COURT FORUM</i>)	<i>Order No. 2004-36)</i>
)	

The above captioned provision having come before the Arizona Judicial Council on March 6, 2007, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration, replacing Administrative Order No. 2004-36.

Dated this 15th day of March , 2007.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 8: Intergovernmental Relations
Section 1-801: State, Tribal and Federal Court Forum

A. General Purpose. *The State, Tribal and Federal Court Forum (STFCF) is established to create an ongoing colloquium between state, tribal and federal judiciaries regarding the interaction of state, tribal and federal court jurisdiction in Arizona.*

B. Membership. *STFCF shall include the following members:*

1. *Four federal members, including:*
 - a. *One Ninth Circuit Court of Appeals judge appointed by the chief judge of the circuit;*
 - b. *One District of Arizona judge appointed by the chief judge of the district;*
 - c. *The United States Attorney or designee; and*
 - d. *The Federal Public Defender or designee.*
2. *Eight state members, including:*
 - a. *One appellate judge;*
 - b. *Five trial court judges of general and limited jurisdiction courts;*
 - c. *A clerk of superior court or deputy clerk appointed by the chief justice; and*
 - d. *The attorney general or designee.*
3. *A minimum of eight tribal members appointed by the chief justice; including:*
 - a. *At least eight chief judges, chief justices or designees; and*
 - b. *Any additional chief judges, chief justices or designees who express interest in forum membership.*
4. *One State Bar of Arizona, Indian Law Section member; and*
5. *Two public members.*

C. Term. *State and tribal court members and the public members shall be appointed to a three year term. Members serving due to office held, by appointment of an officer other than the chief justice, or by designation of an officer entitled to membership, shall not have a term.*

D. Responsibilities.

1. *To foster mutual understanding and acceptance by state, tribal and federal judges of the similarities and differences between each other's courts and legal systems, particularly pertaining to the resolution of jurisdictional issues.*

2. *To promote improvement in the quality of justice delivered in the context of the overlapping jurisdiction of state, tribal and federal courts through judicial education, professional court administration, education of attorneys and the public about tribal courts, and the sharing of personnel, facilities and programs, as well as state, tribal and federal funding, as appropriate.*
 3. *To promote respect for and recognition of the judicial proceedings and judgments among the three court systems in order to minimize the need for litigation regarding jurisdictional issues.*
 4. *To increase operational communication, cooperation and coordination among state, tribal and federal courts and other justice agencies in Arizona.*
 5. *To promote legislative, regulatory and court rule changes to further the coordination of and cooperation among the three court systems.*
 6. *Any other duties deemed by a majority of forum members to be in the best interests of state, tribal and federal courts and of the justice system serving the citizens of Arizona affected by the interaction of these three systems.*
- E. Organization.** *The chief justice shall appoint one of the members to chair the forum. The chair shall appoint a member to serve as vice-chair.*

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California

Tribal-State Forum



Founded: 2010

Forum Description:

There are approximately 110 federally recognized tribes within California, three state-recognized tribes, and approximately one hundred non-recognized Native communities seeking recognition. The Tribal Court–State Court Forum was launched in May 2010, and became institutionalized as an advisory committee to the California Judicial Council in January 2014. What began with a simple request by one tribal court judge for a meeting with the Chief Justice of the State of California has led to the coming together of tribal court and state court leaders as equal partners to address areas of mutual concern. The forum is a coalition of the various tribal courts situated in California and California courts that come together as equal partners to address issues common to both relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions.

The forum is co-chaired by a tribal court judge and state court judge and meets annually in person and bimonthly by conference call. The forum is convened for the express purpose of

improving the working relationship between its members and enabling the courts of each to issue and enforce their respective orders to the fullest extent allowed by law. The forum makes recommendations, including legislative and rule/form proposals, to the California Judicial Council either directly or jointly with the appropriate, relevant advisory committees. The goals of the forum are to:

- Ensure the fair process for and quality treatment of all people who appear before both tribal and state judicial systems; public safety; and accountability;
- Coordinate and share resources in order to achieve a seamless delivery of justice and to ensure that our citizens receive the benefit of all that both tribal and state judicial systems have to offer;
- Improve access to justice by addressing jurisdictional issues and the lack of services and other resources in Indian country; and
- Identify and address areas of concurrent jurisdiction and establish mechanisms for the allocation, sharing, and transfer of jurisdiction and working cooperatively to identify and address issues of full faith and credit and mutual enforcement of court orders.

California Tribal-State Key Accomplishments

- ✓ Curriculum on civil and criminal jurisdiction in a Public Law 280 State
- ✓ Tribal Court directory
- ✓ Tribal specific data on domestic violence
- ✓ Statewide needs assessment on domestic violence
- ✓ California Courts protective order registry
- ✓ Public Law 280 and family violence curriculum for judges
- ✓ Tribal advocates curriculum
- ✓ Tribal communities and domestic violence judicial bench guide
- ✓ Judicial toolkit on Federal Indian law
- ✓ Rule governing Title IV-D case transfers to tribal court
- ✓ Tribal Court Civil Money Judgment Act
- ✓ Cross-cultural court exchanges

Members:

The forum is comprised of over thirty members—twenty-eight judges, one former judge, one volunteer judge (retired), and one non-judicial member. The members of the forum include thirteen tribal court judges, nominated by their tribal leadership, representing sixteen of the twenty-three tribal courts currently operating in California; the director of the California Attorney General’s Office of Native American Affairs; the tribal advisor of the California Governor; and fourteen state court judicial officers, including the chairs or their designees of the California Judicial Council’s Family and Juvenile Law Advisory Committee, Access and Fairness Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Probate and Mental Health Advisory Committee, and Traffic Advisory Committee; representatives of the local courts in counties where many of the tribal courts are situated; and a retired judge. Consistent with the state judicial branch’s respect for tribal sovereignty, the California Chief Justice appoints only nontribal members. Tribal leadership for each tribal nation with a tribal court in California can appoint members who are tribal court judges and tribal court justices. The goal is to maintain equal representation on the forum between tribal court and state court members.

Current Members

Hon. Richard C. Blake, Cochair

(Hoopa, Yurok, Karuk)
Chief Judge of the Hoopa Valley Tribal Court
Chief Judge of the Smith River Rancheria
Chief Judge of the Redding Rancheria Tribal
Court

Hon. Dennis M. Perluss, Cochair

Presiding Justice of the Court of Appeal,
Second Appellate District, Division Seven
Chair of the Civil and Small Claims Advisory
Committee

Hon. Abby Abinanti

(Yurok)
Chief Judge of the Yurok Tribal Court

Hon. April E. Attebury

(Karuk)
Judge and Court Administrator of the Karuk
Tribal Court

Hon. Mitchell L. Beckloff

Judge of the Superior Court of California,
County of Los Angeles

Hon. Jerilyn L. Borack

Judge of the Superior Court of California,
County of Sacramento
Cochair of the Family and Juvenile Law
Advisory Committee

Hon. Alex Cleghorn

Chief Judge of the Northern California
Intertribal Court System

Hon. Leonard P. Edwards (Ret.)

Volunteer Mentor Judge
Center for Families, Children and the Courts
Judicial Council of California

Hon. Kimberly A. Gaab

Assistant Presiding Judge of the Superior
Court of California, County of Fresno

Hon. Michael Golden

Chief Judge of the Morongo Tribal Court

Hon. Cynthia Gomez

(Tule River Yokut Tribe)

Tribal Advisor of the Office of Governor
Edmund G. Brown Jr.

Mr. Olin Jones

(The Chickasaw Nation of Oklahoma)

Director of the Office of Native American
Affairs
California Attorney General's Office

Hon. Suzanne N. Kingsbury

Presiding Judge of the Superior Court of
California, County of El Dorado

Hon. William Kockenmeister

Chief Judge of the Bishop Paiute Indian
Tribal Court
Chief Judge of the Washoe Tribal Court

Hon. Anthony Lee

(St. Regis Mohawk Tribe)

Chief Judge of the San Manuel Tribal Court

Hon. John L. Madigan

Chief Judge of the Intertribal Court of
Southern California

Hon. Lester J. Marston

(Chiricahua and Cahuilla)

Chief Judge of the Blue Lake Rancheria
Tribal Court

Hon. David E. Nelson

Presiding Judge of the Superior Court of
California, County of Mendocino

Hon. Kimberly J. Nystrom-Geist

Judge of the Superior Court of California,
County of Fresno

Hon. Deborah A. Ryan

Judge of the Superior Court of California,
County of Santa Clara

Hon. Deborah L. Sanchez

(Chumash and O'odham)

Judge of the Superior Court of California,
County of Los Angeles

Hon. Allen H. Sumner

Judge of the Superior Court of California,
County of Sacramento

Hon. Juan Ulloa

Judge of the Superior Court of California,
County of Imperial

Hon. Claudette C. White

(Pending Tribal Leader Order)

(Quechan)

Chief Judge of the Quechan Tribal Court

Hon. Christine Williams

(Yurok)

Chief Judge of the Shingle Springs Tribal
Court

Hon. Christopher G. Wilson

Judge of the Superior Court of California,
County of Humboldt

Hon. Joseph J. Wiseman

Chief Judge of the Dry Creek Rancheria
Band of Pomo Indians

Hon. Sarah S. Works

Chief Judge of the Trinidad Rancheria Tribal
Court

Funding Source:

The forum is supported with funds from the Office on Violence Against Women, U.S. Department of Justice that are administered through the Governor's Office of Emergency Services, the U.S. Department of Health and Human Services, Court Improvement Program, and the California Department of Social Services.

Website:

<http://www.courts.ca.gov/3065.htm>

Contact Information:

Jennifer Walter

California Judicial Council

San Francisco, CA, 94109

E-mail Address: jennifer.walter@jud.ca.gov

Phone Number: 415-865-7687

California Authorizing Documents:

Rule 10.60. Tribal Court-State Court Forum

(a) Area of focus

The forum makes recommendations to the council for improving the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps.

(b) Additional duties

In addition to the duties described in rule 10.34, the forum must:

- (1) Identify issues of mutual importance to tribal and state justice systems, including those concerning the working relationship between tribal and state courts in California;*
- (2) Make recommendations relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions;*
- (3) Identify, develop, and share with tribal and state courts local rules of court, protocols, standing orders, and other agreements that promote tribal court-state court coordination and cooperation, the use of concurrent jurisdiction, and the transfer of cases between jurisdictions;*
- (4) Recommend appropriate activities needed to support local tribal court-state court collaborations; and*
- (5) Make proposals to the Governing Committee of the Center for Judicial Education and Research on educational publications and programming for judges and judicial support staff.*

(c) Membership

The forum must include the following members:

- (1) Tribal court judges or justices selected by tribes in California, as described in (d), but no more than one tribal court judge or justice from each tribe;*
- (2) At least three trial court judges from counties in which a tribal court is located;*
- (3) At least one appellate justice of the California Courts of Appeal;*
- (4) At least one member from each of the following committees: the Access and Fairness Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory*

Committee, Family and Juvenile Law Advisory Committee, Governing Committee of the Center for Judicial Education and Research, Probate and Mental Health Advisory Committee, and Traffic Advisory Committee; and

- (5) *As ex officio members, the Director of the California Attorney General's Office of Native American Affairs and the Governor's Tribal Advisor.*

The composition of the forum must have an equal or a close-to-equal number of judges or justices from tribal courts and state courts.

(d) Member Selection

- (1) *The Chief Justice appoints all forum members, except tribal court judges and tribal court justices, who are appointed as described in (2).*
- (2) *For each tribe in California with a tribal court, the tribal leadership will appoint the tribal court judge or justice member to the forum consistent with the following selection and appointment process.*
- (A) *The forum cochairs will notify the tribal leadership of a vacancy for a tribal court judge or justice and request that they submit names of tribal court judges or justices to serve on the forum.*
- (B) *A vacancy for a tribal court judge or justice will be filled as it occurs either on the expiration of a member's term or when the member has left the position that qualified the member for the forum.*
- (C) *If there are more names of tribal court judges and justices submitted by the tribal leadership than vacancies, then the forum cochairs will confer and decide which tribal court judges or justices should be appointed. Their decision will be based on the diverse background and experience, as well as the geographic location, of the current membership.*

(e) Cochairs

The Chief Justice appoints a state appellate justice or trial court judge and a tribal court appellate justice or judge to serve as cochairs, consistent with rule 10.31(c).

Rule 10.60 adopted effective October 25, 2013.

Judicial Council Comment

*Tribes are recognized as distinct, independent political nations (see *Worcester v. Georgia* (1832) 31 U.S. 515, 559, and *Santa Clara Pueblo v. Martinez* (1978) 436 U.S. 49, 55, citing *Worcester*), which retain inherent authority to establish their own form of government, including tribal justice systems. (25 U.S.C.A. § 3601(4).) Tribal justice systems are an essential part of tribal governments and serve to ensure the public health*

*and safety and the political integrity of tribal governments. (25 U.S.C.A. § 3601(5).)
Traditional tribal justice practices are essential to the maintenance of the culture and
identity of tribes. (25 U.S.C.A. § 3601(7).)*

*The constitutional recognition of tribes as sovereigns in a government-to-government
relationship with all other sovereigns is a well-established principle of federal Indian law.
(See Cohen's Handbook of Federal Indian Law (2005) p. 207.) In recognition of this
sovereignty, the council's oversight of the forum, through an internal committee under
rule 10.30(d), is limited to oversight of the forum's work and activities and does not
include oversight of any tribe or tribal court.*

Idaho

Tribal-State Court Forum



Source: <http://www.isc.idaho.gov/tribal-state/tribalcourt>

Founded: 1993

Forum Description:

Idaho has five federally recognized Indian tribes, the Kootenai, Coeur d’Alene, Nez Perce, Shoshone-Bannock, and Shoshone Paiute Tribes. In 1963, pursuant to PL-280, Idaho enacted Idaho Code Section 67-5101. This code section created concurrent jurisdiction of tribal and state courts in seven areas: compulsory school attendance; juvenile delinquency and youth rehabilitation; dependent, neglected, and abused children; insanities and mental illness; public assistance; domestic relations; and the operation and management of motor vehicles upon highways and roads maintained by the county or state, or political subdivisions thereof. This concurrent jurisdiction occasionally created situations in which there were conflicting tribal and state court orders and competition for jurisdiction. Procedures for recognizing, respecting, and enforcing state and tribal court orders, on and off reservations, could prove to be complicated, problematic, and costly.

Idaho’s Tribal State Court Forum was established in 1993 with a goal of implementing strategies to reduce jurisdictional conflicts between state and tribal courts by facilitating communication among judges of both systems, thus making each court system more effective. By bringing the players together at forum meetings, judges can learn the differences between the respective court systems and discuss ways to bridge those differences. These meetings also allow tribal and state judges to gain knowledge of each other’s procedures and practices and foster mutual cooperation and respect.

The forum discusses current issues of importance to tribal and state courts, and its agenda includes educational topics such as the Indian Child Welfare Act (ICWA), relations between governmental agencies, criminal jurisdiction, extradition, juvenile justice issues, PL-280 jurisdiction, reciprocity, full faith and credit, and comity. The forum can pass resolutions, comment on legislation and rules, and propose action on relevant topics. As a Supreme Court committee, any such action is forwarded to the Supreme Court’s Administrative Conference for consideration. Through the forum, domestic violence protection orders have become

somewhat standardized to provide an easily recognizable first page, enabling both tribal and state law enforcement officers to better serve and protect victims of domestic violence.

Idaho Tribal-State Key Accomplishments
✓ Idaho Tribal-State Court Bench Book 2014 Edition
✓ As a committee of the State Supreme Court, the Forum can propose rules and action to the Supreme Court’s Administrative Conference for consideration
✓ Standardized domestic violence protection orders

Members:

The members serve at the pleasure of the Chief Justice of the Idaho Supreme Court and consist of:

- Tribal court judges from the Kootenai, Coeur d’Alene, Nez Perce, Shoshone-Bannock, and Shoshone Paiute Tribes;
- State court judges from areas adjacent to Indian country;
- A representative from the U.S. District Court for Idaho; and
- Professor Angelique EagleWoman of the University of Idaho College of Law, who serves as a consultant to the forum.

Current Membership

Tribal Representatives

Hon. Fred Gabourie Sr.

Co-Chairman of the Forum
 Chairman, Shoshone-Bannock Tribal
 Former Chief Judge, Kootenai Tribe retired
 Appellate Judge Shoshone Bannock Tribe

Chief Judge and/or General Council
 Chairperson's
 Designee-Nez Perce Tribe

Chief Judge and/or Tribal Council
 Chairperson's
 Designee-Kootenai Tribe

Hon. Mary Pearson

Former Chief Judge, Coeur d'Alene Tribe,
 retired
 Appellate Judge Shoshone Bannock Tribe.

Chief Judge and/or Tribal Council
 Chairperson's
 Designee Coeur d'Alene Tribe

Hon. Marina FastHorse,

Shoshone-Bannock Tribe
 Chief Judge, Shoshone-Bannock Tribal Court

Chief Judge and/or Tribal Council
 Chairperson's
 Designee Northwestern Band of the
 Shoshone Nation

Chief Judge and/or Tribal Business Council's
Chairperson's
Designee-Shoshone-Paiute
Tribes

Leo Ariwite, Shoshone-Bannock
Tribe Judicial Council
Court Judicial Council

Douglas Roger Nash
Institute for Indian Estate Planning &
Probate

State Representatives

Hon. Gaylen L. Box
Bannock County Sixth District-
Co-Chairman of the Forum
Bannock County Magistrate Court

Debra J. Alsaker-Burke
Idaho Supreme Court, Children and Families
in the Courts
Idaho Supreme Court

Hon. Ronald E. Bush
United States District Court
U.S. Courts, District of Idaho

Hon. Ryan Boyer
Bingham County Seventh District
Bingham County Magistrate Court

Hon. John Luster
Kootenai County First District
District Judge, First District Court

Hon. Jeff P. Payne
Idaho County-Second District
Idaho County Magistrate Court

Hon. John Judge
Latah County Second District
Latah County Magistrate Court

Consultant (non-voting)
Prof. Angelique EagleWoman
Consultant to the Forum (non-voting)
Associate Professor of Law

Hon. John Varin
Idaho Supreme Ct, Alternative Sentencing
and Problem Solving Courts
ISC: Alternative Sentencing, Problem Solving
Courts

Reporter (non-voting)
Kimberly D. Halbig-Sparks
Idaho Supreme Court, Deputy Legal
Counsel-Reporter Attorney Idaho Supreme
Court

Funding Source:

The Idaho Supreme Court provides a small budget which pays for travel and expenses for state employees to attend meetings once a year.

Website:

<http://www.isc.idaho.gov/tribal-state/forum-participants>

Contact Information:

Judge Gaylen Box
Co-Chair Idaho Tribal-State Court Forum
Bannock County Magistrate Court
624 E. Center, Pocatello, ID 83201
(208) 236-7255
(208) 236-7243
Email: gaylenb@co.bannock.id.us

Idaho Authorizing Documents:

In the Supreme Court of the State of Idaho

IN RE: FORMATION OF A NEWLY)
ESTABLISHED TRIBAL COURT- STATE)
COURT FORUM)
ORDER)
_____)

The Court, having received a request and recommendation from Hon. Fred Gabourie and Hon. Gaylen Box, with the concurrence of Chief Justice Roger Burdick that the Tribal Court-State Court Forum be re-established.

IT IS HEREBY THE ORDER OF THE COURT that the following persons be invited by Co-Chairmen Gabourie and Box to join the Tribal Court-State Court Forum to accomplish the following mission:

- 1) To foster mutual respect, understanding and collaboration in order to minimize conflict among tribal, federal and state justice communities;*
- 2) To educate states and tribes on processes that promote cooperation in problem-solving; and*
- 3) To promote state-tribal interaction and cooperation in order to ensure equal access to justice.*

IT IS FURTHER ORDERED that the Tribal Court-State Court Forum shall meet regularly and shall report periodically to the Court and to the Administrative Conference on actions taken as well as recommendations for legislative and rule changes, budget enhancements and other significant policy improvements.

IT IS FURTHER ORDERED that, upon acceptance, the following persons are appointed as members of the Tribal Court-State Court Forum, to serve until further order of the Court to serve until further order of the Court:

TRIBAL REPRESENTATIVES

Hon. Fred Gabourie Sr.-Co-Chairman of the Forum

*Address: PO Box 10
Worley, ID 83876
Former Chief Judge, Kootenai Tribe retired
Appellate Judge Shoshone Bannock Tribe
Phone: (208) 691-0116
FAX: (509) 922-0814
E-Mail Address: [whitedeer @q.com](mailto:whitedeer@q.com)*

Hon. Mary Pearson

*Address: 12407 N. Nine Mile Road
Nine Mile Falls, WA 99026*

*Former Chief Judge, Coeur d'Alene Tribe, retired
Appellate Judge Shoshone Bannock Tribe.
Phone: (509) 990-4214
E-Mail Address: mary0808@msn.com*

Hon. Marina FastHorse--Shoshone-Bannock Tribe

*Address: P.O. Box 306
Fort Hall, ID 83203
Chief Judge, Shoshone-Bannock Tribal Court
Phone: (208) 236-1066
FAX: (208) 238-1153
E-Mail Address: mfasthorse@sbtribes.com*

Chief Judge and/or General Council Chairperson's Designee-Nez Perce Tribe

Chief Judge and/or Tribal Council Chairperson's Designee-Kootenai Tribe

Chief Judge and/or Tribal Council Chairperson's Designee-Coeur d'Alene Tribe

Chief Judge and/or Tribal Council Chairperson's Designee--Northwestern Band of the Shoshone Nation

Chief Judge and/or Tribal Business Council's Chairperson's Designee-Shoshone-Paiute Tribes

Leo Ariwite-Shoshone-Bannock Tribe Judicial Council

*Address: P.O. Box 306
Fort Hall, ID 83203
Chairman, Shoshone-Bannock Tribal Court Judicial Council
Phone: (208) 478-4062
E-Mail Address: duivich@yahoo.com*

Douglas Roger Nash

*Address: PO Box 222000
Seattle, WA 98122
Firm: Institute for Indian Estate Planning & Probate
Phone: (206) 398-4284 Ext.
FAX: (206) 398-4077
E-Mail Address: dnash@seattleu.edu
Website Address: www.indianwills.org*

STATE REPRESENTATIVES

Hon. Gaylen L. Box-Bannock County Sixth District-Co-Chairman of the Forum

*Address: 624 E. Center
Pocatello, ID 83201
Bannock County Magistrate Court
Phone: (208) 236-7255*

FAX: (208) 236-7243
E-Mail Address: gaylenb@co.bannock.id.us

Hon. Ronald E. Bush-United States District Court

Address: 550 W. Fort Street, MSC 040
Boise, ID 83724
Firm: U.S. Courts, District of Idaho
Phone: (208) 334-9150 Ext.
FAX: (208) 334-9215
E-Mail Address: ronald bush@id.uscourts.gov

Hon. John Luster-Kootenai County First District

Address: PO Box 9000
Coeur d'Alene, ID 83816-9000
District Judge, First District Court
Phone: (208) 446-1107
FAX: (208) 446-1119
E-Mail Address: jluster@co.kootenai.id.us

Hon. John Judge-Latah County Second District

Address: PO Box 8068
Moscow, ID 83843
Latah County Magistrate Court
Phone: (208) 883-2255
FAX: (208) 883-2259
E-Mail Address: jjudge@latah.id.us

Hon. John Varin-Idaho Supreme Ct, Alternative Sentencing and Problem Solving Courts

Address: PO Box 190
Fairfield, ID 83327
ISC: Alternative Sentencing, Problem Solving Courts
Phone: (208) 764-2285
FAX: (208) 947-7590
E-Mail Address: jvarin@idcourts.net

Debra J. Alsaker-Burke-Idaho Supreme Court, Children and Families in the Courts

Address: PO Box 83720
Boise, ID 83720-0101
Idaho Supreme Court
Phone: (208) 947-7457
FAX: (208) 947-7416
E-Mail Address: dburke@idcourts.net

Hon. Ryan Boyer-Bingham County Seventh District

Address: 501 N. Maple, #402
Blackfoot, ID 83221-1700
Bingham County Magistrate Court
Phone: (208) 782-3121 Ext.

FAX: (208) 782-3167

E-Mail Address: rboyer@co.bingham.id.us

Hon. Jeff P. Payne-Idaho County-Second District

Address: 320 W. Main

Grangeville, ID 83530

Idaho County Magistrate Court

Phone: (208) 983-2776 Ext.

FAX: (208) 983-2376

E-Mail Address: jpavne@idahocountv.org

IT IS FURTHER ORDERED that the following individuals be appointed as Consultant to the Forum, and as the Reporter to the Forum.

Prof. Angelique EagleWoman-Consultant to the Forum (non-voting)

Address: University of Idaho College of Law

Moscow, ID

Associate Professor of Law

Phone: (208) 885-7634

E-Mail: eaglewoman@uidaho.edu

Kimberly D. Halbig-Sparks-Idaho Supreme Court, Deputy Legal Counsel-Reporter (non-voting)

Address: PO Box 83720

Boise, ID 83720-0101

Attorney Idaho Supreme Court

Phone: (208) 947-7408

FAX: (208) 334-2146

E-Mail Address: ksparks@idcourts.net

Dated this 8th day of January, 2013.

Michigan

Tribal-State-Federal Judicial Forum

Founded: 2014 (similar project began in 1992)

Forum Description:

Within Michigan's borders, there are twelve federally recognized tribes. The original forum was convened in 1992. Although it only formally existed in name for one year, it wisely developed goals and objectives with an implementation plan. Two of the objectives of the forum plan were the creation of the American Indian Law Standing Committee and American Indian Law Section of the State Bar of Michigan. The Standing Committee, as the first created entity, was responsible for pushing forward to achieve the goals and objectives of the forum's implementation plan. Although the forum only existed in name for a year, one of its lasting legacies is the relationships that have carried the forum's spirit forward ever since.



Chief Judge Michael Petoskey and Michigan Supreme Court Justice Michael F. Cavanagh.

The 1992 forum was established by the Michigan Supreme Court, under the leadership of then-Chief Justice Michael Cavanagh. It is crystal clear that without his commitment to bringing each of the separate sovereigns together so each could better serve its respective constituents, none of this would have happened. Chief Justice Cavanagh led the Court's application for a grant from the National Center of State Courts because he realized that Michigan had a significant Native American population with a number of tribes. He also realized that he knew little about the tribes in Michigan and Indian affairs in general. Thus the primary charge of the forum was to identify the common ground in order to avoid jurisdictional conflict and to develop strategies for court-to-court cooperation.

In 2014, the forum came together again formally and in 2015 added official two members from the federal courts. The order that created the Forum states:

"For purposes of building on the past spirit of cooperation and of creating a dialogue among the state, Tribal, and federal judiciaries, the Court recognizes the importance of establishing an ongoing forum that will address working relationships among the court systems and the interaction of state, Tribal, and federal court jurisdiction in Michigan."

The renewed forum has state court and tribal court co-chairs and meets twice a year. The forum will convene at each of the twelve tribal courts. State court judges have expressed a strong need and desire to learn more about the various Indian tribes in Michigan, including culture and the Native worldview as they are reflected in Native judicial philosophy and systems of justice.

Michigan Tribal-State Key Accomplishments	
✓	Creation of the State Bar American Indian Law Standing Committee
✓	Creation of the State Bar American Indian Law Section
✓	Michigan Judicial Institute makes training available to tribal court judges
✓	Michigan Court Rule 2.615 which provides for recognition of tribal court judgments
✓	Annual Directory issue of Michigan Bar Journal contains information about tribal courts and tribal governments in Michigan
✓	Addition of federal forum members

Members:

The membership of the forum shall consist of the chief tribal judge of each of Michigan’s twelve federally recognized tribes, or their designated alternate judges, with membership to be expanded to accommodate any new federally recognized tribes, and twelve state court judges (or the same number as there are tribal judges), who will be appointed by the Michigan Supreme Court from among a pool of currently serving or retired Michigan judges or justices. In making appointments, the court will consider geographic proximity to the tribes, ICWA and Michigan Indian Family Preservation Act (MIFPA) case load dockets, and current involvement with tribal court relations. In February 2015, the Forum added two new federal members.

Current Members

Tribal Representatives

Hon. Allie Maldonado, Chief Judge
Little Traverse Bay Bands of Odawa Indians

Hon. Matthew Fletcher, Appellate Judge
Pokagon Band of Potawatomi Indians

Hon. Michael Petoskey, Chief Judge
Match-E-Be-Nash-She-Wish Band of
Pottawatomi (Gun Lake)

Hon. Jocelyn Fabry, Chief Judge
Sault Ste. Marie Tribe of Chippewa Indians

Hon. Tanya Wanageshik
Grand Traverse Bay Band of Ottawa and
Chippewa Indians

Hon. Melissa Pope, Chief Judge
Nottawaseppi Huron Band of the
Potawatomi

Hon. Patrick Shannon, Chief Judge
Saginaw Chippewa Indian Tribe, Chief Judge

Hon. Mark Esqueda, Chief Judge
Lac Vieux Desert Band of Lake Superior
Chippewa Indians

Hon. Angela Sherigan, Judge
Little River Band of Ottawa Indians

Hon. Bryan Newland, Chief Judge
Bay Mills Tribal Court

Hon. Bradley Dakota, Chief Judge
Keweenaw Bay Indian Community

Hon. Thomas Smithson, Chief Judge
Hannahville Indian Community

State Representatives

Susan L. Dobrich, Chief Judge
Cass County Courts, 43rd Circuit Court
Family Division

William A. Hupy, Chief Judge,
Menominee County Probate Court, 41st
Circuit Court Family Division

Jeffrey C. Nellis, Judge
Mason County Probate Court, 51st Circuit
Court Family Division

Larry J. Nelson, Chief Judge
Leelanau County Probate Court, 13th Circuit
Court Family Division

George J. Quist, Judge
Kent County Probate Court, 17th Circuit
Court Family Division

Frank S. Szymanski, Judge
Wayne County Probate Court, 3rd Circuit
Court Family Division

Robert J. Butts, Judge
Cheboygan County Probate Court, 53rd
Circuit Court Family Division

William T. Ervin, Judge
Isabella County Probate Court, 21st Circuit
Court Family Division

Cheryl L. Hill, Judge
Marquette County Probate Court, 25th
Circuit Court Family Division

James P. Lambros, Chief Judge
Chippewa County Courts, 50th Circuit Court
Family Division

Timothy P. Connors, Judge
22nd Circuit Court Family Division

Michael F. Cavanagh
Justice, Michigan Supreme Court

Federal Representatives

Assistant U.S. Attorney Jeff J. Davis
Western District of Michigan

The Honorable Timothy P. Greeley
Federal Magistrate serving in Marquette

Funding Source:

The 1992 forum was funded by a grant from the National Center for State Courts. The 2014 forum has received financial assistance from the Casey Foundation. In the future, the members of the forum will have to find sustainability funding.

Website: No current website.

Contact Information:

Michael Petoskey

Pokagon Band of Potawatomi

P.O. Box 355

Dowagiac, MI, 49047

E-mail Address: michael.petoskey@gmail.com

Phone Number: 231-499-8954

Michigan Authorizing Documents:

Order

June 25, 2014

ADM File No. 2014-33

Administrative Order No. 2014-12

Order Creating the Michigan Tribal State Federal Judicial Forum

Michigan is privileged to be the home of 12 federally recognized Indian tribes and tribal court systems. Michigan has also enjoyed a long history of collaboration between state and tribal courts. The first Tribal State Court Forum, which was created in 1992, resulted in the creation of the “Enforcement of Tribal Judgments” court rule, MCR 2.615, and, most recently, the passage of the Michigan Indian Family Preservation Act of 2012 (MIFPA). Fostering continuing good relations between our state and tribal courts is of great interest to this Court.

For purposes of building on the past spirit of cooperation and of creating a dialogue among the state, tribal, and federal judiciaries, the Court recognizes the importance of establishing an ongoing forum that will address working relationships among the court systems and the interaction of state, tribal, and federal court jurisdiction in Michigan.

The Michigan Tribal State Federal Judicial Forum is established. The membership of the forum shall consist of: the chief tribal judge of each of Michigan’s 12 federally recognized tribes, or their designated alternate judges, with membership to be expanded to accommodate any new federally recognized tribes; and 12 state court judges (or the same number as there are tribal judges), who will be appointed by the Michigan Supreme Court from among a pool of currently serving or retired Michigan judges or justices. In making appointments, the Court will consider geographic proximity to the tribes, Indian Child Welfare Act and MIFPA case load dockets, and current involvement with tribal court relations. The forum shall then pursue participation from federal judges and officials.

The specific charge of the forum is contained in its Naakonigewin (or Charter), but by majority vote, the members of the forum may designate any other duties that are in the best interests of state, tribal, and federal courts and the citizens who are served by these three systems.

Forum members will serve three-year terms, and memberships are renewable at the discretion of the Chief Tribal Judges or Tribal Liaison Justice. To facilitate the staggering of terms, some initial appointments will be for abbreviated terms. The forum shall be led by co-chairs, who will be one tribal court judge and one state court judge

and who shall be selected by the entire body of members for a three-year term. Work committees may be formed as needed, and decisions shall be made by consensus – defined as a majority of members present at each meeting. Meetings shall be held three times per year, including at least two in-person meetings.

Effective July 1, 2014, the following state court judges or justices are appointed to the new Michigan Tribal State Federal Judicial Forum:

For terms ending July 1, 2016:

- 1) Susan L. Dobrich, Chief Judge, Cass County Courts, 43rd Circuit Court Family Division*
- 2) William A. Hupy, Chief Judge, Menominee County Probate Court, 41st Circuit Court Family Division*
- 3) Jeffrey C. Nellis, Judge, Mason County Probate Court, 51st Circuit Court Family Division*
- 4) Larry J. Nelson, Chief Judge, Leelanau County Probate Court, 13th Circuit Court Family Division*
- 5) George J. Quist, Judge, Kent County Probate Court, 17th Circuit Court Family Division*
- 6) Frank S. Szymanski, Judge, Wayne County Probate Court, 3rd Circuit Court Family Division*

For terms ending July 1, 2017:

- 1) Robert J. Butts, Judge, Cheboygan County Probate Court, 53rd Circuit Court Family Division*
- 2) William T. Ervin, Judge, Isabella County Probate Court, 21st Circuit Court Family Division*
- 3) Cheryl L. Hill, Judge, Marquette County Probate Court, 25th Circuit Court Family Division*
- 4) James P. Lambros, Chief Judge, Chippewa County Courts, 50th Circuit Court Family Division*
- 5) Timothy P. Connors, Judge, 22nd Circuit Court Family Division*
- 6) Michael F. Cavanagh, Justice, Michigan Supreme Court*

Effective July 1, 2014, tribal judges will be appointed by their respective Chief Tribal Court Judges to represent the following federally recognized Indian tribes:

- 1) Bay Mills Indian Community*
- 2) The Grand Traverse Band of Ottawa and Chippewa Indians*
- 3) Hannahville Indian Community*
- 4) Nottawaseppi Huron Band of Potawatomi*
- 5) Keweenaw Bay Indian Community*
- 6) Lac Vieux Desert Band of Lake Superior Chippewa Indians*
- 7) Little River Band of Ottawa Indians*
- 8) Little Traverse Bay Bands of Odawa Indians*

- 9) *Pokagon Band of Potawatomi Indians*
- 10) *Saginaw Chippewa Indian Tribe*
- 11) *Sault Ste. Marie Tribe of Chippewa Indians*
- 12) *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe)*

Court staff shall serve as reporter of the forum.

Justice Bridget M. McCormack shall serve as the Supreme Court Tribal Liaison Justice to the forum.

Order

February 18, 2015

ADM File No. 2014-33

Amendment of Administrative

Order No. 2014-12

On order of the Court, effective immediately, Administrative Order No. 2014-12, the order that established the Michigan Tribal State Federal Judicial Forum, is amended to add two new federal members with terms as follows:

- *Assistant U.S. Attorney Jeff J. Davis (Western District of Michigan) (for a term ending July 1, 2016)*
- *The Honorable Timothy P. Greeley (federal magistrate serving in Marquette) (for a term ending July 1, 2017)*

Minnesota

Tribal Court/State Court Forum

Founded: Informally in 1996, became an official part of the state Judiciary in 2012

Forum Description:

Minnesota has 12 federally recognized Indian tribes. Bois Forte Band (Nett Lake) Minnesota Chippewa Tribe, Fond du Lac Band - Minnesota Chippewa Tribe, Grand Portage Band - Minnesota Chippewa Tribe, Leech Lake Band - Minnesota Chippewa Tribe, Lower Sioux Indian Community in the State of Minnesota, Mille Lacs Band - Minnesota Chippewa Tribe, Minnesota Chippewa Tribe (Six reservations: Bois Forte Band; Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band), Prairie Island Indian Community in the State of Minnesota, Red Lake Band of Chippewa Indians, Shakopee Mdewakanton Sioux, Community of Minnesota, Upper Sioux Community, White Earth Band - Minnesota Chippewa Tribe.



Minnesota's Tribal-State Court Forum began informally in 1996 when a sitting Minnesota Supreme Court Justice, Justice Sandra Gardebring, met with one tribal and one state court Judge who were working together to find solutions to their respective issues with protection order enforcement. The informal meetings soon included other judges from both systems and became an official part of the Minnesota Judiciary in 2012, as a standing committee of the Minnesota Supreme Court.

The first official meeting occurred on tribal land and included approximately 35 state judges (who were encouraged to participate by the Minnesota Supreme Court's Associate Justice) and all of the tribal court judges. The meetings have since occurred regularly, 4-5 times a year with the meetings location alternating from tribal to state land, with participating tribes rotating the hosting duties.

The Forum discusses current issues of importance to tribal and state courts and is actively involved in the legislature and state bar. All members can propose interest or topic areas that should be discussed at meetings. While there is no limit to the topics considered, typically the Forum limits itself to topics that impact *both* tribal and state judges in some way. Most of the exchange is informational or is a group consideration of new or pending laws.

The Forum has worked on protection order issues and presents rules for recognition and enforcement. The Forum is primarily responsible for the development and passing of the state's current comity rule, adopted in 2004, and are on the cusp of submitting another comity rule to address new developments in tribal, state, and federal law. The Forum has also advocated for better child protection via the Minnesota Indian Family Preservation Act.

The forum is comprised of a state court committee and a tribal court committee. The Forum meets quarterly to develop relationships and address jurisdictional issues. The Forum alternates its meetings between a state court and a tribal court. One of the first areas the Forum addressed was full faith and credit of tribal court orders. The Forum proposed a full faith and credit rule in 2002, however the Minnesota Supreme Court declined to adopt the proposed rule, and instead adopted a rule based on comity.

Minnesota Tribal-State Key Accomplishments
<ul style="list-style-type: none">✓ Developed state comity rule, adopted in 2004.✓ Advocated for the Minnesota Indian Family Preservation Act.✓ Developed petition for full faith and credit rule.✓ Provides ongoing education on tribal courts to a state audience.

Members: The tribal-state court forum has participation from

- At least one tribal court judges from all 12 tribes within Minnesota
- to Indian country
- A standing committee on the state side that is comprised of
 - Approximately 18 Judges from the Minnesota state district courts
 - 2 Judges from the Minnesota Court of Appeals
- At least 2 Minnesota Supreme Court Justices

Funding Source: Judges participate on a volunteer basis. Meeting facilities provided by the state and tribes.

Website:

Contact Information:

Minnesota Authorizing Documents:

To be provided.

New Mexico Tribal-State Judicial Consortium



Founded: 2006

Forum Description:

Within New Mexico, there are currently twenty-three tribes/pueblos; eighteen of which are federally recognized. The consortium has been very successful in its facilitation efforts between tribal and state courts and was recognized by the National Criminal Justice Association (NCJA) in August 2013 with the Outstanding Criminal Justice Program Award. The consortium had initially been a subcommittee of the New Mexico Court Improvement Project. In 1998, the consortium was informally recognized by the New Mexico Supreme Court as the New Mexico Tribal-State Judicial Consortium, as a result of the growing interest of New Mexico Supreme Court Justice Patricio Serna, and others, to form a more organized group in order to begin discussing cross-jurisdictional issues.

In 2006, the consortium was formally recognized as a Supreme Court advisory body in order:

“To encourage and facilitate communication and collaboration between State and Tribal Court judges on common issues, focusing on domestic violence, domestic relations, child custody, child support, child abuse and neglect, and juvenile justice, and addressing questions of jurisdiction and sovereignty as they relate to each particular issue.”

The consortium conducts in-person quarterly meetings, often at a state or tribal court location. Its committees meet by conference call monthly or bimonthly and meet more frequently as needed. The consortium is co-chaired by a state and tribal representative; the co-chairs have equal status and are appointed by the Supreme Court. These roles are quite flexible and the co-chairs are the driving force behind the consortium’s direction. For example, the consortium has provided travel scholarships for 6-16 tribal judges to participate in training events, and developed tribal-related workshops for these events to help educate a broader court audience.

The 2006 Supreme Court order set general requirements that the consortium shall:

- (1) Provide opportunities for state and tribal court judges to create rapport;
- (2) Educate state and tribal judges and tribal leadership; and
- (3) Continue to review the state system of services for Native children and families residing on and off the reservation.

These broad goals have allowed work to proceed on a wide variety of topics: full faith and credit, revamping the tribal-state website, tribal court orders for mental health services, and Sex Offender Registration and Notification Act (SORNA) implementation by the tribes. The consortium has facilitated the adoption of a uniform first page on domestic violence protection orders adopted by New Mexico Supreme Court and at least seven tribal courts. The consortium is particularly dedicated to child welfare and ICWA issues, creating bench cards on ICWA and distributing them to all state and tribal courts, child welfare agencies, and attorneys handling these cases. The consortium has supported the rights of incarcerated parents of Indian children, criminal courts, law enforcement, probation, state and tribal social workers, child welfare agency, and attorneys.

New Mexico Tribal-State Key Accomplishments
<ul style="list-style-type: none">✓ Formally recognized as a Supreme Court advisory body in 2006✓ Received Outstanding Criminal Justice Program Award from the National Criminal Justice Associate in 2013✓ Uniform first page for domestic violence protection orders✓ ICWA bench cards✓ Travel scholarships for 6-16 trial judges to participate in training events

Members:

The Consortium has fourteen (14) members, seven representing tribal courts and seven representing the state courts. There are also two alternative positions for tribal courts and one alternative for state courts and the representatives can fill in for regular members. The tribal court representatives are designated by tribal judges, with two from the Southern Pueblos, two from the Northern Pueblos, one from Jicarilla Apache Tribe, one from the Navajo Nation, and one general position. The state court representatives are appointed by the Supreme Court. There are also two liaison positions, one for a Supreme Court member and one for a Federal Court or attorney, who are also appointed by the Supreme Court. All members hold three year terms and may be reappointed.

Current Members

Chief Justice William Johnson

Tribal Co-Chair
Isleta Appellate Court

Glynette R. Carson McNabb

Federal Liaison
Office of the U.S. Attorney

Chief Judge Michelle Brown-Yazzie

Zia Tribal Court

Judge M. Monica Zamora, State Co-Chair
NM Court of Appeals

Judge Randolph Collins

Acoma Pueblo Tribal Court

Judge John F. Davis

Thirteenth Judicial District Court

Chief Judge Vincent Knight, Sr.

San Ildefonso Tribal Court

Judge Sandra Engel

Bernalillo County Metropolitan Court

Judge Geoffrey Tager

Ohkay Owingeh Tribal Court

Judge Delilah Montaña-Baca

Sandoval County Magistrate Court

Judge Irene Toledo

Navajo Judicial Branch-Crownpoint District

Judge William E. Parnall

Second Judicial District Court

Judge Bruce C. Fox

Tribal Alternate
Pueblo of Laguna

Judge James Wechsler

New Mexico Court of Appeals

Judge Allan Toledo

Tribal Alternate
BIA-C.F.R. Court
Jemez Pueblo

Chief Justice Barbara J. Vigil

State Liaison
New Mexico Supreme Court

Funding Source:

The New Mexico legislature annually appropriates state general funds for the consortium's activities, with a budget of \$11,800 in the current year. In addition, the order that created a formal committee allows the tribal judges to be reimbursed by the consortium's budget for their mileage to attend the consortium's quarterly meetings, a move that has enhanced tribal participation at these events.

Website:

<https://tribalstate.nmcourts.gov/index.html>

Contact Information:

Kathy Spurgin
New Mexico Administrative Office of the Courts
237 Don Gaspar, Room 25
Santa Fe, NM, 87501
E-mail Address: aockbs@nmcourts.gov
Phone Number: 505-827-4808

New Mexico Authorizing Documents:

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 8500

*IN THE MATTER OF THE OF THE
TRIBAL-STATE JUDICIAL CONSORTIUM*

ORDER

WHEREAS, this matter came on for consideration by the Court upon recommendation of the Administrative Office of the Courts to formally recognize the Tribal-State Judicial Consortium as an advisory board of the Supreme Court of New Mexico, and the Court have considered said recommendation and being sufficiently advised, Chief Justice Richard C. Bosson, Justice Pamela B. Minzner, Justice Patricio M. Serna, Justice Petra Jimenez Maes, and Justice Edward L. Chavez concurring;

NOW, THEREFORE, IT IS ORDERED that the Tribal-State Judicial Consortium HEREBY IS FORMALLY RECOGNIZED as an advisory board to the Supreme Court of New Mexico;

IT IS FURTHER ORDERED that the Consortium shall continue to build relationships and foster communication between state courts and tribal courts through the development of basic information about each court, its laws, customs and values;

IT IS FURTHER ORDERED that the Consortium shall be composed of fourteen (14) members appointed by the Supreme Court, provided that half of the Consortium members shall be New Mexico and Colorado Indian Court Judges Association representatives designated by the Association from time to time;

IT IS FURTHER ORDERED that the Consortium shall have two co-chairs, one designated by the Supreme Court and one designated by the New Mexico and Colorado Indian Court Judges Association;

IT IS FURTHER ORDERED that the Court may appoint up to three alternate members, two of which may be designated by the New Mexico and Colorado Indian Judges Association; and

IT IS FURTHER ORDERED that the Court may designate a Justice to serve as liaison.

IT IS SO ORDERED.

New York

Tribal-State-Federal Court Forum

Founded: 2003

Forum Description:

Former Chief Judge Judith S. Kaye of the New York Court of Appeals created the New York Tribal Courts Committee to study the possibility for a federal-state-tribal courts forum in New York. Judge Kaye appointed Justice Marcy L. Kahn and the late Justice Edward M. Davidowitz of New

York State Supreme Court as its co-chairs. Judges Kahn and Davidowitz held meetings with members of the New York state and federally recognized nations and tribes and the forum created in 2003 to to (1) develop educational programs for judges, tribal chiefs, and Indian communities; (2) exchange information among and between tribes and nations and agencies; (3) coordinate the integration of ICWA training for child care professionals, attorneys, judges, and law guardians; (4) develop a mechanism for promoting resolution of jurisdictional conflicts; (5) foster better cooperation and understanding between and among justice systems; and (6) enhance ICWA enforcement.

Although the original formal structure for the forum called for all nine state-recognized Nations to be members, in addition to the New York Unified Court System and the United States Courts for the Second Circuit, currently only the Oneida Indian Nation, St. Regis Mohawk Tribe, Seneca Nation of Indians, Shinnecock Tribe, and the Unkechaug Nation have formally designated members to the forum. The other Haudenosaunee Nations continue to send members to the forum to serve as their eyes and ears.

The forum meets twice a year—in October and April. Meetings take place at the U.S. Courthouse in Syracuse. The U.S. District Court for the Northern District of New York also supplies a court reporter.



The topics and issues discussed at the forum meetings revolve largely around the six areas identified in its mission statement (set forth in the preceding text). The only topics that are off-limits are pending cases, land disputes, and issues regarding taxation and gaming.

New York Tribal-State Key Accomplishments
<ul style="list-style-type: none">✓ Adoption of legislation recognizing tribal marriages✓ A court comity rule for recognition of tribal court judgments✓ A special edition of the New York State Bar Journal on ICWA, with articles authored by forum members✓ A Teach ICWA initiative to continue ICWA training for attorneys (through Continuing Legal Education), child care professionals, and judges✓ A First Listening Conference for state, federal, and tribal court judges and justice system personnel. The forum is currently in the planning stages for a Second Listening Conference for spring 2016 (see www.nyfedstatetribalcourtsforum.org)

Members:

Participants in the New York forum include members from all nine state-recognized nations and tribes (which includes all eight federally recognized nations and tribes); state court judges, and court-designated members of the New York Tribal Courts Committee; representatives of the Second Circuit from New York, including at least one federal judge, and Assistant U.S. Attorneys from the Eastern and Northern Districts of New York; and representatives from state agencies including the Office of Children and Family Services. Although a formal membership structure for the forum was originally suggested, the participants are more comfortable with a more fluid, flexible structure.

Funding Source:

The New York Office of Court Administration provides a very small budget to the New York Tribal Courts Committee, which covers a light lunch at forum meetings and travel for three state judges from downstate to attend the meetings.

Website:

<http://nyfedstatetribalcourtsforum.org/>

Contact Information:

Joy Beane
New York Unified Court System
111 Dr. Martin Luther King Jr. Blvd.
White Plains, NY, 10601
E-mail Address: jbeane@nycourts.gov
Phone Number: 914-824-5571

New York Authorizing Document:

The state court judges are currently working on institutionalizing the Forum with the adoption of a court rule or administrative order.

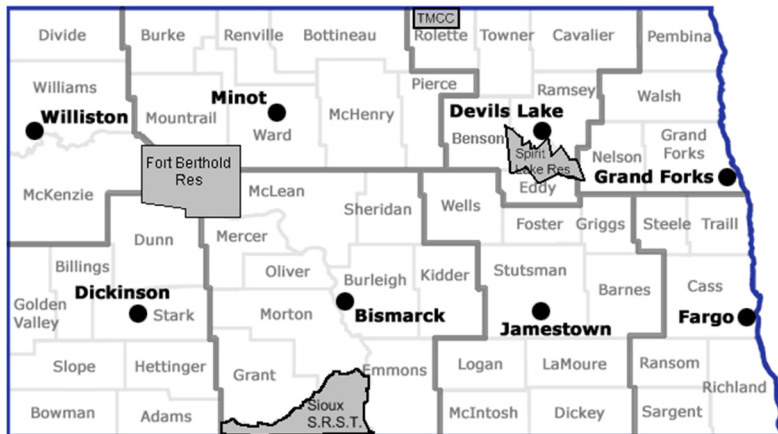
North Dakota

Tribal-State Court Forum

Founded: 1993

Forum Description:

Currently there are five federally recognized tribes and one Indian community located at least partially within the state of North Dakota. These include the Mandan, Hidatsa, and Arikara



Nation (Three Affiliated Tribes); the Spirit Lake Nation; the Standing Rock Sioux Tribe; the Turtle Mountain Band of Chippewa Indians; the Sisseton-Wahpeton Oyate Nation; and the Trenton Indian Service Area.² Almost 60 percent of the Native population lives on a reservation and more than 40 percent are under the age of twenty. What is now the Tribal-State Court Forum actually started when chief justices from the state courts passed a resolution to study civil jurisdiction in Indian country in 1985. The National Center for State Courts received funding through the State Justice Institute to do the study that took place over several years. Now the forum is funded through the state court and has had a positive impact on state policies.

The forum meets three or four times a year, and one of their biggest projects is still related to the work in 1985, civil jurisdiction. Since 1985 the forum has been very successful as evidenced by the amended North Dakota civil procedure rules, which mandates recognition of tribal court orders and judgments. Within the large category of civil procedure, the forum is particularly invested in addressing successful protocol for child support collection. Currently, the forum is working on issues related to domestic violence orders. The forum is also addressing criminal jurisdiction issues. Currently, state warrants are honored by some tribal courts, but not others, which can cause problems for tribal and state communities. The forum's latest projects are logical extensions of their hard work of creating an extradition statute for tribal warrants.

² <http://www.nd.gov/indianaffairs/?id=18>.

North Dakota Tribal-State Key Accomplishments
<ul style="list-style-type: none"> ✓ Amended civil procedure rules that mandate recognition of tribal court orders and judgments ✓ Developing a protocol for child support collection

Members:

The Forum is comprised of eighteen members. The Chief Justice of North Dakota appoints four state court judges. The Chief Tribal Judge, or designee, of each of the five tribal judicial systems in North Dakota participates. The Forum also includes two representatives of tribal and state court administrative support services, including clerks of court. Also appointed by the Chief Justice of North Dakota are three public members who have an interest or expertise in tribal and state judicial systems. Other members include the Chief Judge, or designee, of the United States District Court for the North Dakota district and the director, or designee, of the Northern Plains Tribal Judicial Training Institute.

Current Members

Justice Daniel John Crothers
North Dakota Supreme Court

Judge William Delmore

Judge Donovan Foughty
North Dakota District Court

Judge Ruth Hopkins

Judge Diane Johnson
Three Affiliated Tribes

Judge B.J. Jones
Sisseton-Wahpeton Tribal Court

Judge Madonna Marcellais

Judge Joel D. Medd
Surrogate Judge, Supreme Court

Michelle Parks
Tribal Judicial Training Institute

Bradley D. Peterson
Attorney at Law

Judge Michael G. Sturdevant
North Dakota District Court

Funding Source:

Funding is provided to the Forum by the state court administration.

Website:

<http://www.ndcourts.gov/court/committees/TRIBSTAT/committee.asp>

Contact Information:

James Gannje
North Dakota Supreme Court
Judicial Wing 1st Floor, East Blvd.
Bismarck, ND, 58505-0530
E-mail Address: jgange@ndcourts.gov
Phone Number: 701-328-2092

North Dakota Authorizing Documents:

Administrative Rule 37 - COMMITTEE ON TRIBAL AND STATE COURT AFFAIRS

Section 1. Policy and Purpose.

The North Dakota Judicial System encourages greater understanding and exchange of information between the tribal and state judicial systems in North Dakota. The Committee on Tribal and State Court Affairs is a vehicle for expanding tribal and state court judges' knowledge of the respective judicial systems; for identifying and discussing issues regarding court practices, procedures, and administration which are of common concern to members of tribal and state judicial systems; and for cultivating mutual respect for and cooperation between tribal and state judicial systems.

Section 2. Creation.

The Committee on Tribal and State Court Affairs is a standing committee of the North Dakota Supreme Court. The Chief Justice appoints the chair and vice-chair of the Committee.

Section 3. Membership—Terms—Rotation.

A. The Committee on Tribal and State Court Affairs consists of eighteen members:

- 1. Four state court judges appointed by the Chief Justice for three-year terms.*
- 2. The Chief Tribal Judge, or designee, of each of the five tribal judicial systems serving reservation areas in North Dakota.*
- 3. Two representatives each, selected according to subsection B, of tribal and state court administrative support services, including clerks of court. Each representative is limited to one three-year term, but may be reappointed as provided in subsection B.*
- 4. Three public members, who have an interest or expertise in the operation of tribal and state judicial systems, appointed by the Chief Justice for three-year terms.*
- 5. The Chief Judge, or designee, of the United States District Court for the North Dakota District.*
- 6. The Director, or designee, of the Northern Plains Tribal Judicial Training Institute.*

B. At the Committee's first meeting, the judge members of the Committee shall forward to the Chief Justice two nominations for each tribal and state court administrative support services representative. The Chief Justice shall appoint two members for each representative category. Before expiration of the term of a tribal or state court administrative support services representative, or in the event of a vacancy during a term, the judge members of the Committee shall forward to the Chief Justice two nominations for each present or impending vacancy. If a suitable replacement cannot be identified, the serving member may be reappointed.

C. Each member who serves for a specified term serves until the member's successor is appointed. State court judges and public members may not serve more than three consecutive three-year terms. A state judge or public member who served three consecutive terms is eligible for reappointment after a six-year break in service.

D. Members of the Committee serve without compensation for their services, but are entitled to reimbursement at state rates for actual expenses.

Section 4. Duties of the Committee.

A. The Committee shall:

- 1. Study the comparative operation, practices, and procedures of tribal and state judicial systems for purposes of identifying possible areas of mutually agreeable cooperative action;*
- 2. Serve as a forum for discussion of areas of common concern shared by tribal and state judges and judicial system personnel;*
- 3. Serve as a vehicle for establishing and maintaining a long-term, continuing relationship between tribal and state judicial systems; and*
- 4. Review any other matters referred to it by the Supreme Court, a tribal court, or a tribal council.*

B. The Committee may recommend to the Supreme Court, tribal courts, or tribal councils, potential agreements, informal inter-system working relationships, education initiatives, or proposed or revised statutes or rules to resolve conflicts and to remove barriers to understanding and cooperation between tribal and state judicial systems.

Section 5. Meeting Locations.

The Committee, at the direction of the Chair, shall periodically meet on each of the four reservations in North Dakota and at other locations determined appropriate by the Chair.

Section 6. Staffing.

Staffing for the Committee will be provided through staff of the Office of State Court Administrator.

Dated March 1, 2006.

SOURCE: Adopted on an emergency basis effective May 18, 1994; amended and readopted effective October 3, 1994; amended and readopted under § 6, effective March 13, 1996, and notice given N.D.R.Proc.R. § 7. The Court does not apply the provisions of N.D.R.Proc.R. § 3. Amended effective April 1, 2006 (Supreme Court No. 20060059).

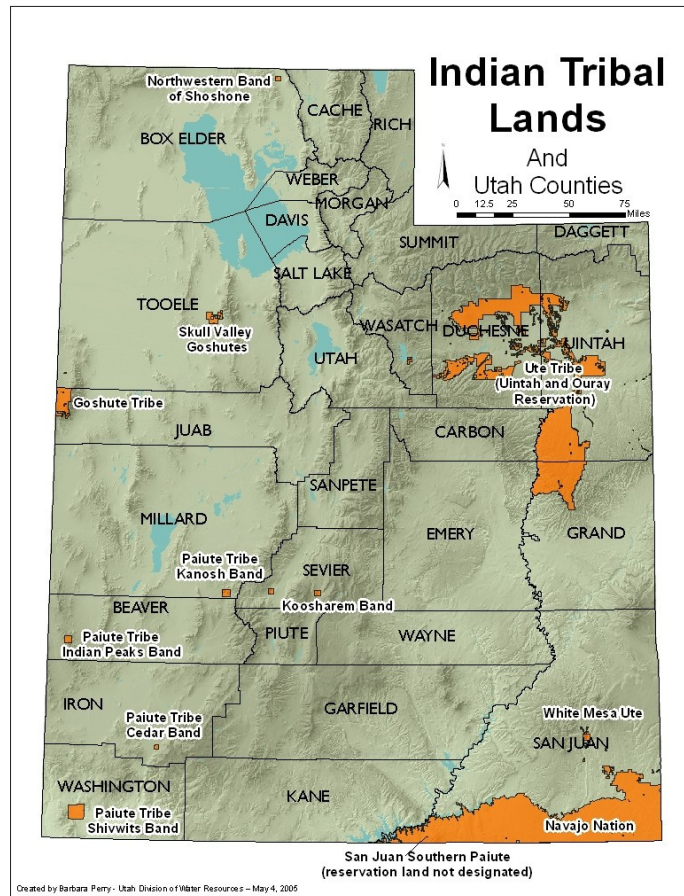
Utah

Tribal-State Court Forum

Founded: 2011

Forum Description:

There are seven federally recognized tribes in Utah. The forum was created as a subcommittee of Utah's Court Improvement Program, with a particular focus on the welfare of Indian children. The Court Improvement Program is federally funded to support improvement efforts in child welfare cases. The originating chair was the Honorable William Thorne with the Utah Court of Appeals. Upon his retirement the committee is now chaired by the Court Improvement Program Coordinator and the Chief of Staff for the Ute Tribe.



The forum meets quarterly and focuses their efforts on several issues, including:

- ICWA (1978),
- State/tribe collaboration, and
- Foster care recruitment.

The forum has been quite successful and facilitated a statewide ICWA assessment and ICWA training for all state court judges and child welfare attorneys. The forum has also committed to continuing an annual Indian Child Welfare Conference; three have already been held. The forum is especially concerned about appropriate placement of Indian children and has spearheaded a very successful recruitment of Native American foster homes.

Utah Tribal-State Key Accomplishments
<ul style="list-style-type: none"> ✓ Statewide ICWA assessment ✓ ICWA training for all state court judges and child welfare attorneys ✓ Annual Indian Child Welfare Conference ✓ Successful recruitment of Native American foster homes

Members:

Director, Division of Child and Family Services	Child Welfare Program Specialist, Administration for Children and Families, Region VIII, U.S. Department of Health and Human Services
Native American Foster Care Recruitment Specialist	Court Improvement Program Coordinator
Title VII Coordinator	Assistant Program Director, Juvenile Justices Services
Ute Tribe Juvenile Judge	Utah Foster Care Foundation
Director, Parent Defense Alliance	Casey Family Programs
Indian Issues Coordinator, Department of Human Services	Judge, Goshute Tribe
Indian Child Welfare Act Specialist	Chief of Staff, Ute Tribe
Director, Office of the Guardian ad Litem	Director, Division of Indian Affairs
Director, Ute Social Services	Director, Paiute Indian Tribe of Utah Social Service
State Court Juvenile Court Judge	

Funding Source:

Funded through Utah’s Court Improvement Program

Website: None

Contact Information:

Misty Butler

Administrative Office of the Courts

450 South State Street

Salt Lake City, UT, 84114

E-mail Address: mistyb@utcourts.gov

Phone Number: 801-578-3939

Utah Authorizing Documents:

None.

Wisconsin

State-Tribal Justice Forum

Founded:

Reestablished in 1996

Forum Description:

There are eleven federally recognized tribes in Wisconsin. In July 2005, the U.S. Department of Justice, Bureau of Justice Assistance sponsored a national gathering to foster tribal-federal-state court relations. The conference Walking on Common Ground: Pathways to Equal Justice served as the catalyst for Wisconsin to reconvene its State-Tribal Justice Forum. The reestablished committee began meeting again in 2006. Forum membership consists of five circuit court judges, five tribal judges, one tribal attorney, one legislative liaison, one district court administrator, and the director of state courts.

The committee's general charge is to promote and sustain communication, education, and cooperation among tribal and state court systems and will work to promote initiatives outlined in the final report of the Walking on Common Ground conference.

The forum's highest profile work to date has centered on issues of concurrent jurisdiction and transfer of jurisdiction. Through the Discretionary Transfer of Civil Cases to Tribal Court, Wisconsin state courts are provided the ability to transfer civil cases of concurrent jurisdiction to tribal courts when deemed appropriate through the application of enumerated standards. This rule strives to streamline the process by allowing tribal litigants to request transfer from state court using the standards provided in the rule. State court judges then have the ability to decide whether to transfer the case based upon these same standards.



Wisconsin Tribal-State Key Accomplishments

- ✓ Discretionary Transfer of Civil Cases to Tribal Court – which allows for transfer through the application of enumerated standards.

Members:

Membership consists of five circuit court judges; five tribal judges; a tribal attorney; a legislative liaison; a district court administrator; and the director of state courts.

Current Members

State Representatives

Hon. Nielsen (Chair), Vilas County

Hon. Harrington, Washburn County

Hon. Lister, Jackson County

Hon. Habeck, Shawano County

Hon. Anderson, Bayfield County

Funding:

Website: <https://www.wicourts.gov/courts/committees/tribal.htm>

Contact Information:

Office of Court Operations

Phone Number: 608-266-3121

Wisconsin Authorizing Documents:

To be provided.

**For additional Tribal-State-Federal collaborative promising strategies,
visit the Walking on Common Ground website:**

www.WalkingOnCommonGround.org



“Resources for Promoting and Facilitating Tribal-State-Federal Collaborations”