

Tribal-State Court Collaboration

Working Group Report

Held on December 5, 2012

Office for Victims of Crime Indian Nations Conference

Palm Springs, CA



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Introduction

The Tribal Law and Policy Institute (TLPI) is working on a grant awarded by the Bureau of Justice Assistance (BJA) to provide training and technical assistance (T/TA) to tribal and state court collaborations. As part of that effort, TLPI held a working-group meeting on December 5, 2012 in Palm Springs, California, to gather together those with experience in the court forums and collaborations and hear from these experts about the most relevant T/TA needs for these forums, so that TLPI can gain valuable information on the best direction for T/TA delivery and resource development. Because this meeting was held in conjunction with the 13th National Indian Nations Conference, we took advantage of the opportunity to also give a presentation in the “preconference institute” format for the morning of December 5. The afternoon consisted of the invited working group only.

This report presents the findings of the working-group portion of the meeting. In order to put the report in context, it does provide the historical context for tribal and state court collaborations and the obstacles and successes of collaborations. The recommendations extend beyond simply the T/TA needed, and provide insights into strategies that could be utilized by governments, agencies, and organizations to support tribal and state court collaborations and the resolutions of challenges faced. It concludes with specific actions that could be taken by TLPI under its current grant or recommendations for future T/TA grants.

TLPI’s efforts are building upon the following previous work.

Summary of Previous Nationwide Efforts at Tribal-State Court Collaboration

In 1988 the Conference of Chief Justices established the Committee on Jurisdiction in Indian Country, which conducted a study of jurisdictional conflicts between state and tribal courts. The committee endorsed a project developed by the National Center for State Courts, called the Prevention and Resolution of Jurisdictional Disputes Project, which focused on disputes among tribal and state court systems. Tribal-state court forums were produced from this effort. These forums brought together leaders from state and tribal court systems in regular meetings to discuss common challenges and work toward improved relationships. The forums started in Washington, Oklahoma, and Arizona and then expanded to Michigan, North Dakota, and South Dakota with encouragement and support from the National Center for State Courts and the Conference of Chief Justices. The forum eventually spread to seventeen states. Some of the original forums continue today and others meet infrequently or not at all.

Additionally in July 1991, the Conference of Chief Justices hosted a national conference in Seattle, Washington. Attended by tribal and state court judges, attorneys general, and court administrators from around the country, the conference continued the Conference of Chief Justice's mission of educating target audiences about the nature of jurisdictional conflicts, and promoting discussion and mediation designed to find common ground for resolution of these conflicts. Representatives from twenty-two states developed action plans directed toward reducing conflicts in their home states at this conference.

Since 1992, the Conference of Chief Justices has expanded its mission to begin addressing criminal jurisdictional conflicts. There was recognition also of the need to engage federal courts and justice systems in this effort to increase the clarity of jurisdictional lines and reduce jurisdictional disputes. This work culminated in a national leadership conference held in Santa Fe, New Mexico, in September 1993, in which tribal, state, and federal leaders from throughout the United States met to develop a national agenda for improvement of working relations between tribal, state, and federal judicial systems. The conference, *Building on Common Ground*, produced the detailed report, *Building on Common Ground: A National Agenda to Reduce Jurisdictional Disputes between Tribal, State, and Federal Courts*, providing recommendations on jurisdictional disputes.

The conference participants at Building on Common Ground believed that education must be a key component of solutions to jurisdictional conflicts. As the role, authority, and necessity of tribal courts are better understood, mutual understanding and recognition would result. Emphasized at the time was the difficulty in development and dissemination of information about tribes, tribal governments, and tribal laws. Additionally, it was recognized that full development of tribal court jurisdiction and competence in matters affecting tribal governance and Indian country is a positive step for all parties, including affected non-Indians and adjacent states. To that end, the leadership conference participants recommended increased resources and increased delegation and confirmation of jurisdiction by Congress to tribal courts.

In 2005, the earlier initiative, Building on Common Ground, moved into a new phase, with the name Walking on Common Ground. A series of three national gatherings were held in 2005 supported by the BJA, Office of Justice Programs. These programs, called Pathways to Justice, were developed to provide insight on critical needs of the tribal justice systems and to develop strategies to improve communication and understanding among tribal, federal, and state courts; law enforcement personnel; and service agencies. *Pathways to Justice: Developing and Sustaining Tribal Justice Systems in Contemporary America* was published as a result of the first two gatherings that primarily reflected the views of tribal leaders. The third gathering, which

was based on a recommendation from the first two gatherings, brought together tribal, federal, and state judges to share equally in the discussion of challenges and the development of mutually agreeable solutions. The report, *Walking on Common Ground: Pathways to Equal Justice*, resulted from this gathering. A follow-up Walking on Common Ground gathering was held in 2008, providing a continuing opportunity for tribal, state, and federal justice communities to join together and sustain and review ongoing efforts to collaborate. There have been no national Walking on Common Ground gatherings since 2008, but there have been some regional judicial symposiums.

A 2011 publication that documents the efforts made by tribal and state courts to collaborate, *State and Tribal Courts: Strategies for Bridging the Divide*, was produced by the Center for Court Innovation.

Current Efforts

Under a current project funded under the Bureau of Justice Assistance¹ focusing on tribal-state collaborations, TLPI launched a re-envisioned Walking on Common Ground website (www.WalkingOnCommonGround.org) that gathers information relative to tribal and state collaborations with the goal of promoting and facilitating collaboration. In addition to resources, tools, and upcoming events in the area of tribal-state collaboration, the centerpiece of the website is an interactive map with collaboration agreements in several different categories (law enforcement, courts, child welfare, etc.), searchable by state or tribe.

TLPI has also developed two Promising Strategy publications of interest to tribal-state collaborations:

- *Promising Strategies: Tribal–State Court Relations*
- *Promising Strategies: Public Law 280*

Both of these are available at www.WalkingOnCommonGround.org.

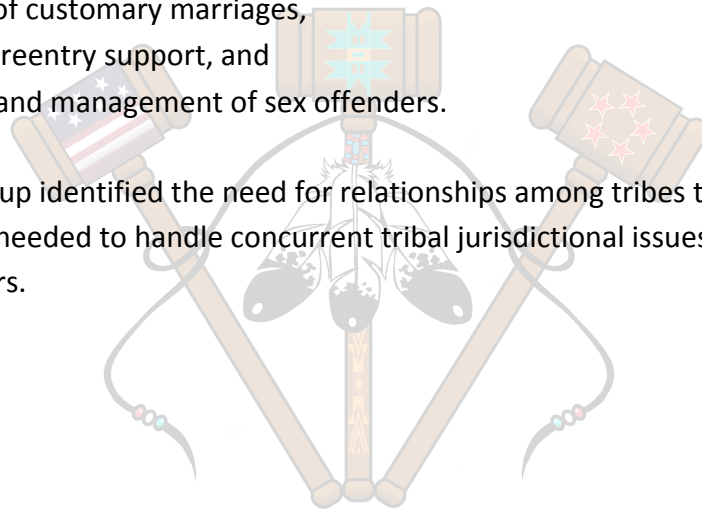
The planning for additional resources for tribal-state collaborations necessitated a working group to assess current needs in the field, including obstacles, challenges, and successes. To that end, in December 2012 TLPI organized a working group of tribal and state judges who had been involved in state and tribal court collaborations or forums to discuss the current status of tribal and state court collaborations. The working group indicated that currently, the following

¹ BJA grant numbers 2009-IC-BX-K004 and 2012-IC-BX-K001. FY 2012 Program: Tribal Justice System Capacity Building Training and Technical Assistance Program: Category 1, Enhancing Tribal and State Collaborations.

subjects need collaboration among state and tribes in order to adequately and effectively address the problems:

- Wellness or treatment courts and mental health services,
- Recognition of tribal court judgments,
- Family law matters,
- Truancy and other juvenile matters,
- Indian Child Welfare Act (ICWA) cases,
- Motor vehicle licensing,
- Child support enforcement,
- Enforcement of protection orders,
- Recognition of customary marriages,
- Probation or reentry support, and
- Registration and management of sex offenders.

Additionally, the group identified the need for relationships among tribes to be addressed. Tribal protocols are needed to handle concurrent tribal jurisdictional issues and recognition of another tribe's orders.



National Working Group

TLPI began selecting the working group by conducting outreach to each Supreme Court in states that had active forums in the recent past. Fourteen states were contacted. Each state that had an active statewide collaboration or forum was asked to send two active members, one state and one tribal member, to participate in the national working group on tribal and state court collaboration. The state and tribal courts from the following states participated by sending a tribal court judge and state court judge or court administrator: Arizona, California, Idaho, Michigan, New Mexico, New York, North Dakota, and Wisconsin.

A complete listing of the attendees and a brief biography for each appears in Attachments 2–3.

Each participant was notified that participating in the working group would provide:

- An opportunity to connect with tribal and state judges from around the country who are taking a leadership role in resolving obstacles relating to the intersections of tribal, state, and federal jurisdictions.
- An opportunity to share successes, obstacles, and current projects, and learn what other courts have done to overcome obstacles.
- An opportunity for TLPI to learn how best to utilize its grant funding to meet the needs of the tribal-state court forums and to share this information with other technical assistant providers and the BJA.

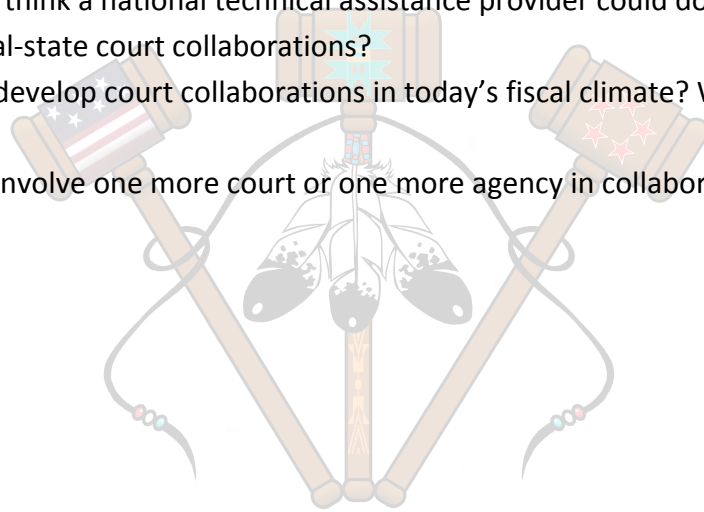
Two distinct sessions were planned (see Attachment 1 for complete agendas for both sessions). The morning session was open to the public and advertised as a preconference to the National Indian Nations Conference, funded by the Office for Victims of Crime. Approximately one hundred people attended including the work group. Judge William Thorne and Maureen White Eagle facilitated the morning session. Judge Thorne provided an introduction to the topic and facilitated a conversation including current areas of tribal-state court collaborations. The following questions were given to the panel participants prior to the session and each tribal-state group was asked to coordinate and prepare their response in a fifteen-minute segment choosing questions from this list.

- What are the greatest successes of your collaboration?
- What are the greatest challenges?
- What advice do you have for states and tribes that are beginning the process?
- What motivated the states and tribes to come together (was it an issue or individuals)?

- How do you keep collaboration sustainable in the long term, especially when initial funding is gone?

The closed afternoon session was by invitation only and consisted of working-group members engaged in discussion facilitated by Maureen White Eagle, Heather Singleton-Valdez, and Judge William Thorne. The afternoon session was recorded and notes were taken. The afternoon session was much more informal consisting of conversations related to the following questions:

- What kind of resources would be helpful to a court interested in developing collaboration?
- What kind of assistance would be helpful to a court interested in developing collaboration?
- What do you think a national technical assistance provider could do to help develop or improve tribal-state court collaborations?
- How do you develop court collaborations in today's fiscal climate? Where do you look for funding?
- How do you involve one more court or one more agency in collaboration?



Findings: Obstacles and Challenges

The working group's discussion of obstacles and challenges that impede the development and sustainability of tribal and state court collaborations appeared to come together around five key topics. Although these topics do overlap and all are interconnected, we have organized the obstacles around the main topics.

1. Developing and Sustaining Relationships

Developing and maintaining trust between the tribe and state is challenging for a number of reasons. Collaborations often begin as a result of the trust and relationships between the organizers; thus, maintaining the collaboration becomes difficult with **high rates of turnover** for tribal judges. Additionally, the turnover of staff assigned to work with the collaboration or state judges also impedes progress. However, the turnover rate on the state side is not as great as with tribal staff and tribal judges.

It is difficult to develop relationships when there is a **lack of funding** to support travel expenses for face-to-face meetings. Although communicating electronically helps in maintaining relationships and projects, it is not an effective way to develop relationships. Joint trainings, including cultural trainings, are helpful in relationship development, but there is a lack of funding to support travel expenses for the trainings that are required in collaboration.

2. Developing and Maintaining Communication among Tribal and State Judges

Developing regular communication, which is needed to develop and sustain a working relationship between tribal and state courts, is problematic, because there is often **no communication plan** or, if meetings are needed, funding is lacking to hold the meetings.

Staffing is critical to maintaining the connection and communication that is needed to develop and sustain a collaborative project. **Funding for staffing** is often lacking. Regular communication is key to keeping people engaged and motivated.

3. Tribal Codes on Topics Ripe for Collaboration

Many tribes in Public Law 280 (PL 280) states do not have the tribal codes to deal with issues that may be the subject of a potential collaboration, such as domestic violence, sexual assault, substance abuse, and so forth. In non-PL 280 states the tribal codes may be antiquated or nonexistent. Development of **tribal-specific/tribal-sensitive tribal codes** on issues ripe for collaboration is needed. It is often difficult to get the legislative section of tribal government to act and difficult to find resources that aid in tribal code

development. The tribal government may not prioritize code development if it has no funding to implement or enforce the code.

4. Sustainable or Replicable Collaborations

It is difficult to find sustainable or replicable solutions. Collaborations are often based on key personnel and the collaboration is **vulnerable with new staffing**. There are many differences from tribe to tribe and county to county in culture, organizational structure of courts, tribal codes, support services, and expertise, which makes it difficult to replicate innovative solutions. Successes are often based on the personalities and cooperation of a few people who are willing to experiment. It is also difficult to get agreement across all tribes in the state, so what may work for an individual nation may not be a focus or priority for another nation.

5. Success of Many Projects Depends on More Than Just Courts

Collaborations on the judicial side may be good, but before a specific collaboration can succeed, cooperation is often needed on the legislative side. The tribal judge may not have the power to develop a collaborative program without the agreement of the governing body. The tribe may lack the appropriate laws to support the collaboration. The cooperation of the law enforcement agencies may be required to support the collaboration and, in some areas, cooperation and/or cross-jurisdictional agreements are lacking for law enforcement agencies. If social services on the tribal and state level are involved, their agreement and cooperation is required. **All areas of the justice system** need to be involved in solutions to identified problems.

Findings: Successes and Accomplishments

We asked working-group participants what advice they would give to those tribal-state court forums just starting out. We received feedback on overall recommendations, and heard from the collaborations on what they viewed as their own successes. Each of these areas is a potential topic for more in-depth training and/or resource development.

Tactics and Strategies That Lead to Meaningful Collaborations

1. Develop Personal Connection

Getting people together is a first step. Actually meeting people and putting a face to a signature is critical. Both sides need to be willing to sit down at the table as problem solvers. It is usually just one or two people that start the collaborative process. People don't have to like each other to work together, but they do need to know each other and have a level of trust. It is important for state personnel to travel to the Indian nation and meet traditional leaders and staff in order to really develop the connection.

2. Find Common Ground

Sharing the problems from each perspective and really listening to each other is important. Find common ground by identifying areas of mutual concern that you can work on together. A clearer understanding of the mutual interest develops over time. Finding a common goal that is attainable comes next. Ongoing projects keep groups working together.

3. Share Leadership and Responsibility in the Collaboration

Tribal and state courts need to be willing to sit down and focus on problem solving. Sometimes a crisis can be a good opportunity to get people to the table. Leadership of the collaboration should be shared. Meeting places should either alternate or a halfway point between state offices and tribal offices should be found. The state Supreme Court recognition of the collaboration is helpful in getting involvement and cooperation on the state and tribal side.

4. Find the Low-Hanging Fruit

Work on issues that are the easiest, rather than tackling the difficult issues. This will build relationships and trust, which are necessary elements to continuing collaborations. Clearly identifying the problem is a start. Get clear about what the mutual interest is.

Delink issues from others. Don't make everything a jurisdictional issue, but rather deal with the smaller, individual issue. Find solutions that are concrete and visible.

5. Encourage Local Collaborations

It is easier to find solutions to local problems. Encourage local creativity and innovation. Statewide solutions are difficult to muster for many reasons, so focus on finding things that work for specific tribes and the county or district. Build broader, statewide collaborations modeled after local ones.

6. Look for Other Partners

You need to look beyond courts to resolve issues. Decide who has a stake in the issue and who should be involved in the collaboration. Who is needed to sustain the project? The need for funding may lead you to unexpected partners such as law schools or Native colleges.

7. Identify the Staff and Resources Needed

Identify a structure with staff that facilitates relationship building, supports activities, and helps implement recommendations and solutions. Identify the financial resource needed to support the structure. Identify grants available to support the collaborative process.

8. Develop a Communication Plan

Develop and implement a communication plan to keep tribal and state court judges, and tribal and state court leaders, apprised of the collaboration and that builds alliances and support for the collaborative work.

9. Never Stop Educating about Tribal Courts

There is a pervasive misunderstanding and lack of knowledge about the authority and responsibility of tribal courts in the legal community and nonlegal community.

Consistent education about the power of tribal courts is required to ensure continued understanding of the need for collaborations. Continuing education of issues is a strategy, but educational trainings are also seen as successful projects.

10. Be Organized and Patient

Stay focused on the topic of interest at meetings and stay off topics that waste time. It is critical to have a staff person assigned to assist the group in staying on task and to move the project ahead. Collaboration is a process of developing relationships, trust, and understanding. Be patient of the process.

11. Meet Regularly

It is important to meet on a regular, ongoing basis. Trust and relationships develop over time. Sharing responsibilities for travel by meeting halfway or alternating meeting locations can be helpful. Some meetings may need to be electronic or telephonic for cost containment, but face-to-face meetings are needed for relationship building.

Accomplishments of Collaborations

All the tribal-state teams with active court collaborations in the working group shared their main achievements. This section highlights the types of projects that the working-group members felt were their key successes in their collaborations. This list is simply capturing the discussion at the meeting, not attempting to identify all areas of successes in all collaborations.

Wellness Courts

Jointly staffing treatment/wellness and other problem-solving courts were viewed as successes in Wisconsin, New York, and Minnesota. The effectiveness of these joint courts appeared to be superior to the state solely handling cases, as was done prior to the development of the joint courts. They appear to be created locally to specifically handle the issues of the tribe and county involved.

Recognition of Action in a Court of Concurrent Jurisdiction

Most tribal and state court forums developed laws, protocols, or court rules on handling cases between state and tribal courts with concurrent jurisdiction or respecting the other's court orders. Many of these actions were taken in the early stages of tribal and state forums. The actions varied as the states and tribal laws and history varied, but most states found some resolution to the issue of recognition of judgments and sharing jurisdiction. In a few states, the resolution of recognition of judgments proved to be too big an issue to resolve, and the failure to resolve the issue destroyed the forum.

Education on Important Issues

Efforts made to educate were key to all statewide forums. Some focused on educating state and tribal judges on pertinent issues. Other collaborations sought to educate all professionals on a particular topic such as ICWA. Developing web-based training on ICWA was an accomplishment of the New York forum. Education of the legal community on the tribal justice systems within the state was a focus in several forums. Getting Indian law included on the bar exam or getting an ICWA question on the bar exam was a success of others. The provision of

scholarships to tribal judges for educational opportunities was effective and as were other joint trainings for state and tribal judges or other professionals.

Access to Tribal Laws and Tribal Information

Organizing tribal codes and links to tribal pages within the state proved successful in some states. Providing a national list of ICWA tribal representatives was also helpful. Providing reports on trainings and making them available to a wider audience using the Internet was also effective. A web-based benchbook with the states' tribal contact information was effective and regularly updating the information has been an ongoing project keeping the tribal and state courts communicating.

Project Passport

Project Passport was accepted by some of the participant tribes and states to assure enforcement of protection orders from other jurisdictions. It was a national project that was adopted by several states and tribes. In some cases, when it was not adopted, the discussion of the project led to other state-specific solutions to the problem.

Involuntary Commitment Orders

State enforcement of tribal involuntary commitment orders was a success throughout Arizona with the passage of a court rule and training on requirements of the rule.

Local Sheriffs Offices and Probation Officers Cooperating

This was seen as a success in most of the states.

Analysis: Recommendations

This section discusses what can be done to encourage tribal court and state court collaborations and collaborations between the two justice systems. The first part of this section describes actions that could be taken by a state, tribal, or federal government that would encourage collaborations between the tribal and state justice systems. Funding for the actions may come from the federal government or other sources. The second part of this section specifically discusses recommendation for resources that could be helpful in developing or sustaining collaborations between the two justice systems. An emphasis was placed on starting small and starting local. The working group discussed the issues and most of these recommendations reflect major ideas of the group. However, the group was generating ideas, and was not focused specifically on who should act and how something should be done. This section takes the ideas generated and recommends action for the state, Indian nation, or federal government.

Recommendations for States:

1. State Supreme Courts should encourage local innovation and local collaborations within their state and build on local successes.
2. Court forums and collaborations should look at the whole justice system because implementation of any project generally deals with more than courts.
3. State Supreme Courts should prepare a report describing all tribal court and state court collaborations within their state—broadening that to look at the system of justice (not just courts). This could be coordinated by the Conference of Chief Justices.
4. Invite Judge Thorne or another expert to state judicial conferences for a plenary or workshop; talk about why collaboration is important; and invite the tribal judges for a presentation and/or round table.
5. Identify state and tribal judges who can serve as conveners on important issues in need of collaboration for resolution.
6. Ensure that successful collaborations are written about in professional journals, newsletters, the Walking on Common Ground website, court websites, judges associations, tribal websites, the national Court Appointed Special Advocates newsletter, blogs read by Native leaders, and so forth.

7. Encourage the teaching of Indian law and history in law schools. Add Indian law to the bar exam in states with a substantial Indian population. Encourage the state bar to organize an Indian law section of the bar association. Ensure that ICWA is taught in family and children law classes.
8. Develop an award for innovation in tribal and state court collaborations and provide recognition of success at the judicial conference. Honor tribal and state court justice collaborations that benefit the state and Indian nation.

Recommendations for Indian Nations:

1. Tribal legislative branches as well as judicial branches need to come to the table willing to problem solve with local justice systems to find local solutions.
2. Legislative branches need to focus on developing codes in areas where collaboration is most needed and likely to work.
3. Ensure that successful collaborations are written about in professional journals, newsletters, the Walking on Common Ground website, court websites, judges associations, tribal websites, national organization blogs read by Native leaders, and so forth.
4. Teach Indian law and history in tribal colleges.
5. Honor successful tribal-state collaborations that positively impact the tribe.
6. Provide funding to bring in speakers to state judicial conferences or state forums on issues related to collaborations.
7. Explore the possibility of intertribal codes—there are some examples in California of tribes combining justice systems and codes, yet maintaining cultural norms.
8. Pursue intertribal collaborations in the justice system, as well as tribal-state collaborations.

Recommendations for Federal Agencies:

1. Ensure funding streams support local justice collaborations.
2. Provide funding for tribal code development on topics where collaboration is most needed and likely to work, particularly in PL 280 states.

3. Encourage grantees through grant objectives to write about successful collaborations and to distribute short articles to various sources to spread the word to key professionals.
4. Support intertribal collaborations in the justice system.
5. Continue funding Walking on Common Ground conferences, but seek legislative involvement as well as court involvement in the conferences, possibly regionally focused.
6. Provide funding for more opportunities for judges involved in collaborations to learn from each other. Follow up next year with a meeting, possibly combining it with the regional conference planned by Fox Valley Technical College in Wisconsin.
7. Provide funding to bring in speakers on tribal-state justice collaborative topics to regional or state forums or other statewide conferences.
8. Provide financial resources to permit tribal judges to attend, speak, and participate in state judges' judicial forums. Opportunities such as these will not only educate others, but also will build relationships.
9. Provide financial resources to pay for transportation to collaborative meetings and trainings. Face-to-face meetings are critical in developing relationships.
10. Provide financial resources to pay for staffing of the collaboration. Providing funding to help provide staffing for collaboration will ensure that the project moves forward at a reasonable speed and staff can help in ensuring good communication.

Recommendations for the Conference on Chief Justices:

1. Ask all Chief Justices to prepare a report describing all current tribal and state court collaborations within their state and prepare a full report of the collaborations, include in that report information on the teaching of Indian law in law schools or tribal colleges within each state, the existence of Indian law sections of bar associations, and state judicial education on Indian law issues.
2. Develop a national award for effective or innovative tribal-state court collaborations.

Priorities for TLPI's T/TA for Tribal-State Collaborations

Based on working-group discussions of the current obstacles, successes, and accomplishments of tribal-state court collaborations, we have identified several areas that can be addressed by TLPI through the development of resources. The following five areas will be prioritized:

- 1. Update and Revise Practical Tips for Tribal-State Court Forums**

Although TLPI had developed "Practical Tips" for tribal-state court forums some time ago, an updated version based on the findings of this working group is necessary.

- 2. Conduct Webinar on Practical Tips for Developing Forums**

A companion to this Practical Tips resource would be a webinar, wherein dos and don'ts are described and successful collaborations are highlighted.

- 3. Develop Additional Promising Strategies Web Resources**

Each of the areas of accomplishment discussed by participants could be detailed on the Walking on Common Ground website, in the Promising Strategies section.

- 4. Publicize Promising Strategies and Solicit Publication**

Distribute the two Promising Strategy publications and accomplishments discussed by the working group to a wider audience to inspire additional collaborations. Encourage publication of additional strategies in journals, newsletters, and so forth.

- 5. Develop Resolution and Template Survey for Conference of Chief Justices**

Approach the Conference of Chief Justices with a draft resolution requesting each state Supreme Court fill out a survey on all tribal-state court collaborations within their state.

The working group recommended the following additional resources to support the development and sustainability of tribal and state court forums. In collaboration with BJA, TLPI will select one or more of these to develop:

- 6. Develop Additional Code Development Resources**

Tribes' legislative branches need resources to help them develop laws. Specifically, tribal code resources on mental health issues should be developed to support tribes. Most tribes do not have a code to deal with mental health that allows the tribe to act and also allows for use of state facilities.

7. Develop Practical PL 280 Resource

Resource describing the impact of PL 280 on common issues that the government handles and describing the current state and potential state of jurisdiction of tribes in PL 280 states.

8. Develop Issue-Specific Solutions Tool Kit

Identify an important issue and develop a solutions tool kit based on an existing collaboration model. The tool kits can be used by others working on the same issue.

9. Research Tribal-State Specialty Court Collaborations

Document the details of how certain specialty courts have been set up to collaborate between state and tribe. Provide information on the specifics of how other courts are operating, such as wellness courts.

10. Coordinate a Collaborative Judges Mentorship Program

Develop a judge's mentorship program for judges who collaborate. Identify judges who have worked effectively in successful tribal and state collaborations and agree to mentor others.

11. Produce Video Vignettes on Key Issues

Develop thirty-second video vignettes to highlight key issues in need of collaboration. The vignettes can be used in many settings and trainings to quickly explain the key issues.

Attachment #1: Agenda

Tribal-State Collaborations Working Group

13th National Indian Nations Conference: Justice for Victims of Crime

Agua Caliente Reservation, CA—December 5, 2012

Part I—Morning Session

9:00 A.M.–9:15 A.M.

Welcome from Tribal Law and Policy Institute (TLPI) and Brief Overview of the Day

Maureen White Eagle, Consultant, TLPI

Heather Valdez Singleton, Program Director, TLPI

9:15 A.M.–9:30 A.M.

Introduction from Panelists

Name/Position/Involvement with Collaboration

9:30 A.M.–10:00 A.M.

Background and Importance of Tribal-State Collaborations

Judge Bill Thorne, Utah Court of Appeals

- What are the key issues where collaboration between tribes and states is needed?
- On what issues should the courts take a leadership role in working toward collaboration? Why?
- Need for shared leadership in collaborations.

10:00 A.M.–10:45 A.M.

Questions for Each State Collaboration

- What are the greatest successes of your collaboration?
- What are the greatest challenges?
- What advice do you have for states and tribes that are beginning the process?
- What motivated the states and tribes to come together (was it an issue or individuals)?
- How do you keep collaboration sustainable in the long term, especially when initial funding is gone?

10:45 A.M.–11:00 A.M.

Break

11:00 A.M.–11:45 A.M.

Continue with Questions for Each State Collaboration

11:45 A.M.–Noon

Information and Resources Available for Tribal State Court Collaboration

Heather Valdez Singleton

- Walking on Common Ground Website
- Promising Strategies Publication
- Report on Tribal State Court Collaborations and Technical Assistance
- List Serve
- Tribal Law and Order Act Resources
- Tribal Legal Studies Textbook Series

Part II—Afternoon Session

12:00 P.M.–3:00 P.M.

Discussion

- What kind of resources would be helpful to a court interested in developing collaboration?
- What kind of assistance would be helpful to a court interested in developing collaboration?
- What do you believe a national technical assistance provider could do to help develop or improve tribal-state court collaborations?

3:00 P.M.–3:15 P.M.

Break

3:15 P.M.–4:15 P.M.

Discussion

- How do you develop court collaborations in today's financial climate? Where do you look for funding?
- How do you involve one more court, one more agency in collaboration?

4:15 P.M.–4:30 P.M.

Close

Attachment #2: Participant Contact List

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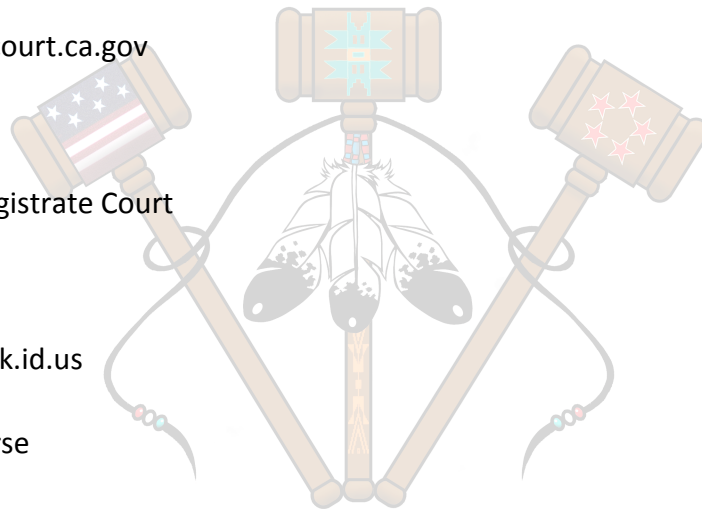
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MICHIGAN

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NEW MEXICO

Hon. Robert R. Medina
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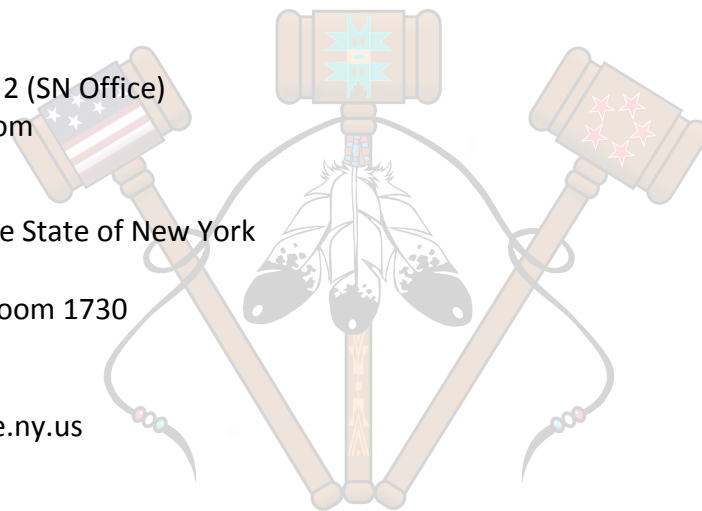
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WISCONSIN

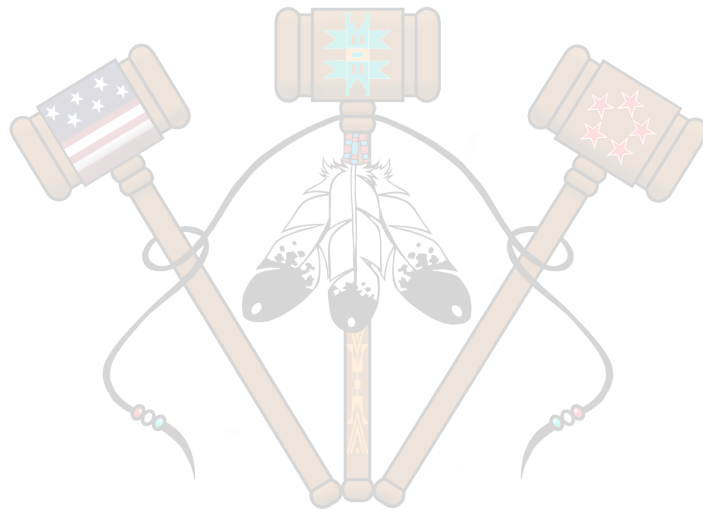
Hon. Amanda L. Rockman
Assoc. Judge, Ho-Chunk Nation Judiciary
Wa Ehi Hoci



TLPI Report to BJA

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Attachment #3: Participant Bios

Arizona

Judge Neil Flores Sr. is married (Amelia Flores-Director CRIT Library) and has four children and eight grandchildren. Judge Flores is currently Chief Magistrate Fort Mojave Indian Tribe; the reservation covers Arizona, California, and Nevada within its area of jurisdiction. Judge Flores is an enrolled member of the Colorado River Indian Tribes. Nonlawyer judge, former Arizona state patrolman, presiding tribal court judge for more than thirty years, working mostly with the Arizona Tribal Reservations, former President of the Arizona Tribal Court Judges Association, Southwest Inter-Tribal Court Judges Association, former Executive Board National Indian Court Judges Association, Arizona State Judges Minorities Association, and a member of the Arizona Tribal Court Forum. My free time is spent completing yard work at home.

Judge Donna Grimsley was admitted to the State Bar of Arizona in 1982, following graduation from Arizona State University College of Law. Her career includes service as Assistant Attorney General, Deputy County Attorney, and Public Defender. She also spent time in private practice where the focus of her work was criminal law, but included domestic relations and civil law. She joined the bench in 1995 as a judge pro tem focusing on juvenile and domestic relations cases. In 2003, Governor Janet Napolitano appointed her Superior Court Judge. Under her direction, Apache County has established juvenile and adult drug courts. She currently serves as Chairperson of the Arizona State, Tribal, and Federal Court Forum. The group provides a forum for promoting cooperation and communication among state, tribal, and federal judges to improve the quality of justice delivered in overlapping jurisdictions. Judge Grimsley is very active in her community and involved in outreach programs targeting at-risk youth, homelessness, and other community issues. In addition, she mentors youth as a Civil Air Patrol Officer.

California

Hon. Richard C. Blake is a member of the Hoopa Valley Tribe and Chief Judge of the Hoopa Valley Tribal Court, the Smith River Rancheria Tribal Court, and the Redding Rancheria Tribal Court. He is the 1st Vice President of the National American Indian Court Judges Association (NAICJA) and a NAICJA region 2 board member, representing tribal court judges located in California, Nevada, and Hawaii. Judge Blake is the founder of the Northern California Tribal Court Coalition, consisting of seven developed or developing tribal courts. He earned an undergraduate degree in criminal justice and a master's degree in public administration from the University of Southern California. Judge Blake is an alumnus of the National Judicial College

at the University of Nevada, Reno. Judge Blake is also Co-Chair of the California Tribal Court/State Court Forum and a member of the Blue Ribbon Commission on Foster Care. Judge Blake has been a facility member with the National Center for State Courts, conducting trainings throughout the United States on Project Passport/Domestic Violence Protection Order issues.

Hon. Juan Ulloa was elected to the Superior Court of Imperial County in an open election in November 1994. He had been serving as juvenile court referee since 1992. He has served as presiding judge of the juvenile court since 1995, even while otherwise assigned. Judge Ulloa had extensive experience as court-appointed counsel for parents and children in dependency and delinquency courts. He helped to establish Court Appointed Special Advocates of Imperial County, which has been serving dependent children since 1997. He was instrumental in the establishment of the Imperial County Peer Court for first-time, nonviolent delinquent offenders. He has coached and judged High School Mock Trial competitions for twenty years. Judge Ulloa was an attorney and directing attorney for California Rural Legal Assistance from 1975 until 1982. Before his election to the bench, he was a solo practitioner, with extensive experience in the formation, management, and dissolution of nonprofit and private corporations and grassroots advocacy groups. His primarily family and civil practice evolved into a mostly criminal defense practice when he worked as a contract indigent defense attorney for Imperial County. He is proud of the fact that he has presided on every bench and over every calendar in Imperial County, including family law, civil, and criminal assignments. Judge Ulloa has been a leader in court reform efforts and in the establishment of the ongoing collaborative relationship between the Superior Court of Imperial County; the family court of Baja California in Mexicali, Mexico; and the Mexican Consulate in Calexico, California. Judge Ulloa received his bachelor's degree in anthropology and Mexican-American studies from the University of California, Riverside, in 1972, and his juris doctor from the University of California, Los Angeles.

Jennifer Walter is supervising attorney of the Tribal Projects Unit for the Center for Families, Children and the Courts at Administrative Office of the Courts (AOC) and staff counsel to the California Tribal Court/State Court Forum. Before joining the AOC in 1995, she was directing attorney of Legal Advocates for Children and Youth, a nonprofit law office in San Jose, California. There she provided direct legal services to children and youth in a variety of legal proceedings. After graduating from the University of San Francisco School of Law in 1988, Ms. Walter became staff attorney at Legal Services for Children in San Francisco. Ms. Walter was admitted to the California State Bar in 1988 and received her bachelor's degree in linguistics

from the University of California at Berkeley in 1982. Ms. Walter is a member of the Bay Area Lawyers for Individual Freedom. She lives with her wife and their daughter in Half Moon Bay.

Hon. Christopher G. Wilson was elected to the Humboldt County Superior Court in November 1998. His tenure on the bench has been divided between criminal and family law assignments. He is a graduate of the University of Oregon School of Law and California State Polytechnic University—San Luis Obispo. Judge Wilson also studied at Uppsala University in Uppsala Sweden. He is a member of the Oregon State Bar and a former member of California State and Federal Bars prior to taking the bench. Judge Wilson has received numerous awards and recognition for youth mentoring and the teen court in which he participates. He was appointed to the California State and Tribal Court Forum at its inception by Chief Justice Ronald George and reappointed in 2012 by Chief Justice Tani Cantil-Sakauye. Four tribal courts exercise their jurisdiction within his county's geographical boundaries, and Judge Wilson is a member of the Technical Advisory Committee for a fifth tribal court. He was named to the faculty of the National Judicial College in 2012.

Idaho

Hon. Gaylen L. Box was Appointed Sixth District Magistrate Judge in April 1989, became Acting Trial Court Administrator in 1994, was admitted to practice law by the Idaho Supreme Court in 1978, was admitted to practice in U.S. District Court in 1978, was admitted to practice in the Shoshone Bannock Tribal Court in 1983, was an Adjunct Professor for Idaho State University in the Political Science Department from 1998 to 2002, and was involved in Faculty New Judge Orientation in 1996, 1999, and 2002. Judge Box's Supreme Court committee memberships include Appellate Court Rules Advisory Committee, 1984–1992; Supreme Court Criminal Jury Instruction Committee, 1988–present; Supreme Court Alternative Dispute Resolution Committee, 1994–2000; Co-Chairman, Supreme Court State-Tribal Court forum; past member of Supreme Court Jury Selection Committee; past member of Supreme Courts Records Retention Committee; current member of the Bail Bond Guidelines Committee; and current member of the Public Defender Subcommittee of Idaho Criminal Justice Commission. Judge Box's was Chairman of the Publications Committee for the Idaho Legal History Society; coordinated production of the December 2006 edition of the Idaho State Bar Advocate; and is the author of *Crow Dog; Tribal Sovereignty and Criminal Jurisdiction in Indian Country*.

Hon. Marina FastHorse Does the struggle for equality and Justice ever end? As a young girl, growing up in the 1960s, during the civil rights movements, and witnessing the Native American

plight for justice inspired Marina to take the path she has been on since her graduating from Sherman Indian School in 1972. The mother of four, grandmother of seventeen, and great-grandmother of three continues to do her part in seeking justice in Indian country. Marina attended and completed the program sponsored by the Law School of the University of New Mexico, under the direction of Sam Deloria, in 1979, specializing in federal Indian law, which laid the path for her current position as the Chief Judge for the Shoshone-Bannock Tribes. Marina has approximately twenty-one years of experience working with tribal courts for the Shoshone-Bannock Tribes and the Oglala Lakota Tribal Court in Pine Ridge, South Dakota. Marina also received her bachelor of science in human services from the Oglala Lakota College in Pine Ridge, South Dakota. Marina left the bench for several years and worked for the Oglala Sioux Tribe and the State of South Dakota as an alcohol counselor and a Child Protection Supervisor and case manager, which gave her the opportunity to better understand the dynamics of individuals and families that she deals with in the judicial system. Native American families and communities are very unique, and it is very important to understand the culture and dynamics of the people you serve. Traditional forms of healing and Peace Maker Courts are very instrumental in family and individual growth.

Michigan

Hon. Michael Petoskey has been the Pokagon Band's Chief Judge since his appointment in February 2002. He is a Grand Traverse Band of Ottawa and Chippewa Indians tribal member and elder. Judge Petoskey is a Viet Nam veteran having served as an infantry medic. He has been a judge for various Michigan Indian tribes since 1986. Judge Petoskey has served on the bench in each of the seven federally recognized tribal communities in the Lower Peninsula of Michigan, each by separate appointment of the separate sovereigns. He began his judicial career with the planning, implementation, and development of the courts for his own tribe from just a dream, while he was a staff attorney for Michigan Indian Legal Services. He was the Chief Judge there for more than sixteen years until his retirement from the position. During the course of his career, Judge Petoskey has helped four other Michigan Indian tribes realize their dream also, by helping to plan, then implementing and developing their courts, serving as the founding Chief Judge. He continues to serve both the Pokagon Band of Potawatomi and the Gun Lake Tribe of Pottawatomi in that capacity. Additionally, he has served as an appellate court justice for the remaining two Lower Peninsula of Michigan Indian tribes, the Little River Band of Ottawa Indians and the Saginaw Chippewa Indian Tribe of Michigan.

New Mexico

Hon. Robert R. Medina is a member of the Pueblo of Zia; he is half Jemez and Zia Indian. He received his bachelor of arts in criminology from the University of New Mexico, summa cum laude, and his juris doctor from the University of New Mexico School of Law. He is licensed to practice law in New Mexico. Judge Medina currently serves as an Associate Judge for the Pueblo of Isleta, a Justice on the Southwest Intertribal Court of Appeals, and an Associate Justice for the Pueblo of San Ildefonso Supreme Court. He was the former Chief Judge for the Pueblo of Zia. He has also served as pro tem judge for the Pueblo of Tesuque, Pueblo of Laguna, and Pueblo of Isleta. He is the Tribal Co-Chair for the New Mexico Tribal-State Judicial Consortium and serves on the Advisory Committee for the Tribal Law and Order Commission. In addition, Judge Medina has sat on the boards with the Sandoval County DWI task force, New Mexico Behavior Health Local Collaborative 16, and the T'siya Elementary and Middle School board. He is a Pueblo of Zia Tribal Councilman, and has served two terms as a tribal official for the Pueblo of Zia. Before law school he worked in corporate and campus security.

Kathy Spurgin staffs the New Mexico Tribal-State Judicial Consortium, a Supreme Court advisory body focused on strengthening relationships and communications between tribal and state courts. She is keenly interested in helping the courts work together to resolve disputes, and helped conduct regional meetings for the consortium in 2008 through 2011 for participants of the tribal-state criminal justice systems. These projects targeted cross-jurisdictional issues including domestic violence orders of protection, implementing the Adam Walsh Act's Sex Offender Registration and Notification Act (SORNA) provisions, and the rights of incarcerated parents of Indian children. Ms. Spurgin has broad experience in state government, working for the judiciary since 2006, the executive branch for twelve years, and the legislature for ten years, where she developed extensive policy-making skills and drafted legislation and rules. A native of Tulsa, Oklahoma, she holds a masters of public affairs from the University of Texas—Austin and a bachelor of arts in history from the University of Denver.

New York

Marguerite A. Smith is an enrolled Shinnecock who resides on the Shinnecock Indian Reservation, which is located on Eastern Long Island, New York. She is an attorney practicing in federal, state, and local courts. Much of her time is currently dedicated to serving as tribal attorney for the Shinnecock Nation, which, while occupying the same territory for hundreds of years, became listed as a federally recognized tribe in October 2010. She has participated in the New York federal, state, and tribal courts and Nations Justice Forum for several years and frequently trains and lectures on many topics including Indian Child Welfare, other aspects of

contemporary Native affairs, and dispute resolution systems and techniques. Marguerite is a graduate of Smith College and the New York University School of Law and has been admitted to practice in state and federal courts since 1975. She has been a Principal Law Clerk in the State Supreme Court (New York “trial” court) and worked in corporate, state, and federal offices and private practice.

Hon. Marcy L. Kahn is a Justice of the Supreme Court of the state of New York and has served as a trial judge in New York for the past twenty-five years. Previously, she was a litigation partner and associate with major New York City law firms. Prior to that, she was a Special Assistant Attorney General in the Office of the New York State Special Prosecutor handling corruption prosecutions. Since its inception ten years ago, Justice Kahn has cochaired the New York Tribal Courts Committee, which launched the New York Federal-State-Tribal Courts and Indian Nations Justice Forum. In 2006, Justice Kahn chaired the first New York Listening Conference, and has since served on the faculty of the National Tribal Judicial College and as a speaker for the U.S. Department of Justice Bureau of Justice Affairs on State-Tribal cooperation. Justice Kahn received her bachelor of arts from Stanford University and her juris doctor from New York University School of Law.

North Dakota

Hon. Donovan J. Foughty is the Presiding Judge of the Northeast Judicial District in North Dakota. He was admitted to the state bar in 1983. He began his judicial career by election to the county bench in 1987. He was elected to the district bench in 1995 where he continues to serve. Judge Foughty has served as a trial judge in tribal courts and as an appellate court judge for the Northern Plains Intertribal Court of Appeals in Aberdeen, South Dakota. He has also served by assignment on the North Dakota Supreme Court. Judge Foughty chaired the Tribal/State Court Forum in North Dakota with a final report being submitted to the Chief Justice in December 1993. He chairs the North Dakota Supreme Court Standing Committee on Tribal and State Court Affairs. He cochaired the North Dakota Commission to Study Racial and Ethnic Bias in the Courts, submitting a final report in June 2012. He sits on the Board of Directors of the National Consortium on Racial and Ethnic Fairness in the Courts and is chair of its ad hoc project committee.

Hon. Michael T. Swallow is an enrolled member Standing Rock Sioux Tribe and nonenrolled member Oglala Sioux Tribe. He is currently an Associate Chief Judge of the Standing Rock Sioux Tribe, an Associate Chief Judge for the Sisseton Wahpeton Oyate, the Chief Justice of the Oglala

Sioux Nation Supreme Court, and an Associate Justice of the Turtle Mountain Tribal Court of Appeals. Judge Swallow graduated from Denver University School of Law in June 1981, was admitted to practice in the state of South Dakota in October 1981, and was licensed to practice in the Federal District Courts of South Dakota and North Dakota. Judge Swallow was a Judge Advocate General, Captain, in the U.S. Marine Corps, 1983–1986—Honorably Discharged; the Executive Director of the Dakota Plains Legal Services, 1986–1992; the Chief Judge of the Standing Rock Sioux Tribe, 1992–1997; and the General Counsel for the Standing Rock Sioux Tribe, 1997–2002.

Wisconsin

Hon. Amanda L. Rockman graduated from the University of Wisconsin—Madison in 2001 with degrees in anthropology, French, and American Indian studies. She went on to attend the University of Wisconsin Law School, and graduated with a juris doctor in May 2005. In 2006, Ms. Rockman accepted a three-year appointment from the Ho-Chunk Nation Legislature to preside over and ultimately decide cases as an Associate Judge of the Ho-Chunk Nation Tribal Court. She sought and received reappointment in 2009, and again in 2012. In this role, she handles cases dealing with everything from family law to cases involving intra- and intergovernmental disputes. Ms. Rockman served as Vice Chair of the State Bar of Wisconsin Indian Law Section from 2006 to 2007. She was a 2007 Featured Attorney for the State Bar of Wisconsin Young Lawyer Division. And in 2008, Ms. Rockman was a recipient of the Wisconsin Alumni Association's Forward under Forty Award. Additionally, she received a 2009 Up and Coming Lawyer Award from the Wisconsin State Bar Association. In 2009, she was appointed to the Wisconsin State-Tribal Judicial Forum. She also served as an adjunct professor at the University of Wisconsin Law School teaching the introductory and advanced Indian law courses during the 2011–2012 school year. Furthermore, in 2012, the Wisconsin Supreme Court appointed Ms. Rockman to the Appointment Selection Committee. Judge Rockman works with Native judges across Wisconsin and the nation to create intertribal legal networks, as she is the Secretary of the Native American Indian Court Judges Association and the current and first female President of the Wisconsin Tribal Judges Association.

Hon. Thomas Lister is currently Circuit Court Judge for Jackson County, Wisconsin. He earned his bachelor of arts from DePauw University in 1970 and juris doctor at the University of Wisconsin—Madison in 1973. Judge Lister served as a District Attorney from 1975 to 1980. He is a Fellow of the Wisconsin Law Foundation, an honor awarded to fewer than 2 percent of all

Wisconsin attorneys. Judge Lister is an inventor and U.S. patent holder. He is a cofounder of the Black River Falls Area Foundation, a charitable community trust. He was on the Board of Directors of the Wisconsin Academy of Trial Lawyers, and has been recognized in Who's Who in American Law and Who's Who in the World. He served as plaintiffs' personal injury counsel and trial counsel for numerous corporations involved in contractual disputes for more than twenty-five years. He was appointed to Circuit Judgeship in 2008, elected in 2009, and serves as Treatment Court Judge. Judge Lister is a member of the Wisconsin Tribal Justice Forum.

Facilitators:

William A. Thorne Jr. is a Pomo/Coast Miwok Indian from northern California and is enrolled at the Confederated Tribes of the Graton Rancheria. He received his bachelor of arts from the University of Santa Clara in 1974. He received his juris doctor from Stanford Law School in 1977. Admitted to the Utah Bar, he practiced law with Larry EchoHawk for several years at EchoHawk & Thorne where the firm represented the Shoshone-Bannock Tribes as well as individuals and businesses with an emphasis on federal Indian law. In 1979 Thorne began his service as a tribal court judge with an appointment as a pro tem judge at the Ute Mountain Ute Tribal Court. Since that time he has served as a tribal judge in Utah, Idaho, Colorado, New Mexico, Arizona, Nevada, Montana, Wisconsin, Washington, Michigan, and California for numerous tribes. In 1986 Thorne was appointed by the governor as a trial judge for the state of Utah. After fourteen years as a state trial judge he was appointed in 2000 as a judge of the Utah Court of Appeals where he continues to serve. Thorne has served as a commission member for the PEW Commission on Children in Foster Care, a member and then as Chair of the Utah Commission on Racial and Ethnic Fairness, a member and then Vice-Chair of the Youth Corrections Board for the State of Utah, a member of the Salt Lake Domestic Violence Council, a member of the Utah Judicial Council, a member of the US Civil Rights Advisory Committee for the State of Utah, and Chair of the Utah Juvenile Justice Task Force. Thorne continues to speak and teach around the country, chiefly on issues related to children including child welfare reform efforts, disproportionality affecting minority children, and ICWA.

Heather Valdez Singleton, MPP, serves as the Program Director of the Tribal Law and Policy Institute, a nonprofit established in 1996 to design and develop education, research, training, and technical assistance programs that promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples. Heather has more than fifteen years of experience working on policy issues in Indian country, with a focus on tribal criminal justice systems. She received her master's degree in public policy from the Kennedy School of Government at Harvard, where her focus was criminal justice policy in Indian country. She also holds a master's degree in American Indian studies from the University of California, Los Angeles (UCLA). She has researched and written in the areas of tribal legal and community

development and in California tribal history. Her experience includes serving as project director for several research-related projects in Indian country, including the UCLA Native Nations Law and Policy Center's nationwide assessment of PL 280, tribal liaison for tribal court grantees in California, and consultant for the Gabrieleno/Tongva tribal recognition project. In addition, Heather is an instructor for the UCLA Tribal Learning Community and Educational Exchange.

Maureen L. White Eagle (Turtle Mountain) attorney, has practiced law in North Dakota, Minnesota, and several tribal jurisdictions since 1981. She was in private practice for seventeen years before she developed and managed the civil legal services program for Native survivors of sexual assault and domestic violence at the Minnesota Indian Women's Resource Center from 2002 to 2005. White Eagle received a Bush Leadership Fellowship in 2005–2006, studying the status of women throughout the world. Upon her return to the United States, she formed Partners for Women's Equality, an international organization that supports human rights for all women, and specifically works with indigenous women internationally. White Eagle worked for TLPI for two years as a Victim Advocacy Legal Specialist and continues to contract with TLPI on a consistent basis writing resources for tribes. Her work products include editing *Sharing Our Stories of Survival*; writing resource guides to aid tribes in the development of sexual assault, domestic violence, and stalking codes; tribal law enforcement and tribal prosecutor sexual assault protocols; a tribal judges benchbook on sexual assault; and a resource on child sexual abuse and custody for tribes. Additionally she has co-authored reports on PL 280 and sexual assault, the co-occurrence of domestic violence, and child maltreatment. She has done Comprehensive Approaches to Sex Offender Management training for tribes in the last couple of years, and works as a consultant for various Native organizations.