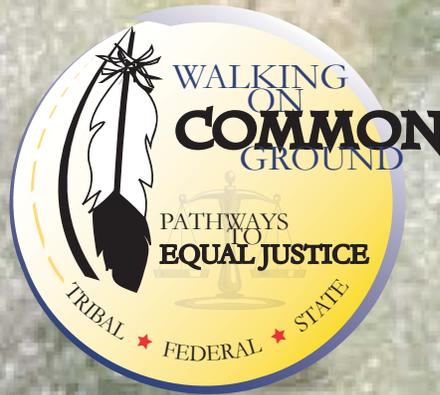


WALKING ON COMMON GROUND

PATHWAYS TO EQUAL JUSTICE

*Findings of the 2005 National Gathering for
Tribal - Federal - State Court Relations*



*Tribal, federal, and state justice communities join together
in the spirit of mutual respect and cooperation
to promote and sustain collaboration, education, and the sharing of resources
for the benefit of all people.*



BJA Bureau of
Justice Assistance

Walking on Common Ground: Pathways to Equal Justice

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Over the past three decades, the federal government has encouraged and supported self-determination, or local control of programs available from federal programs, by Native communities for the administration of justice. Tribes continue to plan, implement, and enhance tribal courts and law enforcement infrastructures that sometimes model western processes, but increasingly often reflect the unique traditions and culture of Native communities. Today, as with the judicial systems of the federal and state governments, tribal courts are an integral part of tribal government. For tribal, federal, and state courts, seeking common ground for the boundaries of jurisdiction and developing an understanding of the unique characteristics of each other's systems can result in conflict. Confusion over interpretation and application of federal laws may further impact court development and interaction. Many times, disagreement over the process and jurisdiction stand in the way of assuring the safety and security of community members.

In the late 1980's and early 1990's, tribes, federal, and states courts sought to resolve some of these differences through the development of forums at the state and national level. The early momentum included a national survey, leading to the formalization of forums in Arizona, Oklahoma, and Washington. These forums were designed to specifically address jurisdictional problems and suggest solutions. The early efforts of these state forums preceded national events in Seattle, Washington in 1991 (From Conflict to Common Ground) and Santa Fe, New Mexico in 1993 (Building on Common Ground). Michigan, Wisconsin, North Dakota, and South Dakota subsequently developed state forums to address areas of conflict between state and tribal judicial systems and develop stronger relationships. The forums and national gatherings also educated participants on tribal court functions, leading the way to building on common ground.

These early events highlighted the significance of cooperation to resolve and reduce jurisdictional disputes. They recommended that Congress provide additional resources for tribal court development and enhancement. They supported cross-recognition and enforcement of judgments and orders, as well as the development of laws and public acts between tribal, federal, and state courts. Finally, the participants at these early events recommended support for Indian tribes to assume, as appropriate, jurisdiction in Indian country over the conduct of Indian tribal members, non-members, and non-Indians.

Building on these early efforts, the Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice supported the development of "*Pathways to Justice*," a series of three gatherings held in April, May and July 2005. These events were dedicated to giving participants a full opportunity to speak, interact, and generate a record of the discussions to provide insight on critical needs within the justice system. Held in Anchorage, Alaska; Washington, DC; and Green Bay, Wisconsin, the gatherings brought together a cross-section of court, law enforcement, and service agency representatives. Drawing on the perspectives and expertise of the participants, the gatherings sought to promote workable solutions to system-challenges that would foster respect and comity, mitigate intersystem conflicts, and reduce or forestall divisive litigation.

"Cooperation among tribal, state, and federal courts as well as related law enforcement and service agencies is essential to the effective administration of justice in this country."

Chief Justice
Shirley S. Abrahamson,
Wisconsin Supreme
Court and Chair,
National Conference of
Chief Justices of
State Supreme Courts

The Gatherings in Anchorage, Alaska and Washington, DC were dedicated to giving tribal leaders a significant voice, while federal representatives and others were observers and listeners. A separate report identifies the key findings and provides policy guidance from the first two Gatherings.

The Third Gathering in Green Bay, Wisconsin directly fulfilled a primary recommendation from the previous gatherings and brought together tribal, federal, and state judges to share equally in the discussion of challenges and the development of mutually agreeable solutions.

Participants in the Green Bay Gathering were clear in their recommendations. Their efforts should open the path for further discussion and work. To create a stronger, more cohesive and ultimately a more equal justice system will require ongoing collaboration between tribal, federal, and state judicial systems. This report will describe the event, the process, and the insightful problem-solving discussions that took place in Green Bay.



As early as 1832, the United States Supreme Court acknowledged in *Worcester v. Georgia* that in matters of local governance, Indian tribes are “distinct, independent political communities, retaining their original natural rights” unless Congress chose to limit that power. Passage of the Indian Reorganization Act in 1934 provided for tribes to enact their own laws and to establish their own justice systems. Many early tribal courts were established by the Bureau of Indian Affairs (BIA) through the Code of Federal Regulations (CFR). These courts often closely mirrored federal and state justice systems. The CFR courts and other western model courts focused on punishment and were guided by written rules, procedures, and guidelines. Other tribal justice systems more closely reflected the diversity of cultural methods for dispute resolution practiced by Indian tribes throughout history to include unwritten customary laws, traditions, and practices.

Whether unfamiliar or uncomfortable with some of the approaches, or to protect constitutional rights of Indians and non-Indians in tribal justice systems, Congress took measures to limit tribes through several significant events. Public Law 83-280 in 1953, commonly referred to as PL-280, provided for transfer of criminal jurisdiction to the state government for tribes in Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin (excluding some tribes in some of these states). Since 1953, additional states and tribes adopted variations of the law to further define jurisdiction.

Congress limited the authority of tribal governments through passage of the Indian Civil Rights Act (ICRA) of 1968. Similar to the Bill of Rights in the US Constitution, this Act was intended to ensure that tribal governments respect the basic rights of Indians and non-Indians. This included prohibiting Indian tribal governments from enacting or enforcing laws that violate individual rights. Amended in 1986 and 1991, the Act is further clarified through federal court rules of interpretation, subsequently affecting jurisdiction in criminal cases and in cases involving non-Indians.

The Indian Child Welfare Act (ICWA) of 1978 provided far greater control for tribes over domestic matters, especially the adoption, guardianship, and foster home placement of Indian children. The goal of ICWA was to strengthen and preserve the families and culture of tribes by requiring a child’s tribe to be involved in state court proceedings. These

interventions by Congress were intended to provide greater protection for the rights of individual tribal members and non-tribal members residing on Indian reservations.

Currently, there are approximately 275 formal tribal court systems established by Indian nations and Alaska Native villages. These justice systems utilize a multitude of methods for dispute resolution, and have varying levels of formalized policies and procedures to ensure that due process is provided. Intent on protecting their jurisdictions, tribal, federal, and state court systems may struggle to determine who has jurisdiction and may often be confused about how each ‘others’ systems operate. This can result in misunderstanding, loss of trust and intersystem conflict between the various court systems.

“For all of our justice systems to come together... the tribal courts, the [state] courts, the federal courts...to come together for the best of the nation as a whole, that is justice.”

Hon. Eugene White Fish,
President, National American
Indian Court Judges Association

The idea of a national forum to explore how different jurisdictions address such conflicts is not new and reflects the long-standing belief that conflict may be resolved through dialogue and action. In proposing this approach, BJA and the organizers of the “Pathways to Justice” Gatherings sought to establish an environment that would foster tribal, federal, and state collaboration through discussion. The Gathering discussions were intended to focus on solutions to challenges, highlight promising strategies, and encourage the exchange of successful approaches for collaboration and problem-solving.

Organizers sought to build on earlier successful efforts, beginning with the Seattle “From Conflict to Common Ground” Conference, sponsored by the Conference of Chief Justices of State Supreme Courts through their Committee on Jurisdiction in Indian country. The Chief Justices of Michigan, Wisconsin, North Dakota, and South Dakota followed the path of Arizona, Oklahoma, and Washington to implement tribal-state forums. Many of those who participated in the early efforts came together with new participants two years later in Santa Fe for the “Building on Common Ground” Conference. This conference was designed “...to develop a national agenda for the improvement of working relationships between tribal, federal, and state judicial systems.”

THE COMMON GROUND PROCESS —



Many organizations, agencies, and individuals contributed to the development of *“Walking on Common Ground: Pathways to Equal Justice.”* An initial advisory and planning forum held in September 2004 included representation from tribal, federal, and state courts, as well as national and state organizations with a strong interest in tribal court development. Together, they established the vision as well as the method and process for the Gathering. Their vision: *for tribal, federal, and state justice communities to join together in the spirit of mutual respect and cooperation to promote and sustain collaboration, education, and the sharing of resources for the benefit of all people.*

Their expectations were that the national gathering should be action-oriented, where useful information and dialogue were shared through facilitated processes. Specific expectations were to improve tribal, federal, and state court relations; maintain momentum after the event; and provide a self-sustainable network that would enhance communication and encourage the forum concept at the local level.

The advisory forum concluded that the key to meaningful and measurable tools was a shift away from lectures and panels, with an emphasis on action-oriented discussions designed to engage all participants. Advisors recommended building on existing tribal, federal, and state collaborative efforts and relations developed over the past decades. This unique approach assured that the ultimate outcome for *“Pathways to Justice”* would be for those impacted by ongoing cross-jurisdictional challenges to share in identifying solutions.

Through needs assessments, focus groups, and questionnaires, the advisory board gathered information on the current activities of tribes and states. An analysis of this information provided the framework for the development of the Gathering’s agenda and format, as well as recognition of promising practices (see Key Recommendations - page 13.)

“Walking on Common Ground: Pathways to Equal Justice” drew representatives from 165 different agencies and tribes from 24 different states and the District of Columbia. Over 60% of the attendees were judges, and approximately 60% were from tribal agencies, providing a balanced cross-representation of the justice systems.

The Oneida Nation of Wisconsin, as the hosting tribe, welcomed participants and provided attendees with welcome gifts made by members of the Oneida Nation and by Oneida business owners. In their traditional way, Oneida Nation conducted the opening ceremonies. Following the tribe’s welcoming remarks, the Honorable Shirley Abrahamson, Chief Justice of the Wisconsin Supreme Court and Chair of the Conference of Chief Justices along with the Honorable Eugene White-Fish, Chief Judge of the Forest County Potawatomi Tribal Court and President of the National American Indian Court Judges Association, set the tone and expectations for the gathering during their opening keynote presentations.

Nationally recognized speakers addressed the gathering attendees on four key topics:

- 1 Choice of forum and federal review,
- 2 Recognition of judgments and orders,
- 3 - Judicial independence, and
- 4 - Indian Child Welfare Act (ICWA)

Plenary sessions on the above topics, followed by small group discussions formed around thirteen geographic areas to allow for the development of regional and local strategies and action-plans. Each group identified three challenges within each key area. The groups then focused on identifying strategies to address the challenges. At the conclusion of the small group discussion times, the participants reconvened in a general assembly to present the solutions that emerged from within the breakout

discussions. Luncheon presentations each day highlighted promising practices in tribal court development.

The process was remarkably focused. Not only did participants reach common ground on the challenges they faced within each discussion area, but they proposed solutions that were innovative, constructive, and in many cases, plausible to implement with little fiscal impact. Their findings are included in each section of this summary. The key recommendations at the end of this report provide a collective summary of the Gathering discussions. With these recommendations in hand, all participants are provided with a map identifying valuable routes on the path to justice. Together these paths will lead tribes, federal, and the states’ judiciaries into stronger, more effective working relationships for the administration of justice.

“We are a nation of nations... we have so many different cultures and so many different opportunities...we need to hear each other and to listen and to learn...”

Domingo S. Herraiz
Director
Bureau of Justice Assistance,
Office of Justice Programs,
U.S. Department of Justice



"The challenge is that there needs to be respect and acknowledgement of all court systems... That can't be done until there is a common level of support and resources."

Participant's comment from a breakout session during the Walking on Common Ground, Green Bay Gathering

Confusion and lack of education about tribal judicial authority can undermine tribal judicial systems. This lack of knowledge often leads to misunderstanding, mistrust, and jurisdictional struggles. Such conflicts serve neither the interests of the individual, nor the broader policy goal of equal justice for all. With these issues in mind, participants in the Gathering identified a number of broad challenges faced by tribes, federal, and the state judiciaries in the Choice of Forum and Federal Review discussion. These challenges focused primarily on lack of understanding of justice systems, jurisdictional ambiguity, and substantial challenges around education.

Other areas addressed included recognition and enforcement of orders (See Recognition of Judgments and Orders section - page 6), internal governance, and funding issues. Solutions designed to address these challenges covered a wide range of options and reflected creative problem-solving as well as a desire to look beyond funding issues for conflict resolution. Choice of Forum and Federal Review challenges and responses are summarized on the following page.

Indian Country Criminal Jurisdiction PL-280 And Other Jurisdictional Transfers

Public Law 280 is a federal law that transfers criminal jurisdiction (except for wildlife offenses) to the state government. There are two types of PL-280 jurisdictional transfers and are commonly referred to as "mandatory PL-280" and "optional PL-280."

Mandatory PL-280 refers to the jurisdictions listed at (18 USC 1162(a)). The mandatory PL-280 jurisdictions are: Alaska, California, Minnesota (except Red Lake Reservation), Nebraska, Oregon (except Warm Springs Reservation), and Wisconsin (except the Menominee Reservation). In mandatory PL-280 Indian Country, the state has been given jurisdiction to prosecute most misdemeanors and felonies. The tribes also have misdemeanor jurisdiction, but the federal government does not have jurisdiction to prosecute most Indian country crimes.

Between 1953 and 1968, a number of other states acquired criminal jurisdiction over certain tribes; this is commonly called "optional PL-280" jurisdiction. In optional PL-280 areas of Indian country, the state has jurisdiction over whatever types of offenses that it has accepted under state law. The tribes have misdemeanor jurisdiction, and the federal government has its normal jurisdiction to prosecute Indian country crimes.

Both forms of PL-280 put law enforcement responsibility on the states, but do not provide funding for such services in many places. Many states have now "retroceded" their jurisdiction back to the federal government. If there has been full retrocession of jurisdiction, then PL-280 no longer applies to that particular tribe.... Because of PL-280, special jurisdictional statutes, and retrocessions, it is often necessary to review the jurisdictional status of each tribe individually.

Source: Columbia Legal Services and Northwest Justice Project; <http://tribaljurisdiction.tripod.com/id4.html>



Social Norms & Values

Challenges

Efforts to balance individual, government, and community interests can lead to misunderstanding and mistrust, which can impact tribal-federal-state relations. There is a need for additional training on Indian law and tribal culture to enhance familiarity with tribal justice systems. Concerns were raised by many groups about whether state courts are educated in hearing Indian civil cases.

Responses

- Educate federal and state courts, as well as communities, on tribal justice systems, including how tribal custom and tradition impact the court system;
- Encourage courts to participate in cross-court cultural exchanges and to be proactive when communicating between systems;
- Grant statutory authority to transfer custody/guardianship over any pending matter involving the child to tribal court;
- Hold classes on tribal law and tribal justice at conferences and in law schools (using culturally competent instructors or lecturers); and
- Support mandatory training curriculum for federal and state judges on tribal law.

Education, Resources & Funding

Challenges

Tribal court judges are sometimes challenged when addressing causes of actions against tribal officials and agents. Federal Indian law has perpetuated a monolithic view of tribal courts. Outside communities may not know about tribal justice systems or how they make decisions. Tribal justice systems are challenged to meet federal and state legal standards without the time, resources, and infrastructure to fully develop them. Current funding levels do not sufficiently provide for tribal courts to meet ICRA requirements.

Responses

- Enact civil, criminal, and administrative statutes, with education (perhaps mandated) for government and justice system officials;
- Review and revise tribal codes with community input;
- Enhance a central website with resources and general information on tribal, federal, and state law;
- Support ongoing grant funding for tribal courts; and
- Coordinate the courts with law schools to use students as clerks and research assistants.

Authority & Trust

Challenges

There is a need to establish internal and external respect for legal systems and structure (regardless of form) from those who are impacted by the systems, including those outside of the jurisdiction. ICRA does not guarantee defense counsel in tribal criminal cases. It is difficult for law enforcement to enforce orders. Disputes arise when tribes and states both assert jurisdiction and there are no established laws or protocols.

Responses

- Develop orders and protocols to enhance communication among judges, sheriffs, and county attorneys;
- Recognize decisions based on traditional or cultural law within the structure of tribal codes, whether the law is written or unwritten;
- Certify questions of law to tribal courts, provide educational interaction, and “be a good judge” to help develop internal and external respect for justice systems;
- Enhance communication and relationships between judicial systems through cross-court exchanges;
- Educate policymakers and judges on problems facing tribes and about the various court systems;
- Grant statutory approval for proposed Violence Against Women Act (VAWA) to provide tribal jurisdiction over non-Indians;
- Suggest amendments to federal legislation to provide for tribal court jurisdiction in civil cases;
- Request that Congress increase tribal authority as well as tribal funding and resources; and
- Provide incentives for students to help enhance defense counsel ranks.

Additional Considerations

Challenges

There may not be recognition that the choice of forum can be the choice of remedy. It may be difficult for tribal courts to ensure an independent judiciary, based on appropriate models with appropriate sanctions (e.g., banishment) when faced with decisions that may have political impact.

Responses

- Enact civil, criminal, and administrative statutes, with education (perhaps mandated) for government and justice system officials;
- Review and revise tribal codes with community input; and
- Enhance a central website with resources and general information on tribal, federal, and state law.



As tribal courts develop and improve, they are increasingly empowered to address a wider array of cases. Recognition and collaboration to accept this expanded responsibility can create conflict and confusion between jurisdictions. For example, domestic orders issued by a tribal court may be ignored at the state level or by other tribes. State orders may be difficult for the tribal courts to uphold because of limited resources and/or unclear definitions of their jurisdiction. Developing a clear process for addressing these challenges is critical to the healthy maturation of tribal courts.

"The lack of consistent enforcement of tribal court judgments by state courts and state court judgments by tribal courts limits the effectiveness and authority of both systems."

Michigan Indian Tribal Court/State Trial Court Forum, 1992

Effective Strategy: Michigan Tribal-State Forum

The Michigan Supreme Court, through funding from the National Center for State Courts, convened the State Court and Tribal Court Forum in 1992. The purpose of the forum was to foster cooperation between the state and tribal justice systems within Michigan. The State of Michigan has 12 federally recognized tribes, with all but two operating their own justice systems. The federally recognized tribes are listed in the annual directory issue of the Michigan State Bar Journal. Tribal materials are currently available through the State Law Library. Michigan has an active State Bar Standing Committee on American Indian Law with a growing American Indian Law Section of the State Bar in addition to the Michigan Indian Judicial Association.

In May of 1996, the Tribal-State Forum adopted the Michigan Court Rule 2.615, Enforcement of Tribal Judgments, which operates on a principle of comity. The rule directs state courts to recognize and enforce the judgments and other rulings of tribal courts, to the extent that those tribes reciprocate. This rule applies to orders from any federally recognized tribe, including those outside the State of Michigan. This led to the development of tribal rules and ordinances concerning enforcement of state judgments. The court systems communicate via the State Court Administrative Office website.

The state continues to support efforts to define and establish protocols for working with the tribal governments on issues of concern. Some areas being addressed include protection of tribal members and communities from domestic violence, recognition of key state-tribal issues, non-casino economic development, and protection of shared water resources.

Source: Chapter 2 Civil Procedure, Subchapter 2.600. Judgments and Orders; Postjudgment Proceedings; MCR 2.615 (2004); Rule 2.615 Enforcement of Tribal Judgments.

Promising Practice: Project Passport

Across the country, states and tribes are adopting the model template developed through Project Passport. The goal of Project Passport is simple: improve recognition and enforcement of protection orders between states and tribes by using a common, recognizable first page for those orders. Originally developed as a regional effort led by Kentucky, the template and the success of Project Passport has spread throughout the South and has begun to have an impact on the West.

What makes Project Passport especially useful? The common template means that data points are collected in common, authentication is simplified, proper identification is made easier, and protection can be provided quickly and consistently; which strengthens the safety net for battered women and their children.

Adopted from "Extending Project Passport," National Center for State Courts. For more information contact Denise O. Dancy, Project Director, at (757) 259-1593 or ddancy@ncsc.dni.us.



Process & Comity Standards

Challenges

There is a need for sustainable, inter- and intra- state standards for comity, recognition, and enforcement of tribal court orders. The process for developing standards is complex due to the many variables involved. It is difficult to find and focus on the commonalities. Particular problems exist with verification of orders and the development of sustainable protocols.

Responses

- Leadership should foster institutional buy-in, and develop relationships and guidelines (like model codes, protocols, memoranda of understanding) through national organizations and associations and informally through greater social interaction between tribal and non-tribal entities;
- Bring external stakeholders together to brainstorm solutions;
- Provide orientation materials on tribal courts and comity for attorneys as well as curriculum and Continuing Legal Education for national and state judicial colleges and conferences; and
- Create a mandatory tribal judicial coalition comprised of tribal, federal, and state judges, as well as legislators, to develop formal procedures, protocols, and agreements.

Tribal vs. State Orders

Challenges

Orders may not be recognized from other tribes and decisions may be judged by appearance rather than merit. Conflict may arise when there are different standards or conflicting judgments in tribal and state systems. When tribal resources are available, they are not always utilized by non-tribal entities. Tribal court orders may not always be filed in state court. Tribes do not always recognize orders from other tribes. State officials do not always have a great deal of familiarity with tribal courts. These issues frequently hinder collaborative efforts.

Responses

- There should be uniform comity analysis and standards;
- Educate the public and policymakers about tribes, tribal courts, and the importance of comity through written articles, public presentations, and sponsorship of media events;
- Promote educational opportunities through forums such as the American Bar Association, National American Indian Court Judges Association, the National Congress of American Indians, and the National Center for State Courts;
- Enact federal legislation to require full faith and credit for tribal court orders, provided that the tribal court is afforded appropriate due process;
- Support legislation requiring state agencies to provide services to tribes; and
- Develop uniform certification of accuracy and a mechanism of support for litigants to encourage filing in state court.

Education & Training

Challenges

Tribal court issues, procedures, and laws are often misunderstood. Resources for tribal community members are often limited, and misconceptions exist about the availability of funding for operation of tribal courts. Internal court infrastructure is sometimes weak. Nontribal attorneys practicing in tribal courts are not always informed on tribal court operations.

Responses

- Develop formal and informal training opportunities with tribal and state courts to enhance learning about other's systems;
- Include tribal law at mock trials and as part of law school curriculum as well as part of conference training materials;
- Provide cross-training and shadowing opportunities;
- Continue to publish tribal opinions and codes; and
- Support and encourage open communication between tribal, federal, and state courts by all court staff.

Communication & Understanding

Challenges

Judges may not be aware of orders that have been issued or pending litigation. This may be due in part to the large number of pro se litigants. There may not be open communication between tribal and state courts.

Responses

- There should be a verified pleading requirement that notifies if an action between the parties or involving the same subject matter is pending in another court;
- The court and case information should be provided and the judge should have an opportunity to reject the pleading;
- There should also be courthouse facilitators to help pro se litigants with forms;
- Maintain an electronic listing of tribal and state court contacts; and
- Publish educational opportunities on a central website.

Capacity & Competency

Challenges

Legal system may not understand the complexities of tribal courts/government, including their capacity and competence.

Responses

- The state could act in a review capacity to provide support for tribal courts, acknowledging they need to have a clear understanding of the capacity and function of the court;
- Tribes should be empowered to determine their capacity to deal with cases, and be supported in their decisions.



There is often skepticism about tribal judicial independence, which leads to mistrust of tribal judicial systems. Questions about judicial independence rose repeatedly throughout the Gathering, including:

- Are judges biased?
- Will judges favor some families over others?
- How about punishing adversaries more severely; is that something a judge will do?
- Will a judge lose their position (be removed by the tribal council) for making an unpopular decision?

These questions regarding judicial independence demonstrate that mistrust and limited education about the judicial systems are central concerns in ameliorating relationships between tribal, federal, and state courts. The Independence of the Judiciary summary separates these concerns into four topic areas, which explore problem and solution statements including:

- Discussions of community support and understanding;
- Structural or jurisdictional processes and independence;
- Economic independence of courts; and
- Court credibility

The remaining two topic areas, the role of the federal government in judicial review and the very nature and design of justice systems, whether adversarial or consensus-based, pose broader policy questions. Through greater knowledge of, and familiarity with, tribal justice systems, this challenge to judicial independence can be overcome.

"If there's a strong judicial branch of tribal government that resolves [disputes], it will deter the federal and state courts from getting involved. But if we deny tribal courts the right to resolve disputes, there's going to come a day when the federal and state courts are going to intervene. Tribal membership would prefer that matters be resolved within the tribe."

Hon. BJ Jones, Chief Judge,
Prairie Island Indian Community
and Sisseton-Wahpeton
Oyate Courts

State & Tribal Courts Sign Jurisdictional Protocol

One of the many high points of the Gathering in Green Bay, Wisconsin was the signing of the Teague Protocol, which is designed to resolve jurisdictional conflicts between Wisconsin's judicial districts and five tribal courts. The Teague Protocol incorporates the Wisconsin Supreme Court's guidelines for resolving jurisdictional issues between tribal and state courts. Those guidelines were laid out in the Court's 2003 decision, *Jerry Teague v. Bad River Band of Lake Superior Tribe of Chippewa Indians (Teague III)*.

According to Chief Judge David Raasch of the Stockbridge-Munsee Band of the Mohicans in Bowler, Wisconsin, the protocol establishes a procedure for the state court judge and tribal court judge to hold a conference to resolve questions of jurisdiction. As part of that process, the agreement establishes a number of factors to be considered, including whether the matter is one of tribal or state law, court and case costs, how far along the case is in the system, and tribal cultural issues. Even in areas where agreement is difficult, the protocol provides for the involvement of a third judge to help reach resolution.

In addition to Chief Judge Raasch and Judge Dorothy L. Bain of Wisconsin's Ninth District, the protocol was signed by tribal court judges: Chief Judge Fred A. Ackley Jr., Sokaogon Chippewa Community (Mole Lake); Chief Judge Alice K. Soulier, Lac du Flambeau Band of Lake Superior Chippewa Indians (Lac du Flambeau); Chief Judge Ervin Soulier, Bad River Band of the Lake Superior Chippewa Indians (Odanah); and Chief Judge Eugene White-Fish, Forest County Potawatomi Community (Crandon). Teague Protocol Guidelines: The Teague Protocol, adopted by the Ninth Judicial District and the participating bands, establishes a set of Standards for Allocation of Jurisdiction.

Source: Wisconsin Law Journal, August 3, 2005



Community Support & Education

Challenges

Community members may not fully recognize or support the tribal court's role within the community or the decisions of the tribal judge. Limited educational opportunities are available for joint education of tribes, states, and communities on tribal courts. In particular, there is limited understanding of standard operating procedures for the courts, including the benefits and possible drawbacks of tribal courts. Government officials (such as the tribal council, BIA, etc.) and the public may not fully understand the role of the court, judicial independence, or how separation of powers impacts court operations.

Responses

- Educate lay advocates and the community about the court system;
- Use conferences and gatherings as opportunities to discuss tribal judicial independence and educate tribal leaders about separation of powers;
- Encourage judges to speak at community meetings and provide guidelines on dealing with and speaking to the public regarding cases, though not about specific cases; and
- Develop strategies to update citizens on court activities, to include the creation of newsletters and websites, the use of the media, and the development of educational programs.

Credibility, Independence & Separation of Powers

Challenges

Negative media can undermine individual decisions as well as the credibility of the entire judicial system. Local businesses and the public are impacted by the judge's ability to remain neutral and maintain confidentiality. There is an assumption that judicial independence is necessary, but the problem is in promoting understanding that judicial independence can exist without a separation of powers in a consensus based justice system.

Responses

- Encourage tribal members to seek the facts when dealing with the media and community perceptions;
- Encourage participation in events like the Gathering by a cross-section of community and professional individuals;
- Educate the tribal community and tribal council on the value of an independent court and identifying the community's role in the court; and
- Establish a regional intertribal judicial oversight commission.

Court Structure & Process

Challenges

Outside influence can impact court decisions, and the infrastructure needed to support tribal courts may be limited or non-existent. Terms for tribal judges may be relatively short. It may be difficult to incorporate traditional values and common law into tribal court systems and decisions (there may be pressure to conform to western ideals). For some tribes, council can sanction tribal courts for decisions they disagree with, placing tribal court independence in doubt. Separation of powers in the adversarial system may be at odds with traditional dispute resolution practices, creating a challenge to preserve cultural practices within a system that non-tribal entities and partners can accept.

Responses

- Explore ways to provide for the recognition of decisions based on traditional or cultural law within the structure of tribal codes, whether the law is written or unwritten;
- Explore the development of tribal codes or constitutional amendments that clearly define a true separation of powers, causes for removal, and specific lengths of judicial terms;
- Recognize that in some instances separation of powers is not culturally consistent; tribes could seek ways to use their culture to unite tribal and state courts. This could include a problem solving or healing first level court with a decision making track as a second tier or hearing from elders in family court;
- Assess standard operating procedures to the extent they complement tribal tradition; seek support from tribal government and tribal members for those procedures;
- Strengthen due process rights within tribal justice systems to improve confidence in the system by federal courts and avoid federal review of tribal court decisions;
- Establish a regional intertribal judicial oversight commission to ensure judicial integrity; and
- Expose state court judges to dispute resolution models including visits to tribal courts.

Federal Review & U.S. Legal System

Challenges

Tribal courts may lose credibility if they choose not to adopt the U.S. version of standard operating procedures. There are questions about whether tribal courts should be free from federal review to ensure the tribal courts' judicial independence. Federal review can impact tribal sovereignty and self-determination, and could ultimately result in tribal courts being perceived as administrative hearings prior to valid court appearances. Federal review may also impact cultural factors as part of tribal justice.

Responses

- Strengthen due process rights within the tribal justice system to hopefully improve confidence in the system by federal courts and avoid federal review of tribal court decisions.

DISCUSSION TOPIC FOUR

INDIAN CHILD WELFARE ACT



While the Indian Child Welfare Act (ICWA) provides a framework for ensuring appropriate jurisdiction and placement for tribal youth, a number of challenges occur when implementing the Act. ICWA is undermined by limited funding and education about its properties, which inhibits effective implementation of the Act. Foster care and support systems cannot keep up with the demand for services. Ensuring that children are properly identified as ICWA-eligible youth and providing for effective enforcement and compliance are challenges to developing common ground on disposition of ICWA cases. These issues are compounded when different philosophies and standards lead to weakened respect across the systems. The Gathering's problem statements and their solutions regarding ICWA are narrow in scope and, unlike the previous sections, emphasize the availability of resources.

The Indian Child Welfare Act

The Indian Child Welfare Act was established in 1978 by Congress in response to the alarmingly high number of Indian children being removed from their homes by both public and private agencies. The intent of Congress under ICWA was to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" (25 U.S.C. § 1902). ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of, or eligible for membership in, a federally recognized tribe. In 2003 an amendment to the Act was proposed through H.R. 2750 to provide clarification on areas of the law where implementation has been inconsistent or problematic; clarify and strengthen the process regarding voluntary adoptions of Indian children; provide mechanisms for Indian parents to receive more information on their rights and options under ICWA; and provide mechanisms for oversight of the law and deterrents to those who would purposely avoid applying the law (www.nicwa.org).

While the Indian Child Welfare Act provides a framework for ensuring appropriate jurisdiction and placement for tribal youth, the courts experience a number of implementation challenges, including limited funding and a lack of knowledge about its properties. In addition, foster care and support systems experience difficulties responding to the demands for services. Tribal and state courts struggle to ensure that children are properly identified as ICWA-eligible youth. It can be difficult to provide for effective enforcement and compliance, which may create barriers to the development of common ground on disposition of ICWA cases. Many times these issues are compounded by differing philosophies and standards, which can weaken relationships and hinder the development of respect across the systems. The Gathering's problem statements and the recommended solutions regarding ICWA are focused on the availability of resources. Group discussions around this topic were lively and focused on problem solving to protect the interests of the children.

Source: <http://darkwing.uoregon.edu/~adoption/archive/ICWAexcerpt.htm>

"One people are imposing another set of values on families and children... that don't share them."

Hon. William A. Thorne, Jr.,
Judge, Utah Court of Appeals

New York Tribal-Federal-State Courts Forum

In October of 2004, the tribes and courts of New York met to establish the mission and structure for their forum. The six-part mission of the forum was to develop educational programs for tribal judges and leaders and tribal communities; provide information exchanges; train child care professionals, attorneys, judges, and law guardians on the provisions of ICWA; work to resolve jurisdictional conflicts and recognize judgments; foster cooperation and understanding; and enhance proper ICWA enforcement.

The 18 member forum included nine tribal court, four federal court, and five state court representatives. Leadership for the forum will rotate every two years between tribal and non-tribal facilitators.

The inaugural project of the forum will be to hold a listening conference in Syracuse, NY on April 26-27, 2006. The agenda will focus on the fundamentals of Indian country jurisdiction, the tribal courts of New York State, Indian children in state family courts, and criminal jurisdiction. The conference will close with a problem solving discussion.

Second Revised Tribal Forum Structure and Mission Statement (October 22, 2004)



Education & Training

Challenges

Tribes and states may have different philosophical goals regarding dependency cases (i.e., states may perceive adoption as a success and long-term temporary placement as failure; tribes may view adoption as failure and maintaining connection to community as a primary goal). Parents do not understand ICWA language regarding attorney's. State social services or judges may be challenged to understand the role of custom and tradition in cases regarding Indian children.

Responses

- Educate state and tribal judicial officers on child welfare matters, including the history of ICWA, intergenerational issues, advantages of tribal involvement in child welfare matters, cultural competence, etc.;
- Mandate education on ICWA by the Supreme Court;
- Provide awareness training on ICWA to tribal communities and others (service agencies/court personnel, medical personnel, doctors, etc.) in tribal, federal, and state systems;
- Create accountability through a legislative modification to ensure compliance with the ICWA and provide meaningful input on the definition of customs and traditions; and
- Use peacemaking for cases involving Indian children.

Guidelines & Standards

Challenges

There is a need for clear definition of roles and the proper procedures under ICWA. ICWA children are not identified in a timely manner, and cases often involve conflicting approaches to domestic violence and child protective services. Courts may choose to separate siblings, especially when one is Native and others aren't. There may be confusion about the processing of notices and receipt of information. Tribes may not have access to information leads and may not provide adequate background checks for foster homes. Standards for foster care (i.e., space, bedding, wheelchair access) may not be culturally significant and can create barriers to licensing Indian families as foster care providers.

Responses

- Develop a series of guides or bench books, written in basic terms, to define roles, rights, and responsibilities;
- Explore the ICWA impact when reviewing family background for initial intake and placement by social workers—including the importance of keeping siblings together;
- Change public policy to recognize the relationship between domestic violence and child protection;
- Develop statutory agreement (e.g., SL 161) to provide better communication and cooperation (telephonically, etc.) and a way to ensure the federal law does not terminate parental rights for non-reservation youth; and
- Explore changes to state foster care licensing standards.

Resources

Challenges

Tribes have limited resources for timely responses to ICWA notices (manpower, attorneys, funding for services, etc.), which creates barriers to transfer or intervention in ICWA cases. State and tribal resources for foster care expenses, social services, day care, case load, and work load are limited. Federal funding for child welfare services are encumbered, without a mechanism to ensure that funds from the state follow the transfer of jurisdiction. Indian family foster homes, attorneys with ICWA experience, and social service systems improvement for tribes and states are limited. Parents are often under represented or go without representation in ICWA cases.

Responses

- While Title IV-D allows for direct funding through child support enforcement programs, the federal government should make Title IV-E funds available directly to tribes;
- State governments should negotiate "pass-through" agreements for tribes to receive funds;
- Engage the community in ICWA—promoting development of foster homes, mentors, and system support;
- Reduce barriers to licensing of tribal foster homes and requirements for housing specifications;
- Specify the use of compact payments for child welfare services and protection (through a centrally located office); and
- Advocate for state and tribal social service agencies to receive equal funding.

Identification as Indian Child

Challenges

States and tribes recognize that issues with ICWA compliance do not lie exclusively with either states or tribes. Tribes are not always given notice of a child in need of care. Native children who would be under ICWA are not readily identified due to the complexities of defining Indian children and understanding the family unit. There are challenges in identifying the tribe to notify and then provide realistic timelines for response. Notification requirements for pending ICWA cases are based on a legal standard that is inconsistently applied by state courts; tribal responses to ICWA notices are highly dependent on governmental capacity.

Responses

- Review approaches used by tribal communities for Indian children in need of care;
- Cross-train personnel from tribes and states;
- Workers should address historical trauma and prevention programs with families;
- Elevate ICWA issues and regularly update through the child family services review process; and
- Provide an ICWA bench book with tribal contact information.



Integrating tribal justice systems with county, state, and federal justice systems for what could be more than 500 tribes will take substantial and sustained efforts. The conferences in Seattle and Santa Fe clearly identified issues; many of which continue to impact relationships today. There are, however, some areas that show significant improvement, such as the ability to resolve jurisdictional differences; to develop cross-jurisdictional orders; to ensure greater communication between court systems; and to more effectively address the requirements set forth in the Indian Child Welfare Act (ICWA).

In each effort it was recognized that dialogue, ongoing training, and ongoing formal relationships that transcend individual leadership are possible, but not without substantial and shared commitment at all levels of government. Remaining on a path that promotes misunderstanding, mistrust, and division promotes inequality and sends a message to communities that conflict is more important than resolution. Sharing responsibility with other justice systems and working together to resolve individual cases effectively will save effort, energy, and even lives in the long run.

What we choose to do with the Gathering's findings is really up to us.

One common thread throughout the forum was the knowledge that the challenges would not resolve themselves by words alone. As Chief Judge Eugene White-Fish, President of the National American Indian Court Judges Association said, "Don't let this road stop here — it needs to continue. We need to take it back to our communities... So that our people will have...equal justice."

This is where we find ourselves today. Resolution requires action, commitment, understanding, patience, and foresight. These are our common traits. It is time to move forward.

"When you leave Green Bay, Wisconsin and Oneida take home one strategy, one idea, one activity and put it into effect. If you do that, this conference will have been a great success."

Chief Justice
Shirley S. Abrahamson,
Wisconsin Supreme
Court and Chair,
National Conference
of Chief Justices of
State Supreme Courts

Gathering Statistics At A Glance

The conference included 21 plenary presentations and 8 discussion group sessions over the 2 ½ day event.

Participants	288
Agencies	165
Tribal Participants	60%
Judicial Participants	62%

States in Attendance

Alaska	Michigan	Oregon
Arizona	Minnesota	South Dakota
California	Mississippi	Utah
Colorado	Montana	Virginia
Connecticut	North Dakota	Washington
Dist of Columbia	New Mexico	Wyoming
Iowa	Nevada	Wisconsin
Indiana	New York	
Kentucky	Oklahoma	

Overall Evaluation Comments

Based on participant evaluations, 88% percent indicated that the conference met their expectations. Additionally, 89% percent felt they will be able to apply this information to their specific profession. When asked to rate the overall training program on a scale of 1-6, with 6 being excellent, the average rating was 5.39.



These recommendations are drawn from the summaries provided in the preceding pages. While not all-inclusive, this list is intended to highlight some of the solutions participants felt might assist in resolving issues in each of the discussion areas. They are not listed in order of importance.

Communication & Understanding

- Set up cross-court cultural exchanges: court shadowing where judges from one court learn about the function of another court. This should include customs and traditions, applications of laws, ICWA, and non-traditional judicial systems (consensus courts, circle sentencing, peacemaking, etc.);
- Encourage increased exchanges and presentations at judicial conferences;
- Establish mandatory training curriculum on tribal issues for state and federal judges;
- Enhance the website to include information about tribal, federal, and state laws; tribal opinions and codes; and general information designed to educate the public; and
- Promote greater public outreach to develop trust and enhance familiarity with tribal justice systems through publications, public appearances, and educational opportunities.

Statutory & Regulatory Change: Tribal Jurisdiction

- Provide for tribal court jurisdiction in civil cases and for jurisdiction over non-Indians;
- Develop and implement protocols to establish clear guidelines for review of court decisions;
- Explore the development of model codes or agreements (perhaps through a tribal judicial coalition or similar organization) for comity/full faith and credit, primacy, reciprocity, due process, and jurisdiction (possibly including federal laws in support of full faith and credit);
- Provide for the recognition of decisions within the structure of tribal codes based on traditional or cultural law, whether law is written or unwritten; and
- Explore the development of tribal codes or constitutional amendments that clearly define a true separation of powers, causes for removal, and specific lengths of judicial terms.

Statutory & Regulatory Change: Family Law

- Seek statutory authority at the state level to transfer custody or guardianship cases involving Indian children to tribal court;
- Strengthen tribal support infrastructures by establishing appropriate certification guidelines for tribal foster homes and housing, as well as by engaging community members in activities related to fulfilling tribal responsibilities for wards of the tribe;
- Seek federal law changes to end the practice of terminating parental rights for non-reservation youth;
- Develop a series of guides or bench books, written in basic terms, which clearly define roles, rights, and responsibilities; include a listing of contact information for all tribes;
- Seek mandated Indian Child Welfare Act training for all tribal, federal, and state judges; and
- Provide judicial education to all court-related personnel on the Indian Child Welfare Act to emphasize the importance of extended family in maintaining the family structure for ICWA youth.

Resources, Funding & Personnel

- Provide student loan forgiveness and intern opportunities for those working in tribal court systems;
- Provide courthouse facilitators or navigators to assist pro se litigants; and
- Provide Title IV-E funds directly to tribes and develop tribal and state negotiated “pass through” agreements (it should be noted that Title IV-D does allow for direct funding through child support enforcement programs.)



ALABAMA

Alabama Indian Affairs Commission
<http://aiac.state.al.us>
aiac@mindspring.net
 Poarch Creek Indian Tribal Court
 251-368-6658

ALASKA

Tanana Chief's Conference
<http://www.tananachiefs.org/index.html>
 Alaska Native Justice Center
www.ciri.com/about_ciri/anjc.htm
 Alaska Inter-Tribal Council
www.aipc.org

Listing of Tribal Courts:
thorpe.ou.edu/Aktribalct/index.html
 Court systems and written procedures vary among tribes and villages.

ARIZONA

David Withey, Tribal State and Federal Court Forum
dwithey@supremecourt.sp.state.az.us
www.supreme.state.az.us/stfcf/
 Excellent resource materials
 Have written protocols under Admin. Order 2001-70.

ARKANSAS

No information available

CALIFORNIA

Intertribal Court of California
www.intertribalcourt.indian.com
intcourtcal@aol.net
 Published Native American Resource Guide for Bench Officers.

Three independent tribal courts; Intertribal court; Tribal housing court project
 See article on Tribal Justice in California, Winter 2003/04 at www.calindian.org/groundhog.winter2003.htm.

COLORADO

Earnest House, Colorado Commission on Indian Affairs
 Colorado Commission on Indian Affairs
www.colorado.gov
 2 tribal courts
 No formal forum
 Good informal working relationship with 6th district and federal magistrate; mutual honoring of restraining orders.

CONNECTICUT

3 Tribal Courts
 Eastern Tribal Court Judges Association
 Jill Tompkins (303) 735-2194
Jill.tompkins@colorado.edu

DELAWARE

No information available

FLORIDA

Billy Cypress, Chairman
 Miccosukee Tribe of Indians of Florida
 Miami, FL
 2 Tribes - 1 Tribal Court
 No formal agreements or forum

GEORGIA

No information available

HAWAII

No information available

IDAHO

www.isc.idaho.gov/participate.htm
 Published Benchguide and Clerk's Manual
 10 Tribal Courts - includes Eastern Washington, Idaho, and Nevada.
 There is an association, written protocol, and a forum.

ILLINOIS

No information available

IOWA

No information available

KANSAS

Kansas Office of Native American Affairs.
www.accesskansas.org

KENTUCKY

No information available

LOUISIANA

No information available

MAINE

2 Tribal Courts
 No tribal association, Have written protocol and a forum
 Maine has a unique relationship with Indian nations within its borders.The powers and jurisdiction of Tribal Courts is codified in law at 30 M.R.S.A. Section s 6209-A and 6209-B. Judgments of matters for which Tribal Courts will have jurisdiction will be afforded full faith and credit by the State Courts.

MARYLAND

No information available

MASSACHUSETTS

Has a Commission on Indian Affairs
 No other information available

MICHIGAN

Michigan Indian Judicial Association
 Hon. Ronald G. Douglas
 Little River Band Ottawas
 (989) 775-7075
judgerondouglas@chartermi.net
 12 Tribal Courts
 Tribal judges association, written protocol, and a tribal-state forum.

MINNESOTA

Judge Robert Schumacher
 Minnesota Court of Appeals
 St. Paul, MN
 (651) 297-1009
 12 Tribal Courts and written protocol.
 Tribal judges association.

MINNESOTA (continued)

Judge Henry Buffalo
 Shakopee Tribal Court
 St. Paul, MN
 (651) 644-4710
 Have written protocol - Rule 10 of the general Rules of Practice to govern recognition of tribal court orders by state courts.
 There is a tribal-state forum.



MISSISSIPPI

Julie Decker, Staff Attorney
Mississippi Band of Choctaw Indians
Philadelphia, MS 39350
(800) 545-1220
www.choctaw.org/judiciarysymposium
1 - Mississippi Band of Choctaw Indians - 4 trial courts and the Choctaw Supreme Court. Developing a Wellness Court. Annual symposiums on Choctaw Tribal Courts. Working to create a reciprocal agreement for drug courts. There is no formal tribal-state forum.

MISSOURI

No information available

MONTANA

Indian Law Section of the Montana Bar
(406) 442-7660
attybill@montana.com
Indian Law Clinic at the Univ. of Montana School of Law
Tracy Labrin Rhodes, Director
Tracy.rhodes@umontana.edu
7 Tribal Courts
No tribal judges association, written protocols, or tribal-state forum

NEBRASKA

Nebraska Commission on Indian Affairs
www.indianaffairs.state.ne.us
Minority and Implementation Committee under The Nebraska State Bar, the Hon. John M. Gerrard Chair.
All four tribes headquartered in Nebraska (Omaha, Ponca, Santee Sioux, and Winnebago) have Tribal Courts.
There is no judges association. Tribal Summits were held in 2001 and the 1994 per Governor's Government to Government Memorandum.

NEVADA

Intertribal Council of Nevada
www.itcn.org
Nevada Indian Commission
www.indiancommission.state.nv.us

NEVADA (continued)

National Tribal Justice Center, National Judicial College, Reno NV
www.judges.org/specprogs/ntjc/

NEW HAMPSHIRE

No information available

NEW JERSEY

No information available

NEW MEXICO

New Mexico Indian Affairs Department
www.state.nm.us/oia
Yes, there are tribal courts and they have an association. There is a Tribal State Judicial Consortium.

NEW YORK

There are 9 Tribes, several with Tribal courts. There is no formal tribal court association. The State is currently developing a forum and written protocols. Their first meeting will be held in Spring 2006.

NORTH CAROLINA

Commission of Indian Affairs
www.doa.state.nc.us/cia/indian.htm

NORTH DAKOTA

North Dakota Indian Affairs Commission
www.health.state.nd.us/ndiac_mission
Tribal State accord between the state and the Standing Rock Sioux.

OKLAHOMA

Oklahoma Indian Affairs Commission
www.oiac.state.ok.us/commission
Tribal Transportation Advisory Board

OHIO

No information available

OREGON

Oregon Legislative Commission on Indian Services
www.leg.state.or.us/cis/cisinfo.htm
There are tribal courts. Statute and executive order mandate government to government relations.

PENNSYLVANIA

No information available

RHODE ISLAND

One Tribal Court - Narragansett Indian Tribal Court
No additional information available

SOUTH CAROLINA

No information available

SOUTH DAKOTA

Northern Plains Indian Law Center
www.law.und.edu/NPILC/nptjti.html
Watka Reconciliation Site
<http://www.wakpasica.org>
There are tribal courts. There is a South Dakota Indian Child Welfare Act Commission; it is not currently active.

TENNESSEE

No information available

TEXAS

No information available

UTAH

There are 6 tribal courts
There was a tribal-state forum; it is inactive at this time.

VERMONT

No information available

VIRGINIA

No information available

WASHINGTON

Washington Court Directory of 27 Tribal Courts
Northwest Tribal Court Judges Association
Elizabeth Fry, Executive Director
(509) 826-6821
Whatcom County has written protocol for domestic violence protection orders
There is not an active tribal-state forum at this time.

WEST VIRGINIA

No information available

WISCONSIN

Wisconsin Judicare
Published ICWA Manual
www.judicare.org/ilo.htm
11 Tribes - all have tribal courts or appeals commissions.
Wisconsin Tribal Judges Association
There is an active tribal-state forum and written protocol for tribal-state relations.

WYOMING

No information available

ACKNOWLEDGEMENTS



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FEDERAL

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OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE
Washington, DC - www.ojp.usdoj.gov/americanative

OFFICE OF TRIBAL JUSTICE, U.S. DEPARTMENT OF JUSTICE
Washington, DC - www.usdoj.gov/otj

U.S. ATTORNEY, MINNESOTA
Minneapolis, MN - www.usdoj.gov/usao/mn

U.S. ATTORNEY'S OFFICE - EASTERN DISTRICT OF WISCONSIN
Milwaukee, WI - www.usdoj.gov/usao/wie

U.S. DISTRICT COURT OF NORTH DAKOTA
Grand Forks, ND - www.ndd.uscourts.gov

TRIBAL

COQUILLE INDIAN TRIBAL COURT
North Bend, OR - www.coquilletribe.org

TRIBAL COURT OF THE CONFEDERATED TRIBES OF COOS,
LOWER UMPQUA AND SIUSLAW INDIANS
Coos Bay, OR - www.ctclusi.org/index.asp

FOREST COUNTY POTAWATOMI TRIBAL COURT
Crandon, WI - www.fcpotawatomi.com

STOCKBRIDGE MUNSEE BAND OF MOHICAN INDIANS TRIBAL COURT
Gresham, WI - www.mohican.com

ONEIDA TRIBE OF INDIANS OF WISCONSIN TRIBAL JUDICIAL SYSTEM
Oneida, WI - www.oneidanation.org

NATIONAL

AMERICAN BAR ASSOCIATION
Chicago, IL - www.abanet.org/index.cfm

NATIONAL ASSOCIATION OF INDIAN LEGAL SERVICES
Wausau, WI - www.judicare.org/nails.html

NATIONAL CONFERENCE OF CHIEF JUSTICES
Williamsburg, VA - ccj.ncsc.dni.us

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
Boulder, CO - www.naicja.org

NATIONAL

NATIONAL TRIBAL JUSTICE RESOURCE CENTER
Boulder, CO - www.tribalresourcecenter.org

TRIBAL JUDICIAL INSTITUTE at the UNIVERSITY OF NORTH DAKOTA
SCHOOL OF LAW - Grand Forks, ND
www.law.und.nodak.edu/NPILC/nptjti.html

NATIVE AMERICAN ALLIANCE FOUNDATION
Albuquerque, NM - www.native-alliance.org

THE TRIBAL LAW & POLICY INSTITUTE
West Hollywood, CA - www.tribal-institute.org

THE NATIONAL TRIBAL JUDICIAL CENTER at THE NATIONAL
JUDICIAL COLLEGE
Reno, NV - www.judges.org

NATIVE AMERICAN RIGHTS FUND
Boulder, CO - www.narf.org

NATIONAL INSTITUTE FOR TRIAL ADVOCACY
Louisville, CO - www.nita.org

NATIONAL CENTER FOR STATE COURTS
Arlington, VA - www.ncsconline.org

STATE

WISCONSIN SUPREME COURT
Madison, WI - www.courts.state.wi.us

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
Pierre, SD - www.sdjudicial.com

CONFERENCE OF STATE COURT ADMINISTRATORS
Salt Lake City, UT - cosca.ncsc.dni.us

ALASKA NATIVE JUSTICE CENTER
Anchorage, AK - www.ciri.com/about_ciri/anjc.htm

WISCONSIN TRIBAL JUDGES ASSOCIATION
Bowler, WI

WISCONSIN JUDICARE, INC.
Wausau, WI - www.judicare.org