



## JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368  
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

MARTIN HOSHINO  
*Administrative Director*

CORY T. JASPERSON  
*Director, Governmental Affairs*

March 30, 2017

Hon. Brian Maienschein  
Member of the Assembly  
State Capitol, Room 4139  
Sacramento, California 95814

Subject: AB 905 (Maienschein), as amended March 13, 2017 - Support

Dear Assembly Member Maienschein:

The Judicial Council is pleased to support AB 905, which, among other things, eliminates the Tribal Court Civil Money Judgment Act's sunset date, thereby extending its provisions indefinitely. The council sponsored SB 406 ([Evans] Stats. 2014, ch. 243), which enacted the Tribal Court Civil Money Judgment Act (TCCMJA or the Act). The TCCMJA, which was based on a joint recommendation of the council's Tribal Court-State Court Forum, Civil and Small Claims Advisory Committee, and Family and Juvenile Law Advisory Committee, is designed to clarify and simplify the process by which tribal court civil money judgments are recognized and enforced in California.

California is home to more people of Indian ancestry than any other state in the nation. At this time, there are approximately 110 federally recognized tribes in California, second only to the number of tribes in the state of Alaska. Each tribe is sovereign, with powers of internal self-government, including the authority to develop and operate a court system. Currently, approximately 22 tribal courts are operating in California, and several other courts are under development.

As you know, because tribes are sovereign, their status is in some ways similar to that of a foreign country. As such, judgments of tribal courts are currently afforded the same treatment as judgments of foreign nations under the principles of comity. This means state courts generally respect the decisions of tribal courts and will enforce them upon request, so long as the tribal court issuing the decision had fair procedures.

Prior to the enactment of the TCCMJA, a party seeking recognition of a civil tribal court money judgment in a state superior court had to do so under the Uniform Foreign-Country Money Judgments Recognition Act, a time consuming and expensive procedure, in which parties sometimes must unnecessarily re-litigate what has already been decided by the tribal court, costing both the parties and the state courts time and expense. The Act streamlines and simplifies these procedures, which makes it easier and less costly for parties and state courts to recognize tribal court money judgments.

The TCCMJA establishes a framework for seeking recognition of tribal court civil money judgments under procedures that are similar to the simpler procedures applicable to judgments from the courts of sister states, while still applying the principles of comity that the law currently requires for judgments from sovereign nations. Significantly, the Act did not change the legal standards state courts apply in recognizing and enforcing specified civil tribal court judgments, but only clarify the procedures for doing so and consolidate them into a single, streamlined statutory scheme.

A party seeking recognition of a tribal court money judgment in a California superior court under the TCCMJA must file an application that includes all the information about the case required in an application for recognition of a sister state judgment, plus a copy of the tribal court rules of procedure and a declaration that the case was tried in compliance with those rules. The party seeking recognition must give notice to the party against whom the tribal court judgment was entered, and that party has an opportunity to oppose recognition. If there is no opposition within 30 days, a superior court judgment based on the tribal court civil money judgment is entered automatically. If there is opposition, the superior court holds a hearing on the issue within 45 days.

The establishment of this process and timeline for considering these applications makes recognition of existing rights more efficient and economical for both litigants and the courts without altering any party's substantive rights under current law. The Judicial Council has not conducted a formal study of the TCCMJA. However, the council's Tribal Court-State Court Forum reports that the Act is working as intended based on anecdotal reports it has received through an informal survey it conducted with tribal courts and other interested groups.

Hon. Brian Maienschein

March 30, 2017

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For these reasons, the Judicial Council supports AB 905, which will help ensure, on an ongoing basis, appropriate recognition of tribal court civil money judgments in state courts in a manner that will benefit both court systems.

Sincerely,

*Mailed on March 30, 2017*

Daniel Pone  
Attorney

DP/jh

cc: Ms. Kristin Burford, Staff Attorney, California Law Revision Commission  
Ms. Leora Gershenzon, Deputy Chief Counsel, Assembly Judiciary Committee  
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



# JUDICIAL COUNCIL OF CALIFORNIA

## GOVERNMENTAL AFFAIRS

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CORY T. JASPERSON  
*Director, Governmental Affairs*

May 31, 2017

Hon. Hannah-Beth Jackson, Chair  
Senate Judiciary Committee  
State Capitol, Room 2032  
Sacramento, California 95814

Subject: AB 905 (Maienschein), as amended March 13, 2017- Support  
Hearing: Senate Judiciary Committee – June 13, 2017

Dear Senator Jackson:

The Judicial Council is pleased to support AB 905, which, among other things, eliminates the Tribal Court Civil Money Judgment Act's sunset date, thereby extending its provisions indefinitely. The council sponsored SB 406 ([Evans] Stats. 2014, ch. 243), which enacted the Tribal Court Civil Money Judgment Act (TCCMJA or the Act). The TCCMJA, which was based on a joint recommendation of the council's Tribal Court-State Court Forum, Civil and Small Claims Advisory Committee, and Family and Juvenile Law Advisory Committee, is designed to clarify and simplify the process by which tribal court civil money judgments are recognized and enforced in California.

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Prior to the enactment of the TCCMJA, a party seeking recognition of a civil tribal court money judgment in a state superior court had to do so under the Uniform Foreign-Country Money Judgments Recognition Act, a time consuming and expensive procedure, in which parties sometimes must unnecessarily re-litigate what has already been decided by the tribal court, costing both the parties and the state courts time and expense. The Act streamlines and simplifies these procedures, which makes it easier and less costly for parties and state courts to recognize tribal court money judgments.

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Hon. Hannah-Beth Jackson

May 31, 2017

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For these reasons, the Judicial Council supports AB 905, which will help ensure, on an ongoing basis, appropriate recognition of tribal court civil money judgments in state courts in a manner that will benefit both court systems.

Should you have any questions or require additional information, please contact Daniel Pone at 916-323-3121.

Sincerely,

*Mailed June 1, 2017*

Cory T. Jaspersen  
Director, Governmental Affairs

CTJ/DP/jh

cc: Members, Senate Judiciary Committee  
Hon. Brian Maienschein, Member of the Assembly  
Ms. Kristin Burford, Staff Attorney, California Law Revision Commission  
Mr. Christian Kurpiewski, Committee Counsel, Senate Judiciary Committee  
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy  
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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CORY T. JASPERSON  
*Director, Governmental Affairs*

July 20, 2017

Hon. Edmund G. Brown, Jr.  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Subject: AB 905 (Maienschein) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on AB 905, which among other things, eliminates the Tribal Court Civil Money Judgment Act's sunset date, thereby extending its provisions indefinitely. The council sponsored SB 406 ([Evans] Stats. 2014, ch. 243), which enacted the Tribal Court Civil Money Judgment Act (TCCMJA or the Act). The TCCMJA, which was based on a joint recommendation of the council's Tribal Court-State Court Forum, Civil and Small Claims Advisory Committee, and Family and Juvenile Law Advisory Committee, is designed to clarify and simplify the process by which tribal court civil money judgments are recognized and enforced in California.

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Hon. Edmund G. Brown, Jr.

July 20, 2017

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For these reasons, the Judicial Council requests your signature on AB 905.

Should you have any questions or require additional information, please contact Daniel Pone at 916-323-3121.

Sincerely,

*Mailed July 20, 2017*

Cory T. Jaspersen  
Director, Governmental Affairs

CTJ/DP/jh

cc: Hon. Brian Maienschein, Member of the Assembly  
Ms. Kristin Burford, Staff Attorney, California Law Revision Commission  
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California