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FACT SHEET

January 2016

Tribal Court–State Court Forum

Established in May 2010, the California Tribal Court–State Court Forum (forum) is a coalition of the various tribal court and state court leaders who come together as equal partners to address areas of mutual concern. In October 2013, the California Judicial Council (council) adopted rule 10.60 of the California Rules of Court establishing the forum as a formal advisory committee. In adopting this rule, the council added a Comment acknowledging that tribes are sovereign and citing statutory and case law recognizing tribes as distinct, independent political nations that retain inherent authority to establish their own form of government, including tribal justice systems.

Charge and Duties

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

In addition to the duties described in [rule 10.34](#), the forum must:

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

Objectives

1. Foster partnerships with tribes, tribal courts, and state branches of government that enable tribal and state courts to issue and enforce their respective orders to the fullest extent allowed by law;
2. Foster excellence in public service by promoting state and tribal court collaboration that identifies new ways of working together at local and statewide levels and maximizes resources and services for courts;
3. Provide policy recommendations and advice on statewide solutions to improve access to courts (for example, see solutions identified in the California reports relating to domestic violence, sexual assault, stalking and teen-dating violence in Native American communities <http://www.courts.ca.gov/8117.htm>);
4. Identify opportunities to share educational and other resources between the state judicial branch and the tribal justice systems;
5. Make recommendations to committees developing judicial education institutes, multi-disciplinary symposia, distance learning, and other educational materials to include content on federal Indian law and its impact on state courts; and
6. Improve the quality of data collection and exchange related to tribe-specific information.

Activities for 2015-2016

The forum activities for this fiscal year include coordinating information and resource sharing, developing a rule proposal, educational projects, promoting tribal/state protocols and implementing other collaborative initiatives.

- Resource sharing
 - Coordinate information and resource sharing through a monthly electronic newsletter (the Forum E-Update <http://courts.ca.gov/3065.htm>), resource booths at the Native American Day at the Capitol and the 14th National Indian Nations Conference, cross-court cultural exchanges, and the development of a documentary on tribal justice systems.
 - Promote the sharing of protective order information between tribal and state courts through the use of the California Court Protective Order Registry (CCPOR), a state judicial branch database, which contains complete and up-to-date information on restraining and protective orders, including order images.

- Collaboration
 - Promote cross-court site visits between court personnel and to facilitate shared learning among local tribal, state, and federal courts in California through the Tribal/State/Federal Court Administrator Toolkit.
 - Promote State/Tribal Education, Partnerships, and Services— Domestic Violence.
 - Promote State/Tribal Education, Partnerships, and Services—Child Welfare.
- Education
 - Review state judicial educational publications and programming and make recommendations for content changes to address questions of federal Indian law and advise on the creation of new judicial educational tools to assist state court judges in addressing issues relating to federal Indian law.
 - Plan and serve as faculty for educational sessions on the forum, effective tribal/state collaboration, and legal topics of interest to tribal and state court judges (to view all forum educational activities <http://courts.ca.gov/documents/Tribal-Forum-RelatedEdActivities.pdf>).
 - Develop and disseminate jurisdictional tools for judges and justice partners.
- Policies
 - Develop local rules and protocols to promote collaboration and promising practices and address where state and tribal court jurisdiction overlap.
 - Recommend legislation, rule, and form changes to address issues of mutual concern to tribal and state courts.
 - Recommend technological advances to avoid redundant and conflicting orders between tribal courts and state courts.

Funding

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

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Additional resources:

www.courts.ca.gov/forum.htm and www.courts.ca.gov/3065.htm