

Joint Jurisdiction Court Webinar

State/Tribal Joint Jurisdictional Courts to Improve Outcomes in Domestic Violence and Criminal Cases

Slide 1-

Jenny Walter: I'm just so excited to be here with this panel to facilitate this discussion and learn more about the joint-jurisdictional courts in their approach and so with that, I would like to introduce your panelists today.

Judge Abby Abinanti is an enrolled member of the Yurok tribe, and the first California tribal woman to be admitted to the California bar. She was appointed judge of the tribe – the Yurok tribal court in 1997 and has served as its Chief Judge since 2007. Before that she was a Commissioner in the San Francisco superior court for over 17 years where she was assigned to the unified family court. Judge Abinanti also had a private practice from 1976 to 1992. She served as legal director and director of lesbians of color project national Center for lesbian rights from 1992-1994. And also, for a time as directing attorney for California Indian Legal Services. She was instrumental in developing the Yurok Children's Code, the Yurok Family Code, and the Judicial Ordinances, significantly expanding the Yurok tribal jurisprudence. She is currently leading the effort to expand the tribe's concurrent jurisdictional capacity and enhanced services for Yurok tribal members, their families, and their children. Judge Abinanti received her BA in journalism from Humboldt State University in 1970 and a law degree from the University of New Mexico school of law in 1993. She is a rock Star and you guys are so lucky to be here joining us today.

Judge Joyce Hinrichs is Presiding Judge of the Superior Court of Humboldt County until the end of this month and then she's going to continue on as Presiding Juvenile Court Judge for the Humboldt Court. She was appointed to the bench in 2009 and has served as presiding judge since 2015. Before that she was a Commissioner with the Humboldt Superior Court. Since 1997 she's been a key member of several Judicial Council of California advisory bodies and is currently Chair of the workload Assessment Advisory Committee. Judge Hinrichs has collaborated with tribes and her region to establish joint jurisdictional courts since 2017. She grew up in Humboldt County and received her BA in psychology from the University of the Pacific in 1980 and a law degree from McGeorge school of law in 1983. And I have had the pleasure of working with her, as she has designed two joint-jurisdictional courts in Humboldt county.

Judge Victorio Shaw is an enrolled member of the Hoopa Valley Tribe. He was appointed Chief Judge at the Shingle Springs Tribal Court where he currently serves. He has dedicated his legal career to helping Native American tribes, families, and organizations. He began by volunteering at California Indian Legal Services, an organization his grandfather, David Risling Jr., helped to create. He serves on the board of trustees for California Indian Legal Services as the longest tenured board member. He also has a solo law practice in Sonoma County and is a part-time instructor of Federal Indian law at U.C. Davis. Judge Shaw received his BA in Fine Arts from Humboldt State University in 2004 and his law degree from U.C. Davis law in 2011. And I've only just had the occasion of meeting Judge Shaw, but I am I'm very excited by the fact that he shares an equal passion for the joint-jurisdictional approach. And again, you guys are so lucky to have this esteemed panel. And so, with that I want to switch one -- bear with me somehow my thing this isn't working -- there we go.

Slide 2 - Housekeeping

Jenny Walter - Sorry everyone so before we get started, just a quick housekeeping. We're all so accustomed to the zooms and webinars and I just I just want to reach out to all of you and say, please make yourself comfortable whether you're sitting in the office or sitting at home, get up get a snack whatever you need. You'll see your control panel is at the bottom of your user's screen. You will be muted during the presentation, but Ann and I are going to be monitoring the chat, and we really encourage you to ask questions and we will leave plenty of time at the end for answers. Or feel free to turn on your camera if you'd like that start video is right there on your screen. And you've already heard that it's being recorded so we'll have the recording available to you at some point at that link.

Slide 3 – Agenda

Jenny Walter - So, just a quick overview of what we're going to be doing in the next hour and a half. We're going to give you an overview of the joint-jurisdictional approach and the joint courts that are operational in California and a few highlights of those that are operating across the country. We're going to spend a little time telling you where the authority is for these joint-jurisdictional courts, so when you go back to your jurisdiction say, "Hey I want to do one of these". Where is that authority coming from? And then we're just going to have a discussion about learning from the existing joint-jurisdictional courts. Learning from the judges that are here on the panel and the other judges who across the country have some things out. We'll do a little bit of nuts and bolts about how to establish one of these courts and a discussion about the challenges that the judges and their court-connected service providers have been facing as they've established them and tried to sustain them. And then we'll leave you with lots of resources for how to implement them.

Slide 4 - Overview

Jenny Walter: So, what's a joint-jurisdictional court, and why should we consider this approach and how should we use this approach, and when can it be used? That's the discussion that we're going to open it up to our judges here to have a little bit of a discussion.

Slide 5 – Overview “The Joint Jurisdictional Approach is a way of Reimagining Justice.”

Jenny Walter - So first to just to lay the context. A joint jurisdictional approach is really a way of tapping your creativity and reimagining justice. It's when a tribal court judge and a state or Federal Court judge come together as equal partners to exercise their respective authority, bringing together justice system partners and leveraging resources, to promote healing and protect public safety. That's what all of these judges and all of their court connected services are doing that have established these joint courts.

Slide 6 – Why Are Courts Using This Approach?

Jenny Walter - And it's been motivated by the fact that, for all of you in the audience on the zoom call you know from working either on the bench or in support of your clients or providing services that poverty and addiction and racism and hopelessness, know no jurisdictional boundaries. That when you're working with people their issues and their concerns don't fall neatly into nice little legal boxes. And so that's why many of us have been embracing this approach.

Slide 7 – Improved Outcomes

Jenny Walter: So now, I want to just leave that kind of as a backdrop for what a joint jurisdictional court is I'd like to open it up to, Why are you using this approach for -- all of you – Judge Abinanti -- why is this the approach you've taken on and embraced?

Judge Abby Abinanti: I think it really helps us partner with the local jurisdictions and also helps us with our primary belief system, which is that we need to take some responsibility. For some of the issues that developed after the invasion. And it allows us to work in Community together to find a solution. And not just say okay well, you out there, you solve the problem. We need to help solve the problem. But we need to do it in a way that resonates with us and makes us be able to solve it. And also, I think it creates another view of how you do justice, and it reimagines the whole practice. Not just you know what we're doing for our people, but it's a matter of -- look humans have a lot of similarities and if you can talk to them and work with them, you might get a better result. And that actually more as opposed to less court works in the sense of -- let's share with them, let's work with them, let's have these resources, let them come together and support each other. And it just reimagines the whole situation and it creates more of a feeling of belonging for them and for us that we're all in this together. Because you can look at it go, you know I can make a mistake someday too. You know and do I want people just making a judgment about me or do I want some help on this? You know and it, it allows people to ask for help and to receive help and to give help. And it creates that whole discussion of how you do that when you do make a mistake.

Jenny Walter: So, Judge Abinanti, it sounds like you're creating a very different contexts, a very different way of engaging with the clients and with the folks for problem solving together. It's not top down you're really with them along the way.

Judge Abby Abinanti: I think that's true. And it also is allowing them to see these other court systems. You know, like a lot of our people who go in and are talking with Judge Hinrichs, they're like you know they think she's a real human being now. She sits there, she talks to them, she helps them. And you know and it's a discussion they know each other and that changes things. You know it changes the whole feel of what they're doing what she's doing. She helps gather resources to be helpful. And to, you know and to address specific problems, and so they don't feel alien.

Jenny Walter: So, Judge Hinrichs, how is it that you present yourself in human capacity? And this is the new imagined justice system, together with Judge Abinanti?

Judge Joyce Hinrichs: Well, I'd like to think that anytime I'm approaching-- you know the laws were made to keep society safer-- make the judgments about those. But the way the state court system works in misdemeanors or in dependency court, it really is just sort of telling people what they're supposed to do and then basically, being punitive when they don't accomplish what we've set in front of them. Which can be a huge challenge. And so, I'm trying to make sure anyone that comes into the Court has the feeling that what we want you to do is to change behavior. But specifically with these joint jurisdiction courts, you know, traditionally the dominant culture has not been kind to the Native American, indigenous communities. And so, mostly they can just say I'm, you know, I'm one of them

that doesn't really want anything better for them. And so, when I get to sit next to Judge Abby or Judge Colegrove or Judge Ferris or others, then basically, just by that togetherness, then they can say, well, she must be kind of Okay, because there's a tribal just sitting there. And then they can actually hear what I have to say. I think sometimes that the natural tendency is just to basically – tune out because we're asking too much we're not giving too much and really focusing on the question of what you need. You know what do you need? And how can we make those things happen? And this structure allows that much better. I'm going to actually quote Judge Abby though she's sitting there. As you know, State Court justice is very different than tribal justice. You know State Court justice is, you have to be a stranger you're not even supposed to know them to judge them, in fact, if you know them, you should disqualify yourself. And the key really the tribal justice is that knowing them and saying you know how what do you do in that again for? And so, it's a way that we can blend our systems to meet the needs better meet the needs of the indigenous communities.

Jenny Walter: Thank you Judge Hinrichs. Judge Shaw when I first spoke to you about joint jurisdiction courts, he said I love this work, I feel so motivated to go and be on the bench and be in Community. Can you share a little bit about that motivation with our audience here and why you're doing this and how you see it relating to the outcomes you're seeing?

Judge Victorio Shaw: Absolutely. I think you know I've always sort of seen myself as sort of a healer. And I feel like I finally get to do that through the law. And this really allows me to bring people together for a common purpose, which is really to mend broken people and broken relationships. And I sort of look at it, as like -- they're my relative and I'm trying to get them well, and you know, I have certain tools. The service providers have other tools, the people -- folks from the county you have yet another set of tools. And you know it's almost like bringing people together in a healing circle around these individuals and really brainstorming. How, how can we make this person whole again? Or this relationship? You know it's sometimes it's you know sounds more punitive but really, it's fine we're able to really fine tune the process for each individual. And really trying to break the cycles of trauma and addiction, so that you know their children don't end up in my court. And so, I really get to – I don't feel like a lawyer or a judge so much as I feel like, you know, another healer. And I get to approach it from a traditional mindset. That's what I love about it.

Jenny Walter: Thank you Judge Shaw. So as a healer, can you share how procedurally it works? Where some family might come through the Court, and I know your court has its point of entry is truancy cases. And so that might be the presenting problem, but because of your mindset and how you approach, working with the families as a healer with your counterpart, the State Court judge how, how is it that you move from truancy cases to other cases like how does that actually work for you?

Judge Shaw - Right, so you know oftentimes youth will come in as truancy case but there's obviously a multitude of reasons why that student isn't making it to class, or you know is underperforming or is struggling. So, we really -- I really attempt to figure out the root of that problem. And usually you know, that involves the parents. So, then we really get the parents involved and get them services. What do you need to be better parents? And so, it begins in truancy and then it really just evolves into the human aspect of what these people need. And you know my counterparts from the county you know, have been fabulous in terms of allowing me to be creative and to think of outside of the box. And really that's a tribute to the success we've had. You know that my predecessor demonstrated that they give me this sort of leeway. So, like, for instance, we have a young man who is constantly, you know right at that line

of passing and not passing. And you know, I realized like he just really hasn't had any success. You know he hasn't he doesn't have examples of success, and he hasn't really done something that that's positive that he can you know, look at as an alternative to getting in trouble and being a knucklehead. So, you know I proposed --he likes music he wants to create music, so I said 'Well, you know why don't -- what I would like to see is you've to write a song to record it and I want you to bring it back to the Court.' And I said to my counterpart, said Judge Ralphs wouldn't when you like to hear a song? And he said absolutely, I would like to hear this young man, you know write a song and bring it back to the Court. And in the end, he lit up and so that was, you know, that was our last hearing, but it just you know things like that it's like I racked my brain I think about this case, all the time when I'm not in court, and like how can I do something positive in this young person's life that, opens their eyes to something different than --you know I'm just going to wait till I'm 18 and then I'll get you know free money from my tribe, and I don't really have to do anything with my life. So, I'm trying to instill something that he can have that's his. That will motivate him, you know, to do something other than counterproductive activities.

Jenny Walter: Thank you for sharing the story of this young person. Because I think it brings out the very point about how you are improving outcomes. It's that you're meeting that you're dealing with the root causes the underlying issues. All of you are walking side by side and providing that healing space. And what we can see in point to, for all of these courts --yours and the others across the country -- are all of these improved outcomes. Lower recidivism rates. Breaking that cycle, as you said, Judge Shaw with the school to prison pipeline. Lower school discipline and higher graduation rates, increased family preservation rates and so much more. Thank you for sharing that and bring contextualizing that for us a bit.

Jenny Walter – I don't know why my little thing isn't working sorry guys. Here we go.

Slide 8 – The Joint Approach- Flexible

Jenny Walter - I think you could hear through the stories that the judges shared that it's a very flexible approach. And all of these judges are sitting next to each other. So, Judge Hinrichs with Judge Abinanti, Judge Shaw with Judge Ralphs. And they're presiding over these cases together. So, it's a true joint jurisdictional court. But it really can be used any time procedurally and that's what we're going to uncover as we talk more about this approach. And what you'll see is that across the country it's being used in a wide variety of civil and criminal cases.

Slide 9 – Domestic Violence

Jenny Walter - And to give an example of how this approach could be used, both as in a in a joint court Judge Abinanti, and also, let's say the Yurok tribe didn't have a court like yours. Could you describe some of the work that you're doing with domestic violence prevention and you're Yurok Tribe's Batterer Intervention Program?

Judge Abby Abinanti: Sure. Okay. What we did is we looked at the jail population. So, years ago – and it's not done by designating tribes. Pretty accurately, who was our -- as in both of the jails -- in Humboldt and Del Norte, which is where the tribe is located. And then we looked at what the main offense was. And the main offense was related to domestic violence. And so, we felt like we had to address this issue. At that point, we had a victims' program, but we did not have a batterer's program. And in the state

when you're arrested for this type of offense, one of the options is to be sentenced to a 52-week program. And then you complete the program. And so, we looked at that program and we looked at the number of people from the tribe, who are not passing that. And so, we went okay we've got to take a look at the program. So, then we look at the program and we made it culturally relevant to us. We kept enough of the material in it, so that it could be state certified. And what that meant was that the State Court judges could sentence someone to our program as opposed to their program. And when they've got sentenced to our program, and they had to go through the steps that we thought were necessary. And one of the significant changes we made was that when you first come into the program you needed to interview elders in your family or your family grouping to find out when violence came into your family. And we gave them some clues to say has anybody in your family been to boarding school? Was anybody in your family an indentured slave? Anybody in your family present at one of the massacre sites and survived? Because those things are for us the historical traumas that we suffered in this area. That then led to this type of behavior. And you need to know where your behavior came from. Because as a judge you sometimes you sit there, and you go in your mind if not out loud -- why in the world, did you do that? And then, after a while, when people are looking back at you going like -- maybe you're going to tell me why I did it? Because they don't know why they did it. You realize okay we've got to help them get the information for why they're doing it. If you want to stop something -- it becomes part of the process to know why it's happening. So, you're not surprised, every time it happens. And that was something that both of the courts in Humboldt and Del Norte were willing to work with us with. I mean we had to go through a lot of work to get the program set up to get state certified. And to and to redo it and then at some point we realized that people were still failing. And then to take back to Judge Shaw's program we were trying to figure out why people were failing. And it was driving me nuts and I looked at the list. And I finally figured out I know why they're failing. Because they can't read and write. They can't do the homework. So, I sent the probation officer up there, and I said interview people who are getting sent back to jail for not doing the program and ask them if they can read and write? And tell them if they're lying it's going to be a very bad Monday, because I'm going to come up there. There will be violence. And so that was the problem. They did not want to admit, they could not read or write. They would rather go back to jail. Yeah so, we figured out a way for them to do the program that they could use dictation and stuff on their phones because, although I can't use my phone, they managed to use theirs correctly. So that's how we did that to work around it. But it's just doing that and then working with your partners, you know, because the judges once they saw that we were doing it and it's not like we're giving anybody a free ride. They were doing their work. You know, we might go out to their house and go, how come you didn't come to class today? Which normally wouldn't happen. But they had to do the work. And then we did joint graduations with primarily with Humboldt. I mean with Del Norte because that's where we were piloting it.

Jenny Walter: And so you can envision maybe another tribe choosing to do follow in your suit and they may not even have a court right, but it would that relationship, that joint approach with the State Court could really create something that would absolutely stop people in their tracks, for how we are providing what we think of as justice in the state court system by really addressing those root causes that you got to the bottom of but for the fact that we were there, treating them as human beings. Trying to figure out what's really at the bottom of all of this. And addressing the historical trauma issues.

Judge Abby Abinanti: And too often Courts really look at symptoms and they don't work look at content.

Jenny Walter – Yeah, the underlying piece.

Judge Abby Abinanti - You know that can cause a lot of mistakes to happen. Because a lot of it has to include context, and you know the history of it.

Jenny Walter: Well, thank you, Judge Abinanti. Judge Hinrichs do you have anything to add to that in terms of the State court's role? And also, any work that both of you might have done with the -- I know we have some participants from the State Department of Justice in the audience and DOJ --so in victim services, so any thoughts here?

Slide 10 – Authority for the Joint Jurisdictional Courts

Judge Joyce Hinrichs: Well, my you know my thoughts generally are --is that you know, certainly these tribes can set up their own I think that's the next slide but can set up their own courts if they want to and take it over completely. And I think sometimes State Court judges get bogged down with it -- wait a minute that's our work and what are you doing taking it? And just recognizing that they can stand alone if they want to stand alone. But instead of, and I really just sit back and wait for courts to want to engage in the State Court process, because I think there's been enough of the dominant culture telling Indigenous folks what's best for them. And so, I think it is much better to have it come with the willingness of the Court to work together. And then it can be almost anything that we want to work out. And it doesn't always look the same. You know, the State Court has requirements that need to be followed in dependency cases. There needs to be the statutory reviews that come and meet all the guidelines. But when you're looking at how can we intersect in different case types to better serve that community? Then I think we owe it to those folks that have the historical trauma that has been so much part of their culture. And if we don't break the cycle, then we see it again and again and again. And I've said it before but repeat here I think some of the things, most of the things that I've learned from the joint jurisdiction on how to deal with individuals who may have their own different type of historical trauma that it makes me a better judge. And so, you know it really is looking at what we both can do separately, you know we and then seeing is there a way to meet the needs of the Community better? And how do you address that, and I think you know, certainly, you know Judge Shaw and Shingle Springs were the first court to have the joint jurisdiction and that was you know it's really that ability to say, we can do this separately but doing it together better serves and may actually change behavior. And so, it's not letting anybody off. So, if it's criminal cases it's accountability and sometimes it's more accountability, then what would happen and just a State Court fine and summary probation. But it really is what are the needs of the tribal community, and do they think there's a way to partner with a State Court to better serve their members? And I think that I've talked to State Court judges, and I've talked to tribal individuals and happy to extend it again, that if you want to intro or some kind of way to have those things happen, I'm happy to have those discussions. Because it when you start seeing how much better people respond and the changes it is like as Judge Shaw said it's worth doing over and over again, because, as you see real change as opposed to just being a cog in a wheel that may or may not make a difference.

Jenny Walter: And Judge Shaw, I know you're poised in your court to take on cases involving domestic violence prevention any additional thoughts, you want to share here before we talk about the authority to do this?

Judge Victorio Shaw: Really, that is just it's such an important issue in Indian country that's been far... You know, it just hasn't been looked at enough. Hasn't been addressed enough not enough resources have been devoted to it. And this state has really failed to prosecute a lot of the perpetrators. So, you

know, allowing the tribes to really take on the matter themselves is really critical. And you know, like Judge Abby talked about. It's really twofold. It's addressing the perpetrators and the victims. Because we don't want these people to repeat. And they are our Community members and there's a reason that they're in a cycle of violence that stems back from all the things that Judge Abby mentioned. And so, I think a lot of -- a lot more understanding needs to happen as far as generational trauma goes on both the tribal side and the non-tribal side. Because it's a really -- it hasn't been looked at enough hasn't been studied enough. And that it's hard to explain. It's hard to communicate. It's hard to learn about and it's difficult, you know it's difficult for the people who have lived it. It's difficult for the people who are descendants of those who perpetrated it to talk about. And you know if we don't talk about it, if we don't address it, it's never going to be resolved. So, it's really an important issue. We're we have just -- we're almost to the point where our agreement with the county is finished, finalized, and I really look forward to taking on more of that work in my court.

Jenny Walter: Thank you, judges, for sharing -- for sharing this and also being willing to have these important conversations and extending yourself as experts and as folks who can help other jurisdictions begin to have those conversations and maybe tap some of those resources from some of the folks who are in our audience and elsewhere, so thank you for that. I want to switch gears just a little bit because we want to also just make sure that as we're providing this information today that we're answering any questions people have in their back of their mind like "Well what is the authority for two judges from two different jurisdictions to sit side by side and preside over these cases?" And so basically -- I'm really going to just touch on this very briefly, but the starting point is that tribes have plenary and exclusive jurisdiction over the members in their territory. And in California they didn't have -- they had no criminal jurisdiction over non-Indians, but with public law 280, because tribes have their own governments and their rights to establish their own laws that can bind their own members, they can establish criminal laws. And they can establish their own courts and they can establish their own police forces and most of these joint-jurisdictional courts were established based on really just a meeting of the minds and of the two judges and a handshake and an understanding of this concurrent jurisdiction and that they could do this. They're empowered to do this. They have a moral authority and ethical responsibility to try and do this. And it's been -- while it's been challenging to establish them, it really has been on the basis of their authority very straightforward and simple. A joint powers agreement.

Slide 11 – Joint Powers Agreement

Jenny Walter: And I'm just going to show up on the show on the slide here, this is the language of the joint powers' agreement. This is the language that every judge who has formed a joint jurisdictional court in California and the very, very first one in Minnesota that was formed, use this language. And it's pretty -- I'm just going to read it out loud: "Be it known that we the undersigned agree to, where possible, jointly exercise the powers and authorities conferred upon us as judges of our respective jurisdictions in furtherance of the following common goals..." And the key is common goals. Folks are coming together with the common goals of "...(1) Improving access to justice; (2) Administering justice for effective results; and (3) Fostering public trust, accountability, and impartiality." So, you can see from this very simple language has flown this creative reimagining of justice that the judges have been engaged in.

Slide 12 – Tribal Resolution

Jenny Walter - And the other piece that we wanted to share with you is that for each tribe for each tribal for each Chief Judge of a tribal court to go ahead and say, I want to do this they because of tribal sovereignty need to go to their tribal government and ask for authority and permission and support. And so, I wanted to ask Judge Abinanti to share a little bit about her experience in going to tribal Council and seeking the Council - Yurok Tribal Councils resolution. As her first step for engaging with Judge Hinrichs to create this joint jurisdictional court.

Judge Abby Abinanti: Well, the thing about most of our elected officials is they do come from the population that they serve. So, they were fully aware of the problems that that we were facing that their neighbors were facing, or their families are facing. So, it makes it a much easier sell if you will. You're not talking about others when you're talking to our Council, you're talking about people they know and problems they know. And you go, I think we can get a better result if we do this, and this is how we're going to do it, and this is how we're going to bring it home. And so, in that way, it makes it much easier discussion. Because it isn't like saying here's your legal agreement you know it's 400 pages long, with footnotes read it and get back to me. It's not like that. You explain what we're going to do, how we're going to resolve it and how we're going to work together. And how it's going to serve the families that they want to serve also and help people. And you know our Council has been very supportive around that kind of thing because they've seen it work. And that's their goal too. They want it to work. They -- you know we're working more on moving more of our people back into our system and offering more services. Even to the joint courts so that we can resolve the problems very much about resolve the problem resolve the problems, so they can rejoin the village, so that they can contribute so that everybody can feel better.

Jenny Walter: Thank you, Judge Abinanti. Now I wonder Judge Shaw if you could just speak to the fact that the tribal resolution may have pre-existed, you're coming on as Chief Judge for Shingles Springs Band of Miwok Indians, whether there's any help or support by having a continuing resolution coming from your government?

Judge Victorio Shaw: Well, I would say, of my tribal government exactly what Judge Abby said. They came from the Community, and everyone that appears in my court is related to them in one way or another. And so, they want to see all of their relations get help and get well. And you know there's trust between the Court and the tribal government. And that's really, what makes it all work. Is that they've really grown to trust the Court. And when I bring something to tribal government and I present, they're attentive. They're open minded and they believe that I have their best interest and their family's best interest, you know, in mind when I propose something new. So, I've been really lucky to work with some great people. You know, trust relationships are everything within the tribe and outside of the tribe. So, you know it's about being consistent and just showing that you know, we we're working on their behalf. In their best interest and for their families. So, I feel blessed really to work with the tribal government that I do have. And I would say, you know, as far as the authority -- something just popped in my mind -- you know there's kind of two ways to look at rules and the law. And you know people always -- even my son will be like: "Who told you, you could do that?" And I said well, no one told me I couldn't do it. You know, so I will always approach life -- well, no one said I couldn't do it so let's try it. Let's see if we can pull it off. And you know if someone comes and tells me I can't do it for this or that reason, then we'll have that discussion. But so many of the things that are in place, you know that are attributable to tribal sovereignty are from tribes really just saying well no one really said we couldn't do this. So, like, why

not? Like let's have this discussion let's bring it to the table, and you know I think we have to keep always be pushing that boundary of what's possible.

Jenny Walter: Thank you Judge Shaw. I love that you said that. Because in so many of the facilitated meetings creating and designing this court your sentiment was echoed a lot. Like well, of course, we can. Why not? Nobody says we can't. And then folks turn to both judges in the room who are helping to convene and design this court, and the judge is like go do it. You're the experts on the ground on working with in those areas. If you think you can do it, do it. Judge Abinanti did you want to add something there?

Judge Abby Abinanti: Yes. I was just going to say when Judge Shaw was speaking it so much reminded me of your grandfather. Exactly what he would say and do. And I remember once, when I was in the university's hospital and I had not... it was around eating issues in that I had run out of money for food, basically. And so, one of the nurses called your grandfather, who -- I didn't know that there was a whole other branch of people over on the main campus not at the law school -- to come over there and talk to me. And he was like, what are you doing? And I told him. And he was like, all right, I came over here because they told me who you were, and he knew I was from home. Then he said so now I'm going to tell you what to do. You're going to go over to my niece's house every night and eat dinner. Do you understand? Yes, sir. And he -- you know that was he didn't have to do that. And nobody told him that that was his obligation. I happened to be at that hospital and run into a nurse, who went uh oh, and called your grandfather. You know, and he come running over there and told me what to do and basically saved my hide. So that was that. That's how it works. And it works actually, very well. And that was a perfect example of it. And getting it done, you know because I'm sure they would have had some program that would have tried, whatever, but he just dealt with it. And that was the end of the problem.

Jenny Walter: I think that's just so beautiful that your grandfather's kind of part of this panel today and that the lessons learned from him and from tribes as families to solve problems in ways that systems can't. That systems are people, and that what all of you are doing when you come together are being people and developing those trusting relationships to solve problems with other people. And so, I like that that came full circle. Thank you to Judge Abinanti for sharing that poignant story of Mr. Riesling senior. Thank you.

Slide 13 – Learning from Existing Joint Jurisdictional Courts

Jenny Walter - Alright switching gears again -- I seem to be the person who switches gears on this panel sorry. I want to switch gears to put in context that these judicial leaders who are really amazing rock stars, who have been on the ground, imagining justice. Reimagining it. Doing things because folks haven't told them they can't. Because the sky is the limit in how you'd use this joint approach. It really grew out of the first joint court in the nation, which was the Leech Lake Band of Ojibwe Indians. That tribe, together with two counties – Cass and Itasca County in Minnesota created the first joint jurisdictional court. So, its way back in 2006 and 2007. And their ideas and their approach are living on today in these joint courts that the judges are describing to you. And theirs started with really an epidemic of alcohol and related car crashes and deaths. And they were seeing like 300% increases in their small communities, and they decided this joint approach with this joint partnership agreement could really be the way to do it. And they operated really just on a handshake for over a year before they created that language that we're now using today and in California. So, I want to give a big shout

out to Judge Cory Wahwassuck who is somebody who has helped start these courts with Judge Smith her counterpart. And these courts are going on today.

Slide 14 – Today – Six More Joint Jurisdictional Courts

Jenny Walter - So we're all in good company as, and so I want to give a big invite to all of those in our audience that that you would be in great company to try this joint approach out and to utilize the expertise on this panel and throughout the country to do this. Today there are more than six joint jurisdictional courts, and we just want to highlight a few of them. The Yurok's neighbor, the Hoopa Valley Tribe, together with on Judge Hinrichs in Humboldt superior court has created a similar joint Court. We've heard from Judge Shaw about the Shingle Springs Band of Miwok Indian and the El Dorado county joint court and a big shout out to Judge Christine Williams, who was the Chief Judge before Judge Shaw at Shingle Springs and to Presiding Judge Suzanne Kingsbury. Judge Williams counterpart, or Judge Shaw's counterpart now, who created that court. And you're hearing now from judge Abinanti and Judge Hinrichs about the Yurok-Humboldt court and there's two others that we just wanted to kind of give you a little glimpse into what they're doing. Just again to kind of show that this is a very flexible approach, something that you can use in your jurisdictions to tailor to meet the needs of your tribal members and non-tribal members. So, the Kenaitze Indian tribe created with the Kenai Peninsula up in Alaska, they created the Anuk Community wellness court. And it was started with some technical assistance from the Bureau of Justice Administration. Something called the project TEAM, which was the team that California applied for that technical assistance. And it was thanks to the tribal state programs at the Judicial Council that they tapped that grant for the Shingle Springs Band of Miwok Indians and Eldorado, that got the first California joint court started. So, it's the same technical assistance team that that helped put that together and they also looked at, just like in Cass county and Itasca county in Minnesota and Leech Lake they looked at the epidemic of drug and alcohol and its impact on criminal cases and civil cases. And so, this court targets system involved drug and alcohol offenders. Cases ranging from child abuse and drug related property crimes. It's a post plea pre-sentencing court. Meaning offenders plead guilty to the charges in state court, but they receive a kind of delayed sentence in state court. And at the same time, they're enrolled in the tribal program. So, you can see that it doesn't have to be a true joint court where they're hearing the cases from the beginning, it could be that it's transfer. So, that's the Kenaitze Indian tribe's court. And then the St Regis Mohawk tribal court. Similarly, they were looking at a problem with bail and release under -- They would people who were Native American couldn't use their land, because it's you can't alienate your land, because it's in trust and so consequently they weren't able to use their land as collateral to get bail. So, what was happening in that jurisdiction was Native American people were being incarcerated pending their case being heard at really high rates. And they were like this is unacceptable. What can we do to change that? And so, this joint court approach always takes a look at what is the problem that everyone is sharing that the State Court and the tribal court are sharing and then, how do we create solution to it. And so, they created a very simple solution and it's modeled after the Brooklyn Justice Initiative. And it was grounded in best practices and tribal culture and values. And basically, the State Court said hey you go ahead and supervise this case and make sure that the person shows up to Court and because St Regis Mohawk tribe in in upstate New York is on the border of Canada, if a Member was actually to leave the jurisdiction of the States and go to Canada, the tribe would be able to have contact and there was accountability. So, the long and short of it is that they were able to work together and create this bail

reform program there using this the same joint approach. So, we just wanted to give you a flavor that you know the sky's the limit wherever you see the problems in your jurisdiction come together and see if you can use this joint approach.

Slide 15 – Establishing a Joint Court - Collaborative Meetings

Jenny Walter: So, now we want to talk to you a little bit about sort of nuts and bolts. How do you do this? So, Judge Abinanti, Judge Hinrichs can you kind of share when you were first getting together to establish these courts what stands out for you as at these first collaborative meetings where you're trying to bring your tribal and non-tribal court connected providers together?

Judge Joyce Hinrichs: Well, first, you make sure if you can, to have a consultant that can take your ideas and bring them to light. And Jenny was wonderful and in helping and supporting us through those things. I think the larger piece is just making sure that you indicate that this is going to happen. You know, and that a lot of times folks want to know well who's got the power and who's going to do? And those are important considerations but recognizing that, you know, the success of the families in the joint jurisdiction is way more [important]. I mean it's important to me, but it's way more important to the tribes themselves. And so, understanding that they aren't -- we aren't different and the thing that I try to impose is you know the folks that come in our state court system that, then, we include in this joint jurisdiction. They're entitled to the best the state has to offer, and also the very best their tribes have to offer and that basically doing it in the same room so it's not at cross purposes helps everybody out. Many hands make light work as they say. But the other piece as well is that it is that the ownership only makes it harder to help these families be accountable. And so, it really is that getting the understanding of you don't have to have all the control. And I think that may be more of a State Court thing. But how do we make sure that that there is that true collaboration at every level? Not just at the judges' level, but at every level, to make sure it works out.

Jenny Walter: Thanks Judge Hinrichs. Judge Abinanti?

Judge Abby Abinanti: Frankly, at my level, it was really easy because I had Judge Hinrichs. So, I didn't really -- I mean we were in agreement. I don't think we've really ever had a disagreement over you know how to proceed, or what to do. So, we were a good team in that way. I think marshalling some of the people we had to marshal was harder because they were used to being separate. You know and didn't share the same vision and also felt more tied to their process, I think, then, then we felt tied to that process. You know, because we, we were more able, and she was more able to see the bigger picture. So, I had an easier go of it. I think that some of the people who are working you know, with the TEAM members. And to try to get them to do it, I mean they followed because essentially, she's their presiding judicial officer. But without that her going: "This is how we're going to do it", I don't know that it would have happened in truth. You know, and I think that's you have to have that commitment and then you have to try to work with people and get past, a lot of the models that they're taught in school also support the old system. Not the system we're trying to do. So, they feel like they're only doing the professional job if they are rigid and demanding and this, you know? And to try to get -- no. This is how we're going to do it. Then, after we have this hearing you know, Judge Hinrichs always would bring in and would have like you know, a lunch or some kind of cookies or whatever, that you can just see them, you know first they wouldn't the staff wouldn't even eat them, so we'd run over there. You know, it was

just those kinds of things that they took a while, for them to get used to it, and that was the harder sell I think was that the trickle-down impact. Because they didn't have in their minds what it would look like. You know she and I both had in our minds, more or less what we want it to look like.

Jenny Walter: Yes, you know, having been at those meetings your vision and being able to marshal, as you say, Judge Abinanti, all of the Court connected service providers and having them unlearn how they would do things. To learn, together with you to execute your vision was what those meetings we're all about. Trying to have folks talk to each other and understand and get less rigid. But you guys did it. Because you convene them and have that power of the judges and your own power of your rockstar ability and your jurisdictions to pull this off. And so, I have to say that those meetings were so important. Because without them things start to spiral. I've seen other jurisdictions try and create these, and if you don't really put in the time to develop those relationships things can go south, so I just want to thank you again for collaborating on those amazing meetings.

Judge Joyce Hinrichs: Can I add one thing? COVID hasn't been our friend, but they have to continue. Staff changes, things are different, and we would really benefit, and we haven't done them lately, partly because you know we're sick of zoom. But, but these kinds of collaborative meetings should happen regularly because it's easy to get off track or to fall back into old patterns. And so, but it but it's that's important and it becomes relationships are important, and so I would have just encouraged not only the importance of the beginning meetings but having that ongoing and would say that that's one thing that I could be doing better is spearheading those things.

Slide 16 – Joint Courts Share Characteristics in Common – Learning from their example

Jenny Walter: Where we'll talk a little bit about challenges, then, as we, as we go through. We're almost at challenges, but if you could just share a little bit about... We know from a needs assessment that was done by a Tribal Law and Policy Institute that these are the kind of nine areas in which -- when we look at all of the joint jurisdiction courts, they share these common characteristics. They have effective leaders. Like the two of you Judge Abinanti and Judge Hinrichs, and Judge Shaw and your counterpart, Judge Ralphs. And they do that marshaling of resources by breaking down of silos or of the fact that things might be rigid in how things function. But they we thought we might talk about the three areas that are highlighted in blue. How do they blend the two court approaches, and how do you really infuse this new design that you're imagining and creating with your partners so that tribal culture is at the center? And so, I wonder if you could share a little bit about those blending of the two court processes or approaches.

Slide 17 – Blending Collaborative Courts and Tribal Healing to Wellness Approaches

Judge Abby Abinanti: Well, I think the first one was like when Judge Hinrichs decided to do this, she got off the bench. She came down and sat at the table with us. You know, I mean because I would be on the bench with her. And then we were – No - we're going to go down here. When we're not doing the formal hearings and making findings. We're going to all sit at this table. You know, and she would take off her robe and we would sit there. And we would have a conversation. That's like a game changer because the robe is almost like a shield. That everybody goes “aaaaaa”. You know don't let it get me. But you know, once she did that, it changed her relationship with the people who came there. You know, she was just talking to them. And that was like way different for them. And I think that had a huge impact. You know it's not like... in the index of anything about how to run a court. But that was, in my

mind, a huge game changer. You know, it just made it much easier for our clients to relate and to be with her and to hear her. You know and then she did something that I would not join in, which was she started walking with them in morning exercises with the mothers. And I'm like mmm exercise. No. I'm like – I am too stiff for this. So, you know just doing things like that that were like a separate project. One of the things that we couldn't do as well as we wanted to because of COVID was having like you know events where we could have lunches or graduations or celebrations. Because that's what we wanted to do, and it made a lot harder in this environment to do. You know, and even with the walking and stuff like that to have those kinds of things where you could have that to replace your other senses of what these institutions were about and what your place in the institution was about.

Jenny Walter: Yeah, and Judge Hinrichs can you share with maybe your state court counterparts how this blending of the collaborative court, so the problem-solving courts principles kind of get -- are not so foreign as you approach this blending?

Judge Joyce Hinrichs: Well, a couple things. One is sometimes Judge Abby is way -- not harder, but you know I could tell them to not do something. And it would set they would be like well who are you? What do you know? And, and so you know we'll talk before it's like you know Judge Abby can you do this part? And she's like fine. And then you know that's like, how they listen when she does that. But the other part about these joint jurisdiction cases is you know we have to follow ICWA. And the thing is, is that if Judge Abby says everything's fine, then you know I mean I obviously do my independent decision but it's like if the if the tribal judge says that reasonable services have been met, then you know it's not it's pretty lock that that they have been met. And, but the other piece, as well as is, and I just want to throw in for the state court judges going "What do you mean you're mixing with these people?" The truth is, is that if they're not successful and -- knocking on wood there's been more successful than not -- if it comes back for contested hearings, I don't hear the contestant matters. Because, for two reasons, one is that I feel like I could be fair to some extent, but I don't think that relationship, it would seem like, if I were to then rule against the participants in our wellness court that they would feel betrayed. That they put their that they put their faith in a non-native person . Some maybe for the first time. And that I've let them down. And so, we've made that decision in our court that if they're contested matters... But the fact is, is that they that we have been more successful than not. And that if they have dropped out, they haven't gone to contested hearings. And so, that you have to be ready to do that piece. But I think the fact that I was willing to do those things with the participants really made them understand that -- the fact that we are; that the dominant culture that people tell him we go to school, the people tell me to follow laws aren't all just something to hide from or to escape from. And again, I'll quote Judge Abby because I listened to her all the time. And that is, is that you know they have to be able to walk in in both of their worlds. That you know that we want them to be meaningful tribal members so that they can contribute to their world. But we also want them to contribute to the to the larger society as well. And so, I can sometimes be a bridge for people who felt like they've been betrayed over their lifetime or historically over their lifetime. So, it's been really rewarding to me, and my comment would be as I've learned much more from the folks I've worked with the tribe, and the and the folks in our process than anything that I think I've given to them.

Jenny Walter: Thank you Judge Hinrichs. Judge Shaw, I wonder if you could help bring to life part of what happens that's magical in these joint courts when it comes to these wellness teams, and the staffing's and what you see happen in terms of that intensive supervision wrap around, and trauma informed services?

Judge Victorio Shaw: Yeah, you know I'm lucky that the people I work with on the county side are so supportive of what we do. You know, we have the education director from the county who's just tremendous. And she's been so supportive of what the tribe can offer. She's seen the successes. I feel like they really do a lot of getting out of the way when it comes to cultural elements of the case. And they really are happy to defer to the tribe when it comes to that. And you know, we always respect the procedural nature of what the county has in place. And I really like what Judge Hinrichs said about the court being almost a great example of what the two worlds -- you know operating in two worlds -- because you see both sides sort of melting together as this one thing. And you see people from both sides participating in both worlds simultaneously. And it's almost like hey well if this is possible for all of these people who maybe have historically been at odds, then the individuals maybe feel like that's possible for them as well. And you know the county judge that I work with he's tremendous when it comes to the tribal things that I'm in charge of. And he really just defers to me when it comes to that. And you know he's so supportive. I couldn't be more blessed. And that's again, just really a testament of the work of my predecessors who really had to deal with all the overcoming all the obstacles and maybe the doubts that certain people had. So, you know, keep my fingers crossed the track record has been good and it's been proven over time, and you know we'll continue to work together and the way that we have.

Jenny Walter: Thank you Judge Shaw. So, we just on the screen kind of summarizes some of the blending of these two different approaches the folks know about. Like the problem solving and the collaborative courts in the tribal health and wellness approaches and the judges have just kind of described to you know how it works on the ground. But these are the items that kind of identify the blending of the two approaches.

Slide 18 – Tailored to the Tribe's Culture

Jenny Walter: And the very key nature of these joint courts as the judges have pointed out how much deference is given to the tribal court judge and the tribal part of the team for ensuring that culture is at the center. And is grounded as part of the services that are provided. So, this slide kind of describes that and I, I wonder if either Judge Abinanti or Judge Shaw want to share how the court is tribe specific and how culture is actually infused to incorporate it into what you do in order to the services. May be an example or two?

Judge Abby Abinanti: I could give an example. I mean we will have specific kinds of groups and or events that we will send people to. You know whether it's jewelry making, basket making, root collecting, those kinds of things. If people want to join in it or making nets or you know invite them to dance. And make sure that they have -- when we could still have them -- you know their own tents and stuff so they could come with their families. And we, we would do things like that. You know, to help them create other activities. Where maybe before people hadn't invited them. Or they hadn't come, or their families had been involved. So, it's just reaching out and being more inclusive. It isn't really creating things that aren't there. It's just how do you recreate inclusiveness? You know? That is, to a certain extent on us is to do that. To recreate that inclusiveness. This is the best way to say it.

Jenny Walter: So, recreating that inclusiveness and Judge Shaw that inclusiveness then lends to what you were describing earlier. That sense of belonging that you're reaching for with that young man. You are describing can you share an example, maybe there.

Judge Victorio Shaw: Yeah, it's a little different for my court because I am... Although I am a tribal person, I'm not a member of the tribe that I serve. But, fortunately, our service providers, some of them are tribal members. And so, I do not try to dictate culture to them because it's not -- I don't feel like that's my place. But I send them to our tribal service provider who really works with them on a one-on-one basis and determines what they need and what's available to them in terms of getting more involved with their culture. Because the one thing I do know is that often, that connection being -- is sort of severed. And that might be the cause of some of the issues. Or it could be the cure for some of those problems. And so, you know, have a great tribal services director who's a tribal member and she really goes above and beyond, for each one of these individuals and gets them involved, whether it's with language or dancing, or regalia making. You know what it is, or just getting involved in athletics within the tribe. They do a great job. So, I defer to her. But I understand the importance in the connection. And so, you know I'm blessed to be able to rely on her knowledge and then, when it comes to drug and alcohol counseling, we use the Red Road approach. Which is a tribally based sobriety program. And we have another you know tremendous counselor who's also a native from the region, although he's not a tribal member so. You know, we do give really tribal specific services but it's not we try to I don't hand it down as sort of like here's your community service kind of punishment, you have to participate in your culture. It's handled in a more, I think, healing basis, as opposed to like part of the order that I make. So, they go they get assessed through tribal services, and then they kind of work out a case plan and I make sure they follow it.

Jenny Walter: So, it's that wellness case plan that really forms the basis of making sure that you're meeting the root causes and connecting but it's not necessarily judge directed it's the team and who the tribal providers are, who really get to know the person and can do that reconnecting back. That inclusivity.

Judge Victorio Shaw: Right.

Slide 19 – Locally Driven by Place

Jenny Walter: Thank you so much. All right, the other piece, we wanted to when we talked about preparing for this, we talked about trying to identify for our audience that it's -- this joint approach is flexible and it's really how it manifests itself in a joint approach or joint court is really locally, driven by the place. And so, what folks may be seeing that you're doing, and your joint courts may look very different and another jurisdiction. And that you know, just like the clients you serve who come before the court have very different journeys and paths, they take with you. So is the journey of the two judges who marshal those resources to create a joint jurisdictional court. And so, I just thought it might be helpful to just give a quick -- and you've already kind of done it -- Judge Shaw you had mentioned that the issue is really the school to prison pipeline and truancy was where you started as your common problem, or at least your predecessor started and that's what kind of drove things originally.

Judge Victorio Shaw: Yeah, I, I would like to point out, too, because I've had some discussions with people about joint jurisdiction is that you know I think the one thing our courts did is they picked an issue that was ripe for agreement. Which is truancy and juveniles right? Everyone can sort of agree, we want to get juveniles back on track and get them passing classes and get them out of trouble. So, we didn't jump right into domestic violence or, you know, more controversial type of cases. And so, I think for people looking to begin, you know, maybe pick something that you can get everyone on board with and then build on the success of that. And you know what you're saying in terms of region and

everything being unique and it's something I preach when I teach federal Indian laws. Yeah, I'm teaching this about all you know, the entire country in the history and what the supreme court cases, say, but every tribe is unique in that. How they came to be in that location and their connection to the land is so different. Their experiences are so different. And they may have a treaty that is specific to them, or even you know, a certain law passed by Congress specific to them. So, there's no blanket approach. And every court really should look different and should reflect the specific needs of that tribe. You know some tribes are 20 people, some are 20,000 it just it just depends. So, you really have to spend time understanding each tribe and their challenges and getting to know the people and hear from them what their challenges are.

Slide 20 – Discussion - Challenges

Jenny Walter: That's a great segue to our final closing slide, which is what challenges you have faced either in establishing the joint courts or an extending the joint approach? And maybe Judge Hinrichs do you want to kick us off with some of the judicial ethical concerns that were raised by the new approach and how you address them with your colleagues?

Judge Joyce Hinrichs: So, I and I think I touched on it, some that basically if they were contested issues once I was sitting at table and engaging in activities that were important to their individual successes that that I couldn't serve them in that same detached capacity if that were needed in the future. I think you know Humboldt County is unique in in ways because, and I hope I don't get the number wrong, but we have you know eight we have the most local tribes in our county. We have the largest membership of the York tribe, we have the largest land with the Hoopa Valley tribe, and then we have a number of smaller tribes. And that and really wanting to say we're not and then the other piece of it, as well as you know, then then there's the issue of if it's a non-tribal member are these folks getting special treatment or better services? And so, in the area of our dependency joint jurisdiction court, we also have which I have with the Yurok tribe, and the Hoopa tribe and would certainly have discussions with any other tribe that's in our county. We also have a State wellness court that mirrors as best it can the same services -- or the equivalent services to what is happening in our tribal courts. I think that you know the type of case becomes a different depending on the intersect interaction becomes different depending on the case type. And what that looks like and what the tribe needs, and so you know we're in the process of looking at adult diversion which would be diversion to the respective tribal courts with then dismissal and sealing of records once it was completed in the state court. Where we wouldn't be sitting side by side, but we would be looking at those things. And so, I think that those discussions can come up and they can be raised. And you just have to take them, you know what I always say when someone raises an issue is, if I have to make a legal decision will you know brief it for me and I'll make the best decision I can. And then, you know, greater minds may make the decisions, going up. But I think it is important to make sure that you protect the ethics that are that you have as a State Court judge, and what that looks like. But trying to make it work because. You know, we really did this joint jurisdiction wellness family wellness court in dependency court because, from my perspective, tribal members would come into court we you know ICWA would apply, and we would – they just wouldn't show up. You know they just didn't want to come to court and didn't want to engage. And so, you know, we terminate services at six months. We'd go to permanency planning, and it didn't help anyone at all. And this process makes a huge difference. And so, it is worth looking at those. And the hard part is that there are some issues where there may be some disagreements about some of the things. And in fact, with our adult diversion the issue of whether or not to divert DUI cases is still pending. Because I have some concerns. And so,

you know you have to be true to what those things are and then do the best you can to serve the needs.

Jenny Walter: Thank you, Judge Hinrichs. Judge Abinanti any challenges, you want to highlight here and discuss? Well, you are muted.

Judge Abby Abinanti: I think in many ways the biggest challenge is the volume of work that each system is trying to face and trying to, you know, make the time to create a whole parallel system, if you will. So, that's a huge challenge, because we all have you know pretty full schedules and trying to try to make time for that. And also, just the weight of the problems that you're trying to solve and the families who are involved in those. So, just the personal contact makes it hard to try to sort out and get the best answer you can, and you always have that feeling of you know what if something goes wrong? What are the consequences going to be? And everything being equal, you're dealing with human beings, and you know we have a great propensity of foul up, no matter what. You know what minds have created a safety net. So, that becomes pretty compelling. You know? You're not – you're working with issues that impact people severely. And when they aren't able to be successful, the outcomes can be frightening frankly. You know and create great harm. So, you try to take as much care, as you can and adjust these you know adjust an approach to that and that weighs on everybody, I think.

Jenny Walter: Well, it's a tribute to all the great care that you have all done to create your courts and sustain them. I want to make sure that we have enough time to answer some questions.

Slide 21 – Help to Implement the Joint Approach

Jenny Walter: So, I want to just let folks know that the last few slides are just about the fact that there's technical assistance to help you there are resources. There are your colleagues, so please reach out.

Slide 22 – Technical Assistance

Jenny Walter - And technical assistance to do these types of things.

Slide 23 -Resources to Help Implement the Joint Approach

Jenny Walter – Great materials that are available for reading.

Slide 24 – Additional Reading Materials

Jenny Walter - And I'm just going to really breeze through this because I'm noticing the time. We want to make sure we have a little bit of time for discussion with our participants.

Slide 25 – Thank You.

Jenny Walter - So, I'm opening it up to questions. I see one question in the chat from Commissioner Shapiro to everyone. "When handling joint jurisdictional matters are there two sets of court reporters' clerks minute orders. What about the Attorney or advocate representation? Are there attorneys in the tribal courts, as well as their counterparts in the State Court and such courtrooms?" Who would like to start off addressing this question?

Judge Joyce Hinrichs: I can just jump in and say that you know we're on the record for the state mandated reports. They have their attorneys and attorneys are present in those hearings. It's our court reporter and we're working on making sure that copies of all the records get over to Judge Abby for her

records. But frankly the reviews, at least the way we do it look exactly like the State Court reviews, except for Judge Abby's sitting next to me or now she's on zoom next to me. But she used to be sitting next to me. And then, for the Hoopa court, it is still remote. And so, we do that on the record in the Court. And then you know do try to get away recognizing that State courts aren't the friendliest places for folks. So, I don't know Judge Abinanti if you'd add anything? We do need to do a better job of getting all the records over, but I think we've solved hopefully solved the problem.

Judge Abby Abinanti: Well, you know we try to do it as simply as possible. Basically, you know and having double staffs is not helpful. And we just have to work on getting them filed in both places. And getting you know I need a file. Before when we were in the same place, I would just go into her courtroom use her files. So, it was fine. But now that we're actually separate because was zooming about as opposed to moving about. We need to be a little more on top of the bookkeeping part of it, but it's not overwhelming it's just we haven't attended to it.

Jenny Walter: So, no two parallel administrative things. Making sure you have one file that's duplicated for each judge in their court room.

Judge Abby Abinanti: Well, that's what we're going to try to do. But the master file is kept in the state court because it's her staff. And I just need to catch up with creating a file that I need for my use.

Jenny Walter: Got it. And in terms of attorneys, it's really only the state mandated hearings for those child welfare hearings that you've got the county counsel and parents' attorney and child's attorney. But no tribal attorney counterpart, just to clarify.

Judge Abby Abinanti: You know the tribal attorney is almost always present. They actually are one of the few lawyers sit through the whole process.

Jenny Walter: Okay.

Judge Abby Abinanti: For the most part the others do not because they're just there. I mean sometimes they do there's no, you know I can't say uniformly, but they can stay through the informal part or not. But the tribal attorney almost always does.

Jenny Walter: And can you speak to the role of that tribal attorney? Because they are really -- their role is different than let's say county counsel and parents' attorney and child's attorney on the State part side.

Judge Abby Abinanti: I think that, in general, they just they just have the same role they would have if it was a State Court. Sometimes they're able to answer more questions. Or help with services. Or you know, give input and sometimes the staff because we have tribal staff that are there, who they also represent. Sometimes they need to consult with each other, but that's pretty much it.

Judge Joyce Hinrichs: They'll represent what the tribal interest might be. And you know, sometimes it's advocating for a different placement or something like that. So, in our State Court proceedings whether they're in the family wellness or not there there's almost there is for the Yurok tribe there's always tribal counsel there and other tribes have different sometimes they do, and sometimes they don't but. But we're really lucky we have very good participation in our in our tribal cases.

Jenny Walter: Great. And then there's a question -- let me scroll back up here. Maybe Judge Shaw and Judge Abinanti can take this one? "VAWA still does not grant the tribal courts such criminal jurisdiction over non-indigenous perpetrators of sexual assault on tribal lands. Is this still the case? Yes? This seems to be another barrier to implementing meaningful joint jurisdiction. What can be done on a State level to affirm the inherent sovereign authority of Indian tribal governments and sexual assault cases committed against Indigenous women?"

Judge Abby Abinanti: Well, there is a process for doing that we're halfway through that process now. You know, so there was federal legislation that allows it. It's pretty complex and involves a lot of resources and commitment of resources and we're in that process and we're trying to complete that process.

Judge Victorio Shaw: Yeah, there's there is a It does allow for a process, and I would like to point out that it's -- VAWA is still awaiting reauthorization. I believe it's held up in the Senate. Already passed the House and so it's been a couple of years now since it's been waiting reauthorization. And in the proposed bill I've seen has a lot of improvements and allows for greater prosecution of non-natives. So, I'm hopeful that that will pass the Senate, eventually. So, if you, you know write to your Senator please.

Jenny Walter: Thank you. Any other questions that come the judges can answer for you? We've got still a couple minutes left.

Judge Victorio Shaw: I'll just say Jenny. You know, to the earlier question. So, it's sort of the opposite in my court we do the hearings on site in tribal court, and we use our tribal court staff. So, it's the same but it's -- we really do most of the administrative stuff on our side, and then we send it over to the county side to get filed and signed.

Jenny Walter: So really is the flip the flip version.

Judge Victorio Shaw: Right and our, just like Abby said, our tribal attorneys usually present at all, all the hearings and represents the tribe's perspective and answers questions, especially when it comes to resources and the tribal ordinances and things like that.

Jenny Walter: Thank you for that. I just want to point out, somebody in the chat said Thank you so much for sharing the incredible story, Judge Abinanti. And it was very meaningful to hear how Judge Shaw's grandfather did this. And that Judge Shaw is carrying on his path to help his tribal families. And a couple other people also said that so that's just like a good place to end our presentation and to thank each of you for sharing from your heart. And for all the work that you do from your heart, every day in these courts. And then make a plea to our folks in the audience to please reach out to us and to Ann and Vida in the tribal/state programs, should you want to learn more about the joint approach or receive any help in establishing one. So, with that big, big thank you. And see you soon everybody has a great afternoon.

Ann Gilmour: Thank you everyone.

Judge Victorio Shaw: Happy holidays.

Jenny Walter: Happy holidays.