



JUDICIAL COUNCIL OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

www.courts.ca.gov/forum.htm
forum@jud.ca.gov

TRIBAL COURT-STATE COURT FORUM

MINUTES OF OPEN MEETING

April 13, 2017

12:15-1:15 p.m.

By Conference Call

**Advisory Body
Members Present:**

Hon. Abby Abinanti, Co-chair, Hon. Dennis M. Perluss, Co-chair, Hon. Hilary A. Chittick, Hon. Cynthia Gomez, Hon. Anthony Lee, Hon. David Riemenschneider, Hon. John Sugiyama, Hon. Sunshine Sykes, Hon. Juan Ulloa, Hon. Christine Williams, and Hon. Christopher Wilson

**Advisory Body
Members Absent:**

Hon. April Attebury, Hon. Richard Blake, Ms. Jacqueline Davenport, Hon. Gail Dekreon, Hon. Leonard Edwards, Hon. Kimberly Gaab, Hon. Michael Golden, Mr. Olin Jones, Hon. Mark Juhas, Hon. Lawrence C. King, Hon. Susanne Kingsbury, Hon. William Kockenmeister, Hon. Patricia Lenzi, Hon. Lester Marston, Hon. Mark Radoff, Hon. Allen Sumner, Hon. Claudette White, Hon. Joseph Wiseman, and Hon. Zeke Zeidler

Others Present:

Ms.Carolynn Bernabe, Ms. Vida Castaneda, Ms. Charlene Depner, Ms. Ann Gilmour, Ms. Bonnie Hough, Mr. Dan Pone, and Ms. Anne Ronan

OPEN MEETING

Call to Order and Roll Call

The co-chairs called the meeting to order at 12:18 p.m.

Approval of Minutes

The forum approved the February 16, 2017 meeting minutes.

DISCUSSION AND ACTION ITEMS (ITEMS 1-7)

Item 1

Cochairs Report

- *Annual Agenda*

The Judicial Council's Executive & Planning Committee approved the forum annual agenda at its March 23rd meeting, and the final agenda is now posted on the forum's webpage. An item will be added to the agenda requested by the Information Technology Advisory Committee (ITAC), which will authorize work on implementing the council's recently enacted technology plan. This is a blueprint for implementing different technologies in the court. ITAC will initially be consulting with advisory groups regarding online access to court information for justice partners.

- *Letter to Tribal Leaders on Tribal Judge Vacancies*

On March 21, 2017, an invitation memo was sent to tribal leaders notifying them of the upcoming vacancies on the forum and inviting tribal leaders to nominate judges from their tribal courts to serve as members for the forum. The memo describes about the process for selecting members and includes the forum background materials.

Item 2

Update Status of AB905

Presenter: Dan Pone, OGA, Attorney

Mr. Dan Pone introduced himself and reported on the current status of AB 905. Sponsored by the California Law Revision Commission, this bill would lift the sunset on the Tribal Court Civil Money Judgement Act. The bill passed the Assembly Judiciary and Appropriations Committees. It is on the proposed consent calendar for the full Assembly next week. The bill is supported by the council, California Nations Indian Gaming Association (35 tribes), and the Luiseno Band of Mission Indians.

Item 3

California ICWA Compliance Task Force Report

Presenter: Abby Abinanti

Judge Abinanti reported the positive reception of the report at the state level. The Task Force chairs now want to move forward to implement the Task Force recommendations. Two of the most important recommendations are to provide tribes with representation in ICWA cases and to consolidate ICWA cases in court. Other recommendations to prioritize include providing more education for judges on ICWA. Some items mentioned on the report are already included in the forum's annual agenda.

Item 4

Traffic or Civil Harassment

Presenter: Judge Christine Williams

Judge Christine Williams outlined issues preventing tribal court traffic-related orders transmitted to DMV. There was a traffic work group several years ago that addressed this issue. There were several meetings including DMV representatives, but no resolution. The gap in enforcement when traffic stops are made on reservation has public safety implications. Judge Williams explained this was an issue for her when she was Judge at Hopland. Under the Hopland traffic code people were cited, for example for driving with a suspended license, but there was no way to notify DMV of the additional violation of driving without license. There was also no way to exchange information with the state court or DMV.

Cynthia Gomez, the Governor's Tribal Advisor, advised that several years ago she met with the DMV director and lawyers about the issue. They concluded that there would likely need to be legislative changes to resolve the problem because under current law, permitting access to confidential DMV records could create liability for the department.

Ms. Gilmour attended the in person Traffic Advisory Committee meeting on April 7, 2017, in which Judge Dekreon is a liaison for the forum. The committee is aware of the problem and is interested in working with the forum the on the issue. Once an appropriate working group is

formed, Judge Gomez will request a meeting and invite appropriate DMV personnel at the meeting.

Action item: Staff to send email to forum members outlining proposed small working group and request for volunteers.

Item 5

ICWA Regulation Implementation

Presenter: Ann Gilmour

The forum will be working with the Family and Juvenile Law Advisory Committee (FamJuv) in looking at a plan to ensure that California rules and forms comply with the requirements of the new ICWA regulations. Ms. Gilmour is preparing a memo to the forum and to FamJuv jointly to outline areas that need to be addressed. This memo will provide proposals, request volunteers from both committees and make recommendations on how to proceed jointly.

Judge Sugiyama requested staff to inform Corby Sturges, lead staff to the Probate and Mental Health Advisory Committee, which will propose similar revisions to the rule and forms with its subject areas.

Item 6

Beyond the Bench Planning

Presenter: Ann Gilmour

Ms. Gilmour reminded the forum of the deadline for workshop proposals. Members with suggestions, particularly on ICWA, should contact Ann Gilmour. Beyond the Bench will be held on December 19-20, 2017 with a preconference on December 18, 2017 in San Diego, CA.

Item 7

Other Business

The next forum call is on June 8, 2017 at 12:15 p.m.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:57 p.m.

Approved by the advisory body on June 8, 2017.