



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

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[forum@jud.ca.gov](mailto:forum@jud.ca.gov)

TRIBAL COURT-STATE COURT FORUM

MINUTES OF OPEN MEETING

December 12, 2019  
12:15-1:15 p.m.

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**Advisory Body Members Present:** *Hon. Abby Abinanti, Co-chair, Hon. Suzanne Kingsbury, Cochair, Hon. Erin Alexander, Hon. Richard Blake, Hon. Hilary Chittick, Hon. Gregory Elvine-Kreis, Hon. Patricia Guerrero, Ms. Heather Hostler, Hon. Mark Juhas, Hon. Kristina Kalka, Hon. Lawrence King, Hon. Patricia Lenzi, Hon. Cindy Smith, Ms. Christina Snider, Hon. Sunshine Sykes, Hon. Robert Trentacosta, Hon. Juan Ulloa, Hon. Mark Vezzola, Hon. Claudette White.*

**Advisory Body Members Absent:** *Hon. April Attebury, Hon. Leona Colegrove, Hon. Gail Dekreon, Hon. Leonard Edwards (Ret.), Commissioner Jayne Lee, Hon. Devon Lomayesva, Hon. Gilbert Ochoa, Hon. Michael Sachs, Hon. Christine Williams, Hon. Joseph Wiseman.*

**Others Present:** *Ms. Vida Castaneda, Ms. Audrey Fancy, Ms. Ann Gilmour, Ms. Andi Leibowitz, Dr. Benjamin Madley, Ms. Joy Ricardo, Ms. Amanda Morris*

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OPEN MEETING

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**Call to Order and Roll Call**

The co-chairs called the meeting to order at 12:17 p.m.

**Approval of Minutes**

The Forum unanimously approved the October 10, 2019 meeting minutes.

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DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

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**Info 1**

**Co-Chairs Report**

Approval of Minutes of October 10, 2019 Meeting

**Info 2 – An American Genocide: The United States and the California Indian Catastrophe, 1846-1873**

*Presenter: Dr. Benjamin Madley, Associate Professor, Department of History, University of California, Los Angeles*

Dr. Madley provided the members of the forum with a brief overview of his work regarding California indigenous populations, genocide sanctioned by the State of California and the US Government.

Questions posed:

Question: Are there any efforts to incorporate this information into the California public school curriculum?

Answer: Yes, there are efforts to update the 2020 California State Standards for K-12 with Native American history.

Question: Does the standards update include an effort to discuss Tribes in modern day context? There is a lack of understanding that Native Americans have sovereignty, Tribal Courts and governmental systems.

Answer: Yes, the update will include those topics. Also, a Digital Atlas of California Native Americans that was created under Governor Jerry Brown. Every tribe is given an opportunity to upload their information to that website. We are hoping that educators will be able to utilize this database.

Question: Is there any attempt to speed up reparations regarding grave robberies and high death rates at children's boarding schools.

A: The University of California system is currently undergoing a large effort to try to repatriate the remains of Native Americans.

Question: Is the issue of indentured slaves in the court system being addressed at all?

Answer: In Humboldt County there are efforts being made to identify names of indentured servants but many of the records were lost during the 1906 earthquake/fire. There are also currently publications of the legal forms of unpaid labor in the state of California.

### **Info 3 – Final Legislative, BIA Comments and 2019 RUPRO report. Discussion of 2020 RUPRO and Legislative Proposals**

*Presenter: Ann Gilmour, Attorney, Judicial Council Center for Families, Children & the Courts*

A proposal is being developed for legislation that addresses the gap in recognition of Tribal Court divorce orders that include the division of government employee's government pension. The proposal drafted, included in this meeting's materials, is meant not to enforce Tribal court orders within the State court system, but create a joint petition to register an order from the Tribal court within the State court system in a simplified manor for the limited purpose of being recognized. This has been vetted by a working group in Family and Juvenile Law Advisory Committee for this committee's consideration.

Comments:

This document has gone through various iterations and the experts in this area are comfortable with it, but public comments are not in.

One forum member stated that while they appreciate the efforts to streamline this process but believes the need for this legislation undermines Tribal sovereignty, but I appreciate what it will do for the people who are going through this issue.

One committee member seconded this comment.

Motion to move the draft legislation forward to Family and Juvenile Advisory Committee and then to public comment by Judge Mark Juhas and seconded by Judge Juan Ulloa.

#### **Info 4 – Recent and Upcoming Conferences**

*Presenter: Vida Castaneda, Senior Analyst, Judicial Council Center for Families, Children & the Courts*

- For those near San Francisco or visiting this week, from now until December 14th the San Francisco Arts Commission will be featuring the “Continuing the Thread: Celebrating our Interwoven Histories, Identities and Contributions” art exhibition featuring local tribal community members at the Veteran’s Hall across the street from City Hall in San Francisco. For more information please visit [sfartscommission.org](http://sfartscommission.org)
- Beyond the Bench 25, hosted by our division, will take place in San Diego at the Manchester Grand Hyatt on December 17th –18th with pre-conference events on December 16th. Please visit the link: [www.courts.ca.gov/btb25.htm](http://www.courts.ca.gov/btb25.htm) for additional information about each conference day. There will be workshops related to tribal issues and communities featured in the pre-conference and conference events. If you have specific questions about registration or the conference, please email [beyondthebench@jud.ca.gov](mailto:beyondthebench@jud.ca.gov) or by phone 415-865-7599.
- The Tribal Justice Collaborative is moving to the Tribal Law and Policy Institute (TLPI) January 1, 2020. The collaboration will provide an opportunity to increase engagement with state and tribal courts to improve outcomes for Native communities. The Tribal Justice Collaborative works with state courts, tribal courts, tribes, child welfare and all systems serving Native children and families in California. For more information please email [Tom@tlpi.org](mailto:Tom@tlpi.org) or visit [tlpi.org](http://tlpi.org).
- The National Indian Child Welfare is hosting their 38th Annual Protecting Our Children National American Indian Conference on Child Abuse and Neglect from March 29–April 1, 2020 in Denver, Colorado. This conference will feature 80 expert-led workshops and four general sessions featuring inspiring speakers. For more information please visit [nicwa.org](http://nicwa.org).
- The Tribal Justice Collaborative will be hosting their next Southern California Judges’ Dinner on June 19th. We will be providing additional information during our next call.

Will be provided via email – not discussed.

#### **Action 1**

##### **Discussion of 2020 RUPRO and Legislative Proposals**

*Presenter: Ann Gilmour*

The committee was presented with three Rules of Court to be included in the 2020 RUPRO cycle however due to time constraints, the motion to move the Rules forward to the Family and Juvenile Law Advisory Committee was deferred to action by email at a later date.

Next Forum call is February 13, 2020.

**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 1:15 p.m.

Approved by the advisory body on June 11, 2020.