



**Judicial Council of California**  
**ADMINISTRATIVE OFFICE OF THE COURTS**

OFFICE OF GOVERNMENTAL AFFAIRS  
770 L Street, Suite 1240 • Sacramento, California 95814-3368  
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TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

STEVEN JAHR  
*Administrative Director of the Courts*

CORY T. JASPERSON  
*Director, Office of Governmental Affairs*

January 6, 2014

Hon. Noreen Evans, Chair  
Senate Judiciary Committee  
State Capitol, Room 112  
Sacramento, California 95814

Subject: SB 406 (Evans), as amended January 6, 2013 - Support  
Hearing: Senate Judiciary Committee – January 14, 2013

Dear Senator Evans:

The Judicial Council supports and is the sponsor of SB 406, the Tribal Court Civil Money Judgment Act, which will simplify and clarify the process by which tribal court civil money judgments are recognized and enforced in California.

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

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

Currently in California, a party seeking enforcement of a civil tribal court money judgment in a state superior court must do so under the Uniform Foreign-Country Money Judgments Recognition Act, a time consuming and expensive procedure, in which parties sometimes must unnecessarily re-litigate what has already been decided by the tribal court, costing both the parties and the state courts time and expense. SB 406 streamlines and simplifies these procedures, which will make it easier and less costly for parties and state courts to enforce tribal court money judgments that are already enforceable under current law.

SB 406 establishes a framework for seeking enforcement of tribal court civil money judgments under procedures that are similar to the simpler procedures applicable to judgments from the courts of other states, while still applying the principles of comity that the law currently requires for judgments from sovereign nations. It is important to note that this bill would not change the legal standards state courts apply in recognizing and enforcing specified civil tribal court judgments, but only clarify the procedures for doing so and consolidate them into a single, streamlined statutory scheme.

SB 406 applies only to civil judgments and orders by tribal courts for money judgments. The bill does not apply to judgments in actions that already have specific recognition under federal law<sup>1</sup>, or for judgments or order for possession of real or personal property, or judgments for specific performance or injunctive relief. SB 406 also exempts money judgments for taxes, fines, and proceedings that would be subject to the Probate Code.

A party seeking enforcement of a tribal court money judgment in a California superior court under SB 406 must file an application that includes all the information about the case required in an application for recognition of a sister state judgment, plus a copy of the tribal court rules of procedure and a declaration that the case was tried in compliance with those rules. The party seeking enforcement must give notice to the party against whom the tribal court judgment was entered, and that party has an opportunity to oppose enforcement. If there is no opposition within 30 days, a superior court judgment based on the tribal court civil money judgment is entered automatically. If there is opposition, the superior court holds a hearing on the issue within 45 days.

The establishment of this process and timeline for considering these applications will make enforcement of existing rights more efficient and economical for both litigants and the courts without altering any party's substantive rights under current law. Thus, SB 406 will ensure appropriate recognition of tribal court civil money judgments in state courts in a manner that will benefit both court systems.

For these reasons, the Judicial Council supports SB 406.

Sincerely,



Daniel Pone  
Senior Attorney

DP/nco

cc: Members, Senate Judiciary Committee  
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee  
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor  
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy

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<sup>1</sup> The Indian Child Welfare Act, the Violence Against Women Act, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, the Child Support Enforcement Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Interstate Family Support Act.



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*Director, Office of Governmental Affairs*

June 10, 2014

Hon. Bob Wieckowski, Chair  
Assembly Judiciary Committee  
State Capitol, Room 4016  
Sacramento, California 95814

Subject: SB 406 (Evans), as amended January 6, 2013 - Support  
Hearing: Assembly Judiciary Committee – June 17, 2014

Dear Assembly Member Wieckowski:

The Judicial Council supports and is the sponsor of SB 406, the Tribal Court Civil Money Judgment Act, which will simplify and clarify the process by which tribal court civil money judgments are recognized and enforced in California.

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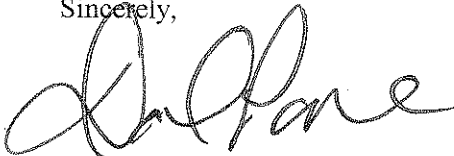
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Sincerely,



Daniel Pone  
Senior Attorney

DP/nco

cc: Members, Assembly Judiciary Committee  
Hon. Noreen Evans, Member of the Senate  
Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee  
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy  
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor

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June 27, 2014

Hon. Mike Gatto, Chair  
Assembly Appropriations Committee  
State Capitol, Room 2114  
Sacramento, California 95814

Subject: SB 406 (Evans), as amended June 18, 2014 - Support  
Hearing: Assembly Appropriations Committee – July 2, 2014

Dear Assembly Member Gatto:

The Judicial Council supports and is the sponsor of SB 406, the Tribal Court Civil Money Judgment Act, which will simplify and clarify the process by which tribal court civil money judgments are recognized and enforced in California.

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

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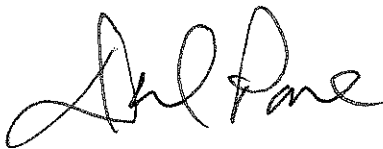
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Sincerely,



Daniel Pone  
Senior Attorney

DP/nco

cc: Members, Assembly Appropriations Committee  
Hon. Noreen Evans, Member of the Senate  
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee  
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy  
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor

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*Director, Governmental Affairs*

August 11, 2014

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

Subject: SB 406 (Evans) – Request for Signature

Dear Governor Brown:

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Hon. Edmund G. Brown, Jr.

August 11, 2013

Page 3

For these reasons, the Judicial Council requests your signature on SB 406.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone". The signature is fluid and cursive, with the first name "Daniel" and last name "Pone" clearly distinguishable.

Daniel Pone  
Senior Attorney

DP/nco

cc: Hon. Noreen Evans, Member of the Senate

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor