

May 14, 2013 Forum conference call notes

Present: Cochairs and Judge Abinanti, Judge Gaab, Judge Golden, Judge Gomez, Judge Lee, Judge Sumner, Judge Wiseman

Staff present: Vida Castaneda, Anne Gilmour, Bonnie Hough, Dan Pone, Anne Ronan

1. SB 406 Status and Discussion (Dan Pone)

SB 406 is now a two year bill due to opposition from organized labor. Their principal objections were that they perceived the bill would negatively impact their membership and prevent them from organizing. They objected to the bill to the extent that it departed from the Uniform Foreign Money Judgment Act.

The author would like for this bill to be a consensus proposal, which means we have till January of 2014 to reach consensus on a revised proposal.

Forum options are: (1) significantly amend the bill to address opposition concerns; (2) amend the bill to include a carve out for organized labor; or (3) narrow the scope of the bill to only money judgments.

Action Item: Forum decided by consensus to reconvene the legislative working group to discuss strategy

2. Traffic Working Group (Judge Gomez, Judge Ryan, Judge Williams)

Described the issues relating to public safety on the reservation when persons come onto tribal lands and commit traffic violations, in particular DUIs. Without access to DMV records, the court does not know whether the violator has other violations, nor does the court have a mechanism for entering violations into the DMV database. As a result, there is no accountability across jurisdictions.

While the regulations acknowledge tribes as sovereign entities, they do not define tribes as governmental entities entitled to request access to DMV records. Addressing the issues identified by the traffic working group necessitates legislation, which would be beyond the purview of the California Judicial Council.

Judge Gomez agrees to bring these issues to the attention of the Secretary of DOT, with the assistance of Judge Williams and Judge Ryan, and facilitate a solution with the Secretary and tribes in California.

Action Item: Forum decided by consensus that staff would prepare letter from cochairs to Judge Gomez identifying the issues and recommending her office explore solutions with Department of Transportation

3. Joint Forum/Probate and Mental Health Working Group: status report (Judge Blake and Ann Gilmour)

Described the California Law Review Commission's proposal and the tribal provisions that would have treated a tribe like a state. Described the progress the joint working has made in crafting alternative tribal provisions. The proposal would not require tribes to sign on the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA), but would have some mechanism for voluntary inter-court cooperation. The proposal would recognize the jurisdictional overlap between tribal and state courts in California and in particular would recognize that tribal courts may be the most appropriate forum to address the needs of vulnerable tribal members living off reserve, but within a tribe's "service area".

4. Forum's Rule and Form Proposals: preliminary comments received (Jenny)

One comment from social worker from Smith River Rancheria requesting that the proposal be expanded to include pre-filing of juvenile court records and clarifying that those records include child welfare services/court case management system or county social services file information.

5. Upcoming Cross-Cultural Court Exchange at Yurok (agenda attached below) (Judge Abinanti and Judge Wilson)



**proposed agenda
with watermark...**

6. Other— Judge Gomez reported on a new ruling clarifying that tribal members who live on their reservation and who receive income from reservation sources are not subject to state tax on that income. For more information, https://www.ftb.ca.gov/individuals/Native_Americans/Reservation_Source_Income.shtml