

THE NATIONAL JUDICIAL COLLEGE
CA TRIBAL COURT-STATE COURT SYMPOSIUM
OCTOBER 9-10, 2012
PLACERVILLE, CA

Monday, October 8, 2012	Tuesday, October 9, 2012	Wednesday, October 10, 2012
  <p style="text-align: center;">Advancing Justice in Tribal Communities</p>  <p style="text-align: center;">ADMINISTRATIVE OFFICE OF THE COURTS CENTER FOR FAMILIES, CHILDREN & THE COURTS</p> 	<p>7:30-8:30 Continental Breakfast (Provided by Shingle Springs Rancheria)</p> <p>REGISTRATION</p> <p>8:30-9:00 WELCOME CEREMONY & BLESSING Christine Folsom-Smith, Director, NJC/NTJC Nicholas Fonseca, Chairman of Shingle Springs Rancheria Hon. Dennis Perluss, Presiding Justice of the 2nd Dist. Ct. App. & Co-Chair of Forum Hon. Richard Blake, Chief Judge of the Hoopa, Smith River Rancheria and Redding Rancheria Tribal Courts, & Co-Chair of Forum</p> <p>9:00-9:45 A DAY IN THE LIFE OF A TRIBAL JUDGE [Divider 1] (Abinanti, White)</p> <p>9:45-10:45 FEDERAL INDIAN LAW – PART ONE [Divider 2] (Lenzi)</p> <p>10:45-11:00 Break</p> <p>11:00-12:00 FEDERAL INDIAN LAW - PART TWO (Lenzi) (Concluded)</p>	<p>7:30-8:30 Continental Breakfast (Provided by Shingle Springs Rancheria)</p> <p>REGISTRATION</p> <p>8:30-9:30 COLLABORATION SUCCESS STORIES [Divider 6] (Abinanti, Blake, Kingsbury, Williams, Wilson)</p> <p>9:30-9:45 Break</p> <p>9:45-10:45 ELDER ISSUES [Divider 7] (Brandenburg)</p> <p>10:45-12:00 LAW ENFORCEMENT- PL 280 POST VIDEO AND Q&A [Divider 8] (Denke, Fischer, Jones)</p>
	<p style="text-align: center;">12:00-1:00 Working Lunch (Provided by Shingle Springs Rancheria) [Divider 3] Group Discussion</p>	<p style="text-align: center;">12:00-1:00 Lunch (Provided by Shingle Springs Rancheria) The Teague Protocol [Divider 9] (Raasch)</p>
 <p><i>This project was supported by Grant No. 2010-IC-BX-K001, awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions presented in the materials are those of the author and do not represent the official position or policies of the U.S. Department of Justice.</i></p>	<p>1:00-2:00 REPORT BACK [Divider 3] (FORUM MEMBERS from each table at lunch)</p> <p>2:00-2:15 Break</p> <p>2:15-3:15 STATE OF TRIBAL COURTS – TRIBAL COURT STRUCTURE IN CA [Divider 4] (Blake, Brandenburg, Williams)</p> <p>3:15-3:30 Break</p> <p>3:30-4:30 ETHICS [Divider 5] (Blake, Edwards, Kingsbury, Williams, Wilson)</p>	<p>1:00-1:45 ISSUES RELATED TO DMV - TRAFFIC CASES [Divider 10] (Cleghorn, Larsen, Ryan, Williams)</p> <p>1:45-2:00 Break</p> <p>2:00-3:00 TRIBAL JUDGES PANEL – Q&A – TYPES OF CASES HEARD IN TRIBAL COURTS IN CA [Divider 11] (Abinanti, Blake, White)</p> <p>3:00-3:45 TRIBAL COURT-STATE COURT FORUM REPORT – PAST, PRESENT AND FUTURE ACCOMPLISHMENTS [Divider 12] (Blake, Perluss)</p> <p>3:45-4:00 CLOSING CEREMONY</p>

California Tribal Court-State Court Symposium
October 9-10, 2012
Placerville, CA

The conference is made possible with grant funding from the federal Bureau of Justice Administration and is the result of a collaboration between the Judicial Council's California Tribal Court/State Court Forum, the Shingle Springs Band of Miwok Indians (<http://www.shinglespringsrancheria.com/content/>), the National Tribal Judicial Center, the National Judicial College (<http://www.judges.org/ntjc/index.html>), and the Administrative Office of the Courts (<http://www.courts.ca.gov/policyadmin-aoc.htm>).

See page 5 for participants list.

Workshops:

Tuesday, October 9, 2012

A Day in the Life of a Tribal Judge:

At this session participants were able to:

1. Identify some of the similarities and differences between typical issues facing tribal court judges in comparison to state court judges; and
2. Discuss how superior courts would handle similar issues, or why the issues presented would not be typically faced by their court.
3. Participants shared that there are similar differences between rural and urban courts even within the state court system.

Federal Indian Law – Part One and Two

At this session participants learned about:

1. The basis for the government-to-government relationship between Indian tribes and the federal and state governments;
2. The similarities and differences between the Indian Civil Rights Act's rights for persons appearing before tribal courts, and the Constitutional rights of persons appearing before state and federal courts;
3. Some of the limits of jurisdiction conferred on state courts by federal law under Public Law 280; and
4. Discussed the effects that the *Oliphant*, *Cabazon*, and *Montana* cases, among others, have on tribal, federal and state courts.

Working Lunch – Group Discussion

At this session participants:

1. Identified the legal, personal, geographic and other barriers that exist between tribal and state courts that make it difficult to work together;
2. Discussed examples of cross court cooperation to overcome some of these barriers and better serve their communities;
3. Created a list of suggestions that both tribal and state courts could use to overcome some or all of those barriers; and
4. Report back to all attendees on their suggestions.

State of Tribal Courts – Tribal Court Structure in California

At this session participants:

1. Learned about several different tribal court structures currently in place in California; and
2. Discussed the similarity and differences between various tribal court structures in California and the state court structures.

Ethics

At this session through use of hypothetical's and discussion participants:

1. Learned about some of the typical ethical dilemmas that tribal and state court judges face when they are in contact with each other's courts and/or have formed a working relationship; and
2. Learned about and discussed potential solutions to these ethical dilemmas.

Wednesday, October 10, 2012

Collaboration Success Stories

At this session participants:

1. Discussed working relationships between tribal and state courts;
2. Suggested areas of law and cases for collaboration between your court and your state or tribal court counterpart; and
3. Discussed possible cost saving measures and case management advantages that could be realized by cooperation between tribal and state courts.

Elder Issues/Guardianships/Mental Health Cases

At this session participants:

1. Learned about some of the legal issues affecting the inter-relationship between tribal courts and state courts in dealing with elder abuse/ guardianship and mental health cases;
2. Identified common issues faced by tribal courts that are related to elder cases, guardianships, and mental health cases;
3. Discussed how the issues faced by tribal courts in these cases are similar to, or differ from, the same types of cases in state courts; and
4. Identified resources available to tribal courts versus those available to state courts for these types of cases.

Law Enforcement and PL 280

At this session participants:

1. Learned about the inter-relationship between state and tribal criminal and civil jurisdiction under PL-280;
2. They learned to recognize the jurisdictional issues that exist due to PL 280; and
3. Identify tribal areas of responsibility and jurisdiction in criminal matters.

Working Lunch: The Teague Protocol – Working in Partnership between State and Tribal Courts

At this session participants learned about:

1. The background to and content of the Teague Protocol;
2. They learned to identify the useful attributes of the working relationship forged after the Teague Protocol was written and the relationship that came out of the willingness of the courts to communicate without having to invoke the protocol; and
3. Evaluate whether a protocol similar to the Teague Protocol is necessary in the participant's tribal or state court jurisdiction in order to achieve the same level of working relationship, or whether informal communication is a workable alternative.

Issues Related to DMV - Traffic Cases

At this session participants:

1. Learned about the way in which tribal / state jurisdiction under PL-280 affects traffic and DMV cases;
2. Learned to identify issues tribal courts face when addressing traffic cases on their Reservation lands;
3. Identified issues that state courts face when determining whether to admit evidence of prior tribal court traffic offense convictions in cases in state court; and
4. Discussed possible solutions to the issues raised when traffic offenses occur on tribal lands that may be of interest to state actors.

Tribal Judges Panel – Types of Cases Heard in Tribal Courts in California

At this session participants:

1. Learned about the wide range of cases that are routinely, and uniquely, heard in tribal courts in California;
2. Discussed limitations on the types of cases typically heard in tribal courts and the reasons for the limitations; and
3. Discussed possible cost-saving measures and case management advantages which could be realized by cooperation between tribal and state courts.

Tribal Court - State Court Forum Report: Past, Present and Future Accomplishments

At this session participants:

1. Compared the early work of the forum to its present work;
2. Distinguished successful efforts of the forum from its less successful efforts; and
3. Formulated future goals for the forum to undertake.

A complete list of participants who attended the symposium is available on page 5.

CALIFORNIA TRIBAL COURT-STATE COURT SYMPOSIUM

Faculty

Richard C. Blake, Chief Judge
Hoopa Valley Tribal Court

Dennis M. Perluss, Justice
Court of Appeal, Second Appellate District

David D. Raasch, Tribal Program Specialist
Fox Valley Technical College The National Criminal Justice
Training Center for Innovation

Christopher G. Wilson, Judge
Superior Court Humboldt County

Group Discussion Leaders

April E. Attebury, Associate Judge
Karuk Tribal Court

Bill Kockenmeister, Chief Judge
Bishop Paiute Tribal Court

James R. Lambden, Associate Justice
Court of Appeal First District

Robert X. Moeller, Chief Judge
Chemehuevi Indian Tribal Court

Juan Ulloa, Judge
Superior Court Imperial County

Invited Presenters

Abby Abinanti, Chief Judge
Yurok Tribal Court

Anthony J. Brandenburg, Chief Judge
Inter-tribal Court of Southern California Rincon Indian Reservation

Alex Cleghorn, Esq.
Attorney

William Denke, II Chief of Police
Sycuan Tribal Police Department

Leonard P. Edwards, Volunteer Mentor Judge (Ret.)
Judicial Council of California – Administrative Office of the Courts

Carleen Fischer, Special Agent in Charge
Bureau of Indian Affairs

Olin C. Jones, Director Office of Native American Affairs
California Attorney General's Office

Suzanne N. Kingsbury, Presiding Judge
Superior Court El Dorado County

John C. Larsen, Chief of Police
Hopland Tribal Reservation Police

Deborah A. Ryan, Judge
Superior Court Santa Clara County

Claudette C. White, Judge
Quechan Tribal Court

Christine A. Williams, Chief Judge
Shingle Springs Tribal Court

Participants

Lynda L. Appling, Administrative Hearing Officer
Picayune Rancheria Chukchansi Indians

Gordon S. Baranco, Judge
Superior Court Alameda County

Jerilyn L. Borack, Judge
Supreme Court San Francisco County

Joyce L. Burel, Judge
Picayune Rancheria Chukchansi Indians Tort Appeals Board

Carl Bushman, Judge
Picayune Rancheria Chukchansi Indians

Joyce M. Cram, Judge
Superior Court Contra Costa County

David F. De Alba, Judge
Superior Court Sacramento County

Cynthia V. Gomez, Tribal Advisor
Office of Governor Edmund G. Brown Jr.

Bonnie Hough, Esq. Managing Attorney
Judicial Council of California - Administrative Office of the Courts

Jacqueline C. Jackson, Judge
Superior Court Riverside County

Tamila E. Ipema, Judge
Superior Court San Diego County

Mark Albert Juhas, Judge
Superior Court Los Angeles County

Michelle R. Krieger Associate Judge
Hoopa Valley Tribe

Kay S. Kuns, Judge
Superior Court Santa Barbara County

Lester J. Marston, Chief Judge
Blue Lake Rancheria Tribal Court

Mary M. Motola, Hearing Officer
Picayune Rancheria Chukchansi Indians Tort Appeals Board

F. Donald Sokol, Presiding Judge
Superior Court Lassen County

Raquelle L. Myers, Chief Judge/Court Administrator
National Indian Justice Center Intertribal Court of California

David E. Nelson, Judge
Superior Court Mendocino County

Deborah L. Sanchez, Judge
Superior Court Los Angeles County

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