

**MEETING SUMMARY**  
**Tribal Court State Court Forum**  
**Thursday, November 30, 2017**

**Hosted by: Mille Lacs Band Tribal Court**  
Grand Casino Mille Lacs Convention Center

The purposes of the Tribal Court State Court Forum are to enhance tribal court and state court relationships, provide an opportunity to address issues arising from the courts' concurrent jurisdictions, collaborate on development and delivery of judicial education and training, recommend revisions to Minnesota's procedural rules of court, and work on issues that cross jurisdictional boundaries.

[Link to TCSC Forum website](#)

**Attendees**

**Forum Members:**

Hon. Jeffrey Bryan  
Hon. Tina Deschampe  
Hon. David Harrington  
Hon. Stoney Hiljus  
Hon. Gail Kulick

Hon. David Lillehaug  
Hon. Anne McKeig  
Hon. Mary Ringhand  
Hon. Jessica Ryan  
Hon. Lenor Scheffler

Hon. George Soule  
Hon. Sally Tarnowski  
Hon. Megan Treuer  
Judy Nord, Staff Attorney

**Guests:**

Hon. Steven Askew  
Peter Rademacher, Hogan Adams

**Tour: Mille Lacs Band Tribal Court Facility**

A tour of the Mille Lacs Band Tribal Court Facility was held prior to the meeting.

**Welcome and Ceremonial Opening**

Co-chair Hon. Lenor Scheffler facilitated the meeting. She welcomed everyone and introductions were made. Hon. Jessica Ryan offered a ceremonial opening, including smudging. It was agreed that a smudging ceremony should open all future meetings, where permitted.

**Overview of Purpose of Tribal Court State Court Forum**

Judge Scheffler reviewed the Forum purposes, as noted at the top of this Meeting Summary. She emphasized that the building and maintaining of cross-jurisdiction relationships, along with cross-jurisdiction cooperation, are critical to the functioning of both tribal and state courts. The members shared recent examples of how cross-jurisdiction cooperation helped in several family court and criminal court cases, despite the fact that law enforcement refused to enforce tribal court orders. The members agreed that personal relationships matter and, although individual judges may come and go from the Forum over the years, it is important to continue the 20+-year tradition of gathering regularly to share successes and challenge as well as new ideas.

## **Small Group Discussion: Learn from the Past and Hope for the Future**

In an effort to identify focus areas and strategic priorities for the next few years, the members divided into small groups to discuss the following questions:

- Given the stated purposes of the Forum, what do you see as Forum's role?
- On what issues or topics should the Forum focus its attention?
- What is working well with the Forum?
- What do you or your tribe or district hope to get out of the Forum?
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- What can the Forum do to more effectively communicate with judges (and others)?

## **Large Group Discussion: Potential Priorities for 2018 – 2019**

At the conclusion of their small group discussions, the members shared their thoughts about each topic. Following is a summary:

### **1. Given the stated purposes of the Forum, what do you see as the Forum's role?**

- Raising questions/issues on topics of mutual interest and identifying potential answers/resolutions
- Providing information and education to other judges, especially in judicial districts where there are no tribal courts
- Providing cultural education to help state court judges understand some of the cultural differences between various tribal courts and communities
- Helping state court judges understand the implications of how Indian people experience courtrooms and what state court judges can do to help litigants
- Cooperating on issues of common concern; specialty courts
- Continuing to build relationships
- Making recommendations to improve state court and tribal court systems
- Serving as a clearinghouse for issues and ideas
- Sharing ideas nationally
- Sharing resources in this time of limited resources
- Building consensus, communicating, collaborating, coordinating, and cooperating

### **2. On what issues or topics should the Forum focus its attention?**

- Allowing tribal court orders to be uploaded to MNCIS so state court judges have access to and so they can be passed to the BCA for enforcement if needed
- Allowing tribal court judges access to MNCIS so not just one-way flow of information
- Ensuring implementation of both the letter and spirit of the Indian Child Welfare Act (ICWA)
- Including state court judges in judicial listening sessions through local CJE or EJC. For example, if listening session in Red Lake, then have state court judges attend to listen to concerns
- Maintaining contact between tribal court and state court systems
- Monitoring federal and state law changes and pending legislation that may impact state or tribal courts
- Communicating with MN County Attorneys' Association and Law Enforcement Associations to ensure they are knowledgeable about tribal court and state court issues
- Connection with MNCIS so orders can be moved quickly
- Tribal privacy concerns are not open to public

### **3. What is working well with the Forum?**

- 20 years of successful cooperation and sharing
- Positive relationships
- Forum still going, despite recent issues regarding membership

### **4. What could the Forum do better?**

- Finding ways to get all Forum members energized and re-engaged in Forum – this comment stemmed from limited turn out at November meeting and “resent unpleasantness”
- Encourage districts courts to invite tribal court judges to district bench meetings
- Ensure tribal court judges are invited to Annual Conference of Judges (need accurate email/phone information for tribal court judges)
- Include one non-voting seat on the Judicial Council for tribal court judge
- Invite court administrators from tribal court and state court to Forum meetings
- Recruit more Forum members
- Provide more training to judges, including at bench meetings
- Provide “Tribal Court 101” training sheriffs’ association and MN County Attorney’s Association
- Develop a map showing overlap of districts and tribes

### **5. What do you or your tribe or district hope to get out of the Forum?**

- Determine who will testify during Supreme Court hearing regarding Rule 10
- Better understand “One-Court” – state court initiative designed to ensure consistent court administration case processing across county lines and allow courts in all counties to remain open. Concern about name of initiative.

### **6. What can the Forum do to more effectively communicate with judges (and others)?**

- Include training/education about Forum topics every year at MN Association of Judges Conference (Maddens) and Annual Conference of Judges
- Send Forum meeting summaries to colleagues (agendas and meeting summaries are posted on the Forum website)
- Include “Tribal Court State Court Forum Update” as standing item at quarterly state court bench meetings
- Include “Tribal Court State Court Forum Update” as standing item at Judicial Council
- Develop an electronic quarterly newsletter to communicate to tribal court and state court judges and court administration

## **Status of proposed amendments to Rule 10 of the General Rules of Practice**

Peter Rademacher provided an update regarding the status of the amendments to Rule 10 of the General Rules of Practice. After much initial discussion and debate, the Rules committee voted 10 to 2 to recommend a compromise rule that adopts most of the amendments proposed by the Forum, including a presumption of recognition and simplification of factors to consider. Some members stated that the Rules Committee report does not reflect the positive response by the committee. March 14 is the date of the hearing at which the Supreme Court will supporting and opposing comments regarding the proposed amendments. The Forum identified members who will submit written comments and who will testify at the hearing.

## Other Topics

- Judge Ryan noted that the Lower Sioux Community is considering creating a new trial court space; currently a multipurpose room is used as the courtroom.
- Justice Lillehaug stated it would be helpful to know the number of tribal court dispositive and injunction orders and judgements that would be added to MNCIS if tribal courts were given access. Consider sending an email to all tribal court Forum members.
- Judge Bryan asked about the “OneCourt Initiative” and raised a concern that it does not appear to take tribal courts into consideration. Judge Tarnowski and staff explained that the “OneCourt Initiative” relates solely to the work of court administration staff and is designed to ensure a consistent experience for members of the public from one county court to another. OneCourt also implements standardized case processing and MNCIS data entry requirements.
- Judge Kulick raised a question about the existence of joint TCSC treatment courts. The Legislature only funded existing treatment courts not new ones. Mille Lacs was turned down for any funding because new and not existing. Treatment courts are more successful when culturally relevant.

## Future Meetings

- Thursday December 7, 2017: Annual Conference of Judges (breakfast meeting)
- Friday, February 23, 2018 – Hosted by state court
- Friday, June 29, 2018 – Hosted by Grand Portage
- Friday, October 26, 2018 – Hosted by state court

Respectfully submitted,

Judy Nord, Staff Attorney