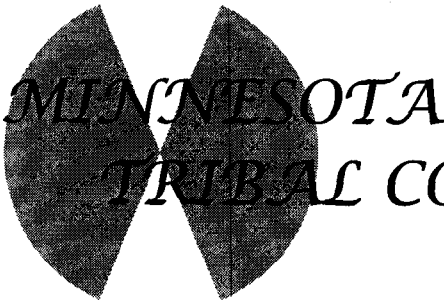


JUL 09 2002



MINNESOTA  
TRIBAL COURT / STATE COURT FORUM

FILED

MINNESOTA TRIBAL COURTS ASSOCIATION

HONORABLE HENRY M. BUFFALO, JR., CHAIR  
Tribal Court of the Shakopee Mdewakanton  
Sioux (Dakota) Community  
246 Iris Park Place  
1855 University Avenue West  
St. Paul, Minnesota 55402  
651-644-4710

HONORABLE PAUL DAY  
Mille Lacs Band of Ojibwe Court of  
Central Jurisdiction

HONORABLE ANITA FINEDAY  
Leech Lake Band of Ojibwe Tribal Court  
White Earth Band of Chippewa Tribal Court

JOSEPH F. HALLORAN, ESQ.  
Jacobson, Buffalo, Schoessler & Magnuson, LTD.

VANYA S. HOGEN, ESQ.  
Faegre & Benson, L.L.P.

HONORABLE WANDA L. LYONS  
Red Lake Nation Tribal Court

HONORABLE JOHN JACOBSON  
Tribal Court of the Shakopee Mdewakanton  
Sioux (Dakota) Community

JESSICA L. RYAN, ESQ.  
BlueDog, Olson & Small, P.L.L.P.

HONORABLE LENOR A. SCHEFFLER  
Upper Sioux Community Tribal Court

HONORABLE TOM SJOGREN  
1854 Treaty Court

HONORABLE ANDREW M. SMALL  
Prairie Island Mdewakanton Dakota  
Community Tribal Court  
Lower Sioux Community in Minnesota  
Tribal Court

HONORABLE MARGARET TREUER  
Bois Forte Tribal Court  
Leech Lake Band of Ojibwe Tribal Court

STATE COURT COMMITTEE

HONORABLE ROBERT H. SCHUMACHER, CHAIR  
Minnesota Court of Appeals  
Minnesota Judicial Center  
25 Constitution Avenue  
St. Paul, Minnesota 55155  
651-297-1009

HONORABLE THOMAS BIBUS  
First Judicial District

HONORABLE ROBERT BLAESER  
Fourth Judicial District

HONORABLE BRUCE CHRISTOPHERSON  
Eighth Judicial District

HONORABLE JAMES CLIFFORD  
Tenth Judicial District

HONORABLE LAWRENCE COHEN, Retired  
Second Judicial District

HONORABLE JOHN OSWALD  
Sixth Judicial District

HONORABLE DAVID PETERSON  
Fifth Judicial District

HONORABLE STEVEN RUBLE  
Seventh Judicial District

HONORABLE JOHN SOLIEN  
Ninth Judicial District

HONORABLE REX D. STACEY  
First Judicial District

HONORABLE ROBERT WALKER  
Fifth Judicial District

July 9, 2002

The Honorable Kathleen Blatz  
Chief Justice of the Minnesota Supreme Court  
Minnesota Judicial Center  
25 Constitution Avenue  
St. Paul, Minnesota 55155

Dear Ms. Chief Justice:

Enclosed please find an original and 12 copies of an Amended Petition for Adoption of a Rule of Procedure for the Recognition of Tribal Court Orders and Judgments to be promulgated under the Minnesota General Rules of Practice for the District Courts.

Please let us know if you need any further information in connection with this Petition.

Yours very truly,

Honorable Henry M. Buffalo, Jr.  
Minnesota Tribal Courts Association, Chair

Honorable Robert H. Schumacher  
State Court Committee, Chair

Enclosures

JUL 09 2002

FILED

No. \_\_\_\_\_

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STATE OF MINNESOTA  
IN SUPREME COURT

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IN RE: RULES OF PROCEDURE  
FOR THE RECOGNITION OF TRIBAL  
COURT ORDERS AND JUDGMENTS

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AMENDED PETITION FOR ADOPTION OF A  
RULE OF PROCEDURE FOR THE  
RECOGNITION OF TRIBAL COURT  
ORDERS AND JUDGMENTS

June 26, 2002

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MINNESOTA TRIBAL COURT/ STATE COURT FORUM

Honorable Henry M. Buffalo, Jr., Chair  
Minnesota Tribal Court Association  
246 Iris Park Place  
1855 University Avenue West  
Saint Paul, Minnesota 55104  
(651) 644-4710

Petitioners

Honorable Robert H. Schumacher, Chair  
State Court Committee  
330 Minnesota Judicial Center  
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Petitioners

Minnesota Tribal Court/State Court Forum

Honorable Henry M. Buffalo, Jr., Chair  
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State Court Committee  
330 Minnesota Judicial Center  
25 Constitution Avenue  
Saint Paul, Minnesota 55155  
(651) 297-1009

IN THE SUPREME COURT  
OF THE STATE OF MINNESOTA

---

	)	No.
	)	
IN RE: RULES OF PROCEDURE	)	<b>AMENDED PETITION FOR</b>
FOR THE RECOGNITION OF	)	<b>ADOPTION OF A RULE OF</b>
TRIBAL COURT ORDERS AND	)	<b>PROCEDURE FOR THE</b>
JUDGMENTS	)	<b>RECOGNITION OF TRIBAL COURT</b>
	)	<b>ORDERS AND JUDGMENTS</b>
	)	

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Henry M. Buffalo, Jr., Chair of the Minnesota Tribal Court Association, and Robert H. Schumacher, Chair of the State Court Committee, petition this Court on behalf of the Minnesota Tribal Court/State Court Forum to adopt a proposed rule of procedure to provide a mechanism for the recognition and enforcement of tribal court orders and judgments by Minnesota state courts.

The Proposed Rule is attached as Appendix A.<sup>1</sup>

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<sup>1</sup> The original Petition was filed with this Court on the 11<sup>th</sup> day of April, 2002. The Petition was formally amended on May 22, 2002, to include a reciprocity element in Section A(5). The Petition was subsequently amended at the request of the Conference of Chief Judges on June 26, 2002, to include a reference to due process in Section A(3).

## HISTORY

In the summer of 1996, several state court judges, tribal court judges, and lawyers met informally to explore the possibility of initiating a regular exchange of information and a court-to-court visitation between State Courts and Tribal Courts to increase the minimal exchanges taking place between jurisdictions. The first joint meeting of twelve Tribal Court representatives and members of various levels of the State judiciary convened on July 18, 1997, at the Prairie Island Mdewakanton Dakota Community Tribal Court. This group, now called the Tribal Court/State Court Forum (hereinafter “the Forum”), has continued to meet on a quarterly basis to develop a more structured approach to enhancing communications and reducing confusion arising from inter-jurisdictional exchange of orders.

Several working groups within the Forum have met regularly to examine specific issues common to the various courts. There is general agreement that such communication has helped the respective jurisdictions to more easily deal with cross-border issues. However, the Forum participants have focused on developing a proposal for the enforcement of a full faith and credit rule by the Minnesota Supreme Court that would provide much needed assistance to judges, lawyers and litigants in this complicated area of law. Since December 2000, the participants in the Forum have specifically examined the most efficient way to reduce difficulties encountered in inter-jurisdictional enforcement of orders and judgments. *See Appendix B.*

The rule proposed to this Court found unanimous support in both the Minnesota Tribal Courts Association and the State Court Committee and is a product of a cooperative effort between committees.

## **GROUNDNS FOR ADOPTION OF THE RULE OF PROCEDURE**

The Minnesota Tribal Court/State Court Forum proposes that Minnesota adopt a Full Faith and Credit Rule to ensure that tribal court orders and judgments are afforded the appropriate level of respect and that full faith and credit is acknowledged equally by all Minnesota district courts.

Through retained sovereignty, Indian tribes possess adjudicatory authority over disputes involving persons and property within the subject matter and personal jurisdiction of the court. Many tribes' powers to create problem-solving fora are acknowledged by tribal constitutions enacted pursuant to Indian Reorganization Act of 1934, 25 U.S.C. §§ 461-469. Not all tribes chose to organize under the Indian Reorganization Act, instead enacting their organic documents and creating judicial systems solely on the basis of their inherent sovereign authority. Determining tribal court jurisdiction can be a complex matter. Factors subject to scrutiny in such analysis include the identity of parties as tribal members or non-members, the nature of the action or transaction, the situs of the action or transaction, and any limitations imposed on tribal court jurisdiction by the tribe itself or by federal law.

Judgment enforcement is important to the people who live and go about their business on Indian reservations. It touches the lives of both non-Indian and Indian people quite directly off and on reservations.

It has been widely reported that the tribal-state Coordinating Council of the Conference of Chief Justices of State Supreme Courts found that tribal-state jurisdictional disputes "had arisen most frequently in the areas of the Indian Child Welfare Act, domestic relations, contract law as well as taxation, hunting and fishing, and certain other areas." Arizona Court Forum: "Building Cooperation" (1990). The Arizona Court Forum was part of a project of the Conference of Chief

justices of State Supreme Courts, the National Center for State Courts, and the State Justice Institute.

Several states with large Indian populations have developed court rules to establish a consistent process for recognizing tribal orders and judgments. Both Wisconsin and Michigan, for instance, provide full faith and credit to tribal orders and judgments by court rule. Washington has similarly established reciprocity by court rule. Some states have established full faith and credit through legislation. The Oklahoma Supreme Court promulgated a full faith and credit rule pursuant to legislative authorization. *See* Appendix C.

There now exist more than 560 federally-recognized tribes in the United States. Each of those tribes has long-standing traditional means of dispute resolution, typically not constrained by an adversarial system but directed more by consensus. The twelve tribal courts currently operating within the geographical confines of Minnesota make up a part of the 295 tribal court systems that Indian nations and Alaska Native villages have established.

The well-established tribal courts now operating within the State of Minnesota include (along with their date of creation): the 1854 Treaty Court (1989); the Fond Du Lac Tribal Court (historical origin); the Leech Lake Band of Ojibwe Tribal Court (1971); the Bois Forte Tribal Court (1975); the White Earth Band of Chippewa Tribal Court (1978); the Mille Lacs Band of Ojibwe Court of Central Jurisdiction (1983); the Grand Portage Tribal Court (1997); the Tribal Court of the Shakopee Mdewakanton Sioux (Dakota) Community (1988); the Lower Sioux Community in Minnesota Tribal Court (1993); the Upper Sioux Community Tribal Court (1993); the Prairie Island Mdewakanton Community Dakota Tribal Court (1994); and the Red Lake Nation Tribal Court (1884). *See* Appendix D.

Full faith and credit oftentimes critically intersects with people's daily lives. It is not uncommon for confusion regarding the enforceability of an order to cause potentially dangerous situations. In one recent case, an emergency child protection order, including a custody directive for a cocaine-addicted newborn, was not acknowledged by a hospital in the metropolitan area because it was a tribal court order. Without recognition of the order the child would be released to its addicted mother. The tribal court order could not be readily enforced in the county of origin because compliance with the Uniform Enforcement of Foreign Judgments Act of Minnesota was required by the district court. In a second case, originating on a different reservation in a different county, a hold and protect order for two delinquent teenagers who were on the run was not enforced by local police because they were instructed that they did not have to enforce a tribal court order. The district court of that county also understood that the only mechanism for enforcement of the order was the Uniform Enforcement of Foreign Judgments Act of Minnesota. As a result, the teenagers were left without protection for an additional month. These circumstances arose notwithstanding the full faith & credit direction of the Indian Child Welfare Act. 25 U.S.C. § 1911(d).

Recently the Mille Lacs Band of Ojibwe Court of Central Jurisdiction declined to grant relief, either by full faith and credit or comity, in an action seeking enforcement of a state court order to garnish wages of the defendant, a Mille Lacs Band employee. The Court wrote that as a matter of comity, state court judgments should be honored and enforced routinely, provided the original court had clear jurisdiction to issue the judgment and provided that it did not violate the public policy of that tribe. The Court further commented that unless a state court judgment violates tribal law, the comity approach should be the general rule. The Court, however, cited a Mille Lacs Band statute that directed the court to grant full faith and credit to civil judicial proceedings of [state] courts ". ..that have enacted a full faith and credit provision in their Constitution or Statutes or, on a case-by-

case basis, have granted full faith and credit to judicial determinations of the Court of Central Jurisdiction." The Court found no provision of the Minnesota Constitution or Minnesota Statutes that required state courts to honor judgments from the Mille Lacs Court or any other tribal court and therefore the enforcement of judgment was denied.

The intent of the proposed rule is to ensure that tribal court orders are afforded the requisite respect due any other jurisdiction and that full faith and credit is acknowledged equally by all Minnesota district courts. Under the proposed rule, a tribal court order or judgment would be given full faith and credit unless: personal or subject matter jurisdiction were lacking; the tribal court order or judgment was obtained by fraud, duress, coercion, or absent fair notice and hearing; or if the order or judgment was not final under the laws of the rendering court, with the exception of certain protective orders as noted in the proposed rule.

Many tribal courts within the geographical confines of the State of Minnesota already have enabling legislation or rules that guide their decisions regarding the grant of full faith and credit to a state court judgment or order. Within many of those jurisdictions, full faith and credit is granted to the same extent another jurisdiction extends full faith and credit to that tribal court. The following jurisdictions have their own distinct legislation or rules that speak directly to the grant of full faith and credit to the orders and judgments of other tribal, state or federal courts: the Mille Lacs Band of Ojibwe Court of Central Jurisdiction; the Grand Portage Tribal Court; the White Earth Band of Chippewa Tribal Court; the Leech Lake Band of Ojibwe Tribal Court; the Upper Sioux Community Tribal Court; the Tribal Court of the Shakopee Mdewakanton Sioux (Dakota) Community; the Lower Sioux Community in Minnesota Tribal Court; and the Prairie Island Mdewakanton Community Dakota Tribal Court. Bois Forte Tribal Court representatives and Band officials have met for some time with their St. Louis County counterparts to facilitate cooperative efforts in the



enforcement of orders for protection, off-reservation placement of delinquent youth, implementation of the Indian Child Welfare Act, and arrest warrant recognition. Many of the other 295 tribal court systems of other Indian nations and Alaska Native villages also have rules or statutes regarding the enforcement of orders and judgments.

### CONCLUSION

Adoption of the proposed rule would provide guidance for Minnesota courts and would improve communication and understanding between state and tribal court jurisdictions. With twelve established tribal courts and an Indian resident reservation population of well over 20,000 tribal members, interaction among state and tribal courts will benefit directly from the adoption of the proposed rule. Minnesota state court systems, and tribal court systems both within and without the geographical confines of the state of Minnesota, will be able to execute their respective functions among jurisdictions more effectively with enhanced cooperation and with clear guidance from this Court to the lower state courts regarding full faith and credit.

The proposed rule is the result of substantial work and compromise by the various entities represented on the Minnesota Tribal Court/State Court Forum. Petitioners request that this Court adopt a rule of procedure for granting full faith and credit to tribal court orders and judgments.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of June, 2002.

MINNESOTA TRIBAL COURT/STATE COURT FORUM



HONORABLE HENRY M. BUFFALO, JR.  
Chair, Minnesota Tribal Court Association



HONORABLE ROBERT H. SCHUMACHER  
Chair, State Court Committee

## APPENDIX A: PROPOSED RULE

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A) **Recognition.** A judgment, decree, order, apprehension order, protection order, warrant, subpoena, record or other judicial act of a tribal court of a federally-recognized Indian tribe, as defined in 25 U.S.C. § 450b(e)<sup>1</sup>, is presumed valid and enforceable and shall be given full faith and credit by the courts of the State of Minnesota. To overcome the presumption, an objecting party must demonstrate that:

- 1) the tribal court lacked personal or subject matter jurisdiction; or
- 2) the order or judgment was obtained by fraud, duress, or coercion; or
- 3) the order or judgment was not obtained through a process that afforded fair notice and a fair hearing; or
- 4) the order or judgment is not final under the laws and procedures of the rendering court, unless the order is a non-criminal order for the protection or apprehension of an adult, juvenile or child, or another type of temporary, emergency order.

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<sup>1</sup> The 25 U.S.C. § 450b(e) definition of an Indian tribe is codified in the following Minnesota Statutes:

M.S.A. § 626.93 MINNESOTA STATUTES ANNOTATED CRIMINAL PROCEDURE CHAPTER 626. TRAINING; INVESTIGATION, APPREHENSION; REPORTS TRIBAL PEACE OFFICERS 626.93 Law enforcement authority; tribal peace officers;

M.S.A. § 254A.02 MINNESOTA STATUTES ANNOTATED PUBLIC WELFARE AND RELATED ACTIVITIES CHAPTER 254A. TREATMENT FOR ALCOHOL AND DRUG ABUSE 254A.01.Definitions;

M.S.A. § 518D.102 MINNESOTA STATUTES ANNOTATED DOMESTIC RELATIONS CHAPTER 518D. UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT GENERAL PROVISIONS 518D.104. Application to Indian Tribes;

M.S.A. § 260.755 MINNESOTA STATUTES ANNOTATED PUBLIC WELFARE AND RELATED ACTIVITIES CHAPTER 260. JUVENILES MINNESOTA INDIAN FAMILY PRESERVATION ACT 260.755. Definitions;

M.S.A. § 462A.03 MINNESOTA STATUTES ANNOTATED LOCAL GOVERNMENT POLICE POWERS CHAPTER 462A. HOUSING FINANCE AGENCY 462A.03. Definitions;

M.S.A. § 260B.007 MINNESOTA STATUTES ANNOTATED PUBLIC WELFARE AND RELATED ACTIVITIES CHAPTER 260B. DELINQUENCY GENERAL PROVISIONS 260B.007 Definitions;

M.S.A. § 268.0111 MINNESOTA STATUTES ANNOTATED ECONOMIC SECURITY CHAPTER 268. DEPARTMENT OF ECONOMIC SECURITY 268.035. Definitions.

## B) Procedures.

- 1) **Money judgments.** Money judgments filed for full faith and credit under this rule are subject to the notice of filing, stay of enforcement, and fee provisions contained in Minn. Stat. § 548.26 to § 548.33. Other judgments or judicial acts are subject to those provisions only to the extent practicable, and not to the extent that alternate procedures are available under this Rule.
- 2) **Emergency orders.**
  - a) Any order for protection issued by any Tribal jurisdiction, consistent with the Violence Against Women Act of 1994, shall be accorded full faith and credit by the Courts of Minnesota pursuant to the provisions contained in the Violence Against Women Act, Pub. L. No. 103-322 (codified at 18 U.S.C. § 2265).
  - b) Non-criminal tribal court orders for the protection or apprehension of an adult, juvenile or child, and other emergency orders may be granted full faith and credit under the following conditions and shall not be subject to the provisions of Minn. Stats. § 548.26 to § 548.33:
    - i) to obtain full faith and credit for such orders, the tribal court administrator or clerk shall file such orders with the court administrator of any county; and
    - ii) the court administrator of any county shall stamp the orders as filed in the district court and then forward the file-stamped order to the local law enforcement agencies, and to the tribal court administrator.
  - c) Once a non-criminal tribal court order for the protection or apprehension of an adult, juvenile or child, or other emergency order is stamped as filed in a district court, it shall be enforced in the same manner as an order issued by a Minnesota court.
  - d) For the sole purposes of this subsection, filing by facsimile shall be permitted.

## C) Exceptions.

- 1) **Federal Law.** If federal law, including but not limited to the following Acts, requires that an order or judgment of a tribal court be given full faith and credit, then federal law and not this Rule shall govern the manner in which full faith and credit is given: the Indian Child Welfare Act (25 U.S.C. §1901-1963); the Violence Against Women Act (18 U.S.C. §2265); and the Full Faith and Credit for Child Support Orders Act (28 U.S.C. §1738B). If

federal law does not specify the procedures by which full faith and credit shall be given, then the procedures established by this Rule shall apply.

- 2) **Criminal Orders.** This Rule shall not affect the criminal orders issued by the Red Lake Band of Chippewa. Neither shall it affect the criminal orders issued by the Bois Forte Band of the Minnesota Chippewa Tribe or other Tribes or Bands exercising criminal jurisdiction consistent with applicable federal law. Additionally, this Rule shall not affect the co-operative practices voluntarily established among Tribal jurisdictions and the State or counties thereof for the enforcement of criminal orders.

## APPENDIX B: TRIBAL COURT/STATE COURT FORUM

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### STATE COURT COMMITTEE

**Honorable Robert H. Schumacher, Chair**  
Minnesota Court of Appeals

**Honorable Thomas Bibus**  
First Judicial District

**Honorable Robert Blaeser**  
Fourth Judicial District

**Honorable Bruce Christopherson**  
Eighth Judicial District

**Honorable James Clifford**  
Tenth Judicial District

**Honorable Lawrence Cohen**  
Retired, Second Judicial District

**Honorable John Oswald**  
Sixth Judicial District

**Honorable David Peterson**  
Fifth Judicial District

**Honorable Steve Ruble**  
Seventh Judicial District

**Honorable John Solien**  
Ninth Judicial District

**Honorable Rex D. Stacey**  
First Judicial District

**Honorable Robert Walker**  
Fifth Judicial District

### MINNESOTA TRIBAL COURT ASSOCIATION

**Honorable Henry M. Buffalo, Jr., Chair**  
Tribal Court of the Shakopee Mdewakanton Sioux  
(Dakota) Community

**Honorable Paul Day**  
Mille Lacs Band of Ojibwe Court of  
Central Jurisdiction

**Honorable Anita Fineday**  
Grand Portage Tribal Court  
White Earth Band of Chippewa Tribal Court

**Joseph F. Halloran, Esq.**  
Jacobson, Buffalo, Schoessler & Magnuson, Ltd.

**Vanya S. Hogen, Esq.**  
Faegre & Benson, L.L.P.

**Honorable Wanda L. Lyons**  
Red Lake Nation Tribal Court

**Honorable John Jacobson**  
Tribal Court of the Shakopee Mdewakanton Sioux  
(Dakota) Community

**Jessica L. Ryan, Esq.**  
BlueDog, Olson & Small, P.L.L.P.

**Honorable Lenor A. Scheffler**  
Upper Sioux Community Tribal Court

**Honorable Tom Sjogren**  
1854 Treaty Court

**Honorable Andrew M. Small**  
Prairie Island Mdewakanton Dakota Community  
Tribal Court  
Lower Sioux Community in Minnesota Tribal  
Court

**Honorable Margaret Treuer**  
Bois Forte Tribal Court  
Leech Lake Band of Ojibwe Tribal Court

**APPENDIX C: SURVEY OF STATE APPLICATION OF FULL FAITH AND CREDIT TO TRIBAL COURT JUDGMENTS**

STATE	COURT RULES	LEGISLATION	CASE LAW
Alaska		ALASKA STAT. § 25.23.160 Recognition of foreign decree affecting adoption [see <i>Hernandez v. Lambert</i> , which notes that this section would afford full faith and credit to tribal court adoption orders] (1974)	<u>Hernandez v. Lambert</u> , 951 P.2d 436, 439 n.4 (Alaska 1998) (acknowledging superior court judge’s determination that Alaska native communities afforded federal recognition as Indian tribes could assert jurisdiction over adoptions, and such orders are entitled to full faith & credit under 25 U.S.C. § 1911(d), and alternatively, even if tribal court lacked “formal jurisdiction,” its order would be entitled to full faith and credit under Alaska Stat. § 25.23.160) <u>John v. Baker</u> , 982 P.2d 738 (Alaska 1999) (state and tribal courts have concurrent jurisdiction in child custody matters; remand to superior court required for application of comity doctrine to tribal court decision awarding shared custody)
Arizona	17B A.R.S. Tribal Court Involuntary Commitment Orders, Rules 1-6 (1994)	ARIZ. REV. STAT. § 12-136 Indian tribal courts; involuntary commitment orders; recognition (1992)	<u>Brown v. Babbit Ford</u> , 571 P.2d 689 (1997) (in action for penalties in repossession proceeding on Navajo reservation, court held that state courts are not required to give full faith & credit to enactments of tribal council; though comity should be extended if enactments are not contrary to state public policy, parties had by contract excluded possibility that it would be affected by tribal resolution).
Arkansas		ARK. STAT. § 9-15-302 Full faith and credit. [Domestic abuse; tribal court protection orders] (1995)	
California			<u>People v. Superior Court of Kern County</u> , 274 Cal. Rptr. 586 (1990) (witness request ordered by tribal court entitled to recognition under Uniform Act to Secure Attendance of Witnesses From Without the State in Criminal Proceedings)
Colorado		CO. STAT. § 24-61-102 Taxation compact between the Southern Ute Indian tribe, La Plata County, and the State of Colorado (1996)	

Connecticut			<u>Mashantucket Pequot Gaming Enterprise v. DiMasi</u> , 25 Conn. L. Rptr. 474 (Conn. Super Ct. 1999) (judgment of tribal court enforceable in state court under principle of comity)
Idaho			<u>Sheppard v. Sheppard</u> , 655 P.2d 895 (1982) (full faith and credit to tribal court adoption decree)
Maryland		MD. CODE ANN., Family Law § 4-508.1 Out-of-state protective orders (1996)	
Michigan	M.C.R. 2.615 Enforcement of Tribal Judgments (1996) M.C.R. 2.112 Pleading Special Matters [requiring particularity in pleadings alleging existence of tribal court judgment or tribal law] (1996)		
Minnesota		MINN. STAT. § 260.771 Child Placement Proceedings; subd. 4 Effect of tribal court placement order [tribal court custody orders have same force and effect as state court orders] (1999; formerly codified at MINN. STAT. § 257.354)	<u>Desjarlait v. Desjarlait</u> , 379 N.W.2d 139 (1985) (declining to accord comity or full faith and credit to tribal court custody order) <u>Welfare of R.I. et al.</u> , 402 N.W.2d 173 (Minn. Ct. App. 1987) (district court had jurisdiction to consider Indian child custody proceedings and properly transferred jurisdiction to tribal court)
Montana			<u>Whippert v. Blackfeet Tribe</u> , 260 Mont. 93, 107, 859 P.2d 420, 428 (1993) (reaffirming validity of tribal court judgment on loan default) <u>Dav v. Montana</u> , 272 Mont. 170, 900 P.2d 296 (1995) (tribal child support order and judgment enforceable by state's Child Support Enforcement Division without initiating action in state district court) <u>Anderson v. Engelke</u> , 287 Mont. 283, 954 P.2d 1106 (1997) (state court could not enforce tribal court judgment within exterior boundaries of reservation via state law or Uniform Foreign Money-Judgments Recognition Act because such enforcement would undermine authority of tribal courts over reservation affairs and infringe on right of Indians to govern themselves)

Nebraska		NEB. REV. STAT. § 28-311.10 Foreign harassment protection order; enforcement (1998)	<u>Walksalong v. Mackey</u> , 250 Neb. 202, 549 N.W.2d 384 (1993) (affirming denial of full faith & credit to tribal custody order because tribe lacked jurisdiction over child at time of custody determination)
New Mexico		N.M. STAT. § 40-13-6 Service of order; duration: penalty; remedies not exclusive [Domestic Affairs; tribal orders of protection] (1999)	<u>Jim v. CIT Financial</u> , 87 N.M. 362, 533 P.2d 751 (1975) (Navajo Nation is a “territory” within meaning of federal statute and therefore entitled to full faith & credit, but choice of law determination must be made) <u>Spear v. McDermott</u> , 121 N.M. 609, 916 P.2d 228 (Ct. App. 1996) (Ex parte order of Cherokee Nation court enforceable in state court civil contempt action) <u>Halwood v. Cowboy Auto Sales, Inc.</u> , 124 N.M. 77, 946 P.2d 1088 (Ct. App. 1997) (tribal court punitive damages award entitled to both comity and full faith & credit)
North Carolina		N.C. STAT. 50B-4(d) Enforcement of orders [Domestic violence] (rev. 1999)	<u>Jackson County Child Support Enforcement Agency v. Smoker</u> , 341 N.C. 182, 459 S.E.2d 789 (1995) (state courts could not assume jurisdiction over county’s action seeking reimbursement of AFDC and reasonable child support because tribal court had already assumed jurisdiction and issued order, and doing so would infringe on tribal sovereignty)
North Dakota	N.D.R.Ct. 7.2 Recognition of Tribal Court Orders and Judgments (1995)	N.D. STAT. § 27-01-09 Reciprocal recognition of certain state and tribal court judgments, decrees, and orders - Conditions (1995)	<u>Fredericks v. Eide-Kirschmann Ford</u> , 462 N.W.2d 164 (N.D. 1990) (tribal court judgment enforceable in state court as matter of comity)
		N.D. STAT. § 14-07.1-02.2 Foreign domestic violence protection orders - Full faith and credit recognition and enforcement (1999)	
Oklahoma	Ok. Dist. Ct. Rule 30 Standards for Recognition of Judicial Proceedings in Tribal Courts - Full Faith and Credit (1994)	OKLA. STAT. § 728 Standards for recognizing records and proceedings of tribal courts - Reciprocity (1992)	<u>Barrett v. Barrett</u> , 878 P.2d 1051 (Okla. 1994) (tribal court divorce judgment entitled to full faith & credit in state courts, but wife entitled to present evidence showing she was induced to consent to personal jurisdiction of tribal court through husband’s extrinsic fraud)
Oregon			<u>Marriage of Red Fox</u> , 23 Or. App. 393, 542 P.2d 918 (1975) (tribal court divorce decree barred subsequent divorce action in state court)



South Carolina		Catawba Indian Claims Settlement Act S.C. STAT. § 27-16-80 Tribal courts - original and appellate civil; full faith and credit [...] (rev. 1993)	
South Dakota		S.D. STAT. § 1-1-25 When order or judgment of tribal court may be recognized in state courts (1986)	<u>Red Fox v. Hettich</u> , 494 N.W.2d 638 (S.D. 1993) (tribal member who obtained tribal court judgment against nonmember failed to establish in state court that tribal court had authority to adjudicate claim, so that tribal judgment could not be enforced) <u>Gesinger v. Gesinger</u> , 531 N.W. 2d 17 (S.D. 1995) (comity properly granted to tribal court judgment even though still on appeal)
Virginia	Va. R. Civ. P. Code § 19.2-152.10 Protective order in cases of stalking (1997; rev. 1999)	VA. STAT. § 16.1-279.1 Protective order in cases of family abuse (1996)	
Washington	Wa. R. Super. Ct. 82.5 Tribal Court Jurisdiction [enforcement of Indian tribal court orders, judgments or decrees] (1995)		<u>Adoption of Buehl</u> , 87 Wash.2d 649, 555 P.2d 1334 (1976) (tribal court custody order entitled to full faith & credit because child was domiciled on reservation when made a ward of tribal court and tribe did not intend change of domicile during child's temporary stay in Wash.) <u>City of Yakima v. Aubrey</u> , 85 Wash. App. 199, 931 P.2d 927 (1997) (defendant convicted in state district court of drunk driving on reservation; tribal court order prohibiting defendant from leaving reservation to attend district court hearing was not entitled to full faith and credit because tribal court lacked subject matter jurisdiction since there was no case in controversy in tribal court) <u>Welfare of Benjamin W.E. v. Susan C.</u> , No. 16474-8-III, 1998 WL 289167 (Wash. Ct. App. 1998) (unpublished opinion) (tribal court's use of writ of habeas corpus in child custody proceeding converted to de facto dependency action; because child did not reside on reservation, tribal court writ and order were unenforceable in state court)
West Virginia		W.V. STAT. § 48-2A-3 Jurisdiction; [...] full faith and credit [...] [Domestic relations; tribal court protective order] (1998)	

Wisconsin		<p>WIS. STAT. § 806.245  Indian tribal documents;  full faith and credit (1982;  rev. 1991, 1995)</p>	<p><u>Teague v. Bad River Band of the Lake Superior Tribe of Chippewa Indians</u>, 229 Wis.2d 581, 599 N.W.2d 911 (Ct. App. 1999) (tribal court's judgment that contracts were unenforceable entitled to full faith and credit)  <u>In re Elmer J.K., III</u>, 224 Wis.2d 372, 591 N.W.2d 176 (Ct. App. 1999) (state's prosecution of enrolled juvenile member of Indian tribe for new delinquent act committed off reservation did not undermine or interfere with tribal court's previous order adjudicating juvenile delinquent and thus did not violate full faith &amp; credit or comity or tribal court order)</p>
Wyoming		<p>WY. STAT. § 5-1-111 Full faith and credit for tribal acts and records [accorded to Eastern Shoshone and Northern Arapaho Tribes of the Wind River Reservation] (1994)</p> <p>WY. STAT. § 20-6-202 Definitions [Domestic relations; child support enforcement; tribal court child support order] (rev. 1997)</p>	

## **APPENDIX D: TRIBAL COURTS IN MINNESOTA**

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### **1854 TREATY COURT**

4428 Haines Road

Duluth, Minnesota, 55811

Telephone: (218) 722-8907

Facsimile: (218) 722-7003

The 1854 Treaty Court was established in 1989 pursuant to a stipulated settlement of a federal district court action involving the State of Minnesota and the Bois Forte and the Grand Portage Bands of Chippewa Indians regarding disputed hunting, fishing and gathering rights within that area of northeastern Minnesota conveyed to the United States by the Chippewa in the Treaty of 1854 negotiated at La Pointe, Wisconsin. The settlement agreement was ratified by a majority vote of Band members and also approved by the Minnesota legislature.

The court has exclusive civil jurisdiction to hear matters arising under the 1854 Ceded Territory Conservation Code enacted by the tribal governing bodies of the Bois Forte and Grand Portage Bands meeting jointly as the “1854 Authority”. The Code is only applicable to members of those two Bands. Citations alleging conservation violations by Band members within the Ceded Territory may be issued by either 1854 Authority conservation officers or state DNR officers.

Only a handful of alleged violations are heard by the court each year. Hearings are conducted at the Bois Forte Reservation, the Grand Portage Reservation or the Duluth offices of the 1854 Treaty Court. The Court is empowered to impose civil remedial forfeitures, natural resource assessments, order restitution, levy court costs and revoke, suspend or limit the hunting, fishing and gathering privileges of Band members found to have violated code provisions.

### **JUDGE**

**Judge Thomas Sjogren** received a juris doctor degree from William Mitchell College of Law in 1963, and is admitted to the Bars of the State of Minnesota and the United States District Court for the District of Minnesota. From 1971 through 1978, Judge Sjogren was the assistant county attorney for St. Louis County, Minnesota, and was chief counsel to the county Welfare Board. Judge Sjogren worked for the Indian Legal Assistance Program in Duluth as a staff attorney in addition to his own private practice. In 1989, he was appointed Judge of the 1854 Treaty Court by the governing bodies of the Bois Forte and Grand Portage Bands of Chippewa Indians.

**BOIS FORTE TRIBAL COURT**  
Court Administrator, Lucille Morrison  
12907 Palmquist Road, P.O. Box 16  
Nett Lake, Minnesota, 55772  
Telephone: (218) 757-3462  
Facsimile: (218) 757-3166

The Bois Forte Tribal Court was formed in 1947. As a consequence of the retrocession of criminal jurisdiction in 1975 and the assumption of full civil jurisdiction, the Court exercises both misdemeanor criminal jurisdiction and general civil jurisdiction. Matters before the Court are heard in Nett Lake, Minnesota.

### **JUDGE**

**Chief Judge Margaret Treuer** received a juris doctor degree from Catholic University in 1977, and is admitted to practice before the Bar of the State of Minnesota. From 1983 through 1989, Judge Treuer served as a United States Magistrate (part-time) for the United States District Court for the District of Minnesota. She was the Chief Judge of the Red Lake Nation Tribal Court from 1989 to 1990, and has been the Chief Judge of the Leech Lake Band of Ojibwe Tribal Court from 1998 to the present, and has served as the Chief Judge of the Bois Forte Tribal Court from 1990 to the present. She has served as an adjunct professor at the Hamline University School of Law, and is a member of the White Earth Band of Ojibwe.

## **FOND DU LAC BAND OF CHIPPEWA TRIBAL COURT**

Court Administrator, Dorothy Leifeste

105 University Road

Cloquet, Minnesota, 55270

Telephone: (218) 878-8002

Facsimile: (218) 878-4854

The Fond du Lac Band of Chippewa Tribal Court exercises general civil jurisdiction and serves as the conservation court for the Band as well. Its beginning is of historical origin, spanning a period as far back as the Indian Reorganization Act.

Matters before the Fond du Lac Tribal Court are heard in Cloquet, Minnesota. Appeals from the trial court are taken to the Fond du Lac Court of Appeals, which is comprised of a three-judge panel. The Court of Appeals positions have not yet been filled.

### **JUDGE**

**Chief Judge Kurt V. BlueDog** has been practicing law for nearly 25 years, specializing in the area of Indian law. After he graduated from the University of South Dakota he served as a Commissioned Officer in the Army paratroopers. Judge BlueDog graduated from the University of Minnesota School of Law in 1977 and was named one of its distinguished alumni in the fall of 2001. He is a member of the State Bars of Minnesota and Wisconsin, several Tribal Courts, the United States Supreme Court and numerous Federal District and Appellate Courts. He has served as a Tribal Court Judge since 1994. Additionally, he has served as an adjunct professor at William Mitchell College of Law and the Hamline University School of Law in St. Paul, Minnesota. Judge BlueDog was born and raised on the Sisseton-Wahpeton Sioux Indian Reservation in South Dakota.

## **GRAND PORTAGE TRIBAL COURT**

Contact: Dana Logan

P.O. Box 428

Grand Portage, Minnesota, 55605

Telephone: (218) 475-2239

The Grand Portage Tribal Court exercises general civil jurisdiction. The Grand Portage Code permits the appointment of deputy judges to serve in the event of a judge's disqualification or recusal. Matters before the Grand Portage Tribal Court are heard in Grand Portage, Minnesota. Appeals from the trial court are taken to the Grand Portage Court of Appeals, which is comprised of the three judges who did not hear the matter at the trial level. The Band also has established a panel of elders that can sit in on any phase of a case at the request of one of the litigants. Cultural causes of action are heard only by a panel of elders.

### **JUDGES**

**Chief Judge Anita Fineday** received a juris doctor degree from the University of Colorado in 1988, and a master of public affairs degree from Harvard University in 1997, when she was a Bush Foundation Leadership Fellow. She is admitted to the Bars of the State of Minnesota and the United States District Court for the District of Minnesota. Chief Judge Fineday is a member of the White Earth Band of Ojibwe.

**Judge Frank Pommersheim** received a bachelor of arts degree from Colgate University in 1965, a juris doctor degree from Columbia University in 1968, and a master of public affairs degree from Harvard University in 1998. He is admitted to the Bar of the State of South Dakota and the State of Oregon, and to the Bar of the United States District Court for the District of South Dakota. Judge Pommersheim also serves as a Judge on the Rosebud Sioux Tribe Supreme Court, the Cheyenne River Sioux Tribe Court of Appeals, the Flandreau Santee Tribal Court of Appeals, the Saginaw Chippewa Tribal Court of Appeals, and the Mississippi Band of Choctaw Supreme Court. Judge Pommersheim is a Professor of Law at South Dakota University Law School, and published a nationally noted work of history and law, "Braid of Feathers", in 1994.

**Judge Christopher Anderson** received a bachelor of arts degree from Macalaster College in 1988, and a juris doctor degree from the University of Wisconsin Law School in 1991. He is admitted to the Bars of the States of Minnesota and Wisconsin, and is a member of the Bois Forte Band of Chippewa.

**Judge Mary Al Balber** received a juris doctor degree from Hamline University School of Law in 1990. Judge Balber is admitted to the Bar of the State of Minnesota, and to the Bars of the United States District Court for the District of Minnesota, the United States District Court for the Western District of Wisconsin, and the Prairie Island Mdewakanton Dakota Community Tribal Court. Judge Balber is a member of the Red Cliff Band of Chippewa Indians.

**LEECH LAKE BAND OF OJIBWE TRIBAL COURT**

Court Administrator, Carol White

6530 Highway 2 NW

Cass Lake, Minnesota, 56633

Telephone: (218) 335-3682

Facsimile: (218) 335-3685

The Leech Lake Band of Ojibwe Tribal Court recently expanded its jurisdiction from conservation matters to general civil jurisdiction, including certain traffic matters arising on the Leech Lake Reservation and child welfare matters. The Leech Lake Code permits the appointment of up to three judges. Matters before the Leech Lake Band of Ojibwe Tribal Court are heard at Cass Lake, Minnesota. Appeals from the trial court are taken to the Leech Lake Band of Ojibwe Court of Appeals, which is comprised of a three-judge panel of district judges not sitting at the trial court level and, in the event of disqualification or recusal, the panel may be completed by the appointment of deputy justices.

**JUDGES**

**Chief Judge Margaret Treuer** received a juris doctor degree from Catholic University in 1977, and is admitted to practice before the Bar of the State of Minnesota. From 1983 through 1989, Judge Treuer served as a United States Magistrate (part-time) for the United States District Court for the District of Minnesota. She was the Chief Judge of the Red Lake Nation Tribal Court from 1989 to 1990, and has been the Chief Judge of the Bois Forte Tribal Court from 1990 to the present, and has served as the Chief Judge of the Leech Lake Band of Ojibwe Tribal Court from 1998 to the present. She has served as an adjunct professor at Hamline University School of Law, and is a member of the White Earth Band of Ojibwe.

**Judge Anita Fineday** received a juris doctor degree from the University of Colorado in 1988, and a master of public affairs degree from Harvard University in 1997, when she was a Bush Foundation Leadership Fellow. She is admitted to the Bars of the State of Minnesota and the United States District Court for the District of Minnesota. Judge Fineday is a member of the White Earth Band of Ojibwe.

## LOWER SIOUX COMMUNITY IN MINNESOTA TRIBAL COURT

Court Administrator, Carrie Blesener  
5001 West 80th Street, Suite 500  
Bloomington, Minnesota, 55437  
Telephone: (952) 838-2294  
Facsimile: (952) 893-0650

The Lower Sioux Community in Minnesota Tribal Court was created in 1993. It has civil jurisdiction over contract, tort, and worker's compensation issues. The Lower Sioux Community Code also provides that final judgments for money damages from state and federal courts will be granted full faith and credit. Matters before the Lower Sioux Community in Minnesota Tribal Court are heard at the Lower Sioux Community Hall near Morton, Minnesota. Appeals from the trial court are taken to the Lower Sioux Community in Minnesota Court of Appeals, which is comprised of a three-judge panel of trial court judges who were not assigned to the trial court case.

### JUDGES

**Chief Judge Kurt V. BlueDog** has been practicing law for nearly 25 years, specializing in the area of Indian law. After he graduated from the University of South Dakota he served as a Commissioned Officer in the Army paratroopers. Judge BlueDog graduated from the University of Minnesota School of Law in 1977 and was named one of its distinguished alumni in the fall of 2001. He is a member of the State Bars of Minnesota and Wisconsin, several Tribal Courts, the United States Supreme Court and numerous Federal District and Appellate Courts. He has served as a Tribal Court Judge since 1994. Additionally, he has served as an adjunct professor at William Mitchell College of Law and the Hamline University School of Law in St. Paul, Minnesota. Judge BlueDog was born and raised on the Sisseton-Wahpeton Sioux Indian Reservation in South Dakota.

**Judge Steven F. Olson** graduated *cum laude* from the William Mitchell College of Law in 1992, and was admitted to practice in the State of Minnesota in October 1992. Judge Olson has been admitted to practice before three tribal jurisdictions and the United States District Court for Minnesota, United States District Court for Wisconsin, the United States District Court for South Dakota, and the United States District Court for Iowa, as well as the United States Eighth Circuit Court of Appeals, and the United States Supreme Court. Judge Olson serves as an Associate Judge for the Lower Sioux Community in Minnesota Tribal Court and the Prairie Island Mdewakanton Dakota Tribal Court.

**Judge Andrew M. Small** received his juris doctor degree from the University of Montana in 1981. Judge Small has served since 1994 as an Associate Judge for the Prairie Island Mdewakanton Dakota Community and for the Lower Sioux Community in Minnesota. He previously served as special Judge for the Crow Tribe and Northern Cheyenne Court of Appeals. He is admitted to practice in the United States Supreme Court and has been admitted to practice in ten Tribal jurisdictions throughout Indian country.



## COURT OF THE LOWER SIOUX INDIAN COMMUNITY

### JUDGES, Cont.

**Judge Susan L. Allen** graduated from the University of New Mexico School of Law in 1995, where she received an Indian Law Certificate, the West Award for Excellence in Indian Law, Honors in Clinical Law, and served as president of the Native American Law Students Association. In December 1999, she received her L.L.M. in Taxation from William Mitchell College of Law. Judge Allen is a member of the Minnesota State Bar Association, a Board Member of the Minnesota American Indian Bar Association, and is currently the Chairwoman of the Board of Directors of the Indian Child Welfare Law Center. Judge Allen serves as an Associate Judge for the Prairie Island Mdewakanton Dakota Community and for the Lower Sioux Community in Minnesota. She is an enrolled member of the Rosebud Sioux Tribe in South Dakota.

## **MILLE LACS BAND OF OJIBWE COURT OF CENTRAL JURISDICTION**

Court Administrator, Matt Chapel

HCR 67, Box 194

Onamia, Minnesota, 56359

Telephone: (320) 532-7400

Facsimile: (320) 532-3153

The Mille Lacs Band of Ojibwe Court of Central Jurisdiction began functioning in 1983, and now has criminal jurisdiction over Indians, and broad civil jurisdiction. The Mille Lacs Band of Ojibwe Court of Central Jurisdiction has a criminal caseload of approximately 700 cases annually, and a relatively light civil caseload. The Code adopted by the Mille Lacs Band provides for full faith and credit to state court judgments if there is reciprocity for Band Court judgments from the state courts. The Mille Lacs Band of Ojibwe Court of Central Jurisdiction rides a circuit. Appeals from that Court are taken to the Mille Lacs Band of Ojibwe Court of Appeals and are heard by a three-judge panel.

### **JUDGES**

#### **COURT OF CENTRAL JURISDICTION**

**Judge Paul Day** received a bachelor of arts degree from St. Cloud State University in 1970, and a juris doctor degree from the University of Minnesota Law School in 1978. He is a member of the Bar of the State of Minnesota, and the Bars of the Supreme Court of the United States, the United States Court of Appeals for the Eighth Circuit, and the United States District Court for the District of Minnesota. He has served as District Court Judge for the Mille Lacs Band of Ojibwe Central Court of Jurisdiction since April, 2001. Judge Day is a member of the Leech Lake Band of Ojibwe.

#### **COURT OF APPEALS.**

The Court of Appeals is made up of a three-member panel including **Chief Judge Dorothy Sam, Appellate Court Judge Rosalie Noonday, and Appellate Court Judge Alvina Aubele.**

## **PRAIRIE ISLAND MDEWAKANTON DAKOTA TRIBAL COURT**

Court Administrator, Carrie Blesener

5001 West 80th Street

Bloomington, Minnesota, 55437

Telephone: (952) 838-2294

Facsimile: (952) 893-0650

The Prairie Island Mdewakanton Dakota Tribal Court was created in 1994, and has broad civil jurisdiction. It has a heavy children's court docket, and a relatively light civil litigation docket. Matters before the Prairie Island Mdewakanton Dakota Tribal Court are heard at the Community Courtroom in Welch, Minnesota. Appeals from the trial court are taken to the Prairie Island Mdewakanton Dakota Tribal Court of Appeals and are heard by a three-judge panel of trial court judges who were not assigned to the trial court case. The Prairie Island Court Code has a full faith and credit provision. The Prairie Island Mdewakanton Dakota Tribal Court has received cases which have been transferred from the district court systems and in certain cases has enforced wage garnishments which have come from district court.

### **JUDGES**

**Chief Judge Kurt V. BlueDog** has been practicing law for nearly 25 years, specializing in the area of Indian law. After he graduated from the University of South Dakota he served as a Commissioned Officer in the Army paratroopers. Judge BlueDog graduated from the University of Minnesota School of Law in 1977 and was named one of its distinguished alumni in the fall of 2001. He is a member of the State Bars of Minnesota and Wisconsin, several Tribal Courts, the United States Supreme Court and numerous Federal District and Appellate Courts. He has served as a Tribal Court Judge since 1994. Additionally, he has served as an adjunct professor at William Mitchell College of Law and the Hamline University School of Law in St. Paul, Minnesota. Judge BlueDog was born and raised on the Sisseton-Wahpeton Sioux Indian Reservation in South Dakota.

**Judge Steven F. Olson** graduated *cum laude* from the William Mitchell College of Law in 1992, and was admitted to practice in the State of Minnesota in October 1992. Judge Olson has been admitted to practice before three tribal jurisdictions and the United States District Court for Minnesota, United States District Court for Wisconsin, the United States District Court for South Dakota, and the United States District Court for Iowa, as well as the United States Eighth Circuit Court of Appeals, and the United States Supreme Court. Judge Olson serves as an Associate Judge for the Lower Sioux Community in Minnesota Tribal Court and the Prairie Island Mdewakanton Dakota Tribal Court.

**Judge Andrew M. Small** received his juris doctor degree from the University of Montana in 1981. Judge Small has served since 1994 as an Associate Judge for the Prairie Island Mdewakanton Dakota Community and for the Lower Sioux Community in Minnesota. He previously served as special Judge for the Crow Tribe and Northern Cheyenne Court of Appeals. He is admitted to practice in the United States Supreme Court and has been admitted to practice in ten Tribal jurisdictions throughout Indian country.

**COURT OF THE PRAIRIE ISLAND INDIAN COMMUNITY**  
**JUDGES, Cont.**

**Judge Susan L. Allen** graduated from the University of New Mexico School of Law in 1995, where she received an Indian Law Certificate, the West Award for Excellence in Indian Law, Honors in Clinical Law, and served as president of the Native American Law Students Association. In December 1999, she received her L.L.M. in Taxation from William Mitchell College of Law. Judge Allen is a member of the Minnesota State Bar Association, a Board Member of the Minnesota American Indian Bar Association, and is currently the Chairwoman of the Board of Directors of the Indian Child Welfare Law Center. Judge Allen serves as an Associate Judge for the Prairie Island Mdewakanton Dakota Community and for the Lower Sioux Community in Minnesota. She is an enrolled member of the Rosebud Sioux Tribe in South Dakota.

**RED LAKE NATION TRIBAL COURT**

Court Administrator, Pam Needham

P.O. Box 572

Red Lake, Minnesota, 56671

Telephone: (218) 679-3303

Facsimile: (218) 679-2683

The Red Lake Nation Tribal Court was established in 1884. It exercises jurisdiction over all civil matters, and misdemeanor criminal matters that involve Indian people. It also exercises jurisdiction over Indian child welfare matters.

Matters before the Red Lake Nation Tribal Court are heard in Red Lake, Minnesota. Wanda Lyons was appointed Chief Judge by the Tribal Council in 1984. Like Chief Judge Lyons, Judge Charnoski was also appointed by the Tribal Council to sit as a judge for the Red Lake Nation Tribal Court in 1996. Phillip Smith is the newest judge at Red Lake, hired in 2000.

Appeals from the trial court are taken to the Red Lake Nation Court of Appeals, which is comprised of four judges who alternate to form a three-judge appellate panel. The following judges hear cases for the Court of Appeals: Loretta Hurd, Verna Graves, Aloysius Thunder, and Catherine VanWert.

**TRIBAL COURT OF THE SHAKOPEE MDEWAKANTON  
SIOUX (DAKOTA) COMMUNITY**  
Court Administrator, Jeanne Krieger  
1855 University Avenue West, Suite 246  
Saint Paul, Minnesota, 55104  
Telephone: (651) 644-4710  
Facsimile: (651) 644-5904

The Tribal Court of the Shakopee Mdewakanton Sioux (Dakota) Community was established in 1988. It now has broad civil jurisdiction, including jurisdiction to review administrative decisions as provided by Community ordinance. Matters before the Shakopee Court are heard at the Community Courtroom near Prior Lake, Minnesota. Appeals from the trial court are heard by the Court of Appeals of the Shakopee Mdewakanton Sioux (Dakota) Community, which is comprised of a two-judge panel of trial court judges who were not assigned to the trial court proceeding.

**JUDGES**

**Judge Henry M. Buffalo, Jr.** received a Bachelor of Science Degree from the University of Wisconsin-Milwaukee, in 1978, and a Juris Doctor Degree from the University of Wisconsin Law School in 1981. He has practiced law since 1981, and is admitted to the Bars of the State of Minnesota, the State of Wisconsin, the Bars of the United States Supreme Court, the United States Courts of Appeals for the District of Columbia Circuit, the Eighth Circuit, the Seventh Circuit, and the Sixth Circuit, and the Bars of the United States District Courts for the District of Minnesota, the Western and Eastern District of Wisconsin, the Eastern District of Michigan, and the District of North Dakota. In addition, Judge Buffalo is admitted to practice before the tribal courts of the Ho-Chunk Nation of Wisconsin, the Lower Sioux Indian Community in Minnesota, the Saginaw Chippewa Indian Tribe of Michigan, the Red Cliff Tribe of Chippewa, and the Three Affiliated Tribes of the Fort Berthold Reservation. He has served as a Judge for the Tribal Court of Shakopee Mdewakanton Sioux (Dakota) Community since the Court was created in 1988. Judge Buffalo is a member of the Red Cliff Band of Chippewa Indians.

**Judge Robert GreyEagle** received a bachelor of arts degree from Idaho State University in 1976, and a juris doctor degree from the University of New Mexico Law School in 1982. Judge GreyEagle is admitted to the Bar of the State of South Dakota, and has served as a tribal court judge for the Standing Rock Sioux Tribe, the Sisseton-Wahpeton Sioux Tribe, the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Cheyenne River Sioux Tribe, the Fort Thompson Sioux Tribe, the Upper Sioux Community in Minnesota and the Lower Sioux Community in Minnesota. He has served as a Judge for the Tribal Court of the Shakopee Mdewakanton Sioux (Dakota) Community since 1994. Judge GreyEagle is a member of the Oglala Sioux Tribe of the Pine Ridge Reservation of South Dakota.

## COURT OF THE SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

### JUDGES, Cont.

**Judge John E. Jacobson** received a bachelor of arts degree from Carleton College in 1968 and a juris doctor degree from the University of Chicago Law School in 1973. He has practiced law since that time, and is admitted to the Bar of the State of Minnesota, the Supreme Court of the United States, the United States Court of Appeals for the Eighth Circuit, and the United States District Courts for the District of Minnesota, the Western District of Wisconsin, and the Western District of Michigan. In addition Judge Jacobson is admitted to practice before the tribal courts of the Lower Sioux Indian Community in Minnesota, the Lac Courte Oreilles Band of Ojibwe, the Bad River Band of Chippewa, the Saginaw Chippewa Tribe of Michigan, and the Tulalip Tribe of Washington. Judge Jacobson has been an adjunct professor at the William Mitchell College of Law, and has served as a Judge for the Tribal Court of the Shakopee Mdewakanton Sioux (Dakota) Community since the Court was created in 1988.

## UPPER SIOUX COMMUNITY TRIBAL COURT

Court Administrator, Laura Van Acker

P.O. Box 147

Granite Falls, Minnesota, 56241

Telephone: (320) 564-4955

Facsimile: (320) 564-4915

The Upper Sioux Community Tribal Court was created in 1994. It exercises general civil jurisdiction. The Upper Sioux Court Code contemplates granting full faith and credit to state court orders, if there is reciprocity from those Courts. Matters before the Upper Sioux Court are heard at Granite Falls, Minnesota. Appeals from the trial court are taken to the Upper Sioux Court of Appeals, which is composed one judge, unless a three judge panel is requested within thirty days of the final order of the trial court.

### JUDGE

**Chief Judge Lenor Sheffler** received a bachelor of arts degree from St. Olaf College in 1979, and a juris doctor degree from William Mitchell College of Law in 1988. Judge Sheffler is a member of the Bar of the State of Minnesota, the Bar of the United States District Court for the District of Minnesota, and the Bars of the Prairie Island Mdewakanton Dakota Community Tribal Court, the Lower Sioux Community in Minnesota Tribal Court, and the Tribal Court of the Shakopee Mdewakanton Sioux (Dakota) Community. Judge Sheffler has served as the Judge of the Upper Sioux Community Tribal Court since 2001. She has served as an adjunct professor at William Mitchell College of Law, and is a member of the Lower Sioux Indian Community in Minnesota.



## **White Earth Band of Chippewa Tribal Court**

Court Administrator, Kathy Goodwin

P.O. Box 418

White Earth, Minnesota, 56591

Telephone: (218) 983-3285

Facsimile: (218) 983-4013

The White Earth Band of Chippewa Tribal Court was established in 1978. The Court exercises general civil jurisdiction including jurisdiction over the Band's motor vehicle code. It is anticipated that the Court will shortly possess jurisdiction to hear child welfare and housing issues. The White Earth Band also intends to seek retrocession of criminal jurisdiction over misdemeanor offenses. The White Earth Band Code provides for the appointment of two additional associate judges. Appeals from the trial court are taken to the White Earth Band of Chippewa Court of Appeals and are heard by a two-judge panel of trial judges who were not assigned to the trial court case.

### **JUDGES**

**Chief Judge Anita Fineday** received a juris doctor degree from the University of Colorado in 1988, and a master of public affairs degree from Harvard University in 1997, when she was a Bush Foundation Leadership Fellow. She is admitted to the Bars of the State of Minnesota and the United States District Court for the District of Minnesota. Chief Judge Fineday is a member of the White Earth Band of Ojibwe.