

Tribal Court State Court Forum (TCSCF)

Quarterly Meeting Summary

9/16/2022

Hybrid meeting – in person at Minnesota Judicial Center and virtually via Zoom

The purpose of the Tribal Court State Court Forum is 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.

Tribal Court Co-Chairs: Hon. Phil Brodeen and Hon. Vanya Hogen

State Court Co-Chairs: Hon. Denise Reilly and Hon. Sally Tarnowski

1. Blessing and Welcome

The meeting began with a moment of silence and was followed by a welcome from state court Chief Justice, Lori Gildea, and TCSCF Co-Chair, Judge Denise Reilly, along with fellow Co-Chairs, Judge Phil Brodeen, and Judge Vanya Hogen.

Introductions were made by forum members as well as from special guests who were in attendance.

2. Review and Approve June 3, 2022, Meeting Summary



Meeting Summary -
TCSCF - 6-3-22.pdf

Approved without change.

3. CCJ/COSCA Tribal Relations Committee

Jeff Shorba, Minnesota State Court Administrator, shared information about the work of the Tribal Relations Committee, which is a subcommittee of the Conference of State Court Administrators (COSCA) and of Chief Justices (CCJ). TCSCF members and special guests shared the following list of ideas as to where the Tribal Relations Committee might go with its work:

- Virtual tour of each tribal court on various state court websites across the country

- Collaborate with National Association of Tribal Court Judges (NATCJ) to make relevant webinars available. (NATCJ has been doing a lot of work in this area already.)
- Nationally, enforcement of tribal court Orders for Protection (OFPs) is still a BIG issue. Tribal courts have to rely on state courts to enter OFPs into their system so that law enforcement can access them. Federal law already exists to give tribal OFPs full faith and credit, but there's a systems issue with timely getting the information into the spot where it can be enforced. Maybe a resolution could be issued in this area? This appears to be both a law enforcement issue as well as a "systems talking to systems" issue. TCSCF members and special guests expressed interest in inviting representatives from the Bureau of Criminal Apprehension (BCA), the Sheriffs Association, and the Law Enforcement Association to one of its future TCSCF meetings to talk through these issues and brainstorm solutions.
- Updated jurisdiction materials for state court judges, given the recent U.S. Supreme Court shifts in this area
- Tools and resources (like [MCRO](#)) for tribes to efficiently access public state court records
- Best practices for state court judges – with tribal court judges involved in developing the content
- Tips for forming a state court tribal court collaboration – like [Minnesota's Tribal Court State Court Forum](#).

4. Tribal Participation in State Court ICWA Cases

Justice Anne McKeig shared information about the recently held ICWA Courts Summit. Then, Judge Denise Reilly facilitated a panel discussion with Shannon Smith, ICWA Law Center Executive Director, Maya Tester, Assistant Hennepin County Attorney, and the Honorable Korey Wahwassuck, Ninth Judicial District Court Judge, about working with families in state court juvenile protection proceedings.

5. Collaborative Treatment Courts (Continued from June Meeting)

Judge Douglas Bayley shared information with the group about local treatment court efforts in the first judicial district. He talked about the Goodhue County Drug Court and the successes and challenges he and others have experienced with funding and participation.

6. Updates and Future Plans

A call for agenda items will be circulated in advance of future meetings. The following are agenda suggestions that have been submitted to date:

- State Court probation revocation issues revisited – a brainstorm of solutions. Would some supervision or other involvement by tribes during probation make a difference?
- Training proposals for judge conferences
- Criminal jurisdiction – intersection between law enforcement and tribal sovereignty – recent MN legislation, U.S. Supreme Court’s decision in U.S. vs. Cooley and other developments that may be producing better outcomes for MN tribes and their members (recent MSBA Appellate Practice Section CLE on the topic).
- Check-in regarding TCSCF strategic priorities
- Overview and Discussion of the *Child Protection Removals and Reunifications 2022 Evaluation Report* by the Program Evaluation Division, Office of the Legislative Auditor, State of Minnesota.
- Overview of the Northstar Kinship Assistance Program, Minnesota Department of Human Services. This would be a similar overview as provided at the last meeting regarding Title IVE funding. It is critical that the timelines and order language are compliant, or the timelines start over which can be challenging for families.
- A presentation from the Minnesota State Demographer is always informative. With the last census and other census surveys, how will our Courts be impacted?
- Judicial Outreach and/or Relationship Building between our two judicial systems: Given that there are new judges periodically in both our systems, how are we staying connected and doing basic education re Tribal Courts and Tribes for new State Judges? We have discussed this often through the years but are we consistent. For example, it has been discussed that each of the State Judicial Districts invite the Tribal Judge in their District to a district wide meeting. Has that ever happened? If not, why not? Therefore, maybe a quick survey of a couple questions to state and tribal judges could help us focus efforts, learn from good examples of connection and communication, set a more formal relationship building format to survive changes in personnel.
- The state 9th judicial district bench recently had a report on public defense opportunities through a legal services corporation—the Regional Native Public Defense. Perhaps we could learn more about the different avenues of public defense or other legal services that are available on the Tribal side. Below is a list of entities providing service. It would be interesting (at some point) to learn more about how these agencies interplay with legal services available on the state side. Are members being served? Is there duplication of services? Is there reimbursement available by the courts?
- [Anishinabe Legal Services](#) LS represents eligible clients before tribal courts, state courts, and agencies to help them protect their rights. Anishinabe Legal Services has offices in Leech Lake, Red Lake, and White Earth.

- [Mille Lacs Band of Ojibwe](#) Website is under development, but contact information is available. Main switchboard: 320-532-4181
- [Indian Child Welfare Act Law Center](#) Legal service and advocacy for Indian families. Focused exclusively on the Indian Child Welfare Act.
- [Indian Law Resource Center](#) The Center provides legal assistance to Indian nations and other indigenous peoples in the United States and throughout the Americas. All work is done at no cost to clients.
- [Indian Legal Assistance Program - Duluth](#) Indian Legal Assistance Program is a private non-profit corporation that provides legal services to low-income individuals.
- [National Indian Law Library](#) Provides links to legal services organizations, clinics, and attorney directories.
- [Minnesota American Indian Bar Association Resource List](#)
- [Regional Native Public Defense Corporation Home](#) Service Areas are in Cass County, Becker County, Clearwater County, Beltrami County, Mahnomen County and Itasca County.
- Revamping our [Tribal Court State Court Forum \(TCSCF\) website](#).

Closing Remarks & Adjourn

TCSCF Tribal Court Co-Chairs thanked everyone for their presence and participation and shared that the co-chairs would follow-up by email with more information about the 2023 meeting schedule, including opportunities for further suggestions and conversation about possible agenda items.

Meeting adjourned.

[Click to see agendas and summaries from past meetings](#)

Next Meeting: 12/8/2022 – State Court Host (TCSCF Breakfast Meeting @ Annual Judges Conference)