



The New Mexico Tribal-State Judicial Consortium

Tribal-State Meeting

April 8, 2016

Tesuque Pueblo

Welcome and Introductions

Start: 9:10am

Governor of Tesuque welcomed everyone. He presented information regarding behavioral health services, need for collaboration, and ongoing communication.

Approval of Agenda

Addition of JEC and DV Training from Judge Knight; Davis approved the agenda as amended, Parnell seconded.

Thank you to Judge Brown-Yazzie and the Pueblo of Tesuque for their hospitality!

Action Items

Meeting Minutes - Brown-Yazzie approved, Tagger seconded.

Welcome to Judge Livingston on his appointment.

ICWA Presentation

Presentation by Philip Huntman from the SW Indian Law Clinic on ICWA-Full Faith and Credit was made. He provided a grassroots history of ICWA and information on Tribal courts. He went over Full Faith and Credit Act court cases and concerns raised.

Judge Zamora raised the need to work together and collaborate. She reminded everyone that this is the purpose of the Tribal-State Judicial Consortium. Judge Knight stressed the need to preserve the culture. Judge McGinnis stated all tribal

and court judges can just call each other and ask questions about the court orders.

U.S. Attorney's Office

David Adams asked what the largest issue is regarding jurisdiction. He stated that there have been more crimes being committed on Casino properties (drugs, trafficking, etc.) lately. David is working with other entities related to jurisdiction, non-Indian individuals who commit crimes on Tribal property, and the State having full jurisdiction. Their agency is working on cross-tribal agreements.

He also mentioned the VAWA 2013 Act (Domestic Protection Orders). Judge Johnson asked if the Orders can be entered in NCIC. Judge McGinnis stated they currently are using NCIC. Judge Johnson asked if there are agreements that can be made between tribal entities. Patricia Galindo has worked with Dolores Bainridge on institutional knowledge regarding NCIC. *Patricia will set up a meeting with Dolores to talk to other tribal partners on questions.*

Another issue is civil laws and the issuing of citations for non-Indian offenders. There have not been public opinions made from BIA on civil and criminal citations being treated as the same, but his office states that civil and criminal are one in the same. The matter will go to the Supreme Court. Establishing good relationships between law enforcement is important. Some tribes are dismissing citations from other courts. *A meeting with Magistrate Judges can be done to provide information. Beth Gillia will follow up with JEC to ensure he get added to the Magistrate Court Conference Agenda.*

An Assistant Attorney will be hired and will be going out to Tribal Courts to hear cases in their area and work with their tribe. He asked the judges to let him know if they would be interested for high profile cases.

Supreme Court has a case regarding tribal convictions and representation (April 19, 2016 is the date it will be heard). There are many articles related to this topic. Scotusblog is a blog that one can listen to the case.

Lastly, David talked about a case he is working on in Denver related to sentencing.

Judge Tagger mentioned a case he has worked with the U.S. Attorney's Office and encouraged others to work with them on any issues. Judge Knight also discussed a case he has had interactions on. Judge Fairbanks reminded everyone to consider ICWA when these types of cases are brought to the courts.

Grant Proposal

Debbie Andrews addressed the Consortium about a grant proposal for a domestic violence registry from BJA. She provided her background and then talked about a proposed project on protection orders and a national registry. It would bring 5 tribes together on developing a structure regarding protection orders. She is asking if there would be 5 tribes interested. A concept paper has been sent and Isleta Pueblo is one of the partners. On April 22, 2015, BJA would approve the project and Tribes need to be identified at that time; it would be a 2-year project and due around the end of May. There could be up to \$½ million dollars available.

Patricia Galindo stated she talked to Debbie and felt this would be an exciting process to move forward with. Judge Knight asked about sustainability after the funding is depleted. Debbie stated the IT Company would host the site and there would be small operating costs. Personnel would also be needed to enter the Orders in. This would allow corrections, law enforcement, state courts, and tribal courts have access to the same information. Another grant could be added on later (NCHIP). Right now, this grant would only impact Domestic Violence Orders, but it could be expanded.

Judge Zamora asked that this presentation be done at the All Governors Tribal Council since their approval would be needed. She asked the Consortium to help support this project. *Angela will provide information to Debbie for contacts.*

Committee Updates

For the Committees that met, the meeting minutes were attached to the packet.

Creating Rapport/Communication - The Committee met on February 18, 2016 and discussed the upcoming Conclave. Scholarships are available for those on the

Supreme Court roster. *Angela will work with the Co-Chairs on the agenda to see if there will be an opportunity for the Consortium to have an informal meeting.* SILK will present on peacemaking on behalf of the Consortium on June 16, 2016.

Full Faith and Credit – Judge Knight stated he did not have any conference calls this quarter. He continues to look at court cases.

ICWA/Title IVE – Judge Romero sent information to Judge Zamora stating they met on February 25, 2016 and discussed Tribal Rights and ICWA Implementation Grant. Beth Gillia stated the partnership needs to be identified prior to applying. Donalynn stated the ICWA Consortium would like to apply and they are meeting next Friday to start the discussion. *Angela will work with Donalynn on scheduling a meeting to discuss.* A new MOU has been issued and sent to the Tribal listserv.

ICWA Data – Judge Dominguez requested a special report from JID and they are currently working on preparing the report and will have ready by June (Santa Fe, Rio Arriba, and Taos). CYFD will need to be brought to the table to match the data. Judge Davis asked who is responsible for entering the flag into Odyssey. Angela stated there is an Abuse and Neglect process in place and the AOC has identified April Barela as the point person to run data quality reports. CYFD does not have access to Odyssey so work would need to be done to collaborate. Donalynn stated the ICWA Consortium is also working on this. Judge Zamora said CASA also needs to be brought into the conversation. Beth mentioned the BIA Guidelines state that each case needs to be considered a tribal case until proved otherwise. The ICWA Implementation Grant could help bridge the gap. Beth also stated that under the CIP Training Grant, CLC will be doing training with new judges on family court and the Supreme Court may consider issuing a Rule to mandate new judges to take this training.

State Services – Judge Tager presented on behalf of Judge Collins. He handed out the sample orders and called for a vote to move forward with these orders. These will be a model template to be used for mental health cases (adult and juvenile). A motion was made to submit these orders to the Supreme Court for approval. The motion was tabled. *Justice Vigil would need to be consulted.*

NEW: Judge Johnson had a conversation with Bernie Teba regarding clarification on State Services. At the meeting, he was not referring to tribal mental health orders, which was the focus of the State Services committee presentation. He was referring to delinquency tribal court orders being recognized by some state court judges relying on Section 32A-8-1.E. The State Services committee report had to do only with tribal mental health orders and the effort to have a standardized order for easier recognition by state agencies.

JDAI – Judge Zamora stated there will be a meeting with Navajo Nation on April 29, 2016 to discuss the JDAI project. Judge Jones discussed the efforts on the pilot site at Isleta Pueblo. They received a grant from the Burns Institute and the Annie E Casey to move forward with JDAI. This is a great opportunity.

Drug Court – Judge Fox stated he is still gathering information on Tribal Courts around the state. He plans to have a meeting with his committee before June. He also stated they would like an MOU established for cross-jurisdictional collaboration with other Drug Courts. Judge Torres stated she is working on a grant for a Healing to Wellness Court in her jurisdiction. Navajo Nation will also be submitting a grant in collaboration with Metro Courts. Regina Rollinghorse discussed the grants she is working on in relation to Wellness Courts, Teen Courts, and others. Judge Zamora asked Regina to keep the Consortium informed of the progress.

Other Business

Beth Gillia presented information on a one-page companion document to the ICWA Benchcard. It has been sent to the listserv for comments and small changes have been made. A motion was made by Judge Brown-Yazzie and seconded by Judge Johnson to approve. One small typo was made.

A sample of the new AOC website for the Consortium was presented. The site will be more user-friendly to include cases, contact information, and links to DV and the ICWA Consortium sites. Jennifer Vieira has taken the lead on making changes and updates. Everyone was encouraged to provide feedback or additional information.

The budget sheet was presented. There is about \$1,000 remaining that will be used for Conclave, mileage for this meeting, and a meeting in Los Angeles.

Judge Knight presented information on a DV training and will present more information in June.

Discussion was also held about funding available for hotel rooms for those tribal judges who are not on the Supreme Court Roster. *Beth will work with JEC to see what could be done to help pay for the rooms.*

Judge Davis made a motion to end the meeting, Judge Parnall seconded.

Adjourn: 12:03pm

Lunch served.