

**Meeting Summary**  
**Tribal Court State Court (TCSC) Forum**  
Friday, September 13, 2019  
Hosted by: Red Lake Nation Tribal Court

*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.*

[Link to TCSC Forum website](#)

**Tribal Court Co-Chairs: Hon. Henry Buffalo and Hon. Lenor Scheffler**  
**State Court Co-Chairs: Hon. Lucinda Jesson and Hon. Sally Tarnowski**

**Welcome by Red Lake Tribal Treasurer Annette Johnson and Red Lake Tribal Chief Judge Mary Ringhand**

As part of the welcome, Judge Mary Ringhand shared some statistics and background information on Red Lake Nation. She also explained that a big issue right now is the new constitution that Red Lake Nation is drafting. Judge Elizabeth Royal also shared some information about how Red Lake Nation engages in a peacemaking court process when it comes to family and juvenile cases and talked specifically about the tribe's Healing to Wellness Court.

**Introductions**

The following forum members were present and introduced themselves: Judge Amber Ahola (Leech Lake Band of Ojibwe), Judge Stephen Askew (Senior Judge - State Court), Judge Christina Deschampe (Grand Portage Band of Lake Superior Chippewa and Minnesota Chippewa Tribe Court of Appeals), Christa Danko-Schaller (Law Clerk to Judge Karen Duncan (Steele County)), Judge Stoney Hiljus (Kanabec County), Judge Lucinda ("Cindy") Jesson (MN Court of Appeals), Justice Anne McKeig (MN Supreme Court), Judge Mary Ringhand (Red Lake Nation), Judge Elizabeth Royal (Red Lake Nation), Judge Lenor Scheffler (Upper Sioux Community), Judge Sally Tarnowski (St. Louis County), Judge Megan Treuer (Bois Forte Band of Chippewa and Leech Lake Band of Ojibwe), Rebecca Vanden Hanen (State Court Administrator's Office), and Judge Renee Worke (MN Court of Appeals).

Judge Shari Schluchter (Beltrami County) and Trish Hansen (MN Dept. of Corrections) were also present as special guests to make a presentation to the group.

**Overview of agenda and identification of additional agenda items**

Judge Elizabeth Royal brought up the issue of itemization to back-up arrears in giving full faith and credit. The consensus of the group was that in situations where a tribal judge feels they are missing itemization, the tribal judge should let the state court judge who issued the order know about the missing information.

**Review and approve July 26, 2019 meeting summary**

Approved without change.

**Debrief of Tour**

A tour was arranged one hour prior to the meeting. Those who participated in it shared their thoughts and reflections. As part of that discussion, Judge Lucinda ("Cindy") Jesson noted the progress she observed

since her last visit to Red Lake in 2015 and expressed an interest in coming back to see how things continue to progress with the new treatment centers that are being built, etc.

## Presentation from Beltrami County



Beltrami County  
Data

Judge Shari Schluchter and MN Department of Corrections (DOC) Supervisor, Trish Hansen, provided an overview of what Beltrami County has done to look closely at the issue of race-based probation revocation data.

There are high numbers of Native American people from Beltrami County asking to go to prison or to have their sentence executed. According to the April 2018 Sentencing Guidelines Commission Report on Probation Revocations, Beltrami County is number one in the state for having a disproportionate effect on Native American people. Beltrami County is taking action to address this.

All judges in Beltrami County were provided with a copy of the Sentencing Guidelines Commission Report. Someone from the Sentencing Guidelines Commission and the Robina Institute came to talk to the 9<sup>th</sup> District about their probation revocation data.

Changes are being proposed to probation requirements. Professionals are looking closely at the conditions of probation and whether they are manageable for people receiving them. Justice Anne McKeig suggested that Beltrami County engage tribal groups in the conversation because a tribal person asking another tribal person about these things might result in a different explanation of the issue.

It was noted that drug addiction is heavily involved in this issue. The DOC has created a dually involved program to acknowledge the overlap in CHIPS cases with other state and federal cases. In those situations, one point person from DOC serves as the case manager for all of someone's cases.

The group applauded Beltrami County for its efforts and talked about how it might be used statewide as a model to address this challenging issue.

## Updates from Forum Members

Two Indian Child Welfare Act (ICWA) representatives were present and introduced themselves. The tribal judges discussed among themselves how ICWA cases are accepted for transfer.

## Red Lake Walleye Lunch (provided by Red Lake Nation Tribal Court)

Red Lake Nation graciously provided a walleye lunch for everyone to enjoy.

## ICWA & Other Outreach

- Future trainings
  - State Court, through CJI, is putting on the following ICWA trainings for all child protection stakeholders in the area:
    - November 8, 2019 – Anoka; and
    - November 22, 2019 – Redwood Falls.

Judge Stoney Hiljus encouraged CJI to consider making their ICWA trainings available in video or electronic format to post on the state court's website.

Interest was expressed in having a CJI ICWA Training in Bemidji in 2020.

Rebecca Vanden Hanen indicated that she would take these training suggestions back to her CJI team so that they can be considered and explored further.

- National Indian Child Welfare Association (NICWA) has some upcoming trainings as well:
  - [2019 NICWA Training Institute](#): Understanding ICWA, Positive Indian Parenting, Working With Substance-Abusing Families, November 12 - 14, 2019, Portland, OR
  - [2019 NICWA Training Institute](#): Understanding ICWA, Positive Indian Parenting, April 1-3, 2020, Denver, CO
- National American Indian Court Judges Association (NAICJA) is holding their 2019 Annual Conference at Mystic Lake October 15-18. More information is available here: <http://www.naicja.org/NAICJA-Conference>.
- Training by the Academy on Violence & Abuse. The 2019 Global Health Summit will be held at Mitchell Hamline School of Law on October 3-4, 2019. For more information or to register, please see <https://www.avahealth.org/events/2019-global-health-summit/thursday-and-friday-agenda.html>
- Other – Judge Lenor Scheffler shared that there will be a judicial training on issues of domestic violence in Austin, Texas December 8-11, 2019 for three tribal judges with all expenses paid. The deadline for expressing an interest is today.

Judge Lenor Scheffler also described an opportunity the Forum may have to collaborate on a journal article that could be published in or around January of 2020. She will provide Rebecca Vanden Hanen with a summary to circulate to the group and perhaps the group can suggest someone for a judicial profile.

- “Crossover kids” – coordination around tribal court and state court cases involving the same children.
- Upcoming opportunity: California tribal court justices are coming to MN for an event sponsored by the Hennepin County Library.
  - Screening of *Tribal Justice* with visit from Director Anne Makepeace and Tribal Justices Abby Abinanti and Claudette White  
Hennepin County Central Library (Minneapolis)  
Thursday, October 24  
6:30-9:00pm
  - More information will come from Judge Korey Wahwassuck on an October 25<sup>th</sup> event being planned around the Cities in connection with the visit from Judges Abinanti and White.

### **Future Topics & Next Steps**

- Visit from Jack DeWalt re AFCC and domestic violence issues in Hennepin County Family Court
- Visit from Jill Esch, Native American Ombudsperson for the State of Minnesota
- Visit from someone involved with the new task force on Missing and Endangered Tribal Children

- Presentation from Sentencing Guidelines Commission with more race-based probation revocation data county by county and district by district.
- Maddens 2020 jurisdiction issues for new judges - The group agreed to submit a proposal for a Tuesday presentation at Maddens (which would be shorter, interactive, and geared at new judges). Possible topics include an intro to tribes, tribal sovereignty, Public Law 280, and some TCSC Forum information.

Judge Jesson will circulate the proposal she submitted for the Annual Conference of Judges so that it can be used as a sample for this proposal. Judges Sally Tarnowski and Stoney Hiljus will work on the Maddens proposal and prepare it for submission. In doing so, they will reach out to the chairs of the Maddens planning group so they are aware of the Forum's interest and desire to move this forward.

## **Future Meeting Dates**

- **December 5, 2019 – breakfast meeting at Annual Conference of Judges**

The group discussed how to make the agenda for the December TCSC Forum breakfast meeting an impactful one. Judge Lenor Scheffler suggested the room be positioned so tribal judges sit by state court judges in their district. The group agreed that would be a helpful way to structure the meeting. Rebecca Vanden Hanen will find out more about the room seating options and what the possibilities are for organizing a seating arrangement like that.

The group also agreed the agenda should include some encouragement for state court judges to ask the Chief Judge in their district to invite a tribal judge in their area to an upcoming bench meeting.

- **When should we meet in 2020?**

The group will continue to meet quarterly with alternating state court and tribal court hosts.

The co-chairs will meet to develop a proposed meeting schedule for 2020 that can be circulated to Forum members and interested parties with some possible agenda topics. Stay tuned for more information on this along with some invitations for agenda suggestions and event hosting.

## **Meeting Adjourned**