



March 17th, 2017

The Honorable Stephen Halsey
Chair, Advisory Committee on General Rules of Practice
Minnesota Supreme Court
125H Minnesota Judicial Center
Saint Paul, Minnesota 55155

Re: Letter of support for proposed amendment to Rule 10 of the Minnesota General Rules of Practice for the District Courts.

Dear Judge Stephen Halsey:

We write to you today in support of the proposed amendment to Rule 10 of the Minnesota General Rules of Practice to strengthen the relationship between tribal courts and state courts in Minnesota. The proposed amendment would provide clarity to state and tribal courts and provide more consistency in judicial proceedings across the state and we urge its adoption.

First, the proposed amendment to rule 10.01 provides better guidance to state courts on when tribal orders and judgments must be honored. This change may actually have unintended benefits beyond the judicial system. While many factors contribute to educational and economic disparities between tribal communities and the broader public, the difficulty in predicting whether tribal orders and judgments will be enforced may impede the ability of tribal nations to attract and retain businesses and residents. This change will help reassure families and communities that the court system is committed to consistency and fairness.

Second, the proposed amendment to rule 10.02 would provide a rebuttable presumption that tribal court orders and judgments be given full faith and credit. As you are aware, federally recognized tribes are one of three sovereigns in our Federalist system. Tribal courts should be, at the very least, entitled to a presumption of enforcement in our state courts. Moreover, Minnesota's tribal courts typically honor state court orders. We believe that tribal court orders should also be afforded the same recognition under a rebuttal presumption that such orders be given full faith and credit.

Finally, the proposed amendments preserve the discretion of state courts to not honor tribal orders and judgments in certain circumstances. The proposed change keeps open the possibility that tribal orders can be set aside when issues of fundamental justice are at stake.

In the fourteen years since the rule change was first considered by the Minnesota Supreme Court, the tribal court system has changed dramatically. With greater resources, more high-quality judges, and better peer-to-peer collaboration, tribal courts in Minnesota have become a model for other tribal courts



across the country. It's time we amend the general rules of practice to recognize how far tribal courts have come and ensure the continued development of the tribal court system here in Minnesota.

Sincerely,



Susan Allen
State Representative – 62B



Peggy Flanagan
State Representative – 46A



Mary Kunesh-Podein
State Representative – 41B



Jamie Becker-Finn
State Representative – 42B