

[Tribal Court State Court Forum \(TCSCF\)](#)

Quarterly Meeting Summary

6/21/2024

Hosted by State Court
Dakota County Northern Service Center
West St. Paul, MN

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 Theodora Gaïtas and Hon. Korey Wahwassuck

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

1. Welcome, Blessing, and Introductions

Judge Brodeen welcomed every attending virtually and in person. Attendees introduced themselves.

Judge Scheffler-Blaser offered a blessing to start the Forum's work in a good way.

2. Agenda and Meeting Summary

Judge Brodeen provided an overview of the agenda and asked if other agenda items should be added.

Judge Treuer requested that the Forum consider preparing a proposal to provide an overview of the history, membership, and work of the Forum (e.g., Community Outreach, Amendment to General Rule 10 – recognition of tribal court orders and judgments, etc.) at the September MDJF meeting. Judge Treuer and Judge Scheffler-Blaser offered to prepare the proposal.

Forum members agreed that any presentation prepared for MDJF could also be used to help “on board” new Forum members.

The Forum approved the meeting summary for the March 2024 quarterly meeting. Approval was moved by Judge Gaïtas and seconded by Judge Harralson.

3. Legal Paraprofessional Pilot Program

Justice Paul Thiessen provided an overview of the purpose and background of the [Legal Paraprofessional Pilot Program](#). The Pilot Project is a statewide effort that allows approved Minnesota legal paraprofessionals to represent and advise clients in select housing and family court matters with oversight by a licensed Minnesota attorney. The Supreme Court authorized the Pilot Project to assess whether allowing qualified and supervised paraprofessionals to provide legal

advice and appear in court on a limited number of matters will increase access to justice for Minnesotans who may not otherwise have any representation. From its inception, the Pilot Project was limited to tenant evictions, child support and parenting time disputes, and paternity matters. The Pilot Project has been expanded to include OFPs and HROs. The Pilot Project has been in effect since March 2021 and is scheduled to end in January 2025.

Self-represented litigants often appear in cases that impact their lives, such as housing and various family court matters. In many of these cases, the opposing party is represented leading to a potential imbalance of power in the proceedings. Some of these litigants can't afford an attorney and others don't trust attorneys. Data from other states establishes that many litigants feel more comfortable with a paraprofessional (in Utah, 80% chose to work with a paraprofessional).

Each paraprofessional is supervised by a licensed attorney who is responsible for the work of the paraprofessional. Currently there are 33 paraprofessionals who meet the qualifications and are listed on the roster. A paraprofessional has been used in court in 47 Minnesota counties. In 8% of the cases the matter has been transferred back to an attorney because the matter is too complex for the paraprofessional.

A survey shows that use of the program is increasing and reluctance by attorneys is decreasing. Some would like to make the Pilot Project a permanent program and expand it to some criminal, debt, and consumer relief matters.

4. Tribal Court Judges Summoned to Jury Duty

Judge Gaïtas led a discussion about situations where tribal court judges are being summoned to appear as jurors in state court proceedings. When these judges contact court administration to seek a waiver, the responses vary from county to county. Some judges stated that it's an awkward situation when a tribal court judge is working on a project with a state court judge and then is summoned to appear as a juror before that state court judge.

In 2023 the Jury Rule was amended to make Minnesota district court judges, court of appeals judges, and supreme court justices exempt from serving as jurors in district court proceedings. The rule doesn't offer the same exemption to federal judges or tribal court judges of sovereign nations within the boundaries of Minnesota. It's problematic when a tribal court judge is summoned to serve on a district court jury because it means that the tribal court over which that judge presides cannot be held.

A question was raised about the training offered to court staff about exemptions and whether court administration responses are consistent across the state. Some suggested that this is a training issue and, without changing the rule, court administration staff could be told that they have discretion to waive jury service by a tribal court judge so tribal court doesn't have to be cancelled. The Forum members agreed that they would like to learn who is on the General Rules Committee. It was noted that Justice Procaccini is the Supreme Court Liaison to the General Rules Committee that includes the Jury Management Rules (Rules 801 – 814). Perhaps he could be asked to attend an upcoming Forum meeting to explain the rule policy and whether there could be an automatic exemption for jury service made by court administration upon request of a federal or tribal court judge summoned to serve as a district court juror.

5. New State Court Judge Training Curriculum Regarding Tribal Courts

Judge Hogen led a discussion on the new state court judge curriculum regarding tribes, tribal government, and tribal courts. Also included is information about tribal sovereignty and what it means to identify as an American Indian. The Forum members agreed they would like to incorporate the curriculum into the New Judge Orientation (NJO). The Forum members agreed that staff should:

- Contact Susan Love, Judicial Education Manager, to learn the process for including the curriculum into the NJO; and
- Prepare a list of district administrators and dates/times/locations of quarterly District Bench Meetings so Forum members can attend the meetings to keep district court judges updated regarding tribal court matters.

6. Joint Jurisdiction Model Adapted for Local Needs

Judge Wahwassuck led a discussion about joint jurisdiction models. “All Rise” is a presentation on how joint jurisdiction courts are launching and growing. The federal government is starting to fund these projects through grants. They are no longer just Wellness Courts or two judges taking the bench together. We need to renew our efforts and updates on collaborative projects. The models could be extended to delinquency matters. The Forum should look for funding opportunities. Judge Ringhand mentioned SMART which deals with the dangerous impact on the brain of vaping – the parent and child must attend.

7. Updates and Future Meetings

Judge Brodeen identified the following potential future agenda topics:

- Lori Thompson and Judge Treuer – creating a cover sheet for entering Tribal Court OFP’S into the nationwide database.
- Communication between Tribal and State Courts regarding orders – collaborative training/fact sheet/bench card
- Judges Hogen and Treuer submitted a proposal for a presentation at the Annual Judges Conference

Respectfully Submitted,

Judy Nord, CJI Staff Attorney