

Michigan Tribal State Federal Judicial Forum Naakonigewin (Charter)

History:

Under the guidance of Michigan Supreme Court Justice Michael F. Cavanagh and Pokagon Band of Potawatomi Indians Chief Judge Michael D. Petoskey, Michigan enjoys a history of collaboration between state and tribal courts dating back prior to the first Tribal State Court Forum in 1992. Significantly, most of the recommendations from the 1992 forum were implemented. They included the creation of the “Enforcement of Tribal Judgments” court rule, MCR 2.615, and, most recently, the passage of the Michigan Indian Family Preservation Act of 2012 (MIFPA). The idea of re-convening an ongoing Michigan Tribal State Federal Judicial Forum has grown out of the MIFPA and the desire to create a venue for improving working relations and communication among the jurisdictions and to continue to produce better outcomes for Indian children and families.

Initially seats for all of the 12 currently federally recognized tribes in Michigan will be designated for the chief tribal judge or the designee. An equal number of seats for state court judges are designated. The Forum will strive to embody the Seven Grandfathers Teachings: Truth, Honesty, Humility, Wisdom, Love, Respect, and Bravery. To reflect this focus, the Little Traverse Bay Bands of Odawa Indians language specialist assisted the planning group with identifying an Odawa word to reflect the meaning of “charter.”

Purpose:

The purpose of the Michigan Tribal State Federal Judicial Forum is to create an ongoing dialogue and respond to joint and cross jurisdictional issues among state, tribal, and federal judiciaries regarding working relationships and the interaction of state, tribal, and federal court jurisdiction in Michigan. The Forum shall make recommendations and implement philosophies, practices, and procedures to enhance our common responsibility to our children, our families and our communities of our sovereign nations.

Charge:

The charge of the 2014 Michigan Tribal State Federal Judicial Forum is:

- (1) to foster mutual understanding, rapport, and acceptance by state, tribal and federal judges of the similarities and differences among each other’s courts and legal systems;
- (2) to generate dialogue, achieve consensus on, and implement approaches to improving consistency of judicial practice in Indian Child Welfare Act (ICWA) and MIFPA cases throughout the state;
- (3) to identify opportunities for judicial collaboration across various subject matter areas among the jurisdictions;
- (4) to identify and work to eliminate barriers to the exchange of court information, records, and other data;
- (5) to make recommendations for systems improvement, including proposals for changes to legislation, court rules, and standard forms;
- (6) to promote improvement in the quality of justice delivered through judicial, court staff, and attorney education, professional court administration, and the sharing of personnel, facilities, and programs, in addition to funding, as appropriate;

(7) to generate dialogue, achieve consensus on, and implement approaches to improving consistency of judicial practice in IV-D, child support cases; and

(8) to perform any other duties deemed by a majority of Forum members to be in the best interests of state, tribal and federal courts and of the justice system serving the children and families, and communities of our sovereign nations.

Membership:

- 1) Tribal: The chief tribal judge of each of Michigan’s federally recognized tribes will be invited to participate or to send an alternate tribal judge to serve. Tribal membership will be expanded to accommodate newly federally recognized tribes when this occurs.
- 2) State: An equal number of state court judges will be appointed by the Michigan Supreme Court Tribal Liaison Justice from a pool of currently serving or retired Michigan Judges or Justices, with consideration of geographic proximity to the tribes, ICWA and MIFPA case load dockets, and current involvement with tribal-court relations issues and projects. State court judicial membership will be expanded as tribal membership is expanded to accommodate any newly federally recognized tribes.
- 3) Federal: The Forum shall pursue participation and involvement from the federal bench and officials.

Term: Members will serve three year terms. Memberships are renewable at the discretion of the Chief Tribal Judges or Tribal Liaison Justice, dependent upon the member.

Organization: The Forum shall be led by Co-Chairs consisting of one tribal court judge and one state court representative. The Co-Chairs will be selected by the entire body of members and will serve for a three year term.

Work committees may be formed to carry out specific tasks as needs are identified by the members.

Decision Making: Decisions by the Forum will be made by consensus.

Meetings: Meetings will be held at least three times per year. At least two of the meetings will be in-person meetings. The meeting location will be determined by the group, with the goal of rotating to different tribal and state court locations.