



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2013

Title	Agenda Item Type
Judicial Administration: Rules for Advisory Groups	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Cal. Rules of Court, rules 10.60 and 10.61, and repeal rules 10.57, 10.170, and 10.171	October 25, 2013
Recommended by	Date of Report
Rules and Projects Committee	October 16, 2013
Hon. Harry E. Hull, Jr., Chair	Contact
Executive and Planning Committee	Susan R. McMullan, 415-865-7990
Hon. Douglas P. Miller, Chair	susan.mcmullan@jud.ca.gov
Technology Committee	
Hon. James E. Herman, Chair	

Executive Summary

The Judicial Council Rules and Projects Committee, Executive and Planning Committee, and Technology Committee recommend establishing rules for two new Judicial Council advisory committees—the Tribal Court–State Court Forum and the Court Security Advisory Committee—and repealing the rules concerning three advisory groups that no longer exist—the Judicial Service Advisory Committee (rule 10.57), the Working Group on Court Security (rule 10.170), and the Working Group on Court Security Fiscal Guidelines (rule 10.171). At its meeting on April 25, 2013, the Judicial Council approved the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Group*, which made these recommendations.

Recommendation

The Rules and Projects Committee (RUPRO), the Executive and Planning Committee (E&P), and the Technology Committee (JCTC) recommend that the Judicial Council, effective October 25, 2013:

1. Adopt rule 10.60 of the California Rules of Court to establish by rule the Tribal Court–State Court Forum;
2. Adopt rule 10.61 to establish by rule the Court Security Advisory Committee; and
3. Repeal rules 10.57, 10.170, and 10.171.

The text of the proposed and repealed rules is attached at pages 10–17.

Previous Council Action

The council initiative for reviewing the governance, structure, and organization of the council’s advisory groups had its genesis in its June 2011 planning meeting. In August 2011, E&P made this recommendation to the council:

The Judicial Council will review the structure and organization of its advisory groups, including its advisory committees and task forces, and their subcommittees and advisory groups.¹

At its meeting on April 25, 2013, the Judicial Council approved the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*,² which included recommendations to establish the Tribal Court–State Court Forum and the Court Security Advisory Committee.

Rationale for Recommendation

This proposal establishes by rule of court two new advisory committees³ to provide policy recommendations and advice to the council using the individual and collective experience, opinions, and wisdom of their members. (See Cal. Rules of Court, rule 10.30(a).) Consistent with the rules for all advisory committees, the proposed rules include provisions addressing the advisory committee’s area of focus and membership. Where appropriate, the proposed rules

¹ Judicial Council of Cal. mins., Exec. & Planning Com. Rep. (Aug. 25–26, 2011), p. 7, <http://www.courts.ca.gov/documents/jc-20110826-minutes.pdf>. See also Judicial Council of Cal., Exec. & Planning Com. mins. (August 12, 2011), <http://www.courts.ca.gov/documents/jc-121311-comrep.pdf>.

² The report can be found at www.courts.ca.gov/documents/jc-20130426-item4.pdf.

³ The recommendations approved by the council in the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups* include the establishment by rule of several other advisory groups. A separate invitation to comment for those rules will circulate for comment beginning in October 2013, and the proposal is expected to come before the council at its February business meeting.

include additional areas of advisory committee responsibility and, where necessary, additional information about the nominations process and member selection and appointment, if those procedures differ from the procedures stated in rules 10.31 and 10.32.

Existing rules 10.30–10.34 address Judicial Council advisory bodies, advisory committee membership and terms, nominations and appointments to advisory committees, advisory committees meetings, and duties and responsibilities of advisory committees. Unless otherwise stated or unless other provisions addressing these matters appear in proposed rules 10.60 and 10.61, these existing rules apply to the new rules establishing the Tribal Court–State Court Forum and the Court Security Advisory Committee.

In this proposal, rule 10.57 (Judicial Service Advisory Committee), rule 10.170 (Working Group on Court Security), and rule 10.171 (Working Group on Court Security Fiscal Guidelines) are repealed because those groups have been disbanded and no longer provide policy recommendations and advice to the council. Because of realignment of court security funding, the two groups on court security are no longer relevant to the current funding model. In addition, Government Code section 69927, which required the groups, was repealed.

Rule 10.60

The Tribal Court–State Court Forum was initially established in May 2010.⁴ This proposal establishes a rule for court concerning the forum. It provides in subdivision (a) that the forum’s area of focus is to make “recommendations to the council for improving the administration of justice in all proceedings in which the exercise of jurisdiction by the state judicial branch and the tribal justice systems overlap.” Because the forum has additional duties, subdivision (b) lists those duties as follows:

1. Identify issues of mutual importance to tribal and state justice systems, including those concerning the working relationship between tribal and state courts in California;
2. Make recommendations relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions;
3. Identify, develop, and share with tribal and state courts local rules of court, protocols, standing orders, and other agreements that promote tribal court–state court coordination and cooperation, the use of concurrent jurisdiction, and the transfer of cases between jurisdictions;
4. Recommend appropriate activities needed to support local tribal court–state court collaborations; and

⁴ At that time, former Chief Justice Ronald M. George appointed members and gave the forum its charge.

5. Make proposals to the Governing Committee of the Center for Judicial Education and Research on educational publications and programming for judges and judicial support staff.

The subdivision addressing membership, which is in all advisory committee rules, provides that the forum consist of the following:

1. Tribal court judges or justices selected by tribes in California,
2. At least three trial court judges from counties in which a tribal court is located,
3. At least one appellate justice of the California Courts of Appeal,
4. At least one member from each of seven listed advisory committees whose subject areas would provide special expertise to the forum, and
5. As ex officio members, the Director of the California Attorney General's Office of Native American Affairs and the Governor's Tribal Advisor.

Under the proposed rule, the membership composition between tribal court and state court judicial officers must be equal or close to equal. A member may satisfy more than one membership category; for example, an appellate justice member may also be a member of one of the seven listed advisory committees.

Another subdivision provides the procedure for member selection. As with most advisory committees, the Chief Justice would appoint members by order (see Cal. Rules of Court, rule 10.32(e)), except that tribal court members would be appointed by a different process. Subdivision (d)(2) of the proposed rule provides that for each tribe in California with a tribal court, the tribal leadership would appoint the tribal court judge or justice member to the forum. That subdivision includes details about the procedures for doing so. The rule also provides that the Chief Justice would appoint an appellate justice or trial court judge and a tribal court appellate justice or judge to serve as cochairs of the forum.

In recommending the establishment of a formal advisory committee by rule of court, RUPRO, E&P, and the JCTC recognized the growing need for an advisory group to make recommendations to the council for improving the administration of justice in proceedings in which the jurisdiction of state and tribal justice systems overlap. In 2012, 39 of 109 federally recognized California tribes (36 percent) either had a tribal court or had access to a tribal court through an intertribal court coalition. That number has increased sharply from 2002, when only 10 California tribes reported having a tribal court. On tribal reservations, rancherias, and Indian trust allotments, jurisdiction may be concurrent and both federal and tribal laws may apply. As sovereigns, tribes have legal jurisdiction over both their citizens and their lands. Thus there is a need for an advisory committee to, among other things, address the various issues concerning jurisdiction, including developing local rules of court, protocols, standing orders, and other

agreements that promote tribal court–state court coordination and cooperation, the use of concurrent jurisdiction, and the transfer of cases between jurisdictions.

Proposed rule 10.60 includes a Judicial Council Comment acknowledging that tribes are sovereign and citing statutory and case law recognizing tribes as distinct, independent political nations that retain inherent authority to establish their own form of government, including tribal justice systems. Thus the council’s oversight of the forum under rule 10.30(d) would be limited to oversight of the forum’s work and activities and expressly would not include oversight of any tribe, tribal court, or tribal court judge.

Rule 10.61

This proposal establishes by rule a council advisory committee known as the Court Security Advisory Committee. It provides in subdivision (a) that the committee’s area of focus is to make “recommendations to the council for improving court security, including personal security and emergency response planning.”

The subdivision addressing membership provides six distinct membership categories, including appellate and trial court judges and administrators, a member of the Court Facilities Advisory Committee, and a member of the Trial Court Facility Modification Advisory Committee. The rule also provides that at least one member of the committee be from a trial court that uses a marshal for court security services—that is, the Superior Court of Shasta or Trinity County. These courts face different funding and operational issues than those of courts that use sheriffs. Marshals are court employees and are funded with money allocated by the council from the Trial Court Trust Fund. By contrast, sheriffs provide court security services to courts under contract and are paid by the county with money appropriated by the state. To ensure that the advisory committee address issues in a way that is consistent with both models, at least one member of the committee should be familiar with the practice in courts that use marshals.

In recommending the establishment of the Court Security Advisory Committee, the council was informed by the final report of the Court Emergency Response and Security Task Force. The task force, which has completed its appointment, was charged with evaluating security and emergency planning in California’s courts and making recommendations to maintain and improve security in the courts through statewide systems and progressive initiatives to increase efficiency, effectiveness, and cost-saving measures. In its final report, the task force made six recommendations, including a recommendation to establish the Court Security Advisory Committee. The task force explained that a standing committee was necessary because court security is a fundamental area of court administration and no group currently advises the council in this area comprehensively from a branchwide perspective.

Rules 10.57, 10.170, and 10.171

At the time the task force made its recommendations, two groups were devoted to trial court security. Government Code section 69927(a), as enacted in 2002, required the council to establish both a Working Group on Court Security and a Working Group on Court Security

Fiscal Guidelines. The council established both groups, adopting rules 10.170 and 10.171 and providing for membership consistent with section 69927(a). The primary purpose of the two groups was to make recommendations to the council regarding the court security costs that a sheriff was allowed to charge to a court and other rules, standards, and policies to achieve efficiencies to reduce and constrain court security operating costs. Following the realignment of court security funding, counties—and not courts—are responsible for direct payment for most sheriff-provided security services, and the groups are no longer relevant to the current funding model. Government Code section 69927, which required the groups, was repealed, and the council adopted the task force’s recommendation that the groups be disbanded. This report, therefore, recommends repeal of rules 10.170 and 10.171. Consistent with the recommendation approved by the council in the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*, RUPRO, E&P, and JCTC also recommend repeal of rule 10.57 addressing the Judicial Service Advisory Committee.

Comments, Alternatives Considered, and Policy Implications

The proposal was circulated for comment from July 26 to August 30, 2013. Fifteen commentators submitted comments.⁵ One comment, from the Superior Court of Los Angeles County, supported the rule establishing the Court Security Advisory Committee. Fourteen comments addressed the rule for the Tribal Court–State Court Forum. All commentators agreed with the proposal; two suggested some changes to the rule establishing the forum, and those suggestions are discussed below. Of the comments addressing the forum, many described the beneficial work that the forum has done since its inception in May 2010. Commentators included superior courts, judges, a justice, the National Center for State Courts, the Tribal Court Relations Subcommittee of the California State-Federal Judicial Council, and the following entities and organizations:

- California Indian Legal Services (CILS)
- Casey Family Programs
- Center for Court Innovation
- New Mexico Tribal-State Judicial Consortium
- Northern California Intertribal Judicial Council
- Redding Rancheria (a federally recognized Indian tribe)
- Tribal Law and Policy Institute

Comments supporting forum

All commentators supported the creation of the forum as a standing advisory committee. Some described the forum’s accomplishments to date. California Indian Legal Services stated, “Over the past several years, the Forum has provided a venue for state court and tribal court judges and justices to come together to discuss, problem solve and provide recommendations to the Council on issues of overlapping jurisdiction between tribal court and state court judiciaries.” The Center

⁵ A chart containing all comments and the committee responses is attached at pages 18–39.

for Court Innovation commented, “[The forum] has already demonstrated its effectiveness through legislative recommendations, proposed court rules, comments on pending legislation, educational events, bench guides and curricula, training videos, and numerous other efforts.”

Other commentators described the need for such a group and the benefits that it provides. Casey Family Programs commented, “Giving the [forum] permanent advisory committee status would give support and recognition to the needs of tribal children and families which must be met within [Indian Child Welfare Act] parameters. Giving tribal judges membership on a permanent committee also demonstrates the state’s judicial commitment to all of its families, tribal and non-tribal. Additionally, assigning a permanent committee would give credence and respect to the sovereignty of tribal courts.” In support of establishing the forum by rule of court, the Center for Court Innovation stated, “State-tribal court forums are one of the most promising models available for promoting effective communication and collaboration among state and tribal court systems.” Commenting on specific features of the forum that are stated in rule 10.60, the New Mexico Tribal-State Judicial Consortium stated, “[T]he proposed rule addresses two key measures that will promote the success of any Tribal-State forum, being (1) equal numbers of State and Tribal members, and (2) compensation for Tribal members to travel to and from forum meetings.”

Comments suggesting changes to rule establishing forum as advisory committee

CILS supports the rule provision specifying that tribes, rather than the Chief Justice, appoint tribal court judges and justices to the forum. CILS suggests, however, that the rule be changed to provide that the appointment be made by “tribal leadership” rather than by the “chairperson of the tribe’s governing body” because the tribal chairperson may not have the authority to make the appointment without a vote of the tribe’s tribal council or general membership. The rule has been changed to replace “chairpersons of the tribe’s governing body” and “tribal chairpersons” with “tribal leadership” in subdivision (d).

Subdivision (d)(2)(C) addresses a potential situation in which there are more names of tribal court judges and justices submitted for appointment than there are vacancies⁶ and provides that in this situation, the forum cochairs will confer and decide which tribal court judges or justices should be appointed based on the diverse background and experience, as well as the geographic location, of the current membership. CILS suggests that in making the decision, the cochairs also consider whether the tribal court judges or justices have already served on the forum, giving preference to those who have not to allow more to serve. RUPRO, E&P, and JCTC recommend not expanding the criteria for deciding which tribal court judges or justices should be appointed. Maintaining the language as stated in the rule that circulated for comment gives the cochairs discretion to consider a variety of factors without any single factor outweighing the others. This

⁶ This imbalance could occur because the rule provides in (d)(2)(A) that each tribal chairperson of a tribe with a tribal court in California will be notified of a vacancy and asked to submit names of tribal court judges or justices to serve on the forum. The proposed rule provides in subdivision (c) for a limited number of state court judges and specifies that the composition of the forum must have an equal or a close-to-equal number of judges or justices from tribal courts and state courts.

discretion will provide the most flexibility in choosing members, allowing for consideration of the committee's needs at a particular time.

The Superior Court of Los Angeles County supports the proposal but “question[s] whether the strictly defined categories for membership serve the purpose of securing broad expertise in the subject area.” It notes that although Los Angeles is not a county in which a tribal court is located, the Superior Court of Los Angeles County handles more matters involving Indian Child Welfare Act–eligible youth than any other county. The internal committees believe that the categories of membership in the rule will adequately provide for member participation from diverse courts. The categories in the rule are designed to secure broad expertise and identify needs that arise in all case types by including members from seven subject-matter advisory committees: Access and Fairness, Civil and Small Claims, Criminal Law, Family and Juvenile Law, Governing Committee of the Center for Judicial Education and Research, Probate and Mental Health, and Traffic. (See subdivision (c)(2)(4).) In making appointments in this manner, membership may include judges from superior courts that handle a large number of ICWA matters but do not have tribal courts in the county, such as the Superior Court of Los Angeles County. In addition, proposals recommended by the forum are presented in conjunction with other advisory committees. In the past, any ICWA rule proposal has involved the Family and Juvenile Law Advisory Committee, as well as the forum, and this is likely to continue. The Family and Juvenile Law Advisory committee has several judge members from the Superior Court of Los Angeles County.

Alternatives considered

In the recent review by three of the council's internal committees—RUPRO, E&P, and JCTC—which resulted in the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*, those committees evaluated ways to achieve the following objectives:

1. Create efficiencies by consolidating certain committee activities and reducing overlapping responsibilities;
2. Reduce the costs associated with committee operations, including gaining a better understanding of the resources and staff support reasonably needed by the council's advisory groups;
3. Strengthen Judicial Council oversight of the groups that are not directly overseen by the council, such as subcommittees and subgroups that were created by the council's advisory groups; and
4. Create formal standing advisory committees to succeed task forces and working groups when the continued assistance of those groups is needed.

The internal committees concluded that establishing as standing advisory committees the Tribal Court–State Court Forum and the Court Security Advisory Committee would aid in achieving these objectives and therefore propose no alternatives.

Implementation Requirements, Costs, and Operational Impacts

Advisory committee costs include the costs of members’ travel, meals, and lodging (if needed) for in-person meetings and the cost of telephone and video conferences. Other costs include staff time. The Judicial Council has determined that the subject areas of these advisory committees are ones in which both the council and the judicial branch would benefit from policy recommendations and advice. It has also determined that to establish advisory groups of members with diverse experience to provide recommendations and advice in the needed subject areas is appropriate.

The Tribal Court–State Court Forum travel costs associated with in-person meetings and the cost of staff time have been and will continue to be funded through stable, long-term grants. RUPRO, E&P, and JCTC believe that cost savings have resulted and will continue to result from the types of proposals initiated by the forum.

Relevant Strategic Plan Goals and Operational Plan Objectives

This proposal supports the policies underlying Goal IV, Quality of Justice and Service to the Public, and Goal VI, Branchwide Infrastructure for Service Excellence. In establishing the forum, the council will formalize a body charged with making recommendations for improving the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps. Establishing the Court Security Advisory Committee creates a knowledgeable body to make recommendations for an infrastructure that supports and meets the needs of the public, the branch, and court users.

Attachments

1. Cal. Rules of Court, rules 10.57, 10.60, 10.61, 10.170, and 10.171, at pages 10–17
2. Chart of comments, at pages 18–39

Rules 10.60 and 10.61 of the California Rules of Court are adopted and rules 10.57, 10.170, and 10.171 are repealed, effective October 24, 2013, to read:

1
2 ~~**Rule 10.57. Judicial Service Advisory Committee**~~

3
4 ~~**(a) Area of focus**~~

5
6 ~~The committee makes recommendations for improving judicial service,~~
7 ~~retention, and compensation.~~

8
9 ~~**(b) Additional duties**~~

10
11 ~~In addition to the duties described in rule 10.34, the committee must identify~~
12 ~~and evaluate best current national and local practices and develop or~~
13 ~~recommend necessary training related to the following issues:~~

- 14
15 ~~(1) A “cafeteria plan” of benefits; wellness subsidies; professional~~
16 ~~development allowances; personal leave; and supplemental life,~~
17 ~~disability, or liability insurance;~~
18
19 ~~(2) Health care benefits, including services and programs;~~
20
21 ~~(3) Compensation and retirement, including recommendations for 401(k)~~
22 ~~and other deferred compensation programs and the most appropriate~~
23 ~~mechanism for setting judicial salaries;~~
24
25 ~~(4) Resources and programs for quality of judicial life, particularly those~~
26 ~~dealing with health, stress, and relationships;~~
27
28 ~~(5) Mentorship programs; and~~
29
30 ~~(6) Special needs and programs for new and retired judges.~~

31
32 ~~**(c) Membership**~~

33
34 ~~The committee must include at least one member from each of the following~~
35 ~~categories:~~

- 36
37 ~~(1) Appellate court justice;~~
38
39 ~~(2) Retired jurist;~~
40
41 ~~(3) Superior court judge from a court with 15 or more judges;~~
42
43 ~~(4) Superior court judge from a court with 5 to 14 judges;~~

- ~~(5) Superior court judge from a court with 4 or fewer judges;~~
- ~~(6) Superior court executive officer from a court with 15 or more judges;~~
- ~~(7) Superior court executive officer from a court with 14 or fewer judges;~~
- ~~(8) Member of the Administrative Presiding Justices Advisory Committee;~~
~~and~~
- ~~(9) Member of the Trial Court Presiding Judges Advisory Committee.~~

Rule 10.60. Tribal Court–State Court Forum

(a) Area of focus

The forum makes recommendations to the council for improving the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps.

(b) Additional duties

In addition to the duties described in rule 10.34, the forum must:

- (1) Identify issues of mutual importance to tribal and state justice systems, including those concerning the working relationship between tribal and state courts in California;
- (2) Make recommendations relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions;
- (3) Identify, develop, and share with tribal and state courts local rules of court, protocols, standing orders, and other agreements that promote tribal court–state court coordination and cooperation, the use of concurrent jurisdiction, and the transfer of cases between jurisdictions;
- (4) Recommend appropriate activities needed to support local tribal court–state court collaborations; and

1
2 (5) Make proposals to the Governing Committee of the Center for Judicial
3 Education and Research on educational publications and programming
4 for judges and judicial support staff.
5

6 **(c) Membership**
7

8 The forum must include the following members:
9

10 (1) Tribal court judges or justices selected by tribes in California, as
11 described in (d), but no more than one tribal court judge or justice from
12 each tribe;
13

14 (2) At least three trial court judges from counties in which a tribal court is
15 located;
16

17 (3) At least one appellate justice of the California Courts of Appeal;
18

19 (4) At least one member from each of the following committees: the
20 Access and Fairness Advisory Committee, Civil and Small Claims
21 Advisory Committee, Criminal Law Advisory Committee, Family and
22 Juvenile Law Advisory Committee, Governing Committee of the
23 Center for Judicial Education and Research, Probate and Mental Health
24 Advisory Committee, and Traffic Advisory Committee; and
25

26 (5) As ex officio members, the Director of the California Attorney
27 General's Office of Native American Affairs and the Governor's Tribal
28 Advisor.
29

30 The composition of the forum must have an equal or a close-to-equal number
31 of judges or justices from tribal courts and state courts.
32

33 **(d) Member Selection**
34

35 (1) The Chief Justice appoints all forum members, except tribal court
36 judges and tribal court justices, who are appointed as described in (2).
37

38 (2) For each tribe in California with a tribal court, the tribal leadership will
39 appoint the tribal court judge or justice member to the forum consistent
40 with the following selection and appointment process.
41

1 **Rule 10.61. Court Security Advisory Committee**

2
3 **(a) Area of Focus**

4
5 The committee makes recommendations to the council for improving court
6 security, including personal security and emergency response planning.

7
8 **(b) Membership**

9
10 The committee must include at least one member from each of the following
11 categories:

- 12
13 (1) Appellate court justice;
14
15 (2) Appellate court administrator;
16
17 (3) Trial court judge;
18
19 (4) Trial court judicial administrator;
20
21 (5) Member of the Court Facilities Advisory Committee; and
22
23 (6) Member of the Trial Court Facility Modification Advisory Committee.

24
25 At least one member of the committee should be from a trial court that uses a
26 marshal for court security services.

27
28
29 **~~Rule 10.170. Working Group on Court Security~~**

30
31 **~~(a) Purpose~~**

32
33 ~~The Judicial Council has established the Working Group on Court Security.~~
34 ~~The purpose of the working group is to recommend uniform standards and~~
35 ~~guidelines that may be used by the Judicial Council and any sheriff or~~
36 ~~marshal for the implementation of trial court security services. The Working~~
37 ~~Group on Court Security must also consult with the Administrative Office of~~
38 ~~the Courts' Office of Court Construction and Management regarding security~~
39 ~~considerations for court facilities. The Judicial Council, after receiving~~
40 ~~recommendations from the Working Group on Court Security, may adopt~~
41 ~~rules, standards, guidelines, and policy directions for the trial courts in order~~
42 ~~to achieve efficiencies that will reduce security operating costs and constrain~~
43 ~~growth in those costs.~~

1
2 **(b) Composition**

3
4 The group is composed as follows:

- 5
6 (1) Eight representatives from the judicial branch of government selected
7 by the Chief Justice;
8
9 (2) Two representatives of the counties selected by the California State
10 Association of Counties;
11
12 (3) Three representatives of the county sheriffs selected by the California
13 State Sheriffs' Association;
14
15 (4) One representative of labor selected by the California Coalition of Law
16 Enforcement Associations; and
17
18 (5) One representative selected by the Peace Officers Research Association
19 of California.
20

21 **(e) Chair**

22
23 The Chief Justice may appoint an appellate court justice to serve as
24 nonvoting chair.
25

26 **(d) Initial terms**

- 27
28 (1) The initial terms of the members of the working group are as follows:
29
30 (A) Four years for three representatives of the judicial branch, one
31 representative of the counties, one representative of the county
32 sheriffs, one representative of the California Coalition of Law
33 Enforcement Associations, and one representative of the Peace
34 Officers Research Association of California.
35
36 (B) Three years for three representatives of the judicial branch, one
37 representative of the counties, and one representative of the
38 county sheriffs.
39
40 (C) Two years for two representatives of the judicial branch and one
41 representative of the county sheriffs.
42

1 (2) ~~The appointing authority may designate which members are appointed~~
2 ~~to two , three , and four year terms.~~

3
4 **(e) Terms**

5
6 ~~After the initial terms of members of the working group as provided in (d),~~
7 ~~the terms of members are three years. The appointing authority may fill any~~
8 ~~vacancy occurring for the remainder of the term.~~

9
10
11 **Rule 10.171. Working Group on Court Security Fiscal Guidelines**

12
13 **(a) Purpose**

14
15 ~~The Judicial Council has established the Working Group on Court Security~~
16 ~~Fiscal Guidelines. The purpose of the working group is to consider whether~~
17 ~~modifications are necessary and appropriate to the template that determines~~
18 ~~security costs, under Government Code section 69927(a)(1) (“template~~
19 ~~review”), and to recommend changes to the limit for allowable costs, as~~
20 ~~stated in Government Code section 69927(a)(5) (“allowable costs review”).~~
21 ~~Template review may involve, among other items, that part of the template~~
22 ~~affecting law enforcement or security personnel in courtrooms or court~~
23 ~~detention facilities (“personnel template review”).~~

24
25 **(b) Composition**

26
27 ~~(1) *Composition for allowable costs review and template review, except*~~
28 ~~*personnel template review*~~

29
30 ~~In performing allowable costs review and template review, except~~
31 ~~personnel template review, the group is composed as follows:~~

32
33 ~~(A) Six representatives from the judicial branch from the Working~~
34 ~~Group on Court Security established in rule 10.170, as selected by~~
35 ~~the Administrative Director of the Courts;~~

36
37 ~~(B) The two representatives of the counties from the Working Group~~
38 ~~on Court Security established in rule 10.170; and~~

39
40 ~~(C) The three representatives of the county sheriffs from the Working~~
41 ~~Group on Court Security established in rule 10.170.~~

1 (2) *Composition for personnel template review*

2
3 In performing personnel template review, the group is composed as
4 follows:

5
6 (A) ~~The six representatives from the judicial branch of government~~
7 ~~selected by the Administrative Director of the Courts, under~~
8 ~~(b)(1)(A);~~

9
10 (B) ~~The two representatives of the counties under (b)(1)(B);~~

11
12 (C) ~~Two of the three representatives of the county sheriffs under~~
13 ~~(b)(1)(C) as determined by the California State Sheriffs'~~
14 ~~Association; and~~

15
16 (D) ~~Two representatives of labor selected by the California Coalition~~
17 ~~of Law Enforcement Associations.~~

18
19 (e) **Chair**

20
21 ~~The Administrative Director of the Courts may designate one of the judicial~~
22 ~~branch members to be chair of the working group.~~

23
24 (d) **Terms**

25
26 (1) ~~The initial and subsequent terms of the members of the Working Group~~
27 ~~on Court Security Fiscal Guidelines who are members because they are~~
28 ~~members of the working group established in rule 10.170 expire when~~
29 ~~their terms on that working group expire. The terms of any other~~
30 ~~members of the Working Group on Court Security Fiscal Guidelines~~
31 ~~are three years.~~

32
33 (2) ~~The appointing authority may fill any vacancy occurring for the~~
34 ~~remainder of the term.~~

35

SP13-07

Adopt Cal. Rules of Court, rules 10.60 and 10.61 and repeal rules 10.57, 10.170, and 10.171

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
COURT SECURITY ADVISORY COMMITTEE				
1.	Superior Court of California County of Los Angeles Los Angeles, CA	A	We strongly support the creation of a Court Security Advisory Committee. A statewide level committee on this topic is essential if the courts are to receive adequate funding and the latest tools to protect courts, bench officers and other court employees and court facilities.	No response required.
TRIBAL COURT–STATE COURT FORUM				
1.	California Indian Legal Services by Delia Parr, Directing Attorney Eureka, CA	A	<p>I am writing today on behalf of California Indian Legal Services (CILS) to support and provide comments to proposed California Rules of Court, rule 10.60, which establishes the Tribal Court/State Court Forum as a Judicial Council Advisory Committee.</p> <p>Over the past several years, the Forum has provided a venue for state court and tribal court judges and justices to come together to discuss, problem solve and provide recommendations to the Council on issues of overlapping jurisdiction between tribal court and state court judiciaries. This collaborative work becomes only more necessary as more tribes operate their own judiciaries each year.</p> <p>The below proposed changed are with regard to membership selection and composition.</p> <p>Proposed Rule of Court 10.60 includes a subdivision addressing membership, which is understood from the rule summary to be included in all Advisory Committee rules. Our comments assume that proposed rule 10.60 is</p>	<p>The assumption is correct. Rule 10.31 applies to all advisory committees, including the Tribal Court–State Court Forum.</p>

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			<p>intended to be read in conjunction with rule 10.31, “Advisory committee membership and terms.”</p> <p>We would like to express support for two important membership concepts for the Forum. One, the proposed mechanism for appointment of tribal court judges and justices as being done by the Tribes themselves is appropriate as opposed to appointment by the Chief Justice. We would however, recommend the rule simply designate “tribal leadership” rather than the tribal chairperson, since the tribal chairperson may not have the authority to appoint without a vote of the Tribal Council or even the General Membership. Two, it is our opinion that the composition of the Forum being equal between state court judges and justices and tribal court judges and justices will allow the Forum to operate most effectively.</p>	<p>The rule has been changed to use the words “tribal leadership.”</p>

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			<p>Regarding the actual number of members, there appears to be a conflict between the proposed rule and rule 10.31. Rule 10.31(a) provides that each Advisory Committee will consist of “between 12 and 18 members, unless a different number is specified by the Chief Justice or required by these rules.” However, the proposed rule provides for 13 membership slots for state court representatives alone. In order for the composition of the Forum to have an equal or close to equal number of judges or justices from tribal courts and state courts, the total membership would be at least 26. While the language of the proposed rule can be inferred to require more than 12 to 18 members, we recommend that language be added to specifically provide for the larger membership. In addition, consideration should be given to capping the total membership, as a membership that is too large may interfere with the Forum’s ability to be effective.</p> <p>Again reading the proposed rule in conjunction with rule 10.31(b), it is our understanding that the Advisory Committee members would be appointed to three-year staggered terms. We would support this reading, and recommend that the proposed rule specifically reference the term period.</p> <p>Regarding the member selection for tribal court representatives, we would recommend adding in subsection (d)(2)(c) an additional factor for consideration if there are more names of tribal</p>	<p>There is no conflict, as the language of the rule requires a different number. Under the rule, there could be up to 11 state court members. The commentator apparently counted as state court members the member from the Director of the California Attorneys General’s Office of Native Americans Affairs and the member from the Governor’s Advisor on Tribal Affairs. State court membership could be fewer than 11 members because a member could fill more than one category. For example, a member from one of the advisory committees listed in (c)(2) could also be an appellate justice, filling the category in (c)(3) or a trial court judge from a county in which a tribal court is located, filling the category in (c)(4).</p> <p>As with all advisory committees, as stated in rule 10.31(b), unless the specific rule specifies otherwise, members are appointed to three-year staggered terms.</p> <p>The rule as circulated for comment provides that if there are more names submitted than vacancies, the forum cochairs will decide which tribal court</p>

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			<p>court judges and justices than there are vacancies. We recommend adding whether judges or justices have already served on the Forum, giving preference to those that have not. The intention would be for all tribal court judges and justices to have an opportunity to participate as members of the Forum.</p> <p>Thank you for the opportunity for our organization to provide input on this proposed rule.</p>	<p>judges or justices should be appointed based on the diverse background and experience as well as geographic location of the current membership. The committees recommend maintaining these bases for decision to provide the most flexibility in choosing members.</p>
2.	<p>California State–Federal Judicial Council, Tribal Court Relations Subcommittee by Hon. Edward J. Davila Chair Santa Clara, CA</p>	A	<p>On behalf of the Tribal Court Relations Subcommittee of the California State-Federal Judicial Council we write in support of the creation of a standing advisory committee to the California Judicial Council charged with addressing the many issues associated with the intersection of state, federal and tribal jurisdiction and law. Based on the work of our Tribal Court Relations Subcommittee over the last several years, we understand the importance of forging relationships that cross jurisdictional boundaries and institutionalizing those relationships within the State and Federal Judicial Branches of government to improve access to justice and the quality of that justice by our respective judges.</p> <p>The proposed statewide rule creating an advisory committee to the California Judicial Council would do just that within the State judicial branch, giving the new advisory committee members, both tribal and state judges, a permanent vehicle for addressing</p>	<p>The committees appreciate the comment and note the support for this proposal.</p>

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			<p>issues of mutual concern and for making recommendations directly to the California Judicial Council for appropriate and timely action. It has been our subcommittee's experience that creation of such a high level advisory committee will enable a problem-solving approach to inter-jurisdictional issues, and will foster cooperation and respect amongst and within the separate sovereign nations and judicial systems. Our justice systems are inextricably tied to one another, so that it is incumbent upon all judges to continue educating ourselves about federal Indian law, the inter-jurisdictional dependence of our justice systems, and the commonalities and differences among our justice systems. Adoption of a statewide rule creating a Judicial Council Advisory Committee will put in place a mechanism to share resources and to improve judicial education and the administration of justice for the benefit of our citizens and the courts.</p>	
3.	Casey Family Programs by William C. Bell, Ph.D. Seattle, WA	A	<p>Casey Family Programs is the nation's largest operating foundation focused solely on safely reducing the need for foster care and building hope for vulnerable children and families across America. Founded in 1966, we work to inspire, influence and inform long-lasting improvements to the safety and well-being of children, families and the communities where they live.</p> <p>Since the 1970s, Casey Family Programs has worked with tribal communities and urban organizations to improve services for American</p>	The committees appreciate the comment and note the support for this proposal.

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			<p>Indian and Alaska Native children and families. Specifically, Casey provides technical assistance and training in child welfare services with an emphasis on cultural relevance and community ownership. In addition, Casey gives technical assistance and other resources to American Indian and Alaska Native tribes and urban organizations in Alaska, Arizona, Colorado, Minnesota, Michigan, Montana, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon, Wisconsin and Washington. Casey also works with state and county-based child welfare systems to reduce the disproportionate number of native children receiving foster care services in urban settings.</p> <p>The creation of a Tribal Court-State Court Forum to provide policy recommendations and advice will be a useful vehicle to assist with cross-cultural communication with the tribes.</p> <p>Here's why: Giving the California Tribal Court-State Court Forum permanent advisory committee status would give support and recognition to the needs of tribal children and families which must be met within ICWA parameters. Giving tribal judges membership on a permanent committee also demonstrates the state's judicial commitment to all of its families, tribal and non-tribal. Additionally, assigning a permanent committee would give credence and respect to the sovereignty of tribal courts. The commitment to funding the Tribal Court State</p>	

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			<p>Court Forum as a Permanent Advisory Committee ensures its sustainability.</p> <p>Casey Family Programs strongly endorses the creation of a permanent California Tribal Court-State Court Forum. Thank you for the opportunity to comment on this proposal.</p>	
4.	<p>Center for Court Innovation by Aaron Arnold Director, Tribal Justice Exchange New York, NY</p>	A	<p>The Center for Court Innovation submits these comments in strong support of Proposed Rule 10.60, California Rules of Court, which would formally establish the California Tribal Court/State Court Forum as a Judicial Council advisory committee.</p> <p>State-tribal court forums are one of the most promising models available for promoting effective communication and collaboration among state and tribal court systems. In recent years, such forums have been created in at least ten states. These forums have produced concrete results, including full faith and credit agreements, cross-jurisdictional education programs, new protocols for improving compliance with the federal Indian Child Welfare Act, and other important initiatives that enhance the administration of justice in both state and tribal court systems. Moreover, these forums have strengthened personal relationships between state and tribal court judges and improved mutual understanding between state and tribal court systems.</p> <p>In New York, the Center for Court Innovation sits on the New York Federal-State-Tribal</p>	<p>The committees appreciate the comment and note the support for this proposal.</p>

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			<p>Courts and Indian Nations Justice Forum, which meets twice each year in Syracuse. Since 2004, the New York forum has led a number of practical and policy-level initiatives, including a cross-jurisdictional listening conference, an education program on the Indian Child Welfare Act, a full faith and credit protocol between the Oneida Indian Nation and New York’s Fifth Judicial District, legislative proposals regarding state recognition of tribal marriages, and recommendations to the New York State Board of Law Examiners regarding the testing of Indian law on the state bar exam. Despite complex historical relations between New York’s tribal and state governments and several ongoing disputes related to land rights and gaming, the New York forum has successfully brought together tribal and state court leaders to address areas of common interest.</p> <p>In the short time since its creation in 2010, the California Tribal Court/State Court Forum has already demonstrated its effectiveness through legislative recommendations, proposed court rules, comments on pending legislation, educational events, bench guides and curricula, training videos, and numerous other efforts. Current projects include granting tribes read-only access to the California Protective Order Registry and creating an electronic noticing system in Indian Child Welfare Cases. By formally recognizing the forum as a Judicial Council advisory committee, Proposed Rule 10.60 would help ensure that the forum can</p>	

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			<p>continue its important work into the future.</p> <p>The Center for Court Innovation’s Tribal Justice Exchange provides training and technical assistance to tribes that are seeking to enhance their justice systems and promotes communication, collaboration, and information-sharing between tribal and state court systems. Through this work, we are very familiar with the structure and functioning of state-tribal court forums. We believe that these forums are a proven vehicle for enhancing the administration of justice in state and tribal courts. We strongly support Proposed Rule 10.60, and we urge its adoption.</p>	
5.	Hon. William Davis Superior Court of California County of Siskiyou Yreka, CA	A	A standing advisory committee regarding state and tribal court interactions would be of great assistance to us in our dealings with our local tribal court (Karuk Tribe) and our occasional dealings with outlying tribal courts. The proposal appears adequately comprehensive.	The committees appreciate the comment and note the support for this proposal.
6.	Hon. Leonard P. Edwards, Retired Judge – Consultant Los Altos, CA	A	I have been working with tribal courts for several years and have visited a number of tribal courts across the state. There are numerous problems relating to the relationship between state courts and tribal courts. Many state court judges do not understand how to work with tribal courts when "cross-over" cases arise, for example, when an Indian youth is arrested off of the reservation, when domestic violence is committed by a non-Indian on the Indian	The committees appreciate the comment and note the support for this proposal.

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			<p>reservation, and when a restraining order is issued by a tribal court.</p> <p>Having a standing advisory committee reporting to the Judicial Council will provide a forum for improving relationships and will carry forth Chief Justice George's vision for state court-tribal court co-operation.</p>	
7.	Hon. Margaret S. Henry, Supervising Judge Superior Court of California County of Los Angeles Monterey Park, CA	A	The Tribal Court/State Court Forum should be elevated to an Advisory Committee. The Indian Child Welfare Act is a significant and specialized part of Juvenile Law. As an Advisory Committee current issues could be addressed more thoroughly, and creative ideas could be explored.	The committees appreciate the comment and note the support for this proposal.
8.	Hon. Judy Holzer Hersher Superior Court of California County of Sacramento Sacramento, CA	A	I write in support of the proposal to create a new judicial council advisory committee charged with providing policy recommendations and advice to the council for improving the administration of justice associated with California's tribal and state court justice systems (Rule 10.60). Having worked on these issues when a member of the Judicial Council Advisory Committee on Access and Fairness, having attended a national judicial conference of state, federal, and Indian nation tribes on behalf of our former Chief Justice, and now serving by appointment of our current Chief Justice as a member of the California State-Federal Judicial Council and assigned to that council's Tribal Court Relations Committee, I am familiar with both the need for and benefits	The committees appreciate the comment and note the support for this proposal.

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			from high level collaborations to address confusing and conflicting areas of law, and their intended and unintended justice consequences for the populations they serve. Several other states have already benefited from such high level coordination, through mutual education and cooperation, along with written memorandums of agreement. Thank you for the opportunity to comment.	
9.	Hon. Richard D. Huffman, Associate Justice Court of Appeal, 4th Appellate District, Division One San Diego, CA	A	As a former co-chair of this committee I am writing in support of making it a permanent advisory body of the Judicial Council. The Forum has made significant progress in improving communication between the state and tribal courts. It is also working to find better way to enforce the respective orders of both judicial systems and thus provide better protection for the communities they serve.	The committees appreciate the comment and note the support for this proposal.
10.	National Center for State Courts By Denise O. Dancy, Court Research Associate Williamsburg, VA	A	These comments are submitted in response to proposed Rule 10.60 to establish, by rule, the California Tribal Court/State Court Forum as a council advisory committee. The National Center for State Courts (NCSC), Conference of Chief Justices (CCJ), and Conference of State Court Administrators (COSCA) recognize the unique nature and importance of tribal courts to the administration of justice and ensuring public safety. The NCSC, CCJ and COSCA have a long-standing commitment to sustained tribal-state collaboration to address cross-jurisdictional challenges. NCSC, CCJ and COSCA have engaged in collaborative efforts	The committees appreciate the comment and note the support for this proposal.

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			<p>with Native American tribes, tribal courts and councils over the last 20 years to enhance public safety and strengthen state and tribal justice system capacity.</p> <p>For more than two decades, the NCSC and the CCJ have demonstrated national leadership and initiative in promoting and facilitating the development of tribal-state forums to strengthen the fair and impartial administration of justice across jurisdictions. Through the ongoing efforts of the CCJ, its Tribal Relations Committee, support for and participation in national efforts such as the Walking on Common Ground initiative, a growing body of formal CCJ policy statements and resolutions, and collaborative NCSC projects, like <i>Extending Project Passport</i>, these state court leaders continue to (1) emphasize the impact forums have on effective policy and collaborative cross-jurisdictional problem-solving, and (2) recognize that such forums are uniquely situated to address ongoing and emergent issues that confront all courts, cross all jurisdictional borders, and impact or endanger our communities (e.g., domestic violence and child welfare).</p> <p>Statewide (and regional) forums are particularly well-suited to, and play key roles in, identifying and proposing effective responses and relevant remedies to specifically address the local impact of prevailing laws and practices and the impediments to justice that can result. Forums,</p>	

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			<p>through their collaborative educational opportunities and policy reviews, have shown to be effective vehicles for dismantling procedural barriers and cultural misconceptions that hinder justice and communication. Since its formation in 2010, the California Tribal Court/State Court Forum has demonstrated the enhanced capacity these collaborative forums have to address challenges to ensuring and promoting justice across all jurisdictions and to effectively address sometimes historically controversial and divisive issues. The California Forum's ongoing efforts and successes have also served as a model to encourage or reinvigorate efforts in other states or forums.</p> <p>Sustainability has been a challenge for some forums, jeopardizing the important foundation they build and the collaborative justice and public safety enhancements they have fostered or seek to foster. Where possible and practical, formal recognition and official support mechanisms to sustain tribal-state court forums, such as the proposed Rule 10.60, can help buffer some of the challenges to sustainability and better enable these forums to continue to effect policy in practical and positive ways, model effective cross-jurisdictional collaboration, and strengthen fair and impartial justice. For these reasons, I write in support of the California Tribal Court/State Court Forum and the proposal to establish by rule the California Tribal Court/State Court Forum as a council advisory committee.</p>	
11.	The New Mexico Tribal-State Judicial	A	This is to offer the support of the New Mexico	

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	<p>Consortium by William B. Johnson, Tribal Co-Chair and William E. Parnall, State Co-Chair</p>		<p>Tribal-State Judicial Consortium (Consortium) for establishing the Tribal Court-State Court Forum as a Council Advisory Committee for the purpose of improving the administration of justice in all proceedings in which the exercise of jurisdiction by the State judicial branch and the Tribal justice systems overlap. Like the current Tribal-State forum in California, the Consortium was initially created as an informal group to advise the Court Improvement Project work on the child welfare system.</p> <p>By 2006, the Consortium was formally recognized by the New Mexico Supreme Court as one of its advisory committees. While still very much interested in issues related to Indian child welfare, the interests and concerns of the Consortium have grown beyond the child welfare arena to other matters such as domestic violence, child support, juvenile justice, incarceration, mental health, and others. The Supreme Court recognized the need for continued outreach with the 23 Tribes and Pueblos within the State’s boundaries and for education and training for <i>both</i> State and Tribal Judges to help encourage the development of relationships to help resolve cases crossing jurisdictional boundaries.</p> <p>With the Consortium fostering relationships at multiple opportunities, the State and Tribal Judges have come to learn they share similar challenges and together may identify common solutions to improve their decision-making,</p>	

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			<p>especially in cases such as a runaway from the reservation to the city, the parent incarcerated in State facilities whose child is caught in the child welfare system, and the victim of domestic violence who has escaped her offender, yet needs protection. These kinds of cases may best be resolved when the State and Tribal judges are sharing information and access to resources, and in addition, are willing to work with other stakeholders, such as child and family departments, detention and probation, and treatment staff, to ensure that needed services are provided. For example, the Consortium was invited by the State’s juvenile justice agency to study dual and blended sentencing to promote the rehabilitation of youthful offenders, while enhancing public safety.</p> <p>We have worked with Judge Richard Blake, Tribal Co-Chair of the current California forum, and know that he is personally dedicated to improving State and Tribal relationships to benefit all customers of the justice system. The forum has received excellent support from the Administrative Office of the Courts, and as the Consortium revamped its own website earlier this year, turned often to the Tribal website offered by the AOC for guidance. The forum’s work so far has been outstanding.</p> <p>It is also important to note that the proposed rule addresses two key measures that will promote the success of any Tribal-State forum, being (1) equal numbers of State and Tribal members, and</p>	

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			<p>(2) compensation for Tribal members to travel to and from forum meetings. We believe one of the major sources of the accomplishments of the New Mexico committee has been the balance between its 7 State and 7 Tribal members. Moreover, the Consortium was floundering after Federal funding for Tribal Courts was reduced and the Tribal judges were unable to participate in quarterly meetings. Without the input of active Tribal members, the forum cannot conduct its business. The proposed rule’s provision to pay these costs is an advantage for the Tribal Judges and the forum itself.</p> <p>We strongly urge that the Council approve the proposed rule to establish a permanent advisory body, and will be glad to address any questions or concerns you may have. Thanks again for the opportunity to comment.</p>	
12.	Northern California Intertribal Judicial Council by Shawn Padi Chairman Hopland, CA	A	<p>As Chair of the Northern California Intertribal Judicial Council, the governing body for the Northern California Intertribal Court System, I am writing to express our support for Cal. Rules of Court, rule 10.60. The work of the Tribal Court State Court Forum is of critical importance to all Tribes in California as well as to all users of the California and Tribal Court Systems.</p> <p>Securing the existence of this Forum by adopting this rule demonstrates the mutual commitment of Tribal Court Systems and the California Court Systems to continue our valued work together.</p>	The committees appreciate the comment and note the support for this proposal.

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			We support the adoption of Cal. Rules of Court, rule 10.60, Tribal Court State Forum.	
13.	Redding Rancheria by Tracy Edwards, Chief Executive Officer Redding, CA	A	<p>The Redding Rancheria, a federally recognized Indian tribe with a tribal court, writes to support the need for Rule 10.60. The Tribal Court/State Court Forum was formed in part to address the need for communication between two judicial systems within California's boundaries. Without communication and the development of constructive solutions to the overlap of jurisdiction between the two systems, conflict, misunderstanding, and needless litigation will increase.</p> <p>It is especially important to place the Forum on a relatively permanent footing through court rule. The ongoing need arises from several sources. First, as a result of federal neglect, most tribes in California have been slow to develop tribal courts. As tribes step forward to assert their sovereignty through their courts, they present jurisdictional issues that are new to the California state judicial system. Second, the sudden emergence of tribes as major landholders, engines of economic development and political/regulatory entities has led to conflict and the need for cooperative solutions. Third, the fields of federal and tribal Indian law have changed and continue to change dramatically. Fourth, the California state and local governments, including their judicial and regulatory bodies have limited knowledge of</p>	The committees appreciate the comment and note the support for this proposal.

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			<p>federal Indian and tribal law.</p> <p>While the development of constructive approaches to tribal/state/local jurisdictional issues must include local co-operation, it also requires leadership on a statewide level. That leadership is fostered by placing the Forum on a relatively permanent basis through court rule. Specifically, it can lead to better enforcement of orders across jurisdictional lines as required by federal law in some cases, and as should be encouraged in other cases by the doctrine of comity or the process of full faith and credit. It can lead to improved judicial education by support and development of educational publications and programming for judges and judicial support staff. It can lead to greater cooperation at the local level by the support of best practices in resource sharing and coordination, especially in law enforcement and children's services.</p> <p>The Redding Rancheria looks forward to continued cooperation at the state and local levels through both the Tribal Court/State Court Forum and ongoing formal and informal working relationships with the governmental agencies and courts of Shasta County and the City of Redding.</p>	
14.	Superior Court of California County of Los Angeles Los Angeles, CA	A	We also support the creation of a Tribal Court/State Court Forum. We question whether the strictly defined categories for membership serve the purpose of securing broad expertise in	The categories in the rule are designed to secure broad expertise and identify needs that arise in all case types by including members from seven subject matter advisory committees. (See

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			the subject area. For example, although Los Angeles is not a county in which a tribal court is located, LASC handles more matters involving ICWA-eligible youth than any other county.	subdivision (c)(2).) Those members may include judges from courts that handle large numbers of ICWA matters, but do not have tribal courts located in the county, such as the Superior Court of Los Angeles County.
15.	Tribal Law and Policy Institute by Heather Singleton Program Director Los Angeles, CA	A	The Tribal Law and Policy Institute submits this letter in strong support of Proposed California Rule of Court, rule 10.60 which would formally establish the California Tribal Court/State Court Forum as a Judicial Council advisory committee. The forum was created in May 2010 by former Chief Justice Ronald M. George to foster cooperation and communication between tribal courts and the state court, improve the working relationships between these court systems and make recommendations relating to the recognition and enforcement of court orders that cross jurisdictional lines. The forum has made significant progress in these areas, particularly as it impacts domestic violence, child welfare and dependency matters. The proposed new rule will help ensure the work of the forum will continue into the future. The value of tribal-state court forums cannot be understated. It is vital that tribes and states work closely together, particularly in states with criminal jurisdiction in Indian county, under Public Law 280. Public safety and the effective administration of justice are best achieved with good working relationships that foster a better understanding of shared jurisdiction, open communication across jurisdictions, and partnerships that make effective use of limited resources.	The committees appreciate the comment and note the support for this proposal.

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			<p>In just 3 years, the California Forum has been successful in these efforts, developing legislative proposal and protocols, providing cross cultural judicial education and nurturing important relationships. Some of this work includes:</p> <ul style="list-style-type: none">• Recommending legislative proposal to clarify and simplify the recognition of tribal civil judgment; drafting legislative proposal to provide tribal court access to state juvenile court records;• Developing a recommended rule and form proposal to revise the rule governing sending the record in juvenile appeals to clarify that if an Indian tribe has intervened in a case a copy of the record of that case be sent to that tribe – adopted by the Judicial Council;• Reviewing and providing comments that were incorporated into the final draft of the report on AB 1325 Tribal Customary Adoption;• Developing forum rule and form proposal to establish an efficient and consistent statewide procedure for California state courts to register protective orders issues by tribal courts in California – adopted by the Judicial Council;• Convening educational events such as tribal courts in action, tribal customary adoption and recognition and enforcement of tribal protection orders;• Developing curriculum and bench guides including curriculum on criminal jurisdiction in a Public Law 280 state for state court judges; training videos on cross jurisdictional issues	

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			<p>such as guardianship, judge to judge communication, juvenile court jurisdiction; judges guide on tribal communities and domestic violence; Completed curriculum for tribal advocates on the subject of domestic violence and how to navigate the state court system;</p> <ul style="list-style-type: none">• Convening cross court exchanges;• Developing a detailed communication plan;• Drafting a document detailing shared values and principals;• Developing local rules and protocols to address where state and tribal court jurisdiction overlap; and• Developing a tool kit to assist tribal and state court judges wishing to develop local rules and protocols. <p>Ongoing projects include gaining tribal read-only access to the California Court Protective Order Registry, and electronic noticing in Indian Child Welfare Cases.</p> <p>The Tribal Law and Policy Institute provides training and technical assistance to tribal-state collaborations, and as part of that effort we have developed a comprehensive website that provides resources for promoting and facilitating tribal-state-federal collaborations, with a focus on court collaboration (www.WalkingOnCommonGround.org.) Because of this work, we are very familiar with the structure and functions of these forms. In our opinion, the California Tribal-State court</p>	

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			forum is one of the more successful forums nationwide, due to its proactive agenda, motivated members, equal partnership and effective leadership. Again, we strongly support Proposed California Rule of Court, rule 10.60 formally establishing the California Tribal Court/State Court Forum.	