



JUDICIAL COUNCIL OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

www.courts.ca.gov/forum.htm
forum@jud.ca.gov

TRIBAL COURT-STATE COURT FORUM MINUTES OF OPEN MEETING

April 12, 2018
9:30 a.m-4:30 p.m.

Advisory Body Members Present: *Hon. Abby Abinanti, Co-chair, Hon. Dennis M. Perluss, Co-chair, Hon. April Attebury, Hon. Richard Blake, Hon. Hilary A. Chittick, Hon. Gail Dekreon, Hon. Leonard Edwards(Ret.), Ms. Heather Hostler, Hon. Mark Juhas, Hon. Lawrence C. King, Hon. Patricia Lenzi, Hon. Devon Lomayesva, Hon. Lester Marston, Hon. Mark Radoff, Hon. David Riemenschneider, Hon. John Sugiyama, Hon. Sunshine Sykes, Hon. Juan Ulloa, Hon. Claudette White, Hon. Christine Williams, and Hon. Christopher Wilson*

Advisory Body Members Absent: *Hon. Kimberly Gaab, Hon. Susanne Kingsbury, Hon. William Kockenmeister, Hon. Anthony Lee, and Hon. Joseph Wiseman*

Others Present: *Ms.Carolynn Bernabe, Ms. Vida Castaneda, Ms. Charlene Depner, Ms. Audrey Fancy, Ms. Ann Gilmour, Ms. Bonnie Hough, Ms. Andrea Jaramillo, Ms. Andi Liebenbaum, Ms. Joy Ricardo, Ms. Donna Strobel, Mr. Greg Tanaka, and Mr. Don Will*

OPEN MEETING

Call to Order and Roll Call

The co-chairs called the meeting to order at 12:18 p.m.

Approval of Minutes

The forum approved the February 15, 2018 meeting minutes.

DISCUSSION AND ACTION ITEMS (ITEMS 1-6)

Item 1

WELCOME AND INTRODUCTIONS

FORUM MEMBER PROJECT UPDATES

- *Hon. Abby Abinanti, Co-Chair, Chief Judge of the Yurok Tribal Court*
- *Hon. Dennis M. Perluss, Co-Chair, Justice of the Court of Appeal, Second Appellate District, Los Angeles*
- *Ann Gilmour, Attorney/Forum Counsel, Judicial Council's Center for Families, Children & the Courts (CFCC)*

Item 2

Cochairs Report

- *Update on [nomination](#)/appointment process*
The nomination period is now closed for state court judge members. The tribal court judge nomination period is open until May 4, 2018 with one nomination received to date. A few tribal judges intend to reapply and are seeking nominations from their tribal chairs.
- *Update on [annual agenda](#)*
The Executive and Planning committee approved the Forum annual agenda in March for 2018 activities. Forum should start identifying projects for 2019.

- *Invitation to Comment*
The Judicial Council is proposing an amendment to California Rules of Court, rule 9.40 to exempt out of state attorneys representing tribes “pro hac vice” in cases governed by the Indian Child Welfare Act from certain requirements governing such pro hac vice requirements. Submit any comments by June 8, 2018 [online](#) or email: invitations@jud.ca.gov
- *Introduction of new staff*
Justice Perluss welcomed new staff member, Ms. Joy Ricardo, Supervising Attorney, who introduced herself and briefly described her background. Ms. Ricardo joined the Center for Families, Children & the Courts on February 28th. Ms. Ricardo comes most recently from the East Bay Children’s Law Office of which she was a founding member. Prior to working at East Bay Children’s Law Offices, Ms. Ricardo worked in the Alameda County Public Defender’s Office representing parents and children in juvenile dependency matters.
- *Forum priorities as identified in the workbooks from the February 15 meeting. Areas for expansion of recognition and enforcement of tribal court orders.*
Ms. Ann Gilmour reported on the Forum priorities and areas of concern identified in the workbooks from the February 15, 2018 meeting. Priority areas include trafficking issues, supporting increased funding for tribal courts, work on expansion of recognition and enforcement of tribal court orders, and cross-court jurisdictional orders with a focus on DMV traffic vehicle violations, and tribal court conservatorship orders, improving education for judicial officers, in particular domestic violence as it affects trafficking, and implicit bias.

Item 3:

Judicial Council Proposed Remote Access Rules – Treatment of Tribes

Presenter: Andrea Jaramillo, Attorney, Judicial Council’s Legal Services

Ms. Andrea Jaramillo provided an overview of the rules proposal for remote access to electronic court records by parties, attorneys, and government entities. The presentation then focused on how tribal entities are defined and the level of access provided to tribal entities under the proposed rules.

Item 4:

Proposed ICWA Legislation

Presenter: Delia Sharpe, Executive Director, California Tribal Families Coalition

Andi Liebenbaum, Attorney, Judicial Council’s Governmental Affairs

Ms. Delia Sharpe, Executive Director for the California Tribal Families Coalition, presented three bills that the Coalition has introduced this legislative session. They are:

- 1) AB 3047 (Daly), which would eliminate \$500 pro hac vice fee in the Government Code for attorneys representing tribes in ICWA cases in California courts
- 2) AB 3076 (Reyes), which provides funding for qualified legal service providers who represent tribes in California dependency hearings
- 3) AB 3176 (Waldron), which seeks to conform federal regulations related to the Indian Child Welfare Act and California Welfare and Institutions Code

Ms. Andi Liebenbaum reported on the JCC’s process for reviewing legislation. Ms. Liebenbaum reported that AB 3047 (Daly) was not within purview, and would therefore not be submitted for a vote to the Family and Juvenile Law Advisory Committee (FamJuv). She reported that on April 9, FamJuv discussed and voted to recommend JCC support for AB 3076 (Reyes), and on Monday, April 16, FamJuv will hear and vote on AB 3176 (Waldron).

Justice Perluss called for a vote by the Forum to support all three pieces of legislation. The motion passed, and Ms. Liebenbaum stated that the Forum's vote/recommendations for support would be included in recommendations to the Policy and Coordinating Liaison Committee (PCLC).

Item 5:

Peer Courts – Resources

Presenter: Donna Strobel, Analyst, Judicial Council's Center for Families, Children & the Courts

Ms. Donna Strobel presented an overview on California peer/youth courts. In her presentation, Ms. Strobel discussed youth court operations, participants, youth court models, and the benefits of participating in youth court rather than going through the traditional juvenile justice system. Ms. Strobel also shared training opportunities that are available for anyone interested in starting a youth court in their jurisdiction. These trainings include the annual Youth Court Summit and Youth Court Regional Roundtables.

Item 6

Recent and Upcoming Conferences

Presenter: Vida Castaneda

- On April 13th Judicial Council's Center for Families, Children & the Courts will be hosting the 2018 Bay Area ICWA Symposium from 8:30am-5:00pm. Judge Abby Abinanti will be the keynote speaker; Judge Christine Williams will be participating in the morning panel to speak on California history in relation to tribal communities, along with local experts on local tribal history, historical trauma and multi-ethnic identity; Mr. Stephen Pevar, tribal attorney and legal expert, will provide the afternoon plenary about his case from South Dakota; and there will be an array of workshops on ICWA. The goals of this symposium are to build ICWA champions, highlight ICWA best practices, enhance skills to improve outcomes for Native American families, strengthen relationships and provide legal updates. There is currently a wait list to attend the symposium, but if there are any forum members interested in attending, please contact Vida Castaneda to see if there are any openings that will become available.
- The 25th annual statewide ICWA conference is from June 4–6 hosted by the Federated Indians of Graton Rancheria and Co-Sponsored by California Department of Social Services; California Tribal Families Coalition; California Indian Legal Services; and Office of Tribal Affairs. The theme is: "Weaving Traditions to Defend, Protect & Honor Indian Children, Families and Tribes." The conference is located at the Graton Resort & Casino in Rohnert Park. For further information, please visit: www.gratonrancheria.com.

Next Forum call is June 7, 2018.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:15 p.m.

Approved by the advisory body on June 7, 2018.