



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

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TRIBAL COURT-STATE COURT FORUM

MINUTES OF OPEN MEETING

August 13, 2020  
12:15-1:15 p.m.

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**Advisory Body Members Present:** *Hon. Abby Abinanti, Co-chair, Hon. Suzanne Kingsbury, Cochair, Hon. Erin Alexander, Hon. April Attebury, Hon. Leona Colegrove, Hon. Gail Dekreon, Hon. Gregory Elvine-Kreis, Hon. Patricia Guerrero, Hon. Lawrence King, Hon. Patricia Lenzi, Hon. Michael Sachs, Ms. Christina Snider, Hon. Sunshine Sykes, Hon. Mark Vezzola, Hon. Christine Williams,*

**Advisory Body Members Absent:** *Hon Richard Blake, Hon. Hilary Chittick, Hon. Leonard Edwards (Ret.), Ms. Heather Hostler, Hon. Mark Juhas, Hon. Kristina Kalka, Commissioner Jayne Lee, Hon. Devon Lomayesva, Hon. Gilbert Ochoa, Hon. Cindy Smith, Hon. Robert Trentacosta, Hon. Juan Ulloa, Hon. Claudette White, Hon. Joseph Wiseman.*

**Others Present:** *Ms. Leily Arzy, Ms. Vida Castaneda, Ms. Audrey Fancy, Ms. Ann Gilmour, Ms. Andi Leibenbaum, Ms. Amanda Morris*

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OPEN MEETING

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**Call to Order and Roll Call**

The co-chairs called the meeting to order at 12:17 p.m.

**Approval of Minutes**

The Forum approved the June 11, 2020 meeting minutes.

Hon. Michael Sachs motioned to approve with Hon. Sunshine Sykes seconding.

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DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

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**Info 1**

**Co-Chairs Report**

Update on nominations

The committee was updated that as a result of the pandemic, the Chief Justice has made the decision to extend the term of all committee memberships by one year. An email was sent out to all members requesting confirmation that they do not have issue with this extension and there were no objections. Judge Delia Sharp was nominated to fill one vacancy for a Tribal Judge and her nomination was accepted, her term starts in September 2020.

**Info 2**

**ICWA Best Practices Guide:** *Presenter: Leily Arzy, Legal Fellow & Andi Liebenbaum, Attorney. Judicial Council Office of Governmental Affairs*

Leily Arzy gave the Forum an overview of the ICWA Best Practices project that was undertaken to address some of the issues raised in the 2017 *Attorney General's ICWA Compliance Task Force Report*. We conducted interviews with tribal advocates and attorneys about their experiences in the California Court system – what challenges or issues they have encountered in representing tribes in ICWA cases and what solutions or promising practices they have encountered or observed, with a focus on local court policies, practices and culture. The *ICWA Best Practices Guide* discusses these issues and challenges and highlights simple changes in practice that have been identified and implemented by some courts in California in an effort to address these issues. The Guide includes policies and practices that local courts can take to promote the uniform application of ICWA throughout the state and just outcomes for tribal parties, Indian parents, children, and families in child welfare proceedings.

### **Info 3**

**Updates on Attorney General's Office of Native American Affairs** *Presenter: Ms. Merri Lopez-Keifer, Director, Office of Native American Affairs*

Merri Lopez, Director of Native American Affairs at the Attorney General's office, introduced herself to the Forum. She informed the Forum that she was recently appointed by Attorney General Becerra to serve as Director of the Office of Native American Affairs. That position had been vacant for three years following the retirement of Olin Jones. She believes the goals of the Forum are closely aligned to that of the Office of Native American Affairs. She looks forward to working together.

### **Info 4**

**U.S. Supreme Court Decision in *McGirt vs. Oklahoma*** *Presenter: Hon. Mark Vezzola, Chief Judge of the Chemehuevi Tribal Court*

Judge Mark Vezzola spoke to the Forum about the background to and implication of the U.S. Supreme Court decision in the *McGirt vs. Oklahoma* case. In a 5-4 decision in favor of McGirt, the Supreme Court recognized the treaty made with the Muscogee (Creek) Nation in the 1800s which includes defining the area of the Muscogee Creek Reservation is still in force and the boundaries of the reservation had not been lawfully diminished since it was established notwithstanding that the boundaries have been ignored by the state of Oklahoma. This decision may disrupt convictions made by the State of Oklahoma for crimes that were committed within the boundaries of the original Muscogee Creek Nation reservation. The Oklahoma Attorney General made a statement that he would be working with the Tribes in the State of Oklahoma to create intergovernmental agreements. The Muscogee (Creek) Nation is not in favor of dismissal of McGirt's crimes and he will be prosecuted by federal prosecutors.

Implications for California Native American Tribes: Eighteen treaties were created in California however the U.S. Senate did not ratify them, and they never went into effect. This fact was kept from the public for the next five decades.

**Info 5**

**Discussion of COVID-19 & Court Continuation of Operations and Reopening**

*Presenters: Discussion All*

Members had no updates to provide.

Next Forum call is October 8, 2020.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 1:09 p.m.

Approved by the advisory body on October 8, 2020.