

Resolution 27

To Continue the Improved Operating Relations Among Tribal, State and Federal Judicial Systems

WHEREAS, the Conference of Chief Justices has recognized the need to reduce jurisdictional conflict among tribal, state and federal courts; convened a Committee on Tribal Relations; and provided direction to the State Justice Institute-funded project "The Tribal Courts and State Courts: The Prevention and Resolution of Jurisdictional Disputes Project" (the Tribal Courts and State Courts Project); and

WHEREAS, the Tribal Courts and State Courts Project has achieved major accomplishments, including:

- tribal-state court forums in Washington, Oklahoma, Arizona, Michigan, North Dakota and South Dakota;
- two national conferences;
- the publication of a "How-To-Do-It Guide to Prevent and Resolve Jurisdictional Disputes and Improve Cooperation Between Tribal and State Courts;" and
- the development of a national agenda entitled: "Building on Common Ground: A National Agenda to Reduce Jurisdictional Disputes Between Tribal, State and Federal Courts" (the National Agenda); and

WHEREAS, the National Agenda has been circulated for comment to approximately 700 individuals and the Executive Committee of the Coordinating Council of the Tribal Courts and State Courts Project;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Conference endorses the following three principles developed by the Tribal Courts and State Courts Project and promulgated as part of the National Agenda:

- First, tribal, state and federal courts should continue cooperative efforts to enhance relations and resolve jurisdictional issues.
- Second, Congress should provide resources to tribal courts consistent with their current and increasing responsibilities.
- Third, tribal, state and federal authorities should take steps to increase the cross-recognition of judgments, final orders, laws and public acts of the three jurisdictions.

2. In order to assure implementation of these principles the Conference will:

- Continue its Tribal Relations Committee; and
- Ask The National Center for State Courts to seek ongoing funding to support work in this area and, to the extent that resources permit, to:
 - serve as an informational clearinghouse,
 - develop educational programs,
 - provide technical assistance,
 - sponsor research,
 - continue the examination of jurisdictional issues and
 - help coordinate other activities pertinent to tribal, state and federal relations.

3. Support the development of tribal/state/federal court forums.

4. Promote communication, cooperation, coordination and mutual respect among tribal, state and federal judicial systems.

5. Continue to encourage appropriate publication and dissemination of tribal appellate decisions and codes.

6. Encourage an increased level of funding for tribal courts and for child protection and support, domestic violence programs, community treatment, mental health services and correctional resources within and adjacent to Indian country.

7. Support intergovernmental agreements that provide for

- cross-utilization of facilities, programs, and personnel by tribal, state and federal judicial systems,
- the exchange of justice system records information and
- extradition to and from Indian country.

8. Where appropriate, encourage amendments to present uniform laws to include Native American tribes.

Adopted as proposed by the Tribal Relations Committee of the Conference of Chief Justices in Rockport, Maine at its 54th Annual Meeting on August 1, 2002.