



# ***A SHORT HISTORY OF THE MICHIGAN TRIBAL-STATE- FEDERAL JUDICIAL FORUM***

**FLETCHER**

ALL IMAGES GENERATED  
BY DALL-E, SO IT GETS  
A LITTLE WEEEEEEIRD.



**1992**

**FIRST JUDICIAL  
FORUM CONVENED**

**WALKING ON  
COMMON GROUND**



## MICHIGAN

### INDIAN TRIBAL COURT/STATE TRIAL COURT FORUM

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Hon. Garfield W. Hood  
Chairperson

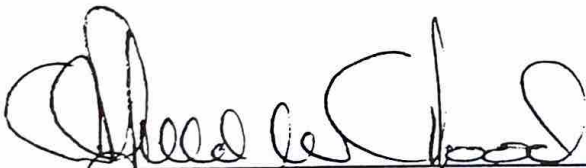
Hon. Michael D. Petoskey  
Vice Chairperson

Hon. Michael F. Cavanagh  
Chief Justice  
Michigan Supreme Court  
P. O. Box 30052  
Lansing, MI 48909

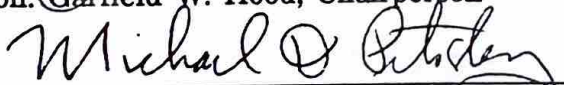
Dear Chief Justice Cavanagh:

The members of the Michigan Indian Tribal Court/State Trial Court Forum are pleased to submit our report and recommendations to the Michigan Supreme Court.

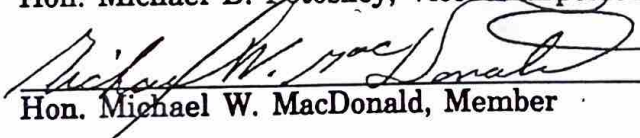
The forum has demonstrated that there are far more similarities than differences between the Michigan tribal and state judicial system. We believe that our recommendations, if implemented, will greatly enhance the ability of Michigan's judiciary and the tribal courts of this state to cooperate effectively in delivering quality court services to all of our citizens. We thank you for the opportunity to serve as forum members.



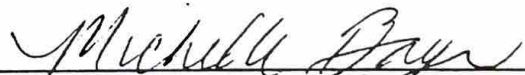
Hon. Garfield W. Hood, Chairperson



Hon. Michael D. Petoskey, Vice Chairperson



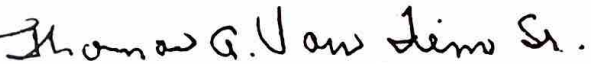
Hon. Michael W. MacDonald, Member



Hon. Michelle Boyer, Member



Hon. William T. Ervin, Member



Hon. Thomas A. Van Tiem, Sr., Member



Hon. Bradley Dakota, Member

## FORUM MEMBERS

### Trial Courts

Hon. Garfield W. Hood  
Chief Judge  
12th Judicial Circuit  
Courthouse  
401 E. Houghton  
Houghton, MI 49931  
TX: (906) 482-5420

Hon. William T. Ervin  
Chief Judge  
Isabella County Probate Court  
County Building  
200 N. Main Street  
Mt. Pleasant, MI 48858  
TX: (517) 772-0911

Hon. Michael W. MacDonald  
Chief Judge  
91st District Court  
City-County Building  
325 Court Street  
Sault Ste. Marie, MI 49783  
TX: (906) 635-6323

Hon. Thomas A. Van Tiem, Sr.  
36th District Court  
Madison Center, Room 3068  
421 Madison  
Detroit, MI 48226  
TX: (313) 965-8741

### Project Leaders

Mr. Jack C. Crandall  
Regional Court Administrator  
State Court Administrative Office  
400 W. Main St., Ste. 15  
P. O. Box 100  
Gaylord, MI 49735  
TX: (517) 732-3311

Ms. Kathryn Tierney, Counsel  
Bay Mills Indian Community  
Route 1  
Brimley, MI 49715  
TX: (906) 248-3241  
FAX: (906) 248-3283

### Tribal Courts

Hon. George Nolan  
Chief Judge, Tribal Court  
Sault Ste. Marie Tribe of  
Chippewa Indians  
206 Greenough Street  
Sault Ste. Marie, MI 49783  
TX: (906) 635-6050

Hon. Patricia Harris  
Tribal Judge  
Saginaw Chippewa Tribe  
215 Saginaw Street  
P. O. Box 26  
St. Louis, MI 48880-0026  
TX: (517) 681-3025

Hon. Michael D. Petoskey  
Tribal Judge  
Grand Traverse Band of  
Ottawa and Chippewa Indians  
Northwestern Michigan College  
1701 East Front Street  
Traverse City, MI 49684-3016  
TX: (616) 922-1030

### Legal Consultant

Mr. James Bransky  
160 E. State Street  
Traverse City, MI 49684  
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### NCSA Consultant

Mr. H. Ted Rubin  
Senior Staff Attorney  
Institute for Court Management of  
National Center for State Courts  
1331 Seventeenth St., Ste. 402  
Denver, CO 80202-1554  
TX: (303) 293-3063

ATTACHMENT "1"

INDIAN TRIBAL COURT/STATE TRIAL COURT FORUM

AUGUST 21, 1992

FORUM GUESTS:

- |                           |   |
|---------------------------|---|
| 1. Julius Eggbert         | Sault Ste. Marie  |
| 2. Hon. Bradley Dakota    | Tribal Court Judge, Keweenaw Bay Indian Comm.                 |
| 3. Wes Martin             | Hannahville Tribal Court                                      |
| 4. Carol S. Andray        | Chippewa-Ottawa Conservation Court                            |
| 5. Lt. Charles Ludwick    | MSP Post Commander (Sault Ste. Marie)                         |
| 6. Edward W. Berkompas    | Chippewa County Sheriff                                       |
| 7. Joseph P. O'Leary      | Tribal Atty., Keweenaw Bay Indian Comm.                       |
| 8. Robert Muldare         | Michigan State Police   |
| 9. Hon. Douglas B. Gurski | Chief Judge, Saginaw Chippewa Tribe                           |
| 10. Brian E. Ray          | Michigan State Police   |
| 11. Lowell R. Ulrich      | Chippewa County Probate Court                                 |
| 12. Dawn Duncan           | Tribal Atty., Hannahville Indian Community                    |
| 13. Julie A. Timmer       | Bay Mills Indian Community                                    |
| 14. Sylvia Evans          | Acting Director, Native American Affairs, DSS                 |
| 15. Richard Hoestra       | Michigan Dept. of Social Services                             |
| 16. James Jannetta        | Tribal Atty., Sault Ste. Marie Tribe of Chippewa Indians      |
| 17. Monica M. Lubiarz     | Prosecuting Atty., Sault Ste. Marie Tribe of Chippewa Indians |



# INDIAN/TRIBAL COURT FORUM

## MINUTES

OCTOBER 23, 1992

### PRESENT:

Chairperson Hon. Garfield W. Hood  
Vice Chairperson Hon. Michael D. Petoskey  
Hon. Michelle Boyer  
Hon. Bradley Dakota  
Hon. Thomas A. Van Tiem, Sr.  
Hon. William T. Ervin  
James A. Bransky, Consultant

### ABSENT:

Hon. Michael W. MacDonald

### STAFF:

William H. Newhouse, SCAO Staff  
Kathryn L. Tierney, Co-Project Leader  
Jack C. Crandall, Co-Project Leader  
Chief Justice Michael F. Cavanagh  
State Court Administrator Marilyn K. Hall  
Deputy State Court Administrator John D. Ferry, Jr.

### GUESTS:

J. Bruce Kilmer, Regional Administrator, SCAO  
Kevin J. Bowling, Regional Administrator, SCAO  
Linda Parrish, Tribal Judge, Bay Mills  
Joseph P. O'Leary, Tribal Attorney, Keweenaw Bay  
Patricia Cummings, State Court Administrative Office

Following introductions Chairperson Hood requested the reading of the minutes of the August 21, 1992 meeting. The minutes were unanimously approved as read.

Chief Justice Cavanagh stated he wished to thank the forum members for their participation in this historic event in Michigan. He stated the Supreme Court will give consideration to the forum's recommendations and indicated a willingness to consider establishing some mechanism to continue the work started by the forum.

State Court Administrator Hall stated she was impressed with the accomplishments of the forum given the limited time and resources available and stated it reflected the dedication of the members. She expressed the willingness of the SCAO to work toward implementing the forum's recommendations and together with the tribes to seek further funding from the National Center for State Courts to carry on follow-up activities.

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**1994**

**MICHIGAN COURT RULE 2.615  
— RECIPROCAL COMITY**



# **MORE ON THE RECIPROCAL COMITY RULE**

**MIKE CAVANAGH:** AS ITS FIRST PRIORITY, THE FORUM INDICATED THE NEED FOR A MEASURE TO ENSURE MUTUAL RECOGNITION OF STATE AND TRIBAL JUDGMENTS.

**MIKE PETOSKEY:** THE TWO MOST SIGNIFICANT CHALLENGES FOR TRIBAL COURTS AND FOR TRIBAL JUDGES WAS GARNERING RESPECT FROM WITHIN THE COMMUNITY ITSELF AND CREDIBILITY FROM OUTSIDE OF THE COMMUNITY SO WE WERE SEEN AS CREDIBLE INSTITUTIONS.

**MIKE CAVANAGH:** IN THE END, WE DETERMINED THAT IT WAS AN APPROPRIATE EXERCISE OF OUR CONSTITUTIONAL AUTHORITY. AND A PRUDENT ONE. TO BE HONEST, WE WERE ALSO AWARE THAT THIS IS A PROCEDURAL PROBLEM THAT WE COULD PROBABLY HANDLE BETTER THAN THE LEGISLATURE.

**MIKE PETOSKEY:** WHEN I GO AND HEAR STORIES LIKE KANSAS OR I GO TO PUBLIC LAW 280 STATES OR I GO OUT TO MAINE OR GO OUT TO RHODE ISLAND... AND WHEN I THINK ABOUT WE HAVE HERE IN MICHIGAN WHERE A JUDGE LIKE ME TENDS TO SEE JURISDICTION IN BLACK AND WHITE – IT'S A BREATH OF FRESH AIR BECAUSE I THINK YOU LOOK AT A FACT PATTERN AND IT'S PRETTY EASY TO DETERMINE WHICH COURT HAS JURISDICTION AND THAT'S NOT ALWAYS THE CASE IN OTHER JURISDICTIONS.





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LAAR

TRIBAL JUDGES INCLUDED IN  
MICHIGAN JUDICIAL INSTITUTE



Lodgy Govevov  
Lkavory Deyvov  
Lkavory Deyvov

TRIBAL COURTS ADDED  
TO MICHIGAN STATE  
BAR DIRECTORY

AMERICAN INDIAN  
LAW COMMITTEE  
FORMED

I SAID IT WAS GOING  
TO GET WEIRD



**2004-PRESENT**



**MICHIGAN TRIBAL-STATE TAX  
AGREEMENTS — TRIBAL COURT  
JURISDICTION PROVISIONS**





**2012**

**MICHIGAN INDIAN FAMILY PRESERVATION ACT**

A RECOMMENDATION  
OF THE ORIGINAL  
1992 FORUM





**2014**

# **C**OMMENCEMENT OF THE JUDICIAL FORUM: AGAIN

## **N**AAKONIGWIN -- CHARTER

THE FORUM WILL STRIVE TO EMBODY THE SEVEN GRANDFATHERS TEACHINGS: TRUTH, HONESTY, HUMILITY, WISDOM, LOVE, RESPECT, AND BRAVERY.

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.