

**ARIZONA STATE, TRIBAL & FEDERAL COURT FORUM**  
**Pascua Yaqui Casino Del Sol**  
**5655 W. Valencia Road**  
**Tucson, Arizona**

**Approved Minutes of the**  
**January 23, 2009 Meeting**

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**Court Forum Members Present:**

Hon. Ted Armbruster (by phone)  
Fountain Hills Municipal Court

Hon Earl Carroll  
U.S. District Court

Hon. Victor J. Clyde  
Chinle Justice Court

Amy Courson  
State Bar, Indian Law Section

Sue Hall (by phone)  
Clerk of Superior Court, Apache County

Hon. William O'Neal  
Pinal County Superior Court

Hon. Delbert Ray  
Salt River Pima-Maricopa Indian Com. Court

Hon. Allen Sloan (by phone)  
Window Rock District Court

**Administrative Office of the Courts (AOC) Staff Present:**

David Withey

Brenda Lee Dominguez

**Participants/Visitors Present:**

Karin Ashby  
Ben Casey  
Allyson Thomas  
James White

Annette Brown (by phone)  
Hon. Margaret A. Flores  
Hallie Bongar-White

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**II. Call to Order and Greeting**

David Withey called the meeting to order at 10:15 a.m. David Withey welcomed the attendees and invited everyone to introduce themselves.

Hon. Margaret A. Flores, Pascua Yaqui Tribal Court, gave an overview of the Pascua Yaqui Tribal Court and their e-filing system. E-filing started with the Court of Appeals and has codes, opinions and pleadings available on their website at <http://www.pascua-yaqui-court-of-appeals.org/index.html>.

**III. Approval of Minutes**

The approval of October's meeting minutes was deferred until the next meeting.

#### IV. New Matters

David Withey introduced the presenters Hallie Bongar-White, Executive Director, and James G. White, Legal Director, of the Southwest Center for Law and Policy, and Karin Ashby, Detective, for Tohono O'dham Nation Police Department.

**A. Creative Civil Remedies Against Non-Indians in Indian Country** – James G. White provided a presentation on Indian Law history and jurisdiction. An article on creative civil remedies that includes enforcement of orders of protection against Non-Indians is located on the Southwest Center for Law and Policy website <http://www.swclap.org> under Articles.

**B. Sex Offender Registration and Notification** – Hallie Bongar-White presented an overview on SORNA. An article and a PowerPoint presentation on this subject are located on the Southwest Center for Law and Policy website <http://www.swclap.org> under Articles.

**Lunch Break** – 12:15 p.m.

**C. SORNA Implementation by Tohono O'Odham Nation** – Karin Ashby presented material, which is located on the STFCA website at [http://supreme8/stfcf/handouts/Sex\\_Offender\\_Registration\\_Trkng\\_Notif\\_Presentation\\_Ashby\\_1-23-09.pdf](http://supreme8/stfcf/handouts/Sex_Offender_Registration_Trkng_Notif_Presentation_Ashby_1-23-09.pdf)

Karin stated that tribes are reluctant to share information due to control limits. The rodeos and casino events pose problems with sex offenders required to within 24 hours of entry of the reservation. Public notice is issued within 10 days of registration.

Twenty-one out of Twenty-two tribes have opted in for SORNA.

Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) is a national comprehensive sex offender registration and notification system. The SMART Office was authorized in the Adam Walsh Child Protection and Safety Act of 2006, which was signed into law on July 27, 2006. The U.S. Department of Justice website <http://www.ojp.usdoj.gov/smart/index.htm> contains valuable information regarding SMART.

The responsibilities of the SMART Office include providing jurisdictions with guidance regarding the implementation of the Adam Walsh Act, and providing technical assistance to the states, territories, Indian tribes, local governments, and to public and private organizations. The SMART Office also tracks important legislative and legal developments related to sex offenders and administers grant programs related to the registration, notification, tracking, and monitoring of sex offenders.

## **V. Ongoing Matters**

### **A. Planning Education Session for State Judges**

The 2009 session will be held in June.

### **B. Scheduling of Meetings for 2009**

Email will be sent out regarding future possible meeting dates.

### **C. Tribal Judge Authority to Perform a Marriage Ceremony**

Judge Sloan will bring this matter up at the next judicial meeting.

## **VI. Adjournment**

The meeting adjourned at 3:05 pm.