

AGENDA

ARIZONA STATE, TRIBAL & FEDERAL COURT FORUM

Friday, September 13, 2019 - 10:00 a.m. - 3:00 p.m.

Arizona State Court Building, Room 119A/B

1501 West Washington, Phoenix, Arizona 85007

I. Registration (Beginning at 9:30 a.m.)

II. Call to Order

III. Introductions

IV. Approval of Minutes

V. Meeting Business

A. Tribal Court Involuntary Commitment - *Guardianships and Other Issues*

Erin Cohen, Assistant Attorney General

Dr. Steven Dingle, Medical Director, ASH

B. Representation of Tribes In State ICWA Proceedings

1. Status of special admission rules - *update*

2. Draft rule language

C. Four Corners Cross-Jurisdictional Conference- Letter to NM Consortium

D. South-Central Region Community Supervision Summit

Shanda Breed, Manager, Adult Services Division

LUNCH

E. State Juvenile Justice Detention and Community Supervision Update

Joe Kelroy, Juvenile Justice Services Division Director

F. Judicial Education regarding Indian law and Jurisdiction

1. AZ Judicial Conference potential topics

2. Incorporation of Indian law in judicial education curriculum and materials

Jeff Schrade, Education Services Division Director

VI. 2020 Meeting Schedule

• January 17, 2020 10am-3pm

• May 29, 2020 10am-3pm

• September 18, 2020 10am-3pm

VII. Open Forum for Discussion of Issues of Concern

ARIZONA STATE, TRIBAL & FEDERAL COURT FORUM
Minutes of the May 31, 2019 Meeting
Arizona State Court Building, Room 119

Court Forum Members Present:

Hon. Ryan Andrews
Salt River Pima-Maricopa Indian Com. Court

Hon. Victor J. Clyde
Chinle Justice Court / Navajo Nation

Maria Morlacci
Arizona Office of the Attorney General

Hon. Kyle Fields
Tohono O'Odham Nation Tribal Court

Hon. William Canby, Jr. (telephonically)
U.S. Court of Appeals, Ninth Circuit

Hon. Douglas Rayes
U.S. District Court

Todd Matha (new member)
Yavapai-Apache Nation Tribal Court

Hon. Ted Reed
Coconino County Superior Court

Hon. Randall Howe
Az. Court of Appeals, Division I

Virjinya Torrez
State Bar of Arizona

Hon. Lawrence King (telephonic)
Colorado River Indian Community Court

Hon. Wayne Yehling
Superior Court, Pima County

Hon. Michael Latham
Apache County Arizona Superior Court

Incoming Chief Justice Robert Brutinel
Arizona Supreme Court

Kate Rosier (telephonic)
Public member

Kiyoko Patterson (telephonic)
U.S. Attorney's Office

Administrative Office of the Courts (AOC) Staff Present:

David Withey
Jagger Lieb, AOC Law Clerk
Shanda Breed (telephonic)

Participants/Visitors Present:

Audrey Greene
SRPM)
Fred Urbina (Pascua Yaqui)
Edd Welsh
Kevin Maulson
Ida Wilbur from Salt River Comm. Crt (telephonic)
James Mapp AZ Dept of Juv. Corrections (telephonic)

Allyson Thomas (Court Solicitor for
Sarah De Oliveira (Attorney for SRPM)
Sheina Yellowhair (Cenpatico)
Barbara Atwood (telephonic)

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- I. **Registration** (Beginning at 9:30 a.m.)
 - II. **Call to Order**
 - III. **Introductions**

IV. Vice Chief Justice Brutinel Greeting

Justice Brutinel identified strategic agenda items involving tribal and state cooperation:

1. Regional forums with tribal courts and probation departments to talk about ways to reach agreements on probation for both adults and juveniles.
2. Improve the availability of tribal court orders of protection and domestic relation cases to law enforcement agencies outside tribal jurisdiction and make them enforceable throughout the state of AZ.
3. Orders of Protection, Mental Health Issues – sequential intervention; expand to juvenile and rural.

V. Approval of Minutes

January minutes were not taken or recorded.

VI. Meeting Business

A. Community Supervision (David Withey & Shanda Breed)

1. **Data on evidenced-based supervision of tribal probationers in Arizona**
 - i. Ost/Frost assessments for probation supervision determines the risk of probationers to reoffend. Probation officers answer survey questions to help calculate recidivism risk scores. Assessments have now been validated for AZ Native American population. Results have been determined free of bias based on different ethnicities.
 - ii. Discussion on redistributing resources from providing services to lower level risk offenders to providing services to higher risk offenders. High risk offenders necessarily require more effort and resources to prevent recidivism.
 - iii. Lower risk offenders require and do better with less supervision. (less is more).
2. **Reentry – discharged prisoners' reengagement with community**
 - i. 250 Arizona prisoners are released on probation every month. Numbers dramatically increased in Maricopa County. Also increased in Pima, Pinal and Yavapai Counties.
 - ii. ACJA 6-201.01 was amended. A probation officer's caseload now includes prisoners who are within 90 days of discharge and who must be contacted prior to release in order for the officer to develop a plan to assist the prisoner with re-entry to the community on probation. Most absconding happens within a month of release.
 - iii. Question (Morlacci) – What financial counseling and job assistance is made available? Current help exists for applying to ACHHHS. DES is imbedded in 3 re-entry centers; 2 in Maricopa and 1 in Pima who help with budgeting assistance. POs work with outside employers who are open to felony employees and go to prisons to help prisoners become ready for employment. Some prisoners receive job offers before discharge.
 - iv. Question (Morlacci) – Governor's re-entry task force is a team effort to improve success on re-entry. ADC, Federal probation, US attorney's office all meet and collaborate.

- v. Judge Clyde – Pre-release process should include contact with the Tribes. Most tribes conduct ceremonies to enable re-entry into the tribal community.
- vi. Judge King – the list of pre-release assistance should also include getting their certificate of Indian Blood. This helps with access to the Indian healthcare system.
- vii. Judge Latham – criminal records are set aside but not expunged. Consequently, prospective employers can still find public data of the criminal record.
- viii. Question – Is long term treatment available based on need of a qualifying person? If recommended, it's usually with a behavioral health specialist. It may be part of their sentence or discretion of the probation officer with approval from behavioral health specialist.
- ix. Post-release focus is on critical needs (housing, employment, etc.) before focusing on terms of probation. Allows time for probationers to reconnect with family, society, and tribe.
- x. Re-entry round table training has been conducted in various counties to help inmates who are released but are not on probation and don't have access to the resources provided by probation departments. No current numbers are available for people coming out of prison who are on parole or probation. Shanda may be able to get those numbers starting next month. Community supervision: assistance for people who re-enter, not on probation, is not as robust as for those who are on probation and getting this extra assistance. Average term is 6 months
- xi. Suggestion to add drop-down menus to provide more accurate information by tribe.
- xii. Sheina Yellowhair to send info on community re-entry programs from tribal detention facilities to David Withey and Shanda Breed.
- xiii. Save the Date – 8/28/19 Community Supervision Summit at AK-Chin Circle Harrah's Casino. Registration opening soon.

- 3. **Thrd Regional Community Supervision Summit – (David Withey)**
Tentative August 27 & 28, 2019 - Ak-Chin Community, Harrah's Casino
 - i. Covers the central and southern part of the state.
 - ii. PowerPoint – "Reaching for the Summit" pyramid was presented. Collaborating, improving communication and sharing information, trainings, personnel, etc. between tribal and state community supervision departments.

B. ICWA

- 1. **Representation by tribal attorney llcensed in other state – update**
 This involves out-of-state tribal attorneys appearing on ICWA cases in AZ courts. Though the Court Forum's petition was rejected by the court, Vice Chief Justice Brutinel stated that he recognizes this is still on the table. An ICWA pro hac vice chart was provided to show action on this problem by supreme courts of other states. Tribal attorneys are exempt from costly fees and co-counsel requirements in several other states but not yet in AZ. Early January is the next deadline for a follow up rule petition.
- 2. **Implementation partnerships – three state grants-ND, OK, MN.**

-examples of what these states are doing. AZ has a Court Improvement Program fund and an ICWA Committee that works with the state court office to improve conferences and ICWA dependency issues.

3. **ICWA IV-E reporting requirements – comment by ITCA.** Federal Children's Bureau has put out additional regulations concerning use of IV-E funds. Data collection showing how ICWA is working is almost non-existent because it is costly to modify case-tracking systems. New regulations reduce data state would have been required to maintain based on rules originally proposed.

LUNCH

C. Involuntary Commitment - State Court Recognition of Tribal Court Guardianships – Allyson Thomas

- i. Issue: Tribal court appointed guardian recognition by state courts is needed for guardian participation in care provided to ward.
- ii. Is this a general issue or tribal-specific? Distinction is needed between general guardian and guardian in commitment proceeding.
- iii. Role of any guardian – problem being recognized by providers as authorized to receive information
- iv. Arizona State Hospital (ASH). Who from the AG's office advises ASH who can assist with this problem? AAG Morlacci to provide name of assigned counsel.
- v. Specific language is needed in court orders to provide guardianship for mental health.
- vi. David Withey to contact the AG to discuss creating a workgroup. Will provide a status update at the next meeting.

D. Four Corners Cross-Jurisdictional Conference

1. **Issues in common** - page 20 of the meeting handout.
2. **Propose on the agenda to open discussion for successes and challenges.**
3. **Location?** Phoenix, travel expenses from NM may receive grant funding for air travel.
4. **Letter** – Judge Andrews, David Withey and Judge Howe to work on a letter of interest to send to the NM Consortium.
5. **Proposal** to add the topic of missing and murdered indigenous women to that agenda. HB2570 was just signed by the Governor. There will be a committee formed soon to start looking at this issue.
6. BIA has funding for tribal federal state forums. Just need a tribal host. Judge Urbina will send Tricia Tingle's contact info to David to fund a future meeting.

E. Member Reappointments – membership chart.

1. April Olson – new public member.

VI. Next Meeting – September 13, 2019 - Location?

Need location. Open for volunteers to host. Date can be somewhat flexible.

VII Open Forum for Discussion of Issues of Concern

Judge King – Alert provided about two training events for tribal prosecutors - July 8-11 in Pascua Yaqui and July 16-18 at ASU Law School. Funding is available for travel and the registration is free. Flyers are available to be sent out to tribal judges.

Virjinya Torres asked about training for state court judges. David to follow up with AOC Education Services division staff who work with state judges to develop curriculum for state judges. Judge Howe is on the state Commission on Judicial Education and Training (COJET). Judge Howe and Judge King will form a work group

- State Judicial Conference meets in early Fall.

- New Judge orientation is in January. Limited Jurisdiction session includes some Indian law materials.

Virjinya Torres stated that the State Bar Convention has a lot of Indian Law sessions this year.

State Recognition of Tribal Guardianship Orders

Issue: Whether or not tribal court orders appointing guardians (temporary and permanent) for mentally incapacitated adults are recognized stateside and whether the following 2009 Arizona Department of Human Services recommendations for state recognition of tribal guardianships are effective:

1. Including the name and authority of guardian in the involuntary commitment order under A.R.S. § 12-136 and the Arizona Rules of Procedure for the Enforcement of Tribal Court Involuntary Commitment Orders; or
2. Filing the tribal court order appointing a guardian with the superior court through Rule 5 of the Arizona Rules of Procedure for the Recognition of Tribal Court Civil Judgments

Case Summary – Respondent, 24 year old male Community member

January 3, 2018: Office of General Counsel (OGC) filed a petition for appointment of Office of the Public Fiduciary (OPF) permanent guardian. Respondent has had a court appointed conservator since 2012. Respondent has been diagnosed with schizophrenia disorder bipolar type and antisocial personality disorder.

March 15, 2018: In a separate, related matter, the Community court found Respondent: 1) suffers from schizophrenia; 2) to be a danger to others; 3) unamenable to voluntary treatment. Respondent is ordered to be involuntarily committed to the Arizona State Hospital (ASH). Respondent enters ASH on April 2, 2018.

March 20, 2018: The Community court holds an initial hearing on petition for guardianship; Respondent appears, requests and is appointed legal counsel.

April 24, 2018: Respondent, through legal counsel, and parties stipulate to a temporary guardianship, and the Community court issues a Letter of Appointment to the Guardianship Division of the tribe's Health and Human Services (HHS) department. *See attached order and letter.*

August 13, 2018: the OGC moves to dismiss the guardianship and requests an emergency review hearing, stating that ASH staff 1) did not recognize the Community court's order designating HHS as guardian; 2) restricted the guardian's participation in staffing Respondent's treatment plan and directed the guardian to act as an observer only; and 3) did not acknowledge the guardian's requests for services for Respondent. On August 14, Respondent is discharged from ASH and voluntarily enters a supervised, unlocked behavioral health group home. Respondent is assigned a state appointed GAL.

August 15, 2018: the Community court maintains the guardianship of Respondent and sets the matter for status hearing on September 6, 2018. Respondent's legal counsel and OGC report that neither receive an explanation for ASH not recognizing the Community court appointed guardian, and ASH legal counsel informs Respondent's legal counsel that the guardianship should be recognized, but does not otherwise explain why guardian has not been recognized.

September 6, 2018: the Community court finds Respondent is mentally stable and doing well in his new placement. In step with ASH, the behavioral health group home deems Respondent's guardian, a "special advocate". OGC's motion to dismiss the guardianship is withdrawn and guardianship is maintained.

November 12, 2018: Respondent is discharged from the behavioral health group home after his second AWOL. He is deemed to be his own person through his state behavioral health service provider. Respondent returns to the Community.

December 4, 2018: the Community court convenes a status hearing. Respondent does not appear, guardian reports that Respondent is mentally stable, takes his medication and attends his appointments. The court grants OGC's motion to dismiss the guardianship.

December 28, 2018: Respondent is arrested in the Community on suspicion of domestic violence and disorderly conduct. Respondent is released from custody after a complaint is not filed.

A.R.S. Title 14, Chapter 5, Article 3

§ 14-5312.01. Inpatient treatment; rights and duties of ward and guardian

A. Except as provided in subsection B of this section, a guardian of an incapacitated person may consent to psychiatric and psychological care and treatment, including the administration of psychotropic medications, if the care and treatment take place outside an inpatient psychiatric facility licensed by the department of health services.

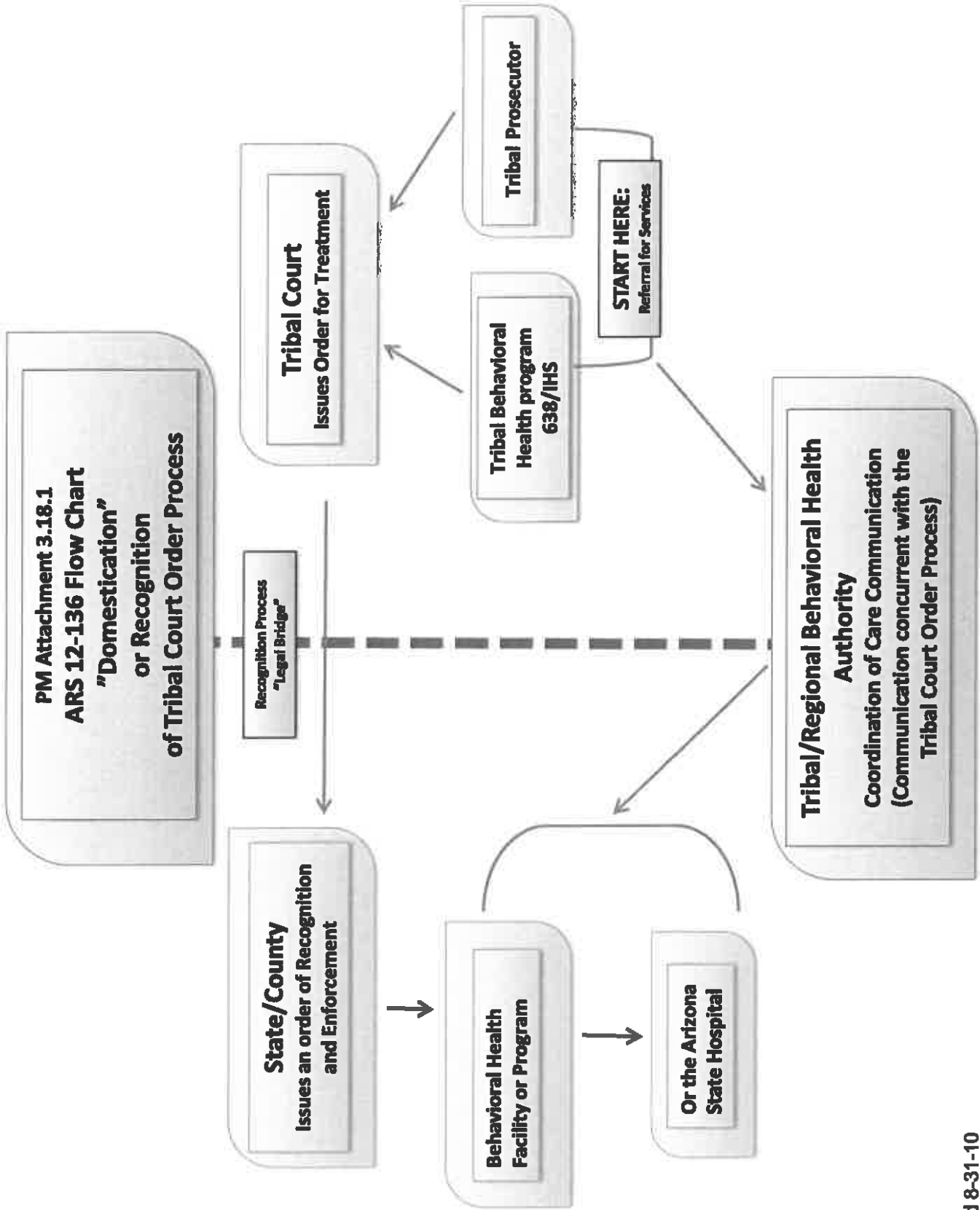
B. On clear and convincing evidence that the ward is an incapacitated person and is likely to be in need of inpatient mental health care and treatment within the period of the authority granted pursuant to this section, the court may authorize a guardian appointed pursuant to this title to give consent for the ward to receive inpatient mental health care and treatment, including placement in an inpatient psychiatric facility licensed by the department of health services and medical, psychiatric and psychological treatment associated with that placement. The evidence shall be supported by the opinion of a mental health expert who is either a physician licensed pursuant to title 32, chapter 13 or 17¹ and who is a specialist in psychiatry or a psychologist who is licensed pursuant to title 32, chapter 19.1.²

C. In making its decision to grant authority to a guardian pursuant to subsection B of this section, the court shall consider the cause of the ward's disability and the ward's foreseeable clinical needs. The court shall limit the guardian's authority to what is reasonably necessary to obtain the care required for the ward in the least restrictive treatment alternative. The court may limit the duration of the guardian's authority to consent to inpatient mental health care and treatment and include other orders the court determines necessary to protect the ward's best interests.

Footnotes:

1 Section 32-1401 et seq. or 32-1800 et seq.

2 Section 32-2061 et seq.



	California	Michigan	Nebraska	Oregon
Rule # & link	<u>Rule 9.40(g)</u>	<u>MCR 8.126</u>	<u>NRS 43-1504</u>	<u>UTCR 3.170</u>
Limited Appearance	exempt	exempt	exempt	1 case per year
Associate with active Counsel	exempt	exempt	exempt	exempt
Pay Application Fee	\$50	exempt	exempt	exempt
Comply w/ standard requirements	yes	yes	exempt	yes
Enacted	10/1/2018	9/1/2017	8/30/2015	8/1/2017

Washington	Wisconsin
<u>APR 8(b)(6)</u>	<u>SCR 10.03(4)</u>
court's discretion	court's discretion
exempt	exempt
exempt	exempt
yes	yes
9/1/2018	2/12/2019

Rule 39. Temporary Authorizations to Practice Law

a. Admission Pro Hac Vice

1-12. [no changes]

13. Exception for Indian Child Welfare Cases. A non-member attorney is not required to associate with local counsel under this rule or pay the fees established by this rule if the applicant upon submitting the application required by subsection (c) establishes to the satisfaction of the Bar that:

(1) The non-member attorney seeks to appear in an Arizona court for the limited purpose of participating in a child custody proceeding as defined by 25 U.S.C. § 1903, pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq.;

(2) The non-member attorney represents a federally recognized Indian tribe as defined by Rule 37 of the Rules of Procedure for Juvenile Court; and

(3) The Indian child's tribe has submitted a pleading to the court seeking to intervene and participate in the state court proceeding and affirming the child's membership or eligibility of membership under tribal law.

The non-member attorney shall file a motion to appear pro hac vice with the court in which the proceeding is pending and shall perform the duties required to be performed by associate counsel under this rule. Appearance in child welfare proceedings under this paragraph constitutes a special circumstance for the purposes of the restriction in paragraph (6) that a motion may be denied because of repeated appearances.

(1) *General Statement and Eligibility.* An attorney who is not a member of the State Bar of Arizona but is currently a member in good standing of the bar of another state or non-U.S. jurisdiction, and eligible to practice before the highest court in any state, territory or insular possession of the United States or foreign jurisdiction (hereinafter called a non-member attorney) may appear as counsel pro hac vice in any case before any state or local court, board or administrative agency in the State of Arizona upon compliance with this rule:

(2) In order to appear as counsel in any matter pending before a court, board, or administrative agency in the State of Arizona, a non-member attorney shall:

- (A)** File with the State Bar of Arizona an original and one copy of a verified application; and the verified application required by this rule shall be on a form approved by the Arizona Supreme Court and available at the clerk of the court, board, or administrative agency where such cause is pending.
- (B)** File with the State Bar of Arizona a certificate from each state bar or from the clerk of the highest admitting court of each state, territory or insular possession of the United States, or foreign jurisdiction, in which the non-member attorney has been admitted to practice law certifying the non-member attorney's date of admission to such jurisdiction and the current status of the non-member attorney's membership or eligibility to practice therein.
- (C)** Pay to the State Bar of Arizona a non-refundable application fee equal to the current dues paid by active members of the State Bar of Arizona for the calendar year in which such application is filed plus an additional assessment set by the Arizona Supreme Court for the Client Protection Fund, with the following exceptions:
 - (i)** Not more than one application fee may be required per non-member attorney for consolidated or related matters regardless of how many applications are made in the consolidated or related proceedings by the non-member attorney.
 - (ii)** The application fee shall be waived (1) for Judge Advocate General's Corps' military attorneys practicing before the Military Trial Court of the State of Arizona or the Arizona Court of Military Appeals and (2) to permit pro bono representation of an indigent client or clients. An attorney seeking a fee waiver to provide pro bono representation of an indigent client or clients shall include in the application a verification that all clients represented in the action are indigent and that no attorney fee shall be paid by the client. "Indigent" is defined as those individuals whose gross income is at or below 125% of the federal poverty guidelines, as calculated in conformity with the eligibility requirements for Legal Services Corporation grantees, currently codified at 45 C.F.R. Section 1611.

- (D) Upon receipt of the verified application and fee from the non-member attorney as described above, the State Bar of Arizona shall issue to local counsel a Notice of Receipt of Complete Application that states: (1) whether the non-member attorney has previously made any application or motion pursuant to this rule within the preceding three years; (2) the date of any such application or motion; and (3) whether the application or motion was granted or denied by the court or administrative agency. The State Bar of Arizona Notice shall include as exhibits: (1) the original verified application and (2) the original certificate(s) of good standing. The State Bar shall retain copies of verified applications, certificates of good standing and orders granting, denying or revoking applications to appear pro hac vice for three (3) years.
- (E) Local counsel shall file a motion to associate counsel pro hac vice with the court, board, or administrative agency where the cause is pending, together with proof of service on all parties in accordance with Arizona Rules of Civil Procedure. The motion to associate counsel pro hac vice shall include:
- (i) the original verified application as an exhibit;
 - (ii) the original certificates of good standing as an exhibit;
 - (iii) the State Bar of Arizona Notice as an exhibit; and
 - (iv) a proposed order granting or denying the motion.
- (F) Local counsel shall mail a copy of each order granting or denying the motion as entered by the court, board, or administrative agency to the State Bar of Arizona.

(3) *Scope of Authority.* A non-member attorney may not appear pro hac vice before any court, board or administrative agency of this state unless the non-member attorney has associated in that cause an attorney who is a member in good standing of the State Bar of Arizona (hereinafter called local counsel). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel may be required to personally appear and participate in pretrial conferences, hearings, trials, or other proceedings conducted before the court, board, or administrative agency when the court, board, or administrative agency deems such appearance and participation appropriate. Local counsel associating with a non-member attorney in a particular cause shall accept joint responsibility with the non-member attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

(4) *Discretion.* The granting or denial of a motion to associate counsel pro hac vice pursuant to this rule by the court, board, or administrative agency is discretionary. The order granting or denying the motion to associate counsel pro hac vice shall be entered by the court, board, or administrative agency no later than 20 days (exclusive of weekends and holidays) after the filing of such motion. A non-member attorney shall make no appearance in a cause until the court, board, or administrative agency where the cause is pending enters the order granting the motion to associate counsel pro hac vice. The order granting pro hac vice status shall be valid for a period of one year from the date of entry, and shall be renewed for subsequent one year periods upon compliance with renewal procedures as specified herein.

(5) *Disciplinary Jurisdiction of the State Bar of Arizona.* As provided in Rule 46(b), Rules of the Supreme Court, a non-member attorney admitted pro hac vice pursuant to these rules shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the State Bar of Arizona.

(6) *Termination of Authorization.* The court, board, or administrative agency may revoke the authority of a non-member attorney to make continued appearances pursuant to this rule. Absent special circumstances, repeated appearances by any person pursuant to this rule may be the cause for denial of the motion to associate counsel pro hac vice. Such special circumstances may include, but are not limited to, the following: (1) a showing that the cause involves a complex area of law in which the nonmember attorney possesses a special expertise, or (2) a lack of local counsel with expertise in the area of law involved in the cause.

(7) *Transfer.* The non-member attorney shall be deemed admitted in the event venue in such action is transferred to another county or court or is appealed; provided, however, that the court having jurisdiction over such transferred or appealed cause may revoke the authority of the non-member attorney to appear pro hac vice.

(8) *Continuing Duties to Advise of Changes in Status.* A non-member attorney admitted pro hac vice shall have the continuing obligation during the period of such admission to promptly advise the State Bar of Arizona of a disposition made of pending charges or the institution of any new disciplinary proceedings or investigations. The State Bar of Arizona shall then advise any court, board, or administrative agency where the non-member attorney has been admitted pro hac vice of any such information. A non-member attorney shall promptly advise the State Bar of Arizona if permission to appear pro hac vice pursuant to this rule is revoked by any court, board, or administrative agency.

(9) *Renewal of Application and Fees.* On or before each anniversary date of the filing of the verified application with the State Bar of Arizona, local counsel must certify to the State Bar of Arizona whether (a) the non-member attorney continues to act as counsel in the cause; or (b) such cause has been adjudicated to a final conclusion or is otherwise

concluded. Any non-member attorney who continues to act as counsel in the cause shall remit to the State Bar of Arizona on or before each anniversary date an assessment set by the Arizona Supreme Court for the Client Protection Fund and a fee equal to the current dues paid by active members of the State Bar of Arizona for the calendar year in which such renewal is sought, unless the non-member attorney is waived under paragraph (c)(1)(B)(ii) of this rule as a Judge Advocate General's Corps' military attorney or as an attorney providing pro bono representation of an indigent client.

(10) *Failure to Renew.* Any non-member attorney who continues to appear pro hac vice in a cause and fails to pay the renewal fees set forth in paragraph (h) of this rule shall be suspended from appearance in any cause upon the expiration of a period of thirty days from the anniversary date. The executive director of the State Bar of Arizona shall notify the non-member attorney and local counsel of the suspension and shall file a certified copy of the notice with the court, board or administrative agency where the cause is filed. The non-member attorney may be reinstated upon the payment of fees set forth in paragraph (h) of this rule and a \$50 late penalty. Upon payment of all accrued fees and late penalty, the executive director shall reinstate the non-member attorney and shall certify such reinstatement to the court, board, or administrative agency where the cause is filed.

(11) *Annual Reporting.* The State Bar of Arizona shall prepare an annual report which shall list: (a) all applications filed pursuant to this rule during the preceding twelve months; (b) the names of all applicants; and (c) whether the application was granted or denied. The report shall be available for inspection at the offices of the State Bar of Arizona and shall be provided to the Supreme Court.

(12) *Disposition of Fees.* Fifteen percent of the application fees paid pursuant to this rule shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in Rule 38(d).

August 15, 2019

NM Administrative Office of the Courts
237 Don Gaspar, Room 25
Santa Fe, NM 87501
Attn: Peter Bochert
Senior Statewide Program Manager &
Acting Director of the Court Services Division

Re: Southwest Regional-State and Tribal Courts Conference

Attn: NM Tribal-State Judicial Consortium Co-Chairs: Judge William Johnson, Judge Renee Torres, and Judge Randolph M. Collins:

The Arizona State, Tribal, and Federal Court Forum has formed a workgroup to plan a regional conference that brings together members of statewide groups like the AZ Court Forum, the NM Tribal-State Judicial Consortium and other interested state and tribal officials in the four corners region, potentially including UT, CA, NV, and CO to share ideas about how to improve communication, cooperation, coordination, and collaboration concerning the administration of justice across jurisdictional boundaries.

Based on your May 10, 2019 NM Tribal-State Judicial Consortium quarterly meeting agenda, Arizona and New Mexico have the following issues in common: 1) tribal customary adoption/guardianship; 2) orders of protection enforcement; 3) specialty court (wellness, veterans, drug, ICWA) cross-jurisdictional cooperation; 4) joint state and tribal judge and court personnel education; and 5) juvenile detention alternatives for tribal youth. In addition, other topics identified by Forum members are: missing and murdered indigenous women; and state cross-border issues. We also have information to share about state-tribal-federal community supervision summits we have held around Arizona.

Our Court Forum would like to invite you to designate members of your Consortium to participate in a workgroup to plan a regional conference to address issues identified such as those listed above. Planning meetings can be held by conference call. We are willing to host the conference in Phoenix. Funds are reportedly available through the BIA and/or the Tribal Law and Policy Institute (TLPI) for travel expenses.

If the consortium is interested in planning and participating in such a conference, please provide contact information for designated Consortium members so I can schedule a workgroup meeting. If possible, I would appreciate your response for a report to the Court Forum at our next meeting on September 13th. Thank you.

Sincerely,



David Withey
Chief Counsel
Administrative Office of the Courts
Arizona Supreme Court
dwithey@courts.az.gov
602-452-3325
<https://www.azcourts.gov/stfcf>

cc: Judge Ryan Andrews, Chair
Judge Randall Howe, Vice-Chair.

Withey, David

From: Randolph Marshall Collins <rmcollinslaw@aol.com>
Sent: Thursday, September 12, 2019 1:22 PM
To: Michelle L. Garcia
Cc: Withey, David; aocdtg@nmcourts.gov; McQueen, Amanda; Judge Kim McGinnis
Subject: Re: Southwest Regional State and Tribal Courts Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks

Sent from my iPhone

On Sep 12, 2019, at 1:04 PM, Michelle L. Garcia <aocmlg@nmcourts.gov> wrote:

Good Afternoon,

The Tribal-State Judicial Consortium co-chair Judge Randolph Collins and TSJC Member Judge McGinnis would like to be the contacts for the work-group. They can be reached at rmcollinslaw@aol.com and judge@pojoaque.org. Please cc me on the correspondence as I may assist with any travel or other information from the Consortium. Judge Collins is also in the process of reaching out to other members. If they express their interest, I will update you with their information. Please let me know if you need anything. I will give you any assistance I can. Thank you on behalf of the Tribal-State Judicial Consortium for the opportunity to collaborate.

Have a great day,

*Michelle Garcia
Program/Project Coordinator
Administrative Office of the Courts
237 Don Gaspar
Santa Fe, NM 87501
Phone: (505) 827-4820*

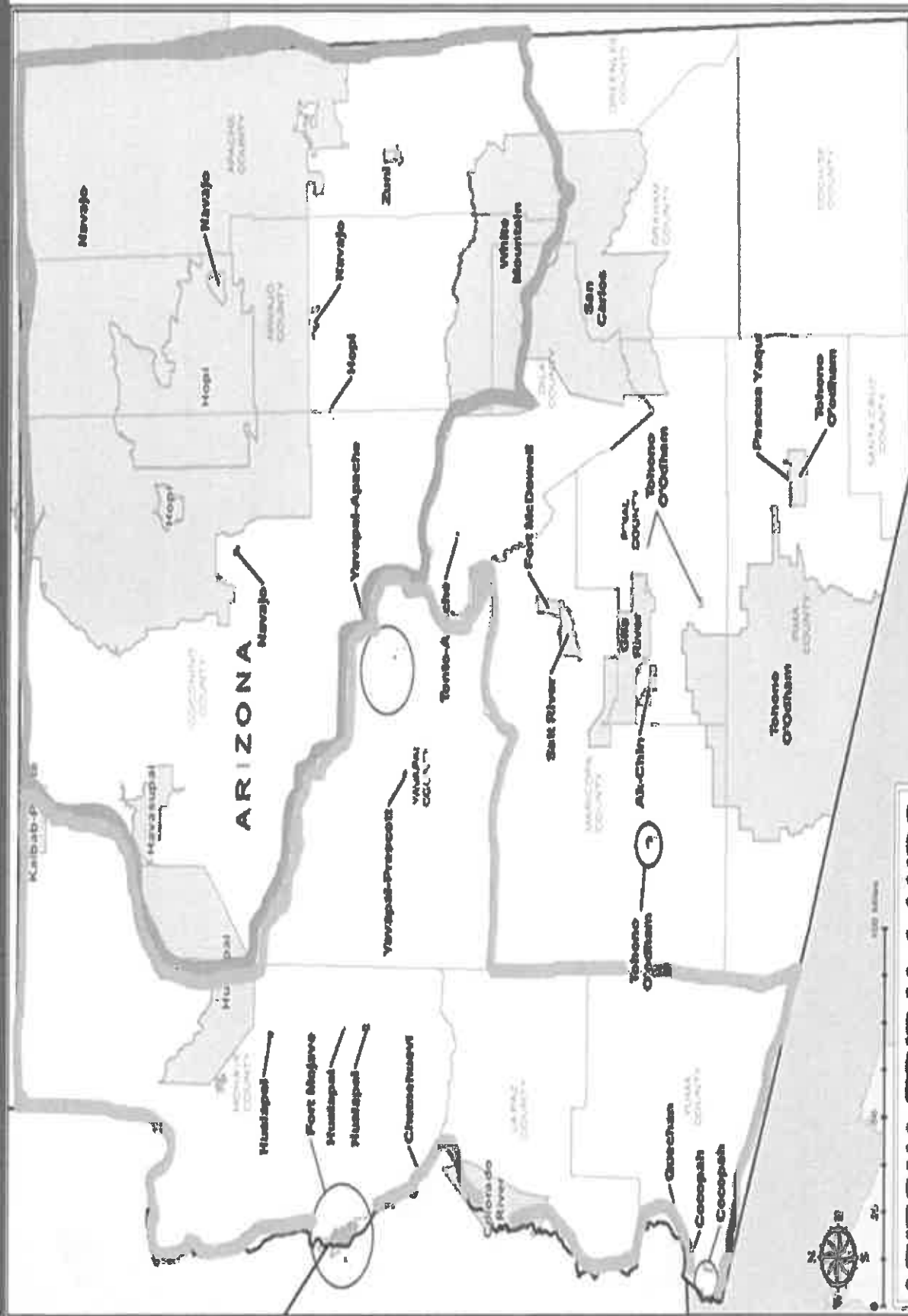
**South-Central Region
Community Supervision Summit**

“Finding Common Ground”

Best Practices and Outcomes for Supervising Shared Probationers

****August 28, 2019****

**Elements Event Center at Ak-Chin Circle
Harrah’s Casino, Maricopa, AZ**



ARIZONA TRIBAL LANDS

Sources: U.S. Census Bureau (2011), EPA (2009), TANA (2009), AR1100040_2 18 May 2011

EPA
REGION 9 - AZ

TRIBAL SUMMIT UPDATES

Counties	Number of Counties	Tribes	Number of tribes	Planning Committee
<p>PH</p> <p>Coconino</p> <p>Apache</p> <p>Navajo</p>	<p>3</p>	<p>Navajo, Hualapai, Kaibab-Paite, Hopi (Havasupai, not present)</p> <p>White Mountain Apache</p> <p>Navajo (Zuni, not present)</p> <p>Navajo, Hopi, White Mountain Apache</p>	<p>7</p>	<p>AOC APSD, State-Tribal-Federal Court Forum representative, Representative from each County's Adult and Juvenile Probation department, DOC Director of Community Supervision, Representative from Federal Probation, Representative from each Tribal Probation Department or Court, 115 Attendees</p>
<p>I & 2/3TH</p> <p>Pinal</p> <p>Maricopa</p> <p>Graham</p> <p>Greenlee</p> <p>Gila</p> <p>Pima</p>	<p>6</p>	<p>San Carlos, Gila River, Tohono O'Odham, Ak-Chin</p> <p>Gila River, Ft. McDowell, Salt River Pima Maricopa, Tohono O'Odham</p> <p>San Carlos, White Mountain Apache</p> <p>San Carlos, White Mountain Apache</p> <p>Tonto-Apache, White Mountain Apache, San Carlos</p> <p>Pascua Yaqui, Tohono O'Odham</p>	<p>9</p>	<p>Ak-Chin, Pascua Yaqui, Gila River, San Carlos, Tohono O'Odham, Ft. McDowell, Salt River Pima Maricopa, Tonto-Apache, and White Mountain Apache, Tribal Council, Court Administrators, Judicial Officers, Law Enforcement, County Probation Departments, US Federal Probation, Community Supervision of Arizona Department of Corrections and Arizona Department of Juvenile Corrections, and the US Attorney's Office, District of Arizona. 80 attendees</p>
<p>T</p> <p>Yavapai</p> <p>Mohave</p> <p>La Paz</p> <p>Yuma</p>	<p>4</p>	<p>Yavapai-Apache, Yavapai-Prescott</p> <p>Hualapai, Fort Mohave, Kaibab-Paite</p> <p>Colorado River Indian Territory (CRIT)</p> <p>Cocopah, Quechan</p>	<p>8</p>	<p>AOC APSD, State-Tribal-Federal Court Forum representative, Representative from each County's Adult and Juvenile Probation department, ADC Director of Community Supervision, Arizona Department of Juvenile Corrections, Federal Probation, Representatives from each Tribal Probation Department or Court, US Attorney's Office, 67 Attendees</p>

South-Central Region Community Supervision Summit

"Finding Common Ground: Best Practices and Outcomes in Community Supervision"

August 28, 2019, Elements Event Center, Ak-Chin Tribal Community

7:45	Registration/Continental Breakfast
8:30	Welcome and Prayer (Ak-Chin Tribal Council)
8:40	"Reaching the Summit" Five C's (David Withey, AOC Legal)
9:00	Multiple Jurisdiction Community Supervision Progress (ADC, County Probation, Federal Probation, Regional Tribal Courts)
10:15	Break
10:30	Multiple Jurisdiction Community Supervision Progress, Cont. (ADC, County Probation, Federal Probation, Regional Tribal Courts)
11:30	Most Effective Field Contacts (Brian Colgan, Final County APD)
12:00	Working Lunch- Interstate/Intracounty, Transfers/Warrants (Dori Littler, Arizona Compact Commissioner, AOC)
1:00	Reentry Simulation (Tasha Aikens, US Attorney's Office-Arizona)
2:30	Supervision Hurdles: A Dual Supervision Experience (Lane Gunderson, Maricopa APO, and Special Guest)
3:00	Working better together (Dana Shepherd, Maricopa APO and SRPMT Officer Larson)
3:15	Most Effective Case Plan (Brian Colgan, Final County APD)
3:30	Breaking Barriers Across the Lines (Case Scenarios)
4:15	Report out/Action Items/Sustainment

Five C's Action Form: "Reaching for the Summit"

Examples	MY IDEAS to Improve Systems	MY ACTIONS for Involvement and Movement
<p>Connection <i>Recognition and Respect of others' history, roles, culture, goals, strengths and weaknesses.)</i></p>		
<p>Communication <i>Sharing information, joint trainings, contact lists, resources.)</i></p>		
<p>Coordination <i>Discuss shared probationers, notification of terms and conditions, exchange supervision plans.)</i></p>		
<p>Cooperation <i>Create joint supervision plans, agreements to use reports, joint staffings.)</i></p>		
<p>Collaboration <i>Sharing duties or facilities, reports to court in any jurisdiction as needed, extradition plans in place.)</i></p>		





Topic from January 26, 2018 minutes:

State Judicial Education Issues – Virjinya Torrez

Virjinya Torrez report on the following two issues: 1) a tribal officer acting as a state certified peace officer arrested a non-Indian and filed the matter in state court, the state court considered the tribe subject to state court jurisdiction, and then the state court ordered actions by the tribal law enforcement agency to which the tribe did not respond due to lack of jurisdiction, and 2) when a case goes to state court and a tribal officer has performed a search on tribal land pursuant to a tribal warrant, that the search is then being tossed out, because a warrant was not issued by a state court. Most of these cases involve marijuana offenses that will not be prosecuted in state court, but on tribal land the tribal courts follow the federal law where it is an illegal substance. She asked what can be done to address these issues.

David stated that the question is - who is the audience and are these isolated issues or state wide? They can possibly be addressed at different venues such as AOC training, conferences, and new judge orientations. **Action Item:** David to follow-up at the AOC regarding training opportunities.

Judge King stated these issues are state wide and he recommended speaking to AOC-Education Services Division, and that these issues be addressed at the new judge orientation.