

ARIZONA STATE, TRIBAL & FEDERAL COURT FORUM

Conference Call

Wednesday, August 4, 1999

10:00 a.m.

The State and Tribal Court Forum met at the Arizona State Courts Building in Phoenix, Arizona.

Members Present

Hon. Michael C. Nelson

Hon. Leroy S. Bedonie

Hon. William C. Canby, Jr.

Hon. Neil T. Flores, Sr.

Hon. Sherry Hutt

Frederic F. Kay

James Redpath, Esq.

Frederick K. Steiner, Jr.

Non-Members Present

David Withey

Members Absent

Hon. Earl Carroll

Hon. Cornelia V. Cruz

Hon. Susan A. Ehrlich

Hon. Malcolm A. Escalante

Hon. Marjorie Grimes

Joseph Lodge

Hon. William R. Rhodes

Prof Rebecca Tsosie

The meeting was called to order at 10:10 A.M. by Judge Nelson, Chairman.

Approval of December 4, 1998 Meeting Report - Approved with no amendments.

A. Recognition of Judgments Rule Petition Reply

Issue 1 - Is the Chair authorized to file a reply to the comments?

Yes. Authority delegated to the chair to file and make changes.

Issue 2 - Does the forum agree to clarify the rules to apply to civil judgements only?

Approved.

Issue 3 - Does the Forum agree to the addition of the period for response in the notice (Rule 3)?

Approved.

- Issue 4 - Does the Forum agree to not oppose the substitution of “due process” for “notice and an opportunity to be heard” (Rule 5 (c) (2))?
Recommend the change and add a comment of explanation.
- Issue 5 - Does the Forum wish to suggest any additional changes to the rules in response to comments?
No. Comment should include explanation that fraud could be considered as a factor in due process.
- Issue 6 - Does the Forum wish to change the wording of the reply in any manner?
No. The Forum agreed that the sections of the comments to the rules and the rules which the Forum agrees to change, should be inserted into the reply in indented paragraphs.
- Issue 7 - Does the Forum approve the reply with any amendments as agreed in response to previous issues?
Approved.

QUADRO Legislation

- Issue 1 - Does the Forum approve the statutory language change?
The Forum agreed that it is ok to begin the process, but there may need to be an amendment to include non-recognized tribes or tribal courts.
- Issue 2 - Does the Forum approve the recommendation by Senator McCain’s staff that we contact Representative Hayworth about pursuing this legislation in the House as well as the Senate?
Yes. The Forum agreed to call the Senate Select Committee on Indian Affairs and ask who they recommend who would be the best sponsor. Judge Hutt has agreed to contact Pat Zell at the Senate Select Committee on Indian Affairs. David Withey has agreed to contact Inter-Tribal Council of Arizona and Toby Grossman at the University of New Mexico.

Future Meetings and Issues

Although the Forum continues to prefer the meetings on Friday’s, all members present are available for a meeting to be held

Tuesday, October 26, 1999
10:00 a.m - 3:00 p.m.
Conference Room 230
Arizona Courts Building
1501 W. Washington
Phoenix, AZ

The next scheduled Court Forum meeting, following the October meeting, will be held June 8, 2000 at the Arizona

Judicial Conference (June 7 - June 9, 2000), in conjunction with the State Tribal Judges Conference at Little America in Flagstaff, AZ. Please mark your calendars.