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U.S. DEPARTMENT OF JUSTICE
Office of Justice Programs

CATEGORICAL ASSISTANCE PROGRESS REPORT

The information provided will be used by the grantor agency to monitor grantee cash flow to ensure proper use of Federal funds. No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations (Uniform Administrative Requirements for Grants and Cooperative Agreements — 28 CFR, Part 66, Common Rule, and OMB Circular A-110).

1. GRANTEE NATIONAL INDIAN JUSTICE CENTER		2. AGENCY GRANT NUMBER 95-DD-BX-0168	3. REPORT NO. 2
4. IMPLEMENTING SUBGRANTEE		5. REPORTING PERIOD (Dates) FROM: July 1998 TO: March 1999	
6. SHORT TITLE OF PROJECT BJA Program to Improve Interaction Among Tribal, State & Federal Courts	7. GRANT AMOUNT \$200,000	8. TYPE OF REPORT <input type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL REQUEST <input checked="" type="checkbox"/> FINAL REPORT	
9. NAME AND TITLE OF PROJECT DIRECTOR Joseph A. Myers, Executive Director	10. SIGNATURE OF PROJECT DIRECTOR 	11. DATE OF REPORT July 23, 1999	

12. COMMENCE REPORT HERE (Continue on plain paper)

**FINAL REPORT
JULY 1998 - MARCH 1999**

NARRATIVE

The original 1995 proposal of the National Indian Justice Center (NIJC) to BJA sought to identify problem areas and to develop long-range research, demonstration projects, and training programs to enhance tribal court systems and to improve tribal, state and federal court relations. The grant award was in the amount of \$200,000.00. From subsequent grant modifications and extensions the following grant objectives emerged:

1. To provide direct technical assistance to tribal courts on issues of court organization, personnel and case flow management, facilities needs, automation requirements, evaluation programs, and criminal justice records management;
2. To assist the tribal administration of justice by helping prosecutors, probation officers, and judges develop long range plans and strategies within the tribal government; and
3. To improve the interaction between state, tribal, and federal court systems.
4. To carry out a demonstration project in North Dakota to improve the relations between tribal, state and federal courts by conducting training sessions for those entities on issues of common concerns.

The proposal stated that technical assistance priorities would be established in concert with the Project Advisory Committee. The Project Advisory Committee was selected and met January 29-30, 1996. At that meeting, NIJC distributed an Assessment Report and Resource Packet to the Committee members and BJA representatives. This Report/Packet was the cumulation of NIJC's identification, review and assessment of the existing training curricula, relevant literature and practices regarding the

13. CERTIFICATION BY GRANTEE (Official signature) 	14. DATE 7-23-99
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improvement of tribal, state and federal relations; and tribal court training and technical assistance. In addition, a grant extension added the following objectives:

1. Initiate at least two tribal, state and federal forums;
2. Consult with the Advisory Committee on subject matter and focus for the monographs; and
3. Recruit judges for interviews and draft narration for the tribal court video with the assistance of the Advisory Committee.

The task implementation plan for this grant was modified by the Project Advisory Committee and grant extensions which added to, varied or replaced tasks in the original proposal accepted by the Bureau of Justice Assistance. All tasks, original and modified, are described and explained below.

PHASE I Assessment

Task 1.1 Development of a plan for the identification, review, and assessment of existing material and effective practices (including the guidance of the Project Advisory Committee)

Immediately after notice of the grant award, NIJC developed a plan for the identification, review and assessment of existing materials and effective practices. The final plan was submitted to the Project Advisory Committee and BJA in October 1995.

Task 1.2 The University of North Dakota Law School Proposal Incorporated Into the NIJC Proposal

NIJC worked with the University of North Dakota Law School (UND) and BJA to incorporate the UND proposal into the NIJC proposal. The following is an overview of the objective and method for the UND components of the revised project.

OBJECTIVE: To carry out a demonstration project in North Dakota to improve the relations between tribal, state and federal courts by conducting training sessions for those entities on issues of common concern.

METHOD: The Northern Plains Judicial Training Institute of UND conducted three training sessions under an agreement with NIJC. One session was for tribal, state and federal court judges as part of the Judicial Institute regularly conducted by the North Dakota Supreme Court. The Institute provided the training through consultants with expertise in the area. The Institute conducted one training session on the Standing Rock and Fort Berthold Indian Reservation on issues of concern to those tribal courts. Each of the training sessions produced a technical assistance resource product which was sent under separate cover to BJA.

The deliverable products under this task were a revised program implementation plan (provided to BJA in October 1995), a revised budget, (provided to BJA in October 1995) and a consultant agreement between NIJC and UND (finalized in November 1995).

Task 1.3 Selection of Overall Project Advisory Committee

NIJC selected a Project Advisory Committee to advise and develop priorities areas for NIJC's training and technical assistance efforts as well as the tribal, state and federal forums. The first meeting of the committee was in January 1996.

Task 1.4 Identification, review, and assessment of the existing training curricula, relevant literature, and effective practices regarding the improvement of tribal, state and federal relations and tribal court training and technical assistance

Upon receiving notice of the grant award, NIJC identified, reviewed, and assessed existing training curricula, relevant literature, and effective practices regarding the improvement of tribal, state and federal relations and tribal court training, and technical assistance. The review and assessment also examined jurisdictional issues in Indian country and targeted areas where improved relations among tribal, federal and state courts were needed. These existing materials and effective practices were incorporated into the Assessment Report and the Resource Packet provided to the Project Advisory Committee. While this task is deemed completed, NIJC has continued to review and assess new programs as the information becomes available.

Task 1.5 A report for BJA detailing the results of the assessment

The assessment report was completed prior to the January 1996 Project Advisory Committee meeting and distributed to the Project Advisory Committee and BJA.

PHASE II

Development of Training and Technical Assistance Materials to Improve Interaction Among Federal, State and Tribal Courts

Task 2.1 Distribution of Assessment Report to Project Advisory Committee

The Project Advisory Committee was provided with the assessment report and other necessary resource information.

Task 2.2 Project Advisory Committee Meeting

NIJC held a full planning committee meeting in January 1996. Additional consultation with the planning committee was conducted by telephone, mail, and fax. The primary focus at the first Project Advisory Committee was to review, evaluate and prioritize the various training and technical assistance options set forth in the assessment report and/or other options identified by the Project Advisory Committee. The first Project Advisory Committee meeting was held on January 29-30, 1996 in Corte Madera, California.

Task 2.3 A Comprehensive Training and Technical Assistance Delivery Plan

NIJC provided BJA with a training and technical assistance delivery plan in 1995. The plan provided guidelines and implementation plans for the activities offered in the original proposal. This task was modified by the Project Advisory Committee which determined that other training and technical

assistance activities should be included in this project. Task 2.3 superceded by tasks 2.4 - 2.6.

Task 2.4 Additional Forum Sites Selected

This task was added upon notice of the grant extension. Pursuant to this task, NIJC developed and selected two additional forum sites for a total of five established tribal/state forums to be administered under this grant. The forums included the: Utah State Supreme Court, California Judicial Council, Wisconsin Tribal Court Judges Association, Supreme Court of New Mexico and Supreme Court of Minnesota. The two tribal/state forums selected under this task were New Mexico and Minnesota. Unfortunately, the Minnesota forum has not yet been completed. The Minnesota State Courts are still in the process of formulating their agenda and have had problems organizing as exhibited in their meeting minutes. (See Appendix F.) The other four forums were quite successful. In fact, the California Judicial Council has adopted the tribal/state forum as an annual event. The Second Annual California Tribal/State Forum entitled Native American Legal Issues Roundtable Conference will be held August 27-28, 1999 at the reservation of the Sycuan Band of Mission Indians. **(See Appendix E for further information.)**

The implementation plan and guidelines for this task were set forth by the Project Advisory Committee and reported to BJA in the assessment report. The factors analyzed included: the likelihood of the forum's success, the need for a forum, commitment, and current working relationship with the tribes. Forum selection was discussed by the Advisory Committee.

In addition to the internal criteria, five additional factors were considered for forum selection. These five factors were:

1. Letter of intent to establish a tribal/state forum, signed by the Court Administrator;
2. Proposed budget for the \$7500 forum sponsorship and in-kind match;
3. Timetable of future tribal/state forum activities;
4. Number of tribal courts and other involved judicial districts; and
5. A commitment to provide a written report on the outcome of the forum.

Collectively, these factors comprised the written plan showing the forum development and selection criteria. Each site submitted final reports; these reports are appended to this report. **(See appendices B-F and L-M for information concerning the individual forums.)**

Task 2.5 The Design and Development of Monographs Addressing Current Issues Between Federal, State and Tribal Jurisdictions

This task was added as an additional training and technical assistance activity. The Advisory Committee discussed possible issues for the monographs that would help improve the interaction among tribal, state and federal courts. The assessment report detailed the guidelines set forth by the Project Advisory Committee concerning this task. The following topics were selected for the monographs produced under this grant:

Indian Child Welfare Act Monograph - The first monograph is entitled "The Significant Ties Exception to the Indian Child Welfare Act: Judicial Decision-Making or Incorporating Bias into Law?" (See Appendix I.) Textual drafts of this monograph were distributed to Project Advisory Committee members for comment and review. Several edits were submitted and incorporated into the final draft and the work was submitted to BJA for final approval.

A graphic layout of the monograph was designed and drafted by NIJC staff using photographs submitted by a well known Indian photographer, Dugan Aguilar. This monograph is a timely informative publication for tribal, state and federal court judges about the nature of the "significant ties exception" to the Indian Child Welfare Act.

Jurisdiction Monograph - The second monograph is entitled "Civil and Criminal Jurisdiction Over Matters Arising in Indian Country: A Roadmap for Improving Interaction Among Tribal, State and Federal Governments." In this monograph NIJC considers all major decisions that impact jurisdiction (civil and criminal). It is a useful tool for tribal, state and federal court judges. The monograph is appended to this report. (See Appendix G.) Also, see appendix H for thank you letters from U.S. Supreme Court Judges.

The jurisdiction monograph was developed under this grant and grant # 97-DD-BX-0034 as agreed with BJA. Originally the jurisdiction monograph was composed of an informational paper about the development of tribal court civil and criminal jurisdiction and a paper concerning jurisdictional issues crossing tribal, state and federal jurisdictions. The papers were combined to create the above titled monograph.

Task 2.6 Introduction to Tribal Courts (Video Production)

Originally, this grant envisioned the development of a video concept and implementation plan that would provide state courts and forums with an introduction to tribal courts and their unique status as judicial institutions. The format and substantive issues for the video were examined by the Project Advisory Committee. A summary of this examination is contained in the May 12, 1997 memorandum sent to committee members. Based upon the committees recommendations, NIJC selected filming sites and conducted on-site filming.

Upon submission of the video concept summary, budget and plan BJA provided a grant and funding extension to produce the video. The video implementation plan included filming at the Warm Springs and Umatilla tribal courts, interviews with key political figures and state court judges. The Honorable Daniel Inouye, United States Senator, narrated the video presentation. (See appendix K, under separate cover.)

An issues guide was written to accompany the video presentation. NIJC has distributed the video to various tribal and state court judges. Additionally, the U.S. Attorney General Janet Reno and members of the United States Supreme Court have been given copies. (See appendix J.)

PHASE III

Development and Delivery of Training and Technical Assistance Projects and Materials

Task 3.1 Design and Develop Each Training and Technical Assistance Project

This task was ongoing until each training and technical assistance project/activity was completed. Details concerning design and development are included in this report, the assessment report, progress reports and committee meeting notes.

Task 3.2 Deliver Training and Technical Assistance Project(s)

The status of each training and technical assistance project or activity is listed below.

A. Design, Develop and Deliver UND Projects Identified in Task 1.2

UND staff designed, developed and delivered three projects set forth in Task 1.2 as follows:

- (1) One session for Tribal, State and Federal Court Judges in North Dakota as part of the Judicial Institute conducted by the North Dakota Supreme Court.
- (2) One on-site training session at Standing Rock Sioux.
- (3) One on-site training session at Fort Berthold.

B. Designed, Developed and Delivered four (4) Tribal-State Forums

C. Designed, Developed and Published two (2) Monographs

(See Task 2.5)

D. Designed, Developed and Produced Introduction to Tribal Courts Video

(See Task 2.6)

Task 3.3 Development of resource products from each training and technical assistance project

A certified component of each training and technical assistance project was the development of a specific resource product(s) from each project.

Each of the University of North Dakota T/TA projects produced a resource packet and materials submitted under separate cover.

Each of the completed tribal, state and court forums have produced reports of issues between tribal, state and federal courts and/or issues upon which the forums collaborated. Reports from each of the four (4) projects are appended to this Final Report.

The monographs published under this grant are appended to this Final Report.

The introduction to Tribal Courts video is a product of this grant and has been made available to BJA.

Task 3.4 Submission of Reports to BJA

Due to the various changes, NIJC submitted draft products and summary reports in memo form to BJA as the projects and activities developed. This then is the Final Report of this grant.

PHASE IV

Evaluation and Dissemination

Task 4.1 Develop and Implement Dissemination Plan

NIJC developed a plan to inform the field of the products and make them available to tribal, state and federal officials. Furthermore, NIJC printed and disseminated copies of the resource products to the field as feasible. NIJC is developing a link to its internet homepage from which the textual products may be viewed or downloaded. BJA will be informed of the feasibility of this type of dissemination as NIJC learns more. Tribal courts with internet access are in the "minority" so there is significant need to make publications available.

Task 4.2 Comprehensive Written Final Report

This is NIJC's comprehensive final written report which includes an evaluation of how well the goals and objectives of the program were met and a summation of the utility of each of the resource products.

Task 4.3 Evaluation Process

The Project Advisory Committee was utilized as the primary evaluators throughout the grant program. NIJC developed evaluation forms that were distributed with the monographs and video. The availability of monographs and videos were advertised and widely distributed. The evaluation process implemented in this grant gave us a positive reading of the work performed and the products delivered. The "stuff" was good but did not reach the maximum number of service providers in the field: judges, administrators, law enforcement, advocates, educators and others whose work influences our judicial institutions. Although our work focused primarily upon judges, the roles within judicial institutions are many and must also be informed.

Unfortunately, the evaluation process employed here measures through forms provided and direct critique at a level that is adequate but not highly effective.

Appendices

Appendix A	North Dakota Demonstration Project
Appendix B	Wisconsin Tribal/State Forum
Appendix C	Utah Tribal/State Forum
Appendix D	New Mexico Tribal/State Forum
Appendix E	California Tribal/State Forum
Appendix F	Minnesota Tribal/State Forum
Appendix G	Jurisdiction Monograph
Appendix H	U.S. Supreme Court Thank You Letters
Appendix I	ICWA Monograph
Appendix J	Introduction to Tribal Courts Video Workbook

Appendix K Introduction to Tribal Courts Video (under separate cover)
Appendix L Sample Forum Materials- California (under separate cover)
Appendix M Sample Forum Materials- Wisconsin (under separate cover)