

Best Practices

Tribal Court Administration

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Why Tribal Courts?

- Tribal members/ Residents must be able to have access to justice
- By tribal members choosing to use a Tribal Court they are assuring the Tribe they trust the Tribe to be fair and to protect their rights
- Tribal Courts are asserting a Tribe's right to 'self-government' (handling own internal disputes & administering the Tribe's laws)



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Important Considerations

- Tribal Courts must be
 - Financially supported (PL-280 Tribal Justice Funds)
 - Effective & Efficient- Due Process
 - Professional
 - Compliment/Support the Tribe's government and it's other tribal programs



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Tribal Court Clerks

The Backbone of the Tribal Court

- Tribal Courts should establish a Tribal Court Clerk position
 - Receive petitions and convene judges to decide
 - General Point of Contact for Tribal Court
 - Maintain Tribal Court files, records, calendar
 - Due Process
 - Draft Tribal Court Orders for Judges review & signature
 - Establish a Court Clerk Manual and follow consistently



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Tribal Court Funding/Assessments

- BIA is now funding Alaska Tribal Courts through PL-280 Tribal Justice Funds
 - Letter Request Assessment/ Request for Immediate Funds
 - Letter Requesting “one-time funding” (can request each year)
- Tribal Court Assessment are ONLY suggestions
- You are not required to contract with anyone to receive and/or use Tribal Court funding



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Tribal Court Clerk Manual

- Collection of internal policies designed to assist the Tribal Court Clerk in performing their duties correctly and consistently
- Guides day-to-day operations of the Tribal Court Clerk, and to compile in one document, the necessary procedures for ensuring accountability, transparency and responsibility
- Clerk Manuals are living documents and can be change as needed
- TCC is developing a model Court Clerk manual, and will be offering a Tribal Court Clerk training in October
(FREE)



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Best Practice Tip #1

1. Notice~ Following Tribal Law
2. Opportunity to Be Heard
3. Fair and Impartial Tribunal

DUE PROCESS



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Best Practice Tip #2

- Keep a court record
- Record hearings in some capacity
- Document all contact with parties
- DOCUMENT ALL NOTICE AND SAVE RETURN RECEIPTS (GREEN CARDS)
- LOCK ALL RECORDS

Case Record Management



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Best Practice #3

- Clerks drafting Orders for Judges in a timely manner
- Ensure signed Orders are distributed to all parties in a timely manner following the hearing
- Providing 'short orders' to others that may need a copy (foster parents, school, medical, etc...)

Tribal Court Orders



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Best Practice #4

- Answer the phone with a smile
- Be polite and respectful to all court customers
- Respond in a timely manner



Customer Service



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Best Practice #5

- Both Judges and Clerks can have conflicts of interest; and should recuse them self when necessary
- Ex Parte Communication

Conflict of Interest



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Tribal Court Facilitation

- TCC Region does provide a Tribal Court Facilitator through Tanana Chiefs Conference
 - Provides technical assistance to TCC Tribes
 - Centralized scheduling for Tribal Court Hearings
 - Assists with record management
- Mishal.Gaede@tananachiefs.org



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