



**University of New Mexico School of Law's
Southwest Indian Law Clinic and Institute of Public Law
in collaboration with the American Indian Law Center, Inc.**

**TRIBAL COURT TRAINING PROGRAM FOR JUDGES
Second Session**

Funded by the BIA Office of Justice Services

Agenda (Draft)

May 23-26, 2011

Bureau of Indian Affairs, National Indian Program Training Center
1011 Indian School Rd. NW, Albuquerque, NM 87104

This course has been approved by the New Mexico Minimum Continuing Legal Education Board for 26.5 hours of general credit and 1 ethics credit.

Day One, Monday, May 23, 2011:

- 8:30 a.m. – 8:45 a.m. Opening prayer
Welcome
Helen B. Padilla, Esq., Director,
American Indian Law Center, Inc.
Announcements
- 8:45 a.m. – 10:00 a.m. Unit 1: Background of Tribal Courts
Cynthia Aragon, Partner, Aragon & Soto Hall, LLC
- Indigenous justice systems
 - Federal policy in the development of Tribal Courts
 - Models
- 10:00 a.m. – 10:10 a.m. Break
- 10:10 a.m. – 11:40 a.m. Unit 2: Jurisdiction
Professor Barbara Creel,
University of New Mexico School of Law
- Territorial
 - Personal

- Subject matter and victims (civil and criminal)
- Public Law 280
- Full faith and credit and comity
- Coordination with state courts and state agencies

11:40 a.m. – 12:55 p.m. Lunch on your own

12:55 p.m. – 2:15 p.m. Unit 3: Introduction to the Indian Civil Rights Act, the Major Crimes Act, and the Tribal Law and Order Act of 2010
Dean Kevin Washburn,
 University of New Mexico School of Law

2:15 p.m. – 2:25 p.m. Break

2:25 p.m. – 3:40 p.m. Unit 4: Overview of the criminal justice system
Cynthia Aragon, Partner, Aragon & Soto Hall, LLC

- Roles (flow charts provided)
- Judicial powers

3:40 p.m. – 3:50 p.m. Break

3:50 p.m. – 5:00 p.m. **CRIMINAL CASE PROCESS FOR ADULTS**
 Unit 5: Initiation of the case
Judge Anthony Little, Ak-Chin Tribal Court

- Charging document: criminal complaint or citation
- Arrest without a warrant – establishing probable cause
- Arrest warrant versus summons
- Subpoena versus summons

5:30 p.m. – 7:00 p.m. Reception (light refreshments), Indian Pueblo Cultural Center, Pottery Room

Day Two, Tuesday, May 24, 2011:

8:00 a.m. – 9:30 a.m. **CRIMINAL CASE PROCESS FOR ADULTS – CONTINUED**
 Unit 6: Defendant's appearance before the Judge
Judge Roman Duran, Pueblo of Tesuque Tribal Court

- Initial appearance and bonding
- Arraignment
- Bail as part of release including prior history
- Detention and release
- Scheduling and pre-trial hearings

- 9:30 a.m. – 9:40 a.m. Break
- 9:40 a.m. – 10:40 a.m. Unit 6: Defendant’s appearance before the Judge – *continued*
Facilitator: **Judge Roman Duran**,
Pueblo of Tesuque Tribal Court
- Mock scenario – arraignment
- 10:40 a.m. – 10:50 a.m. Group photograph
- 10:50 a.m. – 12:05 p.m. Unit 7: Indian Civil Rights Act
Professor Barbara Creel,
University of New Mexico School of Law
- Right to Counsel
 - Waiver
 - Attachment
- 12:05 p.m. – 1:05 p.m. Lunch provided
- 1:05 p.m. – 2:05 p.m. **CRIMINAL CASE PROCESS FOR ADULTS - CONTINUED**
Unit 8: Defendant’s appearance before the Judge – *continued*
Facilitator: **Randall Van Vleck**, General Counsel,
New Mexico Municipal League
- Mock scenario – detention and release
- 2:05 p.m. – 2:15 p.m. Break
- 2:15 p.m. – 3:30 p.m. Unit 9: Separation of powers
Professor Gloria Valencia Weber,
University of New Mexico School of Law
- Autonomy
 - Independent
 - Bi-furcated court systems
 - Separation of church and state versus theocracy
 - Tribal contempt powers (civil and criminal); tribal member versus non-tribal member
- 3:30 p.m. – 3:40 p.m. Break
- 3:40 p.m. – 5:00 p.m. **CRIMINAL CASE PROCESS FOR ADULTS - CONTINUED**
Unit 10: Pre-trial proceedings
Judge Irene M. Toledo, Crownpoint Judicial District,
Navajo Nation
Facilitator: **Randall Van Vleck**, General Counsel,
New Mexico Municipal League

- Contempt of court
- Bench warrants
- Negotiation and plea bargaining
- Victims
- Mock scenario

Day Three, Wednesday, May 25, 2011:

- 8:00 a.m. – 9:15 a.m. Unit 11: Internal Law and Process –
Cynthia Aragon, Partner, Aragon & Soto Hall, LLC
- No written law
 - Tribal custom and tradition as law
 - Code development and maintenance
 - Non-binding federal and state authority
- 9:15 a.m. – 9:20 a.m. Break
- 9:20 a.m. – 11:20 a.m. **CRIMINAL CASE PROCESS FOR ADULTS - CONTINUED**
 Unit 12: Pre-trial motions
Judge Anthony Little, Ak-Chin Tribal Court
- 11:20 a.m. – 11:25 a.m. Break
- 11:25 a.m. – 12:35 p.m. Unit 13: Indigenous justice systems, application of custom and tradition, and restorative justice in an adversarial court model
Cynthia Aragon, Partner, Aragon & Soto Hall, LLC
- 12:35 p.m. – 1:35 p.m. Lunch provided
- 1:35 p.m. – 3:35 p.m. **CRIMINAL CASE PROCESS FOR ADULTS - CONTINUED**
 Unit 14: Bench Trial
Judge Anthony Little, Ak-Chin Tribal Court
- 3:35 p.m. – 3:45 p.m. Break
- 3:45 p.m. – 5:00 p.m. Unit 15: Habeas corpus under the Indian Civil Rights Act and sentencing under the Tribal Law and Order Act of 2010
Professor Barbara Creel,
 University of New Mexico School of Law

Day Four, Thursday, May 26, 2011:

8:00 a.m. – 10:00 a.m. **CRIMINAL CASE PROCESS FOR ADULTS – *CONTINUED***

Unit 16: Post-conviction

Judge Anthony Little, Ak-Chin Tribal Court
Facilitator: **Randall Van Vleck**, General Counsel,
New Mexico Municipal League

- Sentencing
- Suspended sentence
- Probation violations
- Mock scenario

10:00 a.m. – 10:10 a.m. Break

10:10 a.m. – 11:25 a.m. Unit 17: A Tribal perspective on the Tribal Law and Order Act of 2010 as it pertains to Tribal Courts

Casey Douma, General Counsel, Pueblo of Laguna

11:25 a.m. – 12:40 p.m. Lunch on your own

12:40 p.m. – 1:55 p.m. Unit 18: Juvenile delinquency cases

Judge Anthony Little, Ak-Chin Tribal Court

1:55 p.m. – 2:05 p.m. Break

2:05 p.m. – 3:35 p.m. Unit 19: Domestic Violence and Sexual Assault Cases –

Carrie Martell, Attorney, and
Special Agent Carleen Fisher, Bureau of Indian
Affairs, Office of Justice Services, Northern Pueblo
Agency Office

- The problem
- Investigation
- Victims

3:35 p.m. – 3:45 p.m. Break

3:45 p.m. – 4:45 p.m. Unit 20: Ethics

Judge Robert Medina, Pueblo of Isleta Tribal Court

- Mock scenarios

4:45 p.m. – 5:00 p.m. Final announcements and closing prayer