



**University of New Mexico School of Law Southwest Indian Law Clinic  
and the American Indian Law Center, Inc.**

**FUNDAMENTAL KNOWLEDGE AND SKILLS FOR TRIBAL COURT JUDGES**  
*Funded by the BIA Office of Justice Services*

Agenda

April 24-26, 2012 **DRAFT**

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 20.4 hours of general credit and 1 hour of ethics/professionalism credit.

**Tuesday, April 24, 2012**

- 8:00-8:15      Opening prayer, Welcome, and Announcements  
**Helen B. Padilla, Esq.**, Director, American Indian Law Center, Inc.  
**Dean Kevin Washburn**, UNM School of Law
- 8:15-9:35      Unit 1: Introduction to the Indian Civil Rights Act (ICRA), Major Crimes Act, and Tribal Law and Order Act of 2010 (TLOA)  
**Dean Kevin Washburn**, UNM School of Law
- Right to Counsel
  - Waiver
  - Attachment
- 10-Minute Break
- 9:45-11:00      Unit 2: Background of Tribal Courts  
**Cynthia Aragon**, Attorney at Law, LLC
- Indigenous justice systems
  - Federal policy in the development of Tribal Courts
  - Models
- 10-Minute Break
- 11:10-12:30      Unit 3: Jurisdiction  
**Professor Sherri Thomas**, UNM 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
- Small group exercise

12:30-1:15 Lunch provided

1:15-2:30 Unit 4: Overview of the criminal justice system

**Cynthia Aragon**, Attorney at Law, LLC

- Roles (flow charts provided)
  - Judicial powers
- Internal Law and Process
- No written law
  - Tribal custom and tradition as law
  - Code development and maintenance
  - Non-binding federal and state authority

Indigenous justice systems, application of custom and tradition, and restorative justice in an adversarial court model

10-Minute Break

2:40-3:40 Unit 5: Separation of powers

**Professor Gloria Valencia-Weber<sup>1</sup>**, UNM School of Law

- Autonomy
- Independence
- Bi-furcated court systems
- Separation of church and state versus theocracy
- Tribal contempt powers (civil and criminal); tribal member versus non-tribal member

10-Minute Break

3:50-5:00 Unit 6: Courtroom Management, Ethics, and Demeanor

**Ramona F. Tsosie<sup>2</sup>**, Tribal Court Management Consultant

- Small group exercise

---

<sup>1</sup> Professor Valencia-Weber serves as an Appellate Judge for the Southwest Intertribal Court of Appeals (SWITCA).

<sup>2</sup> Ramona Tsosie serves as Pro Tem Judge for the Las Vegas Paiute Tribe in Las Vegas, Nevada. She has served as Chief Judge of the Havasupai Tribe and Interim Chief Judge for the Hualapai Tribe, both in Arizona.

## Wednesday, April 25, 2012

- 8:00-9:20      **CRIMINAL CASE PROCESS FOR ADULTS**  
Unit 7: Initiation of the case  
**Jan Morris**<sup>3</sup>, Court Administrator, Gila River Indian Community Court
- Charging document: criminal complaint or citation
  - Arrest without a warrant – establishing probable cause
  - Arrest warrant versus summons
  - Subpoena versus summons

10-Minute Break

- 9:30-11:00    **CRIMINAL CASE PROCESS FOR ADULTS**  
Unit 8: Defendant's appearance before the Judge  
**Jan Morris**, Court Administrator, Gila River Indian Community Court
- Initial appearance and bonding
  - Arraignment
  - Bail as part of release including prior history
  - Detention and release
  - Scheduling and pre-trial hearings

10-Minute Break

- 11:10-12:30   Unit 8: Defendant's appearance before the Judge  
**Jan Morris**, Court Administrator, Gila River Indian Community Court
- Mock scenario – arraignment

12:30-1:30    Lunch provided and group photograph

- 1:30-2:50      **CRIMINAL CASE PROCESS FOR ADULTS**  
Unit 8: Defendant's appearance before the Judge  
**Jan Morris**, Court Administrator, Gila River Indian Community Court
- Mock scenario – detention and release

10-Minute Break

- 3:00-4:40      **CRIMINAL CASE PROCESS FOR ADULTS**  
Unit 9: Pre-trial proceedings  
**Ramona F. Tsoie**, Tribal Court Management Consultant
- Contempt of court
  - Bench warrants
  - Negotiation and plea bargaining
  - Victims
  - Mock scenario

---

<sup>3</sup> Jan Morris served as Chief Judge at the Hualapai Nation, the Puyallup Tribe of Indians, and the Yavapai-Apache Nation. He also has served as an Associate Judge at Fort McDowell Yavapai Nation. He most recently served as an Associate Justice for the Yavapai-Apache Court of Appeals.

**Thursday, April 26, 2012**

8:00-10:00    **CRIMINAL CASE PROCESS FOR ADULTS**  
Unit 10: Pre-trial motions  
**Judge Anthony Little**, Ak-Chin Tribal Court

10-Minute Break

10:10-12:10   **CRIMINAL CASE PROCESS FOR ADULTS**  
Unit 11: Bench Trial  
**Judge Anthony Little**, Ak-Chin Tribal Court

- Basic evidentiary rulings

12:10-1:30    Lunch on your own

1:30-3:30    **CRIMINAL CASE PROCESS FOR ADULTS**  
Unit 12: Post-conviction  
**Judge Anthony Little**, Ak-Chin Tribal Court

- Sentencing
- Suspended sentence
- Probation violations
- Mock scenario

**Professor Barbara Creel**, UNM School of Law

- Habeas corpus under ICRA
- Sentencing under TLOA

10-Minute Break

3:30-4:25    **On-Line Training Resources**  
Unit 13: Demo of Domestic Violence Virtual Courtroom website and Intimate Partner Sexual Assault website  
**Melanie P. Fritzsche**, Staff Attorney, American Indian Law Center, Inc.

4:25-4:40    Final announcements and closing prayer

***END OF TRAINING PROGRAM***

**Disclaimer:** The following information is presented as a courtesy to training participants. The Gathering of Nations is not affiliated with the American Indian Law Center, Inc. nor with UNM School of Law. Please visit the Gathering of Nations website for information about ticket prices, etc. Training participants are responsible for all costs of attending the Gathering of Nations.

***Gathering of Nations*** 

**April 26-28, 2012**

**University of New Mexico Arena - "The Pit"**

**Avenida Cesar Chavez Blvd. SE (Hwy. 25, exit #223)**

**Albuquerque, New Mexico, USA**

<http://www.gatheringofnations.com/powwow/index.htm>