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## I. LETTER FROM THE CHIEF JUDGE

Ahnee Tribal Citizens:

I believe that the Tribal Court is accountable to the citizens and government of the Little Traverse Bay Bands of Odawa Indians. Therefore, our 2014 Annual Report will focus on two things: reporting the work of the LTBB Tribal Court and detailing how the Tribal Court spent the money allocated to it by Tribal Council. To that end, the Annual Report will report on the Court's caseload in 2014. It will detail services provided to Court clients and their families and it will document the hard work of the Court staff. It will also document how the Tribal Court is funded. Finally, the Report will share special highlights of 2014.

2014 was a busy year. **199 new cases** were filed. We held **324 scheduled hearings**, processed **\$223,437.50 in Child Support** payments and wrote **503 orders and opinions** in 2014. Requests for our services to the community grew this year, and the Court stepped up to meet the community's needs.

In addition to our day-to-day work, the Court focused on long-term projects in 2014 that will improve services to citizens and get more cases transferred to Tribal Court. For example, one project that we expect to dramatically impact the lives of our citizens is our effort to gain the certification necessary to grant restricted driver's licenses to Tribal citizens. When a person loses their driver's license due to a Driving Under the Influence ("DUI") charge, they must show the Secretary of State's office ("SOS") at least 12 months of sobriety to qualify for a restricted license. A DUI is a serious offense. Nonetheless, loss of a driver's license can seriously impact employment. However, the SOS accepts very few forms of proof of sobriety. Completion of an SOS approved State drug court program is one of the few forms of proof accepted. In the past, when Tribal citizens had their licenses suspended the best road to gaining a restricted license was through completion of a State Drug Court program. It is our hope that, due to our work and effort in 2014 and 2015, the LTBB Tribal Court will become the first tribal drug court program in

Michigan to gain the certification necessary to issue restricted driver's licenses. It is a long and difficult process yet, we have only a few steps left to go. We will keep you informed of our progress.

Another goal the Tribal Court sought to achieve in 2014 included increasing public awareness, respect and trust of the LTBB Tribal Court. We have done this by reaching out to the judicial community and the community at large to inform them of the professional status of our Tribal Court. Most people outside of the Tribe are surprised to find out that most of our judges are law trained. In addition, they assume that practicing in Tribal Court would be difficult for people outside of the Tribe because they assume that our laws and rules are difficult to access. We have worked to make the community more aware that our laws, case laws and rules of civil procedure are available online. We hope this increase in public awareness benefits the LTBB community.

In another effort to improve access to the Tribal Court, we embarked upon a year-long project designed to make practice before the Tribal Court easier for all litigants. The Court wrote and is preparing to release a Restatement of LTBB Tribal Law. This document will "restate" the legal rules that constitute the common law in a particular area. The Restatement divides the law analytically into key legal issues and then writes a rule of law governing that issue based on the rule as articulated in Court cases or in the law itself. "Comments" explain the rule. We have sent the rule out for comment to all LTBB Court practitioners. When the comment period ends, the judiciary will vote to release the Restatement to the public. It is the Court's hope that the Restatement will make the Court more user-friendly for all litigants.

The following represents additional efforts and success in commanding respect for the LTBB Tribal Court, which ultimately leads to respect for the LTBB community at large:

1. The LTBB Tribal Court hosted the first Tribal-State-Federal Judicial Forum whose membership includes 12 tribal court judges, 12 Michigan State court judges, 2 Michigan Supreme Court judges and 2 Federal court judges;
2. I was elected Co-Chair of the Tribal-State-Federal Judicial Forum;
3. The LTBB Tribal Court hosted Emmet County Court for a cultural training;
4. I was the first tribal court judge to attend the annual State court "Meet The Judges" event;
5. The Waabshki Miigwan Drug Court served as a mentor-court for another tribe seeking to establish its own drug court;
6. I assisted in the drafting of a memo supporting the view that the Bureau of Indian Affairs has the legal authority to implement regulations regarding the Indian Child Welfare Act; and
7. I provided training across Michigan on ICWA for State court judges, social workers, attorneys and other child welfare professionals.

Continuing professional development is important because it ensures you remain competent in your profession. It is an ongoing process and continues throughout a professional's career. Well-

crafted professional development is important because it delivers benefits to the individual, the individual's profession and the public. For example, it ensures that you maintain and enhance the knowledge and skills you need to deliver professional services to your clients and the community. Finally, it ensures that you stay relevant and up to date by making you aware of the changing trends and directions in your profession. I participated in the following professional development events:

1. The Abuse Later in Life Training in Petoskey, Michigan;
2. 18<sup>th</sup> Annual Governor's Task Force in Traverse City, Michigan
3. Grant-funded training by the National Association of Drug Court Professionals in Anaheim, California; and
4. The Federal Bar Association Conference in Santa Fe, New Mexico;

The work of the Tribal Court in 2014 was both challenging and deeply rewarding. I look forward to continuing to serve my community. Thank you for this wonderful opportunity.

Respectfully,

*Allie Greenleaf Maldonado*

Chief Judge  
Little Traverse Bay Bands of Odawa Indians

## II. INTRODUCTION

### **THE LTBB TRIBAL COURT'S MISSION:**

The mission of the Tribal Court is to implement the Little Traverse Bay Bands of Odawa Indians' judicial system consistent with self-determination and sovereignty. The Court fulfills its mission by building on the community values of respect, culture and spirituality that allow for fairness and due process within the Tribe's jurisdiction.

### **THE PURPOSE OF THIS REPORT**

The Tribal Court believes that we are accountable to the LTBB citizenry and to the other branches of government, the Tribal Council and the Executive Branch. Therefore, the purpose of this report is to inform the Tribe of the work, activities, and services, of the LTBB Tribal Court in 2014. The report includes information and data on how the Tribal Court was funded. It also includes statistics detailing how those funds were utilized for the benefit of the community. Additionally, the LTBB Tribal Court Annual Report outlines the Court's activity related to its caseload in 2014. The Report also details the different services provided to Court clients and their families. Finally, the report will conclude by briefly highlighting the special activities and accomplishments of the Court in 2014.

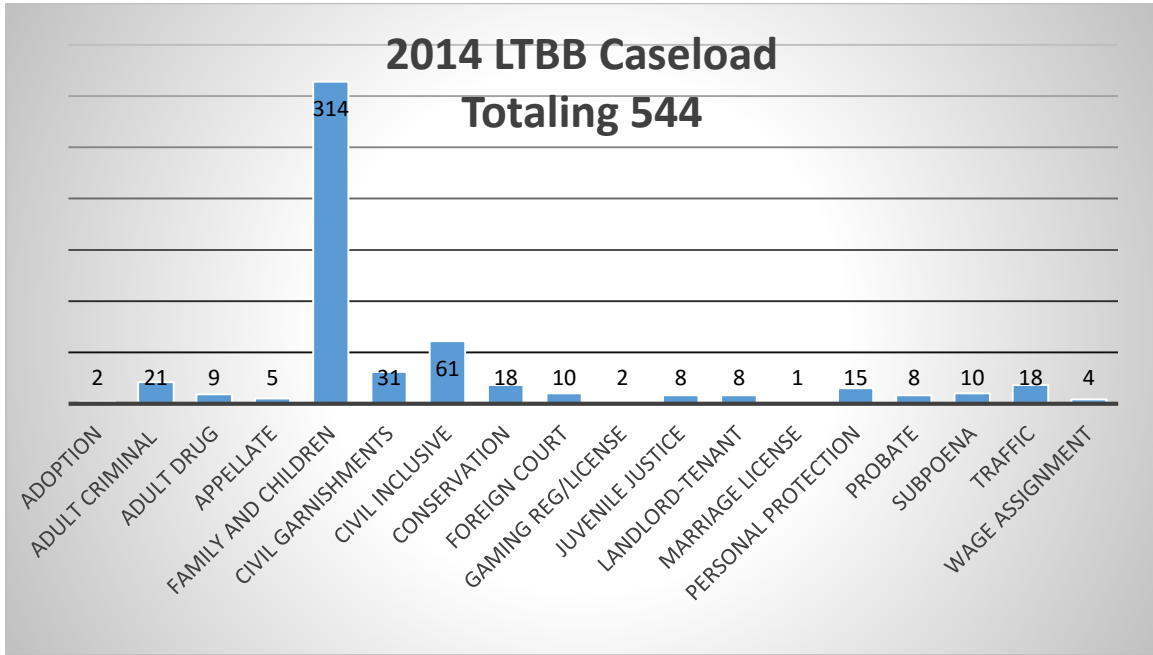
The Court, as always, looks forward to the opportunity to share information about our hard work and commitment to the community. If you have any questions or would simply like to share your thoughts please feel free to contact us at any time. We welcome your input on how your Tribal Court can better serve your community.

### III. COURT CASELOAD IN 2014

#### BACKGROUND

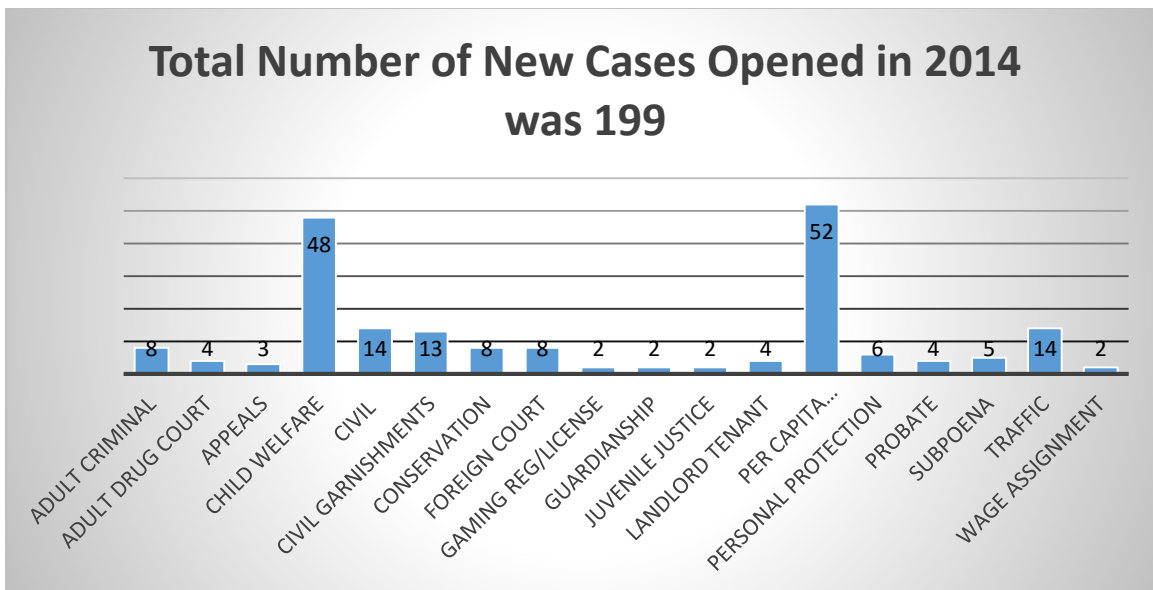
The LTBB Tribal Court is a system composed of a court of general jurisdiction and an appellate court. The lower court, also called the trial court, presides over all cases of general jurisdiction, including but not limited to: adult criminal, juvenile delinquency, child welfare, traffic offenses, conservation, guardianship and conservatorship, divorce/custody/ support, and other civil disputes. The Appellate Court presides over hearings on appeal from the trial court.

The LTBB Tribal Court also manages a drug court, the Waabshki-Miigwan Drug Court. Waabshki Miigwan holds meetings, hearings, arranges for individualized services, and provides monitoring with support and cultural resources to its participants. Without this specific program of the Court most of these cases would be handled through the state court system. Over the course of 2014 the Tribal Court presided over 544 active cases. The various types of cases along with the quantity of each is listed below. (Fig III-1)



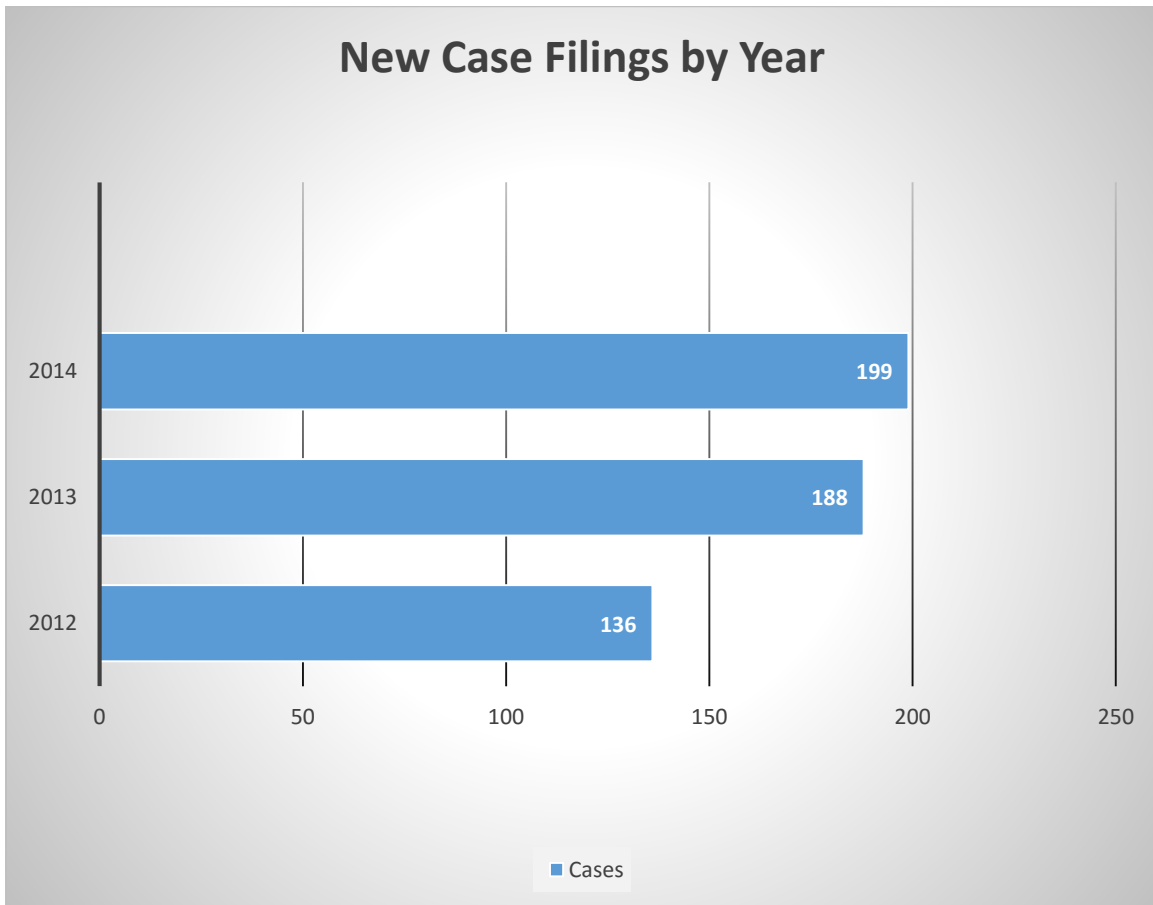
(Fig III-1)

Of the 544 cases referenced above, 199 of these were new cases filed during calendar year 2014. The chart below (Fig III-2) shows the number of each case type opened last year.



(Fig III-2)

The Court continues to grow serving a larger number of members each year. New case filings were up 32% from 2012. (Fig III-3)

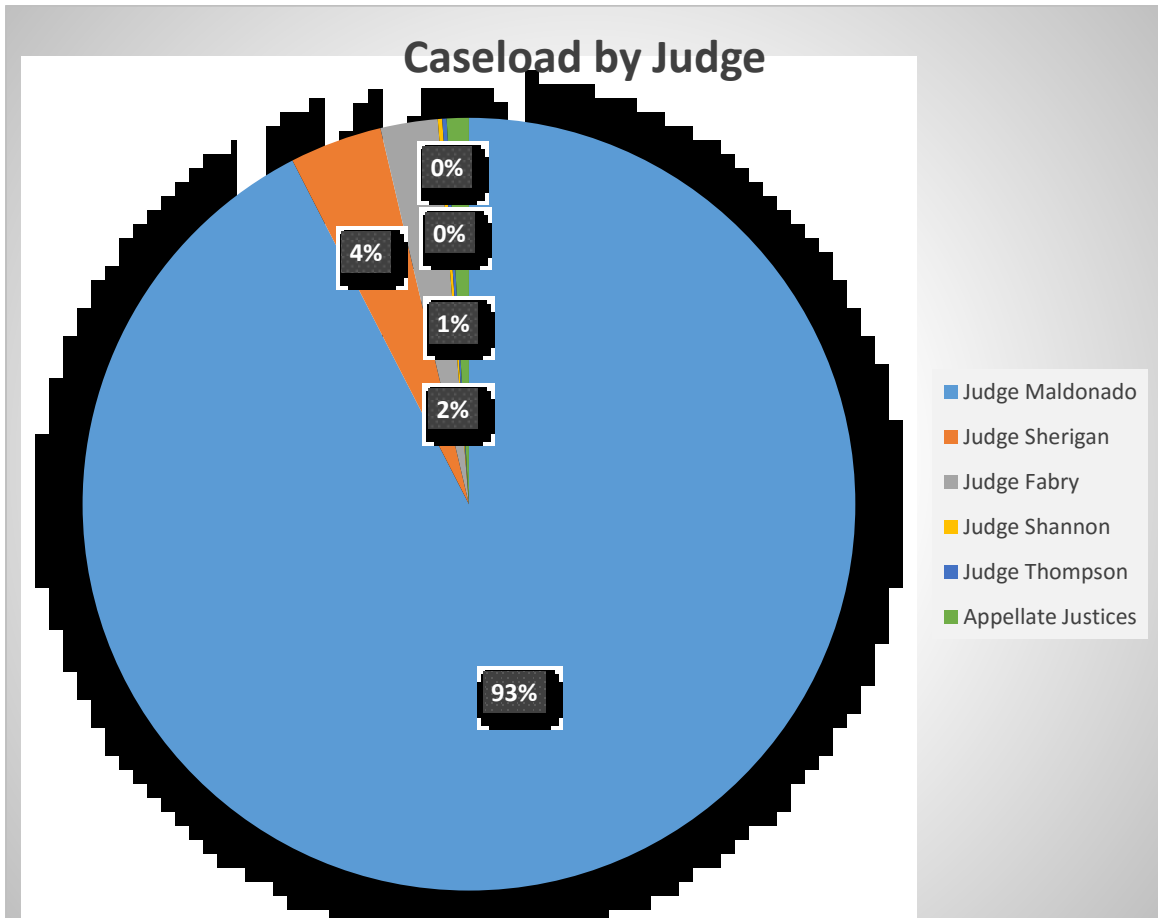


(Fig III-3)

Of the **199** new cases opened in 2014, the Chief Judge, Hon. Allie Greenleaf Maldonado, recused herself from only **15** of these cases. The remaining **184** cases were assigned to and handled by her.



For all of the 544 current cases open within the Court the jurist assigned are shown below.  
 (Fig III-4)



(Fig III-4)

## IV. A VIEW INTO THE DAY-TO-DAY OPERATIONS OF THE COURT

Each employee of the Tribal Court has a great deal of responsibility and contributes in significant ways to ensure that the community and the Tribe receive the attention and service that each deserve.

### Court Administrator

The Court Administrator has the responsibility for the Court's day-to-day operations, including development and oversight of the budget, supervision of Court staff, approval and monitoring of various fiscal and personnel matters, data collection, reporting, and assisting with strategic planning for the Court. This position also works collaboratively with numerous Executive Branch departments. Additionally, the Court Administrator participates in multi-disciplinary meetings that seek to streamline services to Tribal Citizens who become involved in the LTBB Court system.

### Court Clerks

The Court Clerks have a wide array of ancillary duties that greatly contribute to the processing of all cases filed within the Court. Court Clerks process all paperwork related to both new and ongoing cases. They are also the individuals with whom community members are most likely to initially have contact through their role of reception, either at the Court's window or on the phone. Court Clerks serve as liaisons to Tribal Citizens, visitors, various inter-governmental departments, outside agencies, and the rest of the general public concerning basic LTBB Court information. These positions are essential to the smooth and efficient operation of the Court. Their specific responsibilities include:

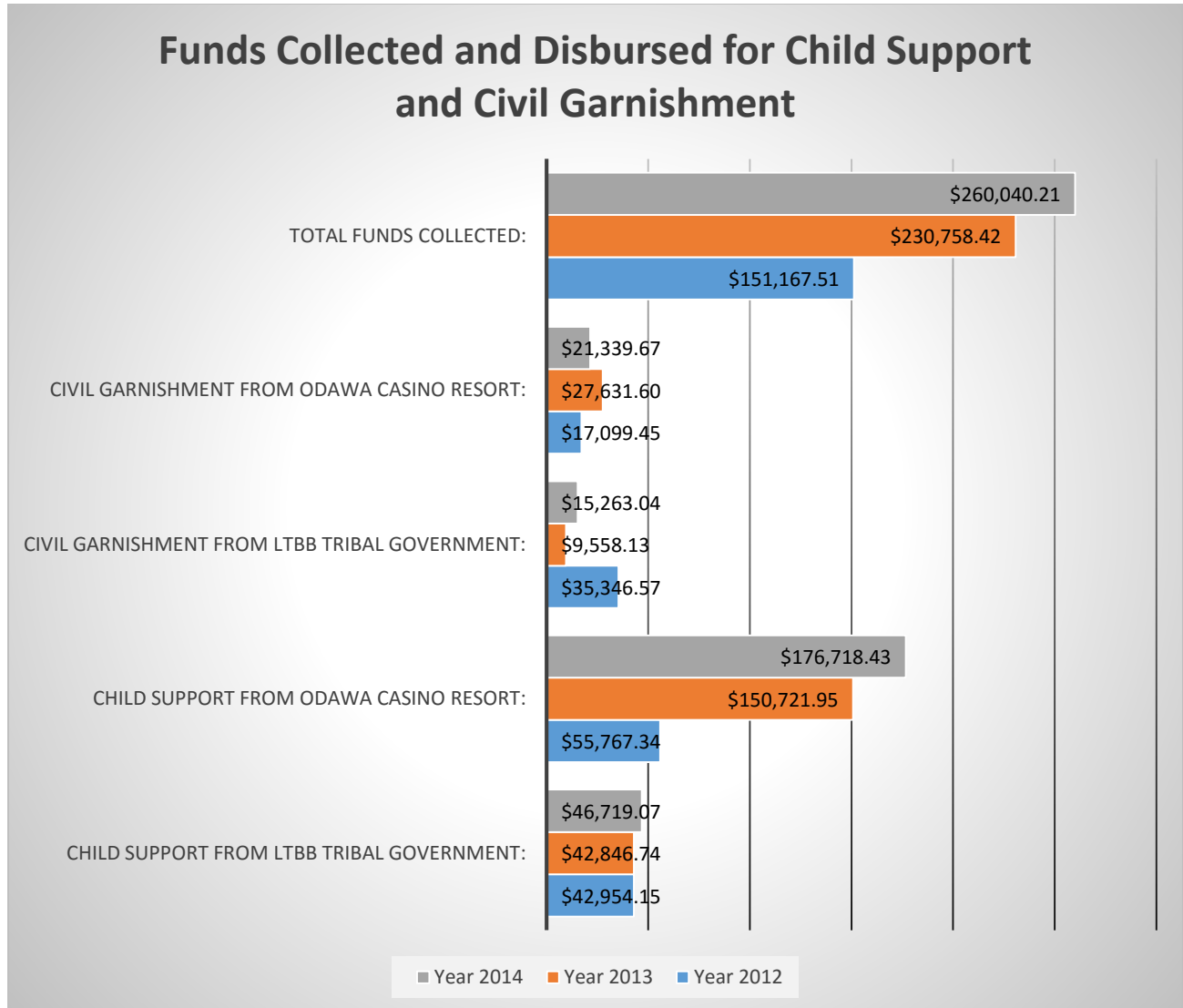
- Case File Management
- Database entry to track cases and statistics
- Providing approved Court forms to individuals who wish to file cases in Tribal Court
- Maintaining the Court recording equipment
- Recording all Court proceedings
- Providing notices to all interested parties and attorneys in individual Court cases
- Processing the Court's orders
- Maintaining contact with attorneys and other professionals regarding cases
- The performance of clerical duties both in the office and in the Court room
- Providing case information to Tribal Citizens and other patrons concerning cases and LTBB procedures

- Processing Admission to Practice Applications, certificates of good standing and attorney oaths
- Preparing correspondence and other Court documents
- Collecting fines and fees and processing funds received by the Court
- Ordering and processing transcripts of specific proceedings
- Processing invoices and contract requisitions
- Notarizing documents
- Administering annual per capita garnishments
- Researching, summarizing, and analyzing case information
- Maintaining the Court's docket/calendar and records

Following are some statistics that outline not only the type of work but the volume of work that these employees accomplished in 2014:

Type of Work	Quantity
Filings processed	2460
Hearings Scheduled	324
Contracts Processed	11
Attorney Applications Processed	56
Certificates of Service and Other Court Notices	27
Search and Bench Warrants	7
Subpoenas Processed	7
Documents Notarized	31
Oaths of Office Prepared	6
Incoming Phone Calls	1123
Outgoing Phone Calls	609

The Tribal Court also collects funds as a result of various orders and activities. The Court Clerks do a great deal of work processing the receipt and distribution of these funds. (Fig IV-1)



(Fig IV-1)

As you can see, requests to collect funds and route funds as the result of child support litigation and civil garnishment actions, have increased significantly over the last three years. During this period there has been a 42% rise in funds processed related to these purposes. This increase correlates directly to additional time spent on tasks associated with this function.

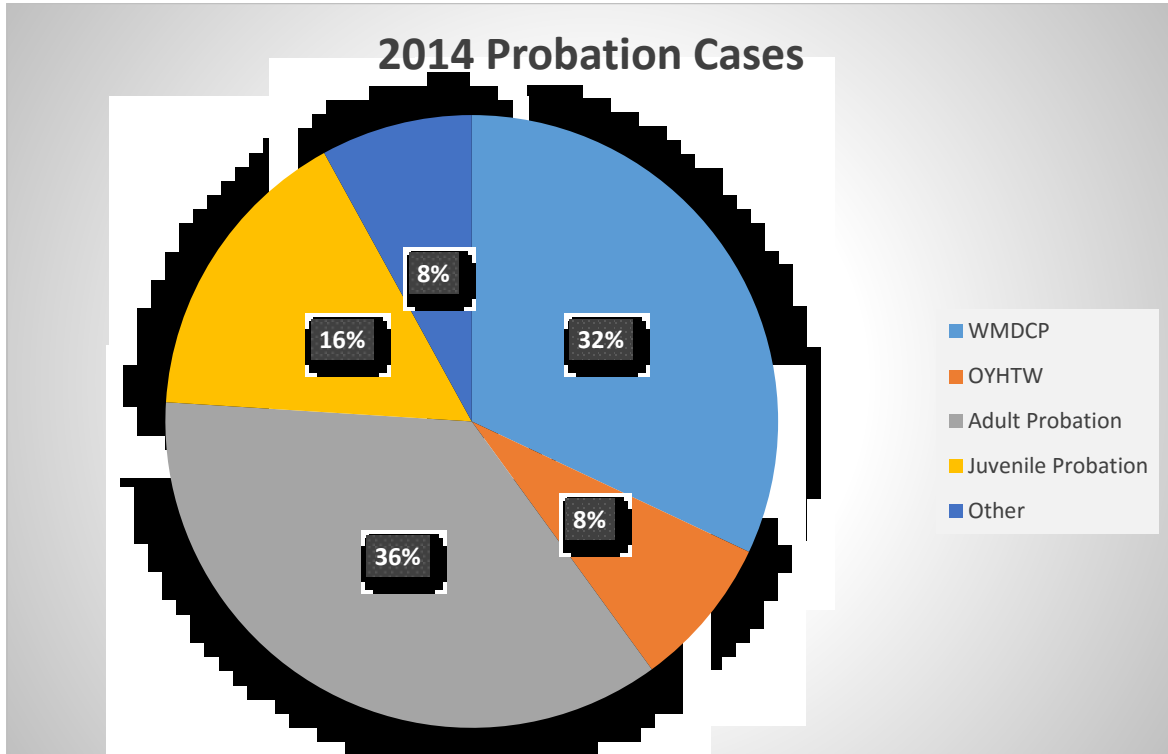
## ADMINISTRATIVE ASSISTANT

Tribal Court's Administrative Assistant is an invaluable member of the Court team and contributes to the services of the Tribe and community in a variety of ways. The Administrative Assistant's responsibilities include:

- Providing clerical support for the Chief Judge and Court Administrator
- Correlating data and information for further analysis
- Creating documents and spreadsheets using various software programs
- Interfacing with LTBB Accounting Department
- Processing of purchase orders and check requests
- Processing travel requests
- Maintaining the Tribal Court budget overview
- Scanning closed Court files into a digital format for archiving
- Scheduling, attending, and recording at various inter/intra-office meetings and events

## Probation Department

In 2014, the LTBB Probation Department consisted of one probation officer who also served as the LTBB Drug Court Coordinator. The LTBB Probation Department had a busy year helping client's navigate through the judicial system. The types of cases the LTBB Probation Department monitors include, but are not limited to, criminal cases, Waabshki-Miigwan (adult drug court) cases, Odawa Youth Healing to Wellness (youth drug court) cases, juvenile offender cases, juvenile in need of supervision cases, hunting citation cases and personal protection order cases. Probation oversight includes court-ordered terms such as drug and/or alcohol screening, community service, assessments, counseling, fines/fees, etc. In 2014, the Probation Department monitored 25 cases. The following graph depicts the breakdown of cases: (Fig IV-2)



(Fig IV-2)

## CASE DESCRIPTIONS

**Waabshki-Miigwan:** A drug court program that involves intensive collaboration between the Tribal Court, service providers and the community to provide holistic healing for adults who are facing substance abuse issues.

**Odawa Youth Healing to Wellness:** A drug court program that involves intensive collaboration between the Court, service providers and the community to provide holistic healing from juveniles who are facing substance abuse issues.

**Adult Probation:** A formal approach to supervising offenders that involves various types of monitoring designed to ensure compliance with court-ordered terms.

**Juvenile Probation:** A formal approach to supervising offenders that involves monitoring of juvenile offenders or juveniles in need of supervision and ensuring adherence to court-ordered terms.

**Other:** This category may include diversion agreements (an alternative to formal probation for juveniles), hunting citations, personal protection orders or courtesy supervision (monitoring of state cases involving tribal members without transfer).

LTBB Tribal Court has worked tirelessly to build a solid working relationship with Emmet County for the benefit of Tribal citizens. The number one reason we actively encourage Emmet

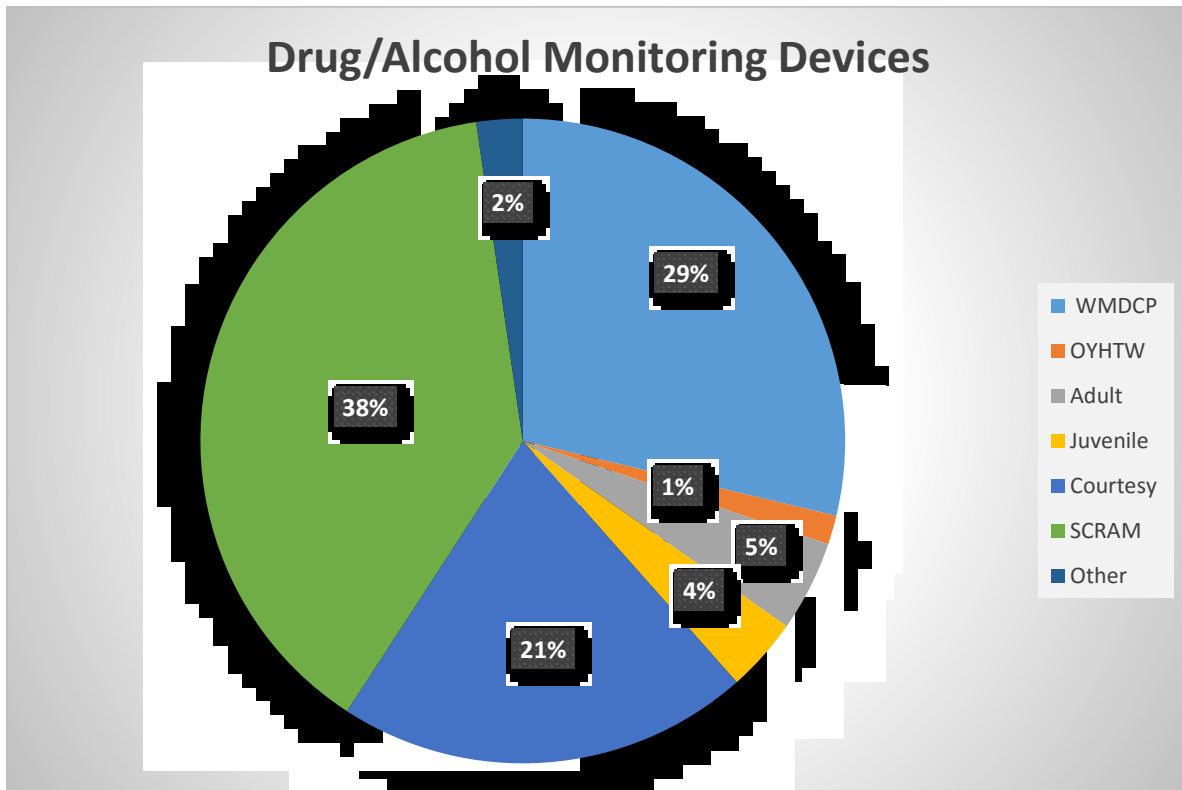
County to transfer cases and supervision of cases to LTBB is so that our Tribal citizens can take advantage of the services LTBB is able to offer.

Throughout 2014 the probation department was able to offer the following unique services to tribal citizens:

- MENS group therapy (\$775.00)
- Client attendance at Michigan Convention of Young People in AA (\$161.01)
- Client registration of corporation (\$160.00)
- Client cell phone and minutes (\$36.00)
- Client reimbursement (\$148.31)
- Client transportation repairs (\$1,240.07)
- Client bus ticket (\$94.00)
- Psychological and psychiatric services (\$2,750.00)
- Attendance at Beaver Island Lighthouse School (no cost to LTBB)
- Attendance at Lakeview Academy (no cost to LTBB)
- WMDCP graduation gifts (\$290.00)
- Peacemaking or mediation opportunities (\$50.00)

Along with offering these services LTBB Probation spent **\$13,525.05** in drug screens for LTBB probationers, Drug Court participants and courtesy screens for LTBB members involved in other court systems free of charge. Courtesy screens were administered for the following counties: Emmet, Cheboygan, Kent and Ingham. Other drug/alcohol monitoring devices used in 2014 included SCRAM devices, GPS units, Call2Test randomized screening service and drug patches.

The following is a breakdown of how the drug/alcohol monitoring devices were used: (Fig IV-3)



(Fig IV-3)

## MONITORING DEVICE DESCRIPTIONS

**Drug screen:** LTBB Tribal Court uses urinalysis to screen clients for misuse of drugs and alcohol. All LTBB Court staff is trained on the proper procedures for collecting specimens. Clients must provide a sample that is sent to Redwood Toxicology Laboratory and tested for the presence of alcohol and/or controlled substances.

**PBT:** A Preliminary Breath Test is a device that is used to detect the presence of alcohol. Clients are required to breathe through a straw into the device for a few seconds and the results are immediate.

**SCRAM device:** SCRAM is an alcohol monitoring device placed on a client's ankle that continuously takes readings to measure if alcohol is consumed.

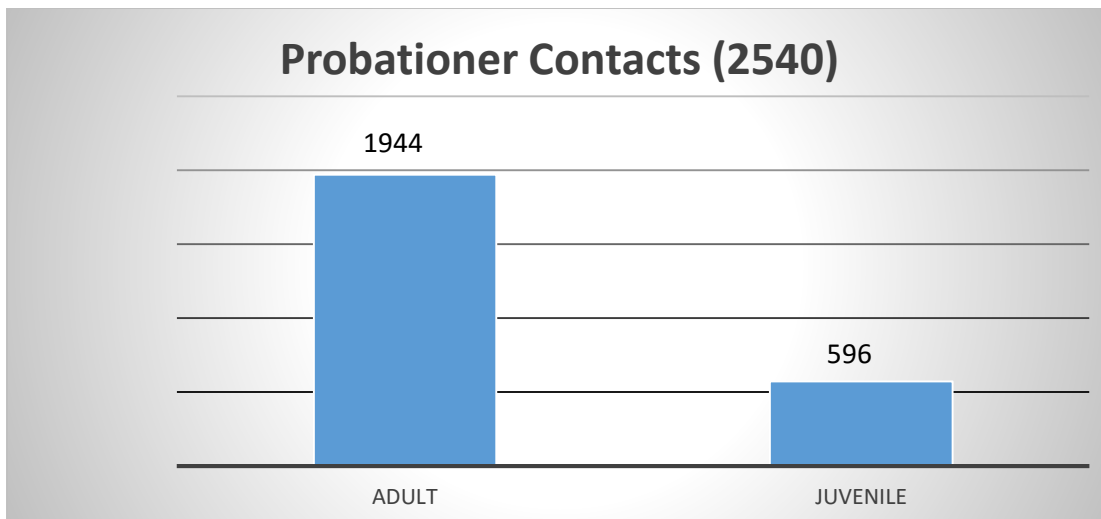
**GPS unit:** GPS is a global positioning unit worn on a client's ankle to ensure they are staying within court-ordered boundaries or to detect if a person is entering an area prohibited by court order or probation terms. It may also be used to ensure that probationers are adhering to a curfew.



**Call2Test:** This is a computerized call-in system that randomly selects clients for drug and/or alcohol screens.

**Drug Patch:** This is a gauze patch (approximately 1.5”x 2”) worn on a client’s skin that collects sweat. It is then sent in to a Clinical Reference Laboratory and tested for the presence of prohibited substances.

LTBB Probation is responsible for the case management of all LTBB Court-ordered individuals and individuals receiving courtesy supervision on behalf of another jurisdiction. To complete this task successfully, the Probation Department maintains regular communication with clients. In 2014, these communications included office, home and school visits. The number one communication tool at the Probation Departments disposal is the telephone. In 2014, the Probation Department completed over 2,500 client contacts. The following is a breakdown of communication contacts in 2014: (Fig IV-4)



(Fig IV-4)

The Probation Department is also fortunate to be in a position to utilize LTBB awarded grants to assist in the transferring, referring or management of cases. In 2014, the Probation Department utilized two grants. The CTAS purpose area #3 grant to help alleviate barriers to sobriety and the Child Care Fund (CCF). The CCF grant specifically assists with the prevention of out-of-home placement for juvenile clients or the reduction in the time placed out of the home. While the Tribal Court **did not place any youth out of the home in 2014**, the CCF grant was able to offset costs associated with travel (i.e. home or school visits, mileage, etc.), staff time (i.e. curfew checks, transports, etc.) and intensive probation requirements (i.e. assessments, counseling, drug/alcohol screens, etc.).

## **BOARDS, COMMITTEES AND TRAININGS**

Probation is always evolving. Monitoring individuals can be daunting, frustrating and rewarding. Keeping one step ahead of clients is an art form. Training is an essential component of a probation officer's job. Trends change, new client services develop and advanced research emerges that alter best practices.

During 2014, the Probation Officer attended the following trainings:

- Human Services Information Summit
- Juvenile Justice Vision 20/20 Fall Conference
- Juvenile Justice Association of Michigan Fall Conference
- Abuse in Later Life: Cross-training for Victim Services Providers
- Matching Services to Need: Exploring What 'High Risk-High Needs' Means

Community outreach is a pivotal function of the Probation Department, not only within the Tribal community, but outside our community as well. It is essential to build strong relationships with outside agencies to foster referrals and to provide additional services to court-involved tribal members. In addition to utilizing area resources and services for clientele, cultivating these relationships provides an opportunity to educate professionals about how the Tribal Court functions and what services we provide individuals within the Tribe as a whole.

In 2014, the Probation Officer participated on the following boards and committees:

- Child Abuse Council of Charlevoix and Emmet Counties
- Child Abuse Council Courts Committee
- Child Abuse Council Fairs/Booths Committee
- Child Abuse Council Spring Conference Committee
- LTBB Sex Offender Registration and Notification team
- LTBB Domestic Violence Community Coordinated Response team

## **WAABSHKI-MIIGWAN ADULT DRUG COURT**

In 2009, the LTBB Tribal Court was awarded the grant that would eventually create the Waabshki Miigwan Drug Court program (WMDCP). A year was spent creating the program and the first participant entered the program in October, 2010. The mission of the Waabshki Miigwan program has always been to “implement a collaborative partnership among the community, service providers, court and adults who face substance abuse challenges in order to restore holistic balance using Odawa values and teachings as envisioned by our ancestors in order to

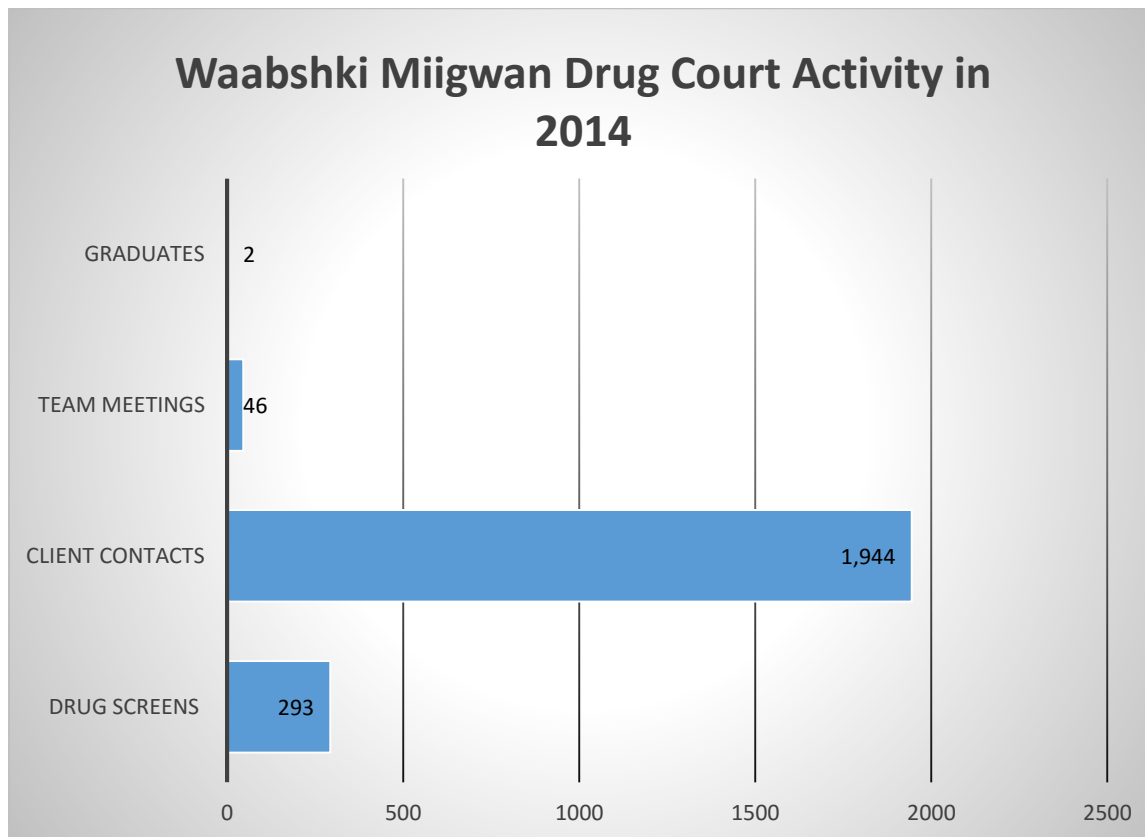
ignite the healing and rehabilitation of addicted offenders.” (WMDCP court manual.) After six successful years, the program has assisted 20 community members on their journey to sobriety.

In 2014, the Waabshki Miigwan Drug Court team decided to make some modifications to the program in order to better serve the community and has been busy updating the program ever since. The team, comprised of the Chief Judge, a defense attorney, the LTBB Prosecutor, the Drug Court Coordinator, Cultural Resource Advisor, an LTBB law enforcement officer, a substance abuse counselor, a LTBB elder, the Court Administrator and community members, met a total of three times in 2014 to update the WMDCP manuals, workbooks, program layout and curriculum. The future program will consist of five phases and total 18 months in length, with a mandatory aftercare phase.

Phase five, or the aftercare phase, is six months in length with limited court involvement. Instead the participant will meet bi-weekly with the Cultural Resource Advisor to transition back into society with less court support and more natural support from the community, family and friends. The curriculum for this phase is based off of the Seven Grandfather Teachings and will help solidify the participant’s foundation in our ancestor’s values. This phase will ensure a deeper understanding of the teachings and how to live them.

Another new addition to the WMDCP program is the relapse phase. Henceforth, if a participant relapses during their recovery, their progression through the program will freeze and they will enter the ‘relapse phase.’ This phase is eight weeks in length and also focuses on the Seven Grandfather Teachings and how to apply these teachings to every-day life.

In 2014, the Waabshki Miigwan program had 8 participants, two graduates of the program, administered 293 drug and/or alcohol screens, met 46 times and completed approximately 1,944 client contacts. (Fig IV-5)



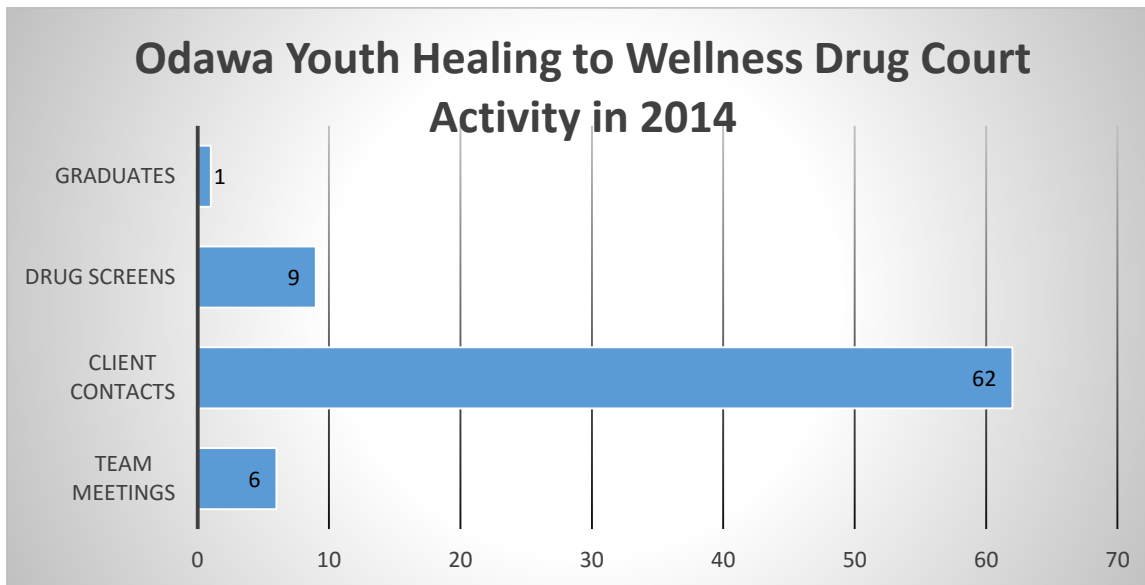
(Fig IV-5)

The WMDCP coordinator maintained regular contact with Emmet County Probate and District courts by attending staff meetings, sobriety court team meetings and hearings. This aided in facilitating case transfers into respective Tribal programs. By doing this, seven cases involving tribal members were successfully transferred in 2014 and countless referrals were made for Tribal services in the following departments: education, housing, DHS, substance abuse/mental health, health services and employment services (including WOCTEP, OCR and Regulatory).

### **ODAWA YOUTH HEALING TO WELLNESS DRUG COURT**

The Odawa Youth Healing to Wellness Drug Court (OYHTW) was created in 2002. The OYHTW Program is a more personalized judicial approach when dealing with juveniles who have substance abuse concerns. OYHTW program forms a direct partnership with their clients while employing intense levels of Court supervision and counseling. The treatment process is structured, phased, and designed to fit the specific needs of each participant while incorporating cultural and traditional teachings to aid in their rehabilitation. The goal of the program is to aid a client who may be facing substance abuse challenges to restore a positive holistic balance in their life and to uphold Odawa values and teachings as envisioned by our ancestors.

Since its inception, the program has had 15 participants. In 2014, the OYHTW team met 6 times, completed 62 client contacts, administered nine drug screens and had one successful graduate. (Fig IV-6)



(Fig IV-6)

### **WAABSHKI MIIGWAN SUBSTANCE ABUSE COUNSELOR**

Tribal Court in cooperation with the LTBB Substance Abuse Department applied for and received the Coordinated Tribal Assistance Solicitation Grant (“CTAS”) for purpose area #3. The CTAS purpose area #3 grant focuses on tribal alcohol and substance abuse prevention. Through this grant, the Waabshki Miigwan program was able to hire a master’s level counselor that is dedicated to serving the Waabshki Miigwan drug court participants. The goal of adding a dedicated counselor to the Drug Court is to better coordinate and enhance services to tribal citizens.

The CTAS Counselor splits her time between the Waabshki Miigwan program and assisting in the LTBB Substance Abuse/Mental Health department. Seeing only court-involved individuals the counselor averaged a caseload of 28-30 clients. Aside from seeing clients on a regular basis, the CTAS Counselor also participated in the following in 2014:

- Weekly drug court
- Emergency hearings
- Weekly jail visits to Emmet and Charlevoix County jails to serve tribal members
- Historical trauma training
- Domestic Violence and sexual assault training
- Co-facilitating MATRIX group

- Fall encampment
- Sobriety Feast
- WMDCP phase fires and program celebrations

The CTAS Counselor plays a vital role in bridging the gap between the local county court systems and the Tribal Court system. By communicating with area courts that are adjudicating tribal members, the CTAS counselor is often the first point of contact to provide alternatives to incarceration, including the Waabshki Miigwan program. The CTAS Counselor identified and assisted in the facilitation of 8 referrals of court involved tribal members considered to participate in the Waabshki Miigwan program.

The CTAS Counselor had additional success in 2014. She successfully lobbied Emmet County jail to have the LTBB Substance Abuse/Mental Health main number added to jail phones at no charge to offenders. Now tribal members in jail can call out for free to request substance abuse and mental health services from the Tribe.

In addition, this counselor, through this process has been approved to make face-to-face contacts with individuals incarcerated at this facility providing the opportunity to share information and even begin the process of initiating access to services.

## **CULTURAL RESOURCE ADVISOR**

Especially important to the success of Native clients are the services of the Court's Cultural Resource Advisor. This position ensures services provided by various Court programs are sensitive to, consistent with, and enriched by, the traditions and values of the Anishinabek Culture.

The following are accomplishments of the Cultural Resource Advisor specific to the Waabshki Miigwan Drug Court Program:

- 2014 Phase Fires – During the course of this past year the Cultural Resource Advisor guided participants, individually, through four phase fires in conjunction with their program requirements. There were two Phase I fires, a sunrise fire, a Phase II fire, which is a sunset fire, and a Phase III fire.
- Provided mentoring and guidance to program participants that took advantage of the opportunity to participate in the Michigan Conference for Young People in Alcoholics Anonymous.
- Sweat Lodge Ceremonies were facilitated on three separate occasions for current participants and past graduates of the program.
- Based on the participant's wishes the Cultural Resource Advisor assisted in facilitating participation in or volunteering with other culturally relevant activities. For example

Ghost Suppers, Sugar Bush, and activities related to planting and harvesting with the LTBBOI Agricultural program.

- Provided transportation to individuals participating in community events and specific program services.

The Cultural Resource Advisor also participated in various other events and programs throughout the year.

- In a three county event celebrating student success the Cultural Resource Advisor was asked to offer tobacco and to speak on the Seven Teachings as a highlight to the “End of Year Celebration Walk.”
- The Cultural Resource Advisor carried the Waganakising Veterans Eagle Staff for the Tribal homecoming.
- The Cultural Resource Advisor accepted the role of liaison between the Tribal community and the Gaylord Catholic Diocese in discussions of Historical Trauma Healing and Forgiveness.
- The Cultural Resource Advisor facilitated a Sweat Lodge Ceremony for a motivational training/conference in Columbus, Ohio.
- The Cultural Resource Advisor with the American Indian Family and Health Services Program facilitating a total of eleven Sweat Lodge Ceremonies in Southeastern Michigan in 2014.
- The Cultural Resource Advisor was invited and completed a total of five adult naming ceremonies, four youth naming ceremonies, and offered a prayer at one funeral.

## Domestic Violence Court Docket Project

In 2013, the Tribal Court received a grant from the Office of Violence Against Women (OVW) to develop and implement a specialized domestic violence court docket, as well as to assist in the creation of a multi-agency Coordinated Community Response Team to address issues of domestic violence in the LTBB Tribal community.

Over the course of this year, the grant facilitated the formation of the LTBB Domestic Violence Advisory Committee. The Advisory Committee, a multi-disciplinary team composed of administrators and staff from departments across Tribal government, has been instrumental in shaping education and official protocol regarding domestic violence. The Advisory Committee continues to meet monthly, engaging in coordination and training efforts with Tribal administrators and ground-level staff.

Under the direction of the Domestic Violence Court Coordinator, the Tribal Court and the Advisory Committee made substantial progress towards major goals of the OVW grant's strategic plan: by completing an evaluation of community preparedness; encouragement of and participation in community outreach and education; extensive inter-departmental coordination and staff training; revision of Court forms and Tribal statutes based on nationally-recognized best practices.

In 2014, the Domestic Violence Coordinator accomplished the following:

- Facilitated the reformation of the LTBB Domestic Violence Advisory Committee and multi-agency domestic violence Coordinated Community Response Team
- Established and hosted monthly Advisory Committee meetings
- Attended and participated in Emmet County Domestic Violence Task Force meetings
- Attended and contributed to a multi-jurisdictional dialogue and information-sharing session with the Michigan Domestic and Sexual Violence Prevention and Treatment Board and regional tribal representatives in Sault Ste. Marie
- Participated in Office on Violence Against Women-sponsored technical assistance events
- Drafted and/or revised Tribal Court forms and policies
- Created and supported ongoing relationships with professionals from the state and private organizations, including the Women's Resource Center of Northern Michigan
- Participated in site visits to the Women's Resource Center of Northern Michigan Safe House, located in rural Emmet County



- Performed internal qualitative assessment of participating departments to evaluate preparedness for coordinated community response
- Issued recommendations for inter-organizational collaboration and coordination via written report
- Developed and began drafting of a Master Protocol for the Coordinated Community Response Team, designed to encourage accountability and promote consistency
- Maintained an ongoing partnership with the Center for Court Innovation for continuing education on emerging issues of domestic violence and best practices
- Participated in monthly Project Director calls with the Center for Court Innovation
- Participated in web-based training with national court technical support organizations
- Assisted with the planning of a major two-day domestic violence training workshop in partnership with the National Council of Juvenile and Family Court Judges Assisted as technical support in the drafting of Tribal domestic violence, stalking, and Personal Protection Order statutes
- Worked closely with the LTBB Tribal Prosecutor and Victim Advocate to identify strengths and weaknesses of former intervention practices and revise current practices
- Partnered with other LTBB offices, including the Department of Human Services, to plan and offer community outreach events and programming
- Provided technical support and input for the creation of an informational domestic violence awareness video by LTBB Victim Services and Project Connect 2.0 Coordinator
- Participated in outreach and informal meetings with LTBB Tribal Elders
- Drafted press releases for Odawa Trails newsletter to provide community updates regarding domestic violence grant project activities
- Attended and participated in training seminars hosted by other LTBB departments and staff, including Victim Services and the Project Connect 2.0 Coordinator
- Provided updates to Tribal Council regarding the progress of the domestic violence response plan and the revision of Tribal statutes
- Assisted the Tribal Court and LTBB grant writers with revision of the 2015 Justice for Families grant, which will permit the continuance of progress made under the 2013 OVW grant
- Prepared and submitted requisite reports to OVW

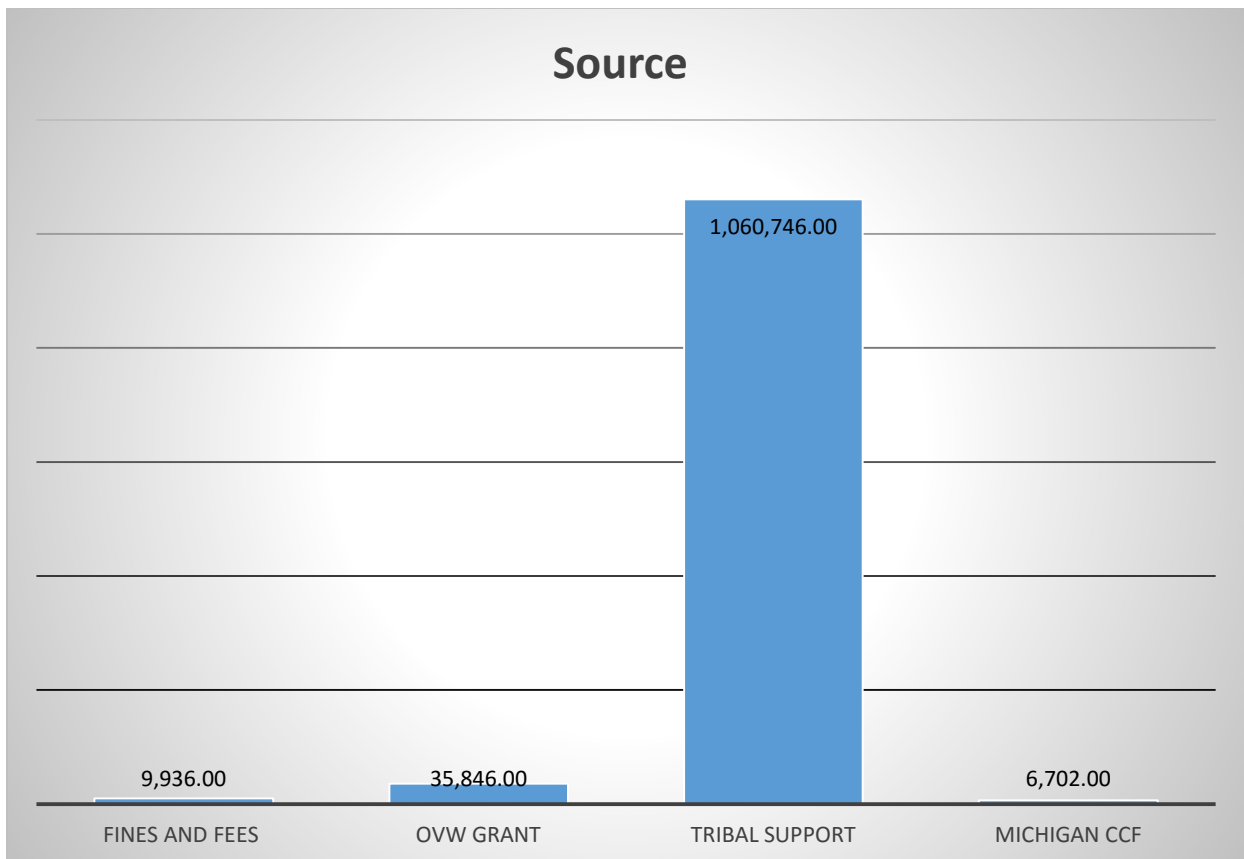
## **DOMESTIC VIOLENCE STATISTICS FOR LTBB IN 2014**

Cases identified as domestic violence cases in 2014:

- 4 requests for Personal Protection Orders (PPOs).
  - 1 Domestic Violence PPO request.
  - 3 Stalking PPO requests.

## V. FUNDING FOR THE JUDICIARY IN 2014

The Tribal Court exemplifies the most direct exercise of LTBB's sovereignty. LTBB Tribal Court receives funding from various sources to support its Constitutional responsibilities which include upholding the law, preserving Citizen's rights and liberties, along with providing fundamental services to the community that are not received elsewhere. The majority of the Tribal Court's funding comes from the Tribe's General Fund, requested by the Court and approved by Tribal Council. The remaining revenues come from grants, state and federal programs, and fees and fines imposed by the Court. (Fig V-1)

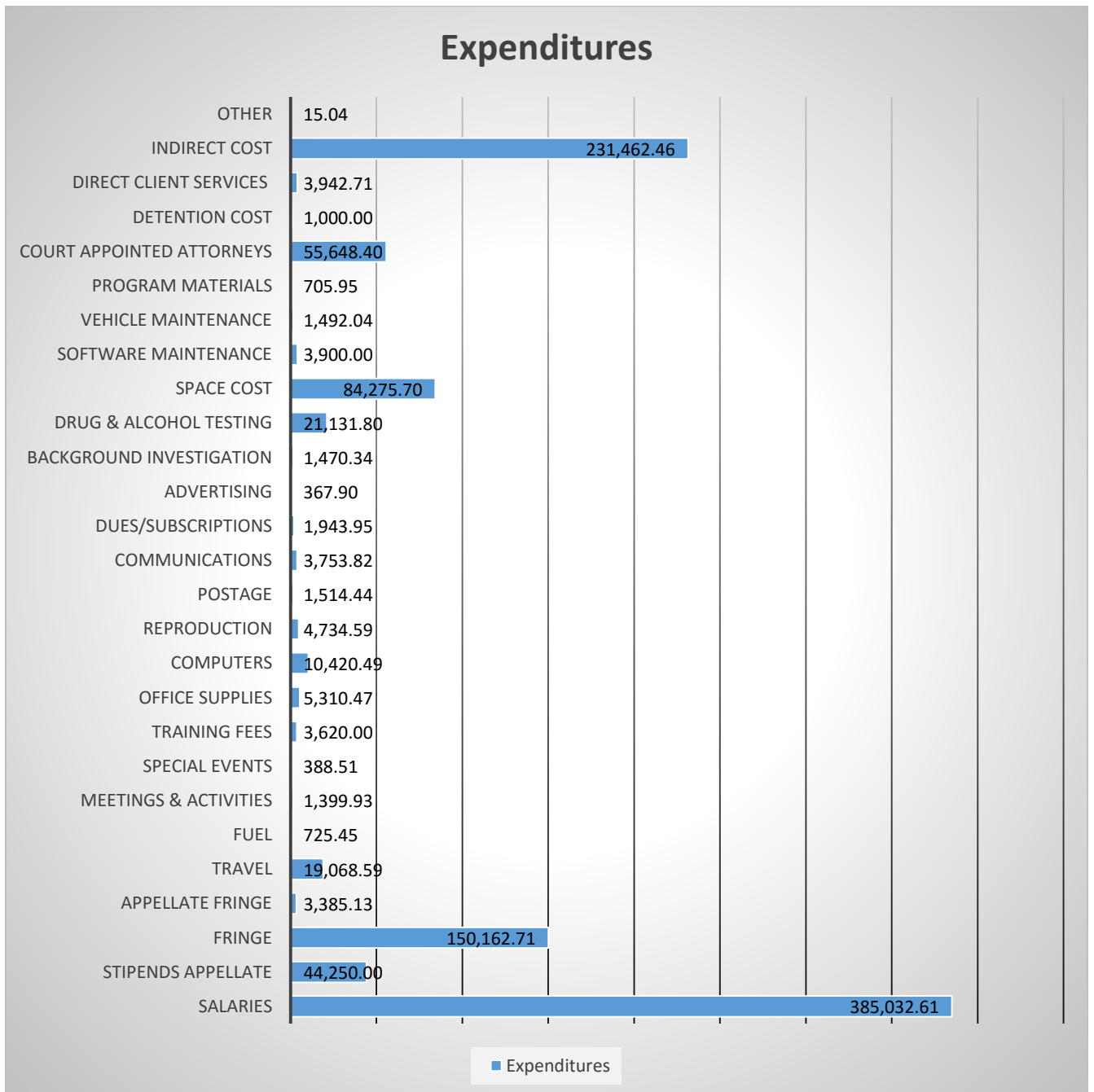


(Fig V-1)

The total budget, as approved by Tribal Council, for the operation of the LTBB Tribal Court in 2014 was \$1,113,230.00.

## VI. EXPENDITURE OF FUNDS IN 2014

Of the funds allocated to the LTBB Tribal Court expenditures totaled \$1,034,913.53 for the programs and activities listed below: (Fig VI-1)



(Fig VI-1)

## VII. SPECIAL HIGHLIGHTS 2014

### EDUCATION AND TRAINING

Education and training contribute to the continued growth and development of the Tribal Court. In 2014, staff attended multiple programs for just this purpose. The following is a list of some of the conferences, trainings, and meetings attended by staff:

- State of Michigan Child Care Fund
- Training in Cardiopulmonary Resuscitation/ Automated External Defibrillator and First Aid Training
- Michigan Convention of Young People in AA Conference
- Michigan Association of Drug Court Professionals
- National Judicial College Conference
- Abuse in Later Life
- National Association of Drug Court Professionals
- Midwest Peacemaking Conference
- Indian Child Welfare Act/ Michigan Indian Family Protection Act Training

Through these trainings Court staff hone existing skills, gain new knowledge, and are exposed to best practices contributing to the efficiency and quality of services provided to the community.

### LTBB TRIBAL COURT HOSTS THE FIRST TRIBAL STATE JUDICIAL FORUM



The LTBB Tribal Court hosted the first Tribal-State-Federal Judicial Forum whose membership includes 12 tribal court judges, 12 Michigan State court judges, 2 Michigan Supreme Court judges and 2 Federal court judges. Our own Judge Maldonado was elected by her peers as Co-Chair of the Forum. The purpose of the Michigan Tribal State Federal Judicial Forum is to create an ongoing dialogue and respond to joint and cross jurisdictional issues among state, tribal, and federal judiciaries regarding working relationships and the interaction of state, tribal, and federal court jurisdiction in Michigan. The Forum shall make recommendations and implement philosophies, practices, and procedures to enhance our common responsibility to our children, our families and our communities of our sovereign nations.

### **MICHIGAN SECRETARY OF STATE DRIVER LICENSE REINSTATEMENT**

In 2014, we started working on a huge advancement for the LTBB Drug Court. Under the direction of the Chief Judge, the Court began navigating the possibility of becoming the first tribal drug court in the State of Michigan to have the authority to issue restricted driver's licenses. Gaining the authority to issue restricted driver's licenses is an arduous process even for State courts. Whether a tribal court could do it was at the outset unknown. Initially we had to convince the Michigan Secretary of State ("SOS") that we qualified as a drug court eligible to return driver's licenses under Michigan law. After receiving a successful evaluation of our Drug Court by the SOS office, we asked Tribal Council to provide a limited waiver of sovereign immunity that would allow Tribal Court access to the SOS data base. Access to the SOS database is required to participate in the program. Tribal Council approved the waiver and the contract with the SOS was signed. Now the Court is waiting on the SOS's office for a date on which the Court will receive training. Once the training is complete, the Court should be eligible to restore driving privileges to individuals with suspensions related to substance abuse charges. We look forward to keeping the community posted on our progress.

### **COLLABORATION**

Our collaboration with the State on drug court cases has increased dramatically in 2014. The probation department was able to build strong relationships with area resources, including but not limited to, Emmet County Probate Court, and Emmet County District Court. To foster these relationships the probation department not only regularly communicates with these entities, but attends their staff meetings, identifying Tribal Citizens involved in State Court and providing tribal services and assistance when applicable. Maintaining these relationships is essential for case referrals, educating the community at large to the services LTBB can offer and ensuring the tribes ability to provide equal supervision, compliance and sanctions when necessary.

The Drug Court's continued collaboration with local counties along with continued outreach to local state courts will result in easier, more seamless referrals. Referrals allowing access for more community members to participate in these unique culturally based services.

### COMMUNITY OUTREACH AND INTERESTS

In September of 2014, the Drug Court's Cultural Resource Advisor participated with the American Indian Movement's "Ride to Reverse Diabetes" campaign. The ride was part of a national event where individuals rode through reservations across the country. This group rode from St. Ignace to the LTBB Sovereignty Day Jiingtamok. The purpose of the event was to present statistics from reservations across Turtle Island to the United States Congress for the purposes of addressing the challenge Native Americans face in regards to the health issues caused by diabetes.



## DOMESTIC VIOLENCE OUTREACH: RAISING AWARENESS

Despite recent media focus, domestic violence and sexual assault remain infrequently discussed problems in the United States – particularly in small, close-knit communities. In an effort to raise awareness of the dynamics and harms of domestic violence as well as the resources available to victims, the Tribal Court partnered with staff from across Tribal government in 2014 to engage the LTBB community in outreach and educational events.

Working closely with other Domestic Violence Community Response Team members such as Victim Services staff and the Project Connect 2.0 Coordinator, the Docket Project Coordinator assisted in planning events such as Native American Domestic Violence Awareness Day 2014. During this event, chairs were arranged in the main hall of the Government Center, with one chair representing each victim served by Tribal organizations. On the chairs were placed neckties representing men, flowers representing women, and small toys and books representing children.



Community Response Team members engaged in training and outreach events throughout the year in a concerted government-wide effort to educate tribal citizens about domestic violence and sexual assault. The Docket Project Coordinator attended numerous public events in 2014, such as the LTBB health fair, Elders' luncheons, and holiday celebrations to engage the public and encourage open dialogue about the oft-undiscussed issue of domestic violence. Feedback from the community has been overwhelmingly positive, and the core message of the Coordinated Community Response Team – that domestic violence is not traditional – has been welcomed enthusiastically.

## MENTORING

In 2014, the National Drug Court Institute (“NDCI”) recognized the Waabshki Miigwan Drug Court as one of the best Drug Courts in Indian country. Accordingly, NDCI asked Waabshki Miigwan to train and serve as a mentor court for newly established tribal drug court programs. The first team sent to Waabshki Miigwan was the newly formed drug court team from the Bay Mills Tribal Court.

The Court continued to welcome individuals from other tribes and jurisdictions sharing experiences, ideas, and practices, including those of other cultures. For example, in May of 2014 we had the unique opportunity to host representatives from the Bangladesh, India Drug Court and Legal System for a special two-day program. The LTBB Tribal Court shared both the successes and challenges of the Waabshki Miigwan Program providing valuable information to be utilized by these guest to model their country’s developing drug court system.



Waabshki Miigwan is honored to help our fellow tribal courts and looks forward to hosting other tribes in 2015.

## AWARDS AND RECOGNITIONS

Other highlights from 2014 are reflected in the recognition of employee’s exemplary contributions to their profession and communities.



LTBB Tribal Court Chief Judge, Allie Greenleaf Maldonado, received Michigan Lawyer's Weekly's 2014 Woman of the Year Award. The Judge was selected for this honor by a vote of her peers.. The citation for this award noted Judge Maldonado's numerous contributions to her community, her participation in drafting Michigan's Indian Family Preservation Act (MIFPA), and her work on rewriting Michigan's Court Rules regarding Indian children and compliance with the Indian Child Welfare Act (ICWA).

Anthony Davis, LTBB Tribal Court's Cultural Resource Advisor, was selected and received the 2014 Circle of Excellence Award. The Award is voted on by his peers, the employees of LTBB government. Mr. Davis was one of seven honored. In his acceptance of this award, Mr. Davis humbly acknowledged the contributions of the team, both the Tribal Drug Court and all employees, working together for the betterment of the Tribe.

## VIII. FREQUENTLY ASKED QUESTIONS FOR LTBB TRIAL COURT

### **“Why is a state court order against me being enforced in Tribal Court?”**

- Pursuant to LTBB Court Rule 4.000-4.400, LTBB courts are required to recognize and enforce the judgments of a foreign court if that foreign court recognizes and enforces the judgements of LTBB Courts. In an effort to ensure that Tribal Court judgements and orders may be enforced in state courts, we have a Court rule requiring full faith and credit for state court orders. An individual can challenge a foreign court judgment by demonstrating that:
  - the foreign court lacked personal or subject matter jurisdiction over the individual;
  - the foreign judgment was obtained by fraud, duress or coercion;
  - the foreign judgment is repugnant to the public policy of the LTBB; or
  - the foreign judgment is not final under the laws and procedures of the foreign court.

### **“When can my per capita check be garnished?”**

- Under the authority of the Revenue Allocation Plan (“RAP”) approved by the LTBB Tribal Council and the Bureau of Indian Affairs (“BIA”), per capita checks may only be garnished to provide funds to fulfill child support obligations. Moreover, only LTBB Courts, whether by way of an original action filed in Tribal Court or by an action seeking the enforcement of a foreign judgment in Tribal Court, may formally authorize garnishment of Tribal Citizens’ per capital funds.

### **“Why do I lose child support payments when my child is placed out of the home due to no fault of my own?”**

- Under the Michigan Child Support Formula, child support generally follows custody of the child. That is to say that only parents with physical custody of their children are generally entitled to receive child support payments. The Court understands that such a rule can lead to harsh results for parents, particularly in juvenile justice matters where children may be removed from a parent’s custody due to no fault of the parent. Specifically, as the result of the current rule, parents that have children temporarily removed from their custody lose access to crucial child support funds that were being used to provide safe and sound housing and other essential needs for their children. Recognizing the harsh consequences that the Michigan Child Support Formula places on parents in certain circumstances, and in consideration of the best interests of children, the

Court has proposed that Tribal Council establish a renewable fund to help offset expenses of parents who have lost child support funds as a result of their children being temporarily removed from their custody due to no fault of their own.

**“When does the Tribal Court pay for drug screens and monitoring?”**

- Drug screens: Tribal Court will pay for the drug screens of **LTBB Citizens, only**, upon the presentation of an LTBB Tribal ID Card. Additionally, in order to qualify for payment of drug screens through the Tribal Court, LTBB Citizens must have their drug screens performed at the LTBB Court or by LTBB law enforcement and under the supervision of LTBB Court staff or LTBB Law Enforcement staff. Tribal Court does not pay for drug screens of non-LTBB Citizens unless they are tribal citizens under the jurisdiction of the LTBB Tribal Court.
- Monitoring: Tribal Court will pay for monitoring devices to be placed on **any** member of a Federally-recognized Indian tribe (as well as any associated costs) so long as placement occurs as a result of an individual’s involvement in a legal matter in Tribal Court (e.g. drug court).

**“Can Tribal Court staff provide me with legal advice?”**

- No. Although Tribal Court staff may provide procedural advice regarding rules, filing fees, and the court process generally, staff are prohibited from providing legal advice to clients due to ethical considerations designed to prevent the creation of conflicts of interest.

Note, however, that, starting May 1, 2015, Cherie Dominic will begin work with the Office of Citizen’s Legal Assistance (“OCLA”), located at the LTBB Government Center in Harbor Springs. While the OCLA will be available to assist Tribal Citizens with legal guidance and document drafting, the Office may neither appear in court on behalf of Tribal Citizens nor assist with issues that involve the Tribe.

## IX. USER GUIDE TO LTBB TRIBAL COURT

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### **“Where can I find the LTBB Court rules and procedures?”**

- The LTBB Court rules and procedures, including the LTBB Criminal Procedures, LTBB Rules of Civil Procedure, and the Recognition and Enforcement of Foreign Court Judgments, can be found on the LTBB Website at <http://www.ltbbodawa-nasn.gov/Tribal%20Court/TribalCourtRules.html>.

### **“How do I commence a civil action in Tribal Court?”**

- Civil actions are commenced by filing a complaint with the Tribal Court. Once a complaint has been filed, the filing party (or plaintiff) must prepare a summons to be served on the defendant. (See the LTBB Rules of Civil Procedure online for detailed instructions.)

### **“What’s the difference between a civil action and a criminal action?”**

- Civil actions are punitive enforcement measures initiated primarily by the Tribal Prosecutor, not private citizens, in the name of the People of the Little Traverse Bay Bands of Odawa Indians for violations of criminal law. Criminal law typically allows for the imposition of jail time as a punishment for breaking the law.

On the other hand, civil actions generally involve private disputes between persons or institutions seeking monetary damages or injunctive relief requiring that an individual or organization do or not do something.

### **“What cases may the Tribal Court hear?”**

- The Tribal Court is a court of general jurisdiction and hears all criminal and civil cases arising under the LTBB Constitution, Waganakising Odawak Tribal Code of Law (“WOTC”), and any other source of applicable law.

### **“Are there fees associated with filing actions in Tribal Court?”**

- Yes. There is a general filing fee of \$25.00. Additionally, motion fees cost \$10.00, marriage ceremony fees cost \$50.00, jury demand fees cost \$100.00, garnishment fees cost \$15.00, and enforcement of foreign judgment fees cost \$25.00. Please keep in mind, however, that individuals receiving public assistance and other indigent persons may be entitled to a waiver of fees upon request.

### **“Do my pleadings have to be formatted in a certain way?”**

- Yes. Pursuant to LTBB Rule of Civil Procedure VIII, Section 3, all pleadings must include a heading designating the Tribal Court and a caption designating the parties to the suit and the assigned court rule number, if any. Additionally, all pleadings must be double-spaced with one-inch margins on the left and right sides and two-inch margins on the top and bottom, and submitted to the Court on 8.5" x 11" white paper. With the exception of discovery and motions, all pleadings must also be numbered to identify each allegation and shall separately number each paragraph. All affirmative defenses, counterclaims, or cross-claims must be separately set forth and clearly designated as such.

**“When are orders of the Tribal Court considered final?”**

- Orders of the Tribal Court are considered final when they are signed by the judge. An order is entered when it is filed in the office of the clerk of court.

**“What’s the difference between the LTBB Tribal Court and the LTBB Appellate Court?”**

- The LTBB Tribal Court is a trial court of general jurisdiction, responsible for hearing criminal and civil cases filed under the LTBB Constitution, Waganakising Odawak Tribal Code of Law (“WOTC”), and any other source of applicable law. It is the court where cases start, where witnesses are heard, where most evidence is presented, and where facts are determined. All Tribal Court cases are heard by a single judge. The Tribal Court is overseen by the Chief Judge of the LTBB.

The LTBB Appellate Court is the court of last resort for the Tribe. It only hears cases that involve appeals from final orders of the Tribal Court. Unlike the Tribal Court, the Appellate Court does not make findings of fact, and is instead concerned only with determining whether the Tribal Court correctly applied the law at issue. Appellate Court cases are heard by a panel of three justices. The Appellate Court is overseen by the Chief Justice Wenona Singel of the LTBB.

**“Who is the Tribal Judiciary?”**

- The Tribal Court Judiciary consists of the Chief Judge, one Associate Judge, the Appellate Court Chief Justice, and the two Appellate Court Justices.

**“Is the Tribal Court under the authority of the Tribal Chairman or Tribal Council?”**

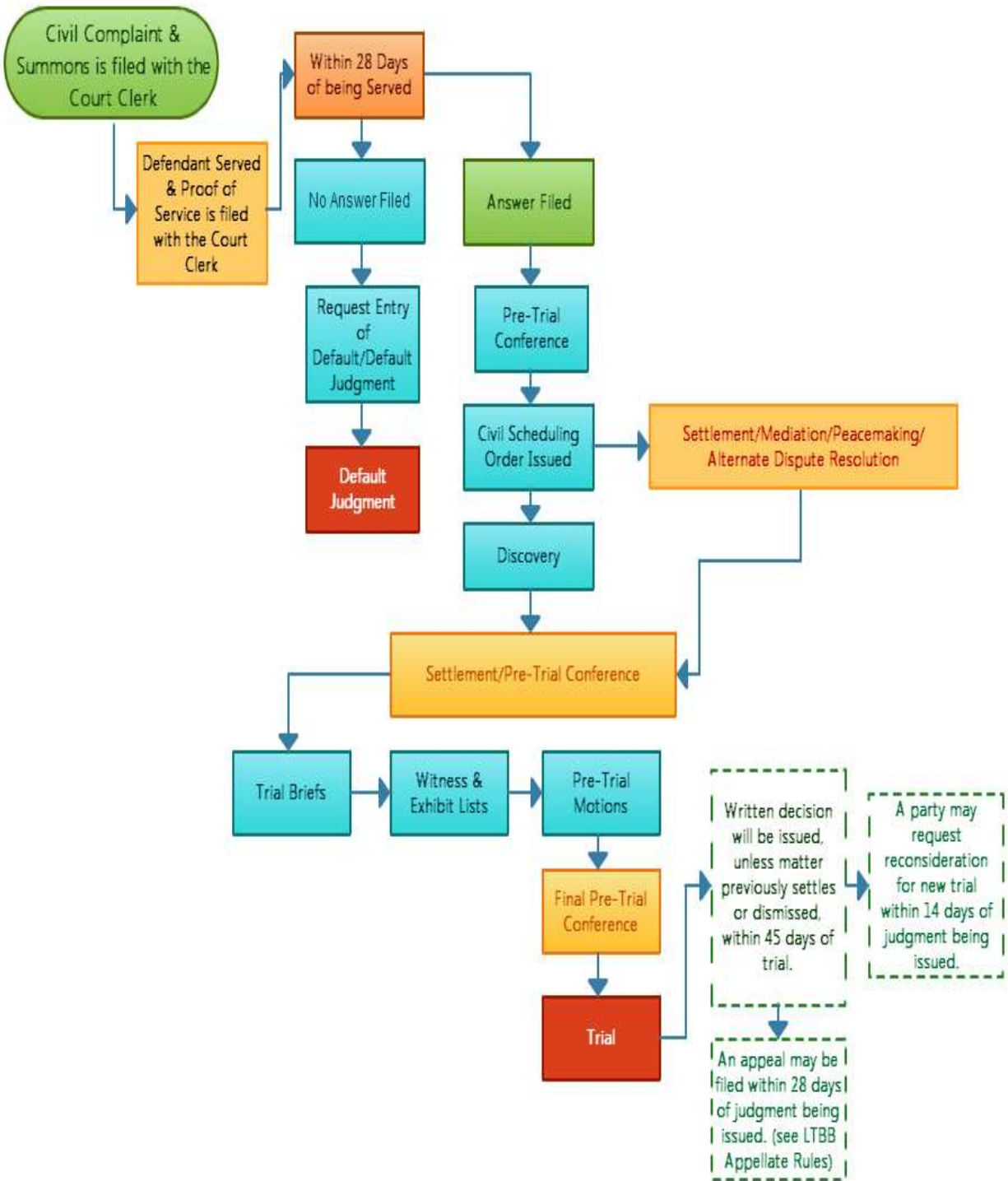
- No. The Tribal Court is part of the LTBB Judicial Branch, which is an independent branch of the LTBB government established under Article IX of the LTBB Constitution. Under the LTBB Constitution, no person exercising the powers of any of the other two (2) branches of government may exercise powers properly belonging to the Judicial Branch of Tribal Government.

The LTBB Judicial Branch is overseen by the Tribal Judiciary. If you feel that any of the Judges of the Tribal Court or Justices of the Appellate Court have practiced unethical conduct, as defined by the LTBB Judicial Conduct Court Rules (see JCCR 5.201-5.207), you must fill out and submit a formal complaint using the Judicial Misconduct Complaint Form and submit your complaint to the Court Administrator. The complaint will then go under review by the Tribal Judiciary. Judicial Misconduct Complaint Forms can be accessed on the Judicial LTBB Website under Other Court Forms and can also be requested from the Court.

**“I am unsatisfied with an order of the Tribal Court. What next?”**

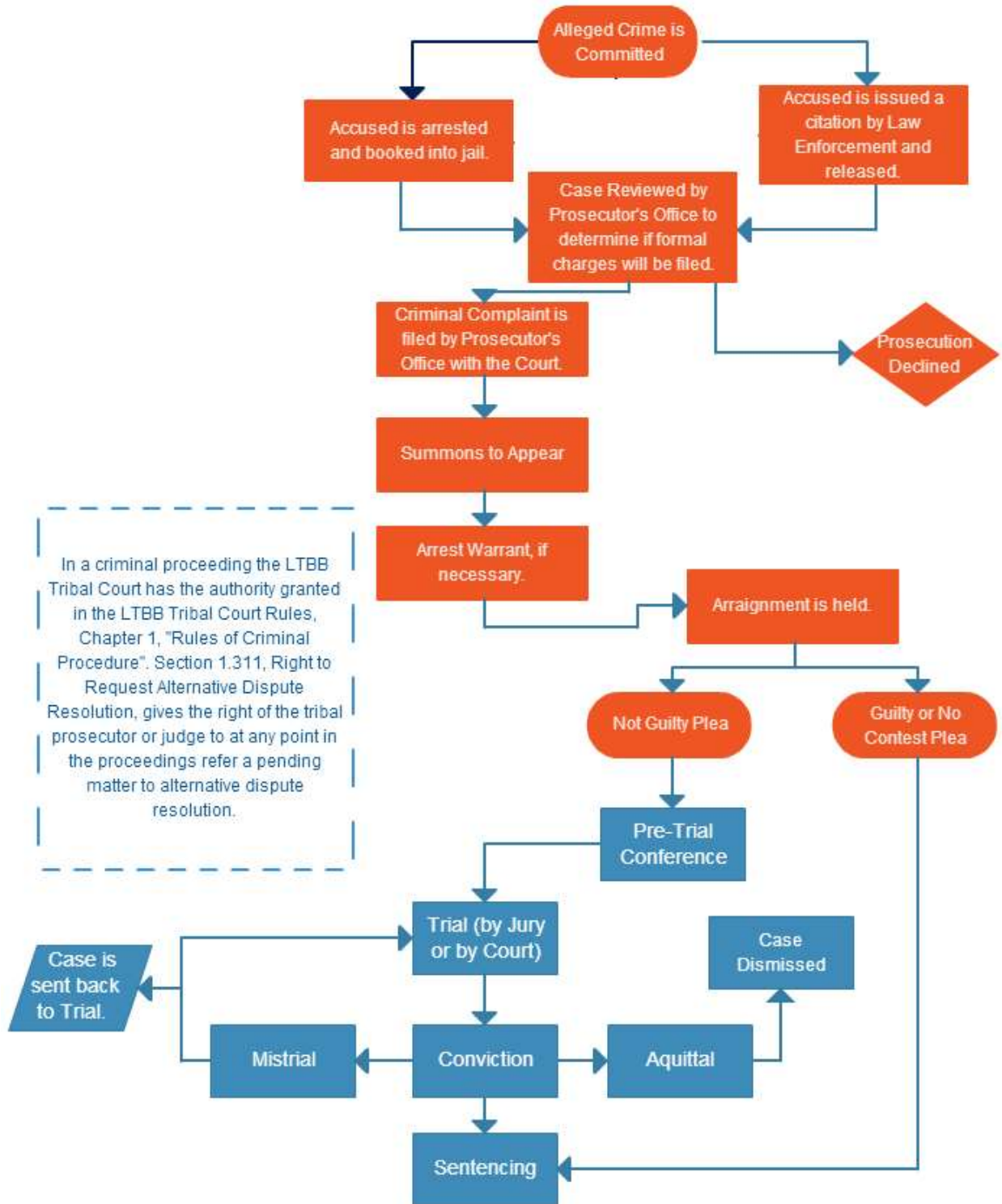
- All orders of the Tribal Court may be appealed to the Tribal Appellate Court within twenty-eight (28) calendar days after the entry of a final written order of the Tribal Court.

**LTBB CIVIL FILING FLOW CHART**



(Fig IX-1)

LTBB CRIMINAL CASE FLOW CHART



(Fig IX-2)



## X. APPELLATE COURT

### **LTBB Appellate Court**

The Tribal Appellate Court consists of a chief justice and two associate justices that hear appeals from Tribal Court. The Tribal Appellate Court shall meet as often as circumstances require. The Tribal Appellate Court has jurisdiction over any case that is on appeal from the Tribal Court. Any party to a Tribal Court action may file an appeal from a final judgment, order or decision of the Tribal Court to the Tribal Appellate Court, based on alleged error of law, procedural violation of the Constitution, laws or regulations enacted by the Tribal Council, or Court Rules, or clear factual error. Rulings of the Tribal Appellate Court are final and binding and cannot be appealed to the Tribal Council, Tribal Membership, or any other jurisdiction.

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### **FREQUENTLY ASKED QUESTIONS OF THE LTBB APPELLATE COURT**

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*The Information below is based on the Appellate Court Rules of Procedure and does not constitute legal advice.*

#### **“Where can I find the LTBB Appellate Court Procedures?”**

- The LTBB Tribal Judiciary adopted on 4/7/2002, Chapter 7 Court Rules, “Appellate Procedures”. They can be found on the LTBB Website.

#### **“How much time do I have to file my appeal?”**

- Unless an alternative timeframe is provided by the LTBB Constitution or Tribal Statute an appeal to the Tribal Appellate Court in both civil and criminal cases must be filed no later than twenty-eight calendar days after the entry of the final written Tribal Court judgment, order or decision. (*LTBBRAP 7.401*)

#### **“Who has the right to appeal?”**

- (a) In civil cases any party adversely affected by a decision of the Tribal Court in a civil case may appeal. (b) In criminal cases the defendant in a criminal case may appeal the judgment or sentence. The prosecution may appeal a decision to the extent it raises a question of law, rather than of fact. (*LTBBRAP 7.303*)

#### **“When reviewing an appeal, what is the scope of the Court’s review?”**

- 1. Increase or decrease any sentence in a criminal case; 2. Affirm, modify, vacate, set aside or reverse any judgment, order or decision of the Tribal Court; 3. Award the costs of the appeal; or 4. Remand the case to the Tribal Court and direct entry of an appropriate judgment, order or decision, or require such further proceedings as may be just and equitable under the circumstances. (*LTBBRAP 7.305*)

**“How do I serve my Notice of Appeal?”**

- A copy of the Notice of Appeal shall be served on all other parties by the Clerk of the Tribal Appellate Court by first class mail. (*LTBBRAP 7.403*)

**“Is there a filing fee?”**

- There is a filing fee of \$100.00 when filing a Notice of Appeal. If filing an Enrollment Appeal there is a fee of \$25.00. Please also keep in mind that any motions that may be filed must also be filed with a \$10.00 motion filing fee. (*LTBBRAP 7.404*)

**“Upon my filing of my Notice of Appeal does that automatically stay Tribal Court proceedings?”**

- Upon notification of a request for stay, the Clerk will file notice with the Appellate Court prior to the docketing of the Appellate Scheduling Conference. (*LTBBRAP 7.407*)

**“What is the Appellate Scheduling Conference for?”**

- This is a conference between the Justices of the Appellate Court and the parties to determine need for oral arguments, briefing schedule and requirements, ordering of transcripts, waiver of filing fees and transcript cost, scheduling of motions, requested remedies and defining of issues. This is held on the record and a Scheduling Order will be issued following the conference. (*LTBBRAP 7.408*)

**“Even though the Appellate Court opinion is final, can a party still file a Request for Reconsideration of the Appellate decision?”**

- Yes. A request for reconsideration may be filed with the Clerk within 14 days of the filing of the decision with the Clerk. A copy of your request must be served on all other parties with the original being filed with the Clerk. (*LTBBRAP 7.504*)

**“Who decides a Request for Reconsideration?”**

- The panel which issued the decision, which is subject of the request, shall also decide the request for reconsideration. (*LTBBRAP 7.504*)

**“Does my brief have to be formatted a certain way?”**

- Yes. In the Appellate Procedures, Chapter 7, Court Rule 7.410(A) as amended on 10/31/2008, mandates that briefs shall be typewritten, double spaced, on white paper 8 ½ by 11 inches in size. With the exception of the title page, briefs must have typed page numbers on the center of the bottom of each page. No brief shall exceed 50 pages in length. Four copies of each brief shall be submitted to the Appellate Court. (*LTBBRAP 7.410*)

**“Are there timeframe guidelines that the Appellate Court uses for efficient process of Appellate Cases?”**

- There are guidelines for the administration and review of Appellate Cases, however, the guidelines are subject to modification based on the specific circumstances of individual appeal cases.
  1. When a Notice of Appeal is filed with the Appellate Court, the Appellate Clerk should aim to prepare copies of the tribal court record and distribute copies of the Notice of Record of Transmittal within fourteen (14) days.
  2. The Scheduling Conference should be scheduled for a date within fourteen (14) days of the distribution of the Notice of Record Transmittal.
  3. The following timeline should apply to the briefing schedule for most appeals. Again, if the circumstances warrant this can be modified:
    - a. The Opening Appellate Brief deadline should be twenty-eight (28) days following the date of the Scheduling Conference;
    - b. The Response Brief deadline should be twenty-eight (28) days following the deadline for the Opening Appellate Brief;
    - c. The Reply Brief deadline should be fourteen (14) days following the deadline for the Response Brief.
  4. If requested or deemed necessary by the Appellate Court, oral arguments should be scheduled for a date that is within fourteen (14) days following the deadline for the Reply Brief.

**TAKE NOTE:** These are just guidelines. All timelines are set forth at the Appellate Scheduling Conference between the parties. The Scheduling Order that is issued following the conference will set forth all deadlines in the case on appeal for the parties. The Scheduling Order is a Court Order by the Appellate Court and the timeframes set forth on the order must be followed by the parties.

**“Does the Appellate Court have standards for computing time requirements?”**

- Yes. In the Chapter 7 Appellate Procedures, Rule 7.601, states that in computing the period of time prescribed by these Rules or by any order of the Tribal Appellate Court, the day of the act or event from which the period begins to run is not included. The last day of the period is included, unless it falls on a Saturday, Sunday, or Tribal Holiday. In that event the last day of the period falls on the next regular business day. (*LTBBRAP 7.601*)

**“Who is the Tribal Judiciary?”**

- The Tribal Court Judiciary consists of the Chief Judge, one Associate Judge, and three Appellate Court Justices.

**“Who does the Tribal Appellate Court answer to?”**

- The Tribal Appellate Court is part of the Tribal Court System. The Judicial Branch of government is an independent branch of government that is constitutionally mandated under Article IX of the LTBB Constitution. The judicial power of the Little Traverse Bay Bands of Odawa Indians shall be vested in the Tribal Court system. Article IX, Section (H) of the LTBB Constitution mandates Judicial Independence. Subsection (1) Independent Branch of Government. The Judicial Branch shall be independent from the Legislative and Executive branches of the Tribal government and no person exercising the powers of any of the other two (2) branches of government shall exercise powers properly belonging to the Judicial Branch of Tribal Government.

The head of the Judicial Branch of government is the Tribal Judiciary. If you feel that any of the Justices of the Appellate Court have practiced unethical conduct, as defined by the LTBB Judicial Conduct Court Rules (see JCCR 5.201-5.207) you must fill out and submit a formal complaint using the Judicial Misconduct Complaint Form and submit it to the Court Administrator. The complaint will then be reviewed by the Tribal Judiciary. Judicial Misconduct Complaint Forms can be accessed on the Judicial LTBB Website under Other Court Forms and can also be requested from the Court.

## **WHO ARE THE JUSTICES OF THE LTBB APPELLATE COURT?**

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### **Chief Appellate Justice Wenona T. Singel**

- Justice Wenona T. Singel is an Associate Professor at the Michigan State University College of Law as well as the Associate Director of its Indigenous Law and Policy Center. She is Of Counsel to the law firm of Kanji & Katzen, PLLC, a firm with offices in Ann Arbor and Seattle that specializes in representing tribes in Indian law matters. She received a bachelor's degree from Harvard University in 1995 with high honors and a J.D. from Harvard Law School in 1999. She is admitted to practice in Michigan and the 6th Circuit Court of Appeals. Justice Singel is also an LTBB Tribal citizen.

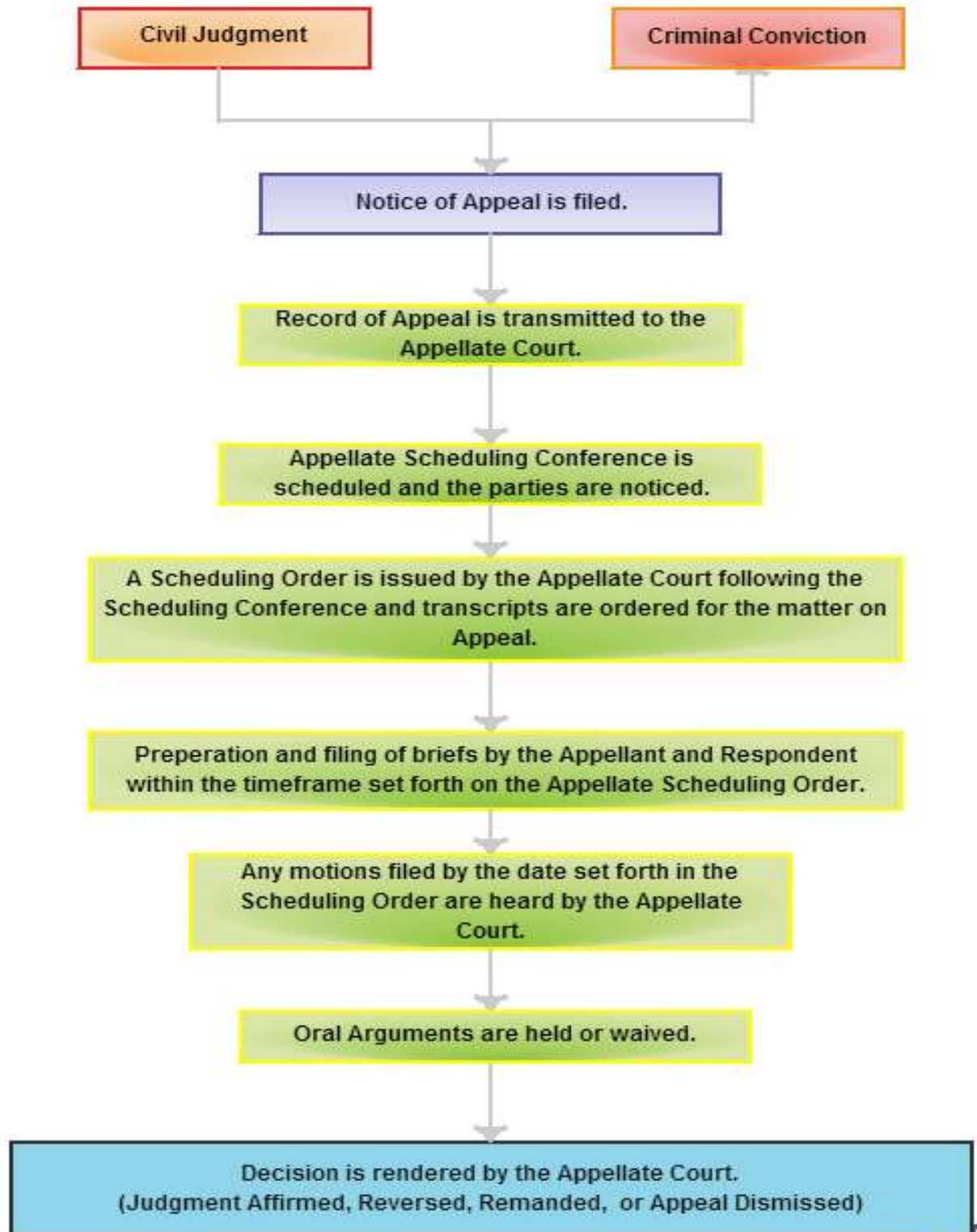
### **Associate Appellate Justice Catherine M. Castagne**

- Justice Castagne was appointed and has served on the Bench since 2013. Ms. Castagne is a member of the Sault Ste. Marie Tribe of Chippewa Indians and has been a Prosecutor for over 27 years. Ms. Castagne served as the elected Prosecutor in Cheboygan County, the Chief Assistant Prosecutor in Chippewa County, and the Domestic Violence and Sexual Assault Prosecutor for the Sault Tribe. Justice Castagne was appointed to serve on the first panel of the Sault Tribe Court of Appeals and is currently the Coordinator for the Criminal Justice and Legal Assistant programs at North Central Michigan College. Justice Castagne also teaches several classes in both the Criminal Justice and Legal Assistant programs. Justice Castagne has been married for 32 years to her husband Gene. They have two children named Michelle and Michael.

### **Associate Appellate Justice William Denemy, Sr.**

- Justice Denemy was employed for thirty years with the Michigan Department of State Police ending his retirement at Lansing Headquarters as an Assistant Division Commander. After retirement he was employed with the Little Traverse Bay Bands of Odawa Indians Gaming Board of Directors. He left his position to serve four years as the Tribal Vice-Chairperson. When his chair term concluded he was employed with LTBB Tribal Court and worked with the Adult Drug Court Program. Justice Denemy took his Oath of Office and was appointed to the position of Associate Appellate Justice on September 12, 2014.

**PROCESS OF AN APPEAL IN THE LTBB APPELLATE COURT**



(Fig X-1)

## XI. CONCLUSION

The employees of Tribal court are proud of the work and effort put forth in their service to the community. We take seriously our responsibilities and role within the government and believe that this report highlights our commitment to efficient and effective service to the LTBB citizenry, Tribal Council, and the Executive Branch. It was our intent to provide you a clear and transparent view into the functions of the Court, its funding and expenditures, and the diverse activities and programs that took place over the course of last year.

Tribal Court thanks the community for the opportunity to serve you. We welcome your feedback and questions. Please contact Tribal Court Administrator Michael Wolf with feedback and questions at [mwolf@ltbbodawa-nsn.gov](mailto:mwolf@ltbbodawa-nsn.gov) or 231-242-1461.