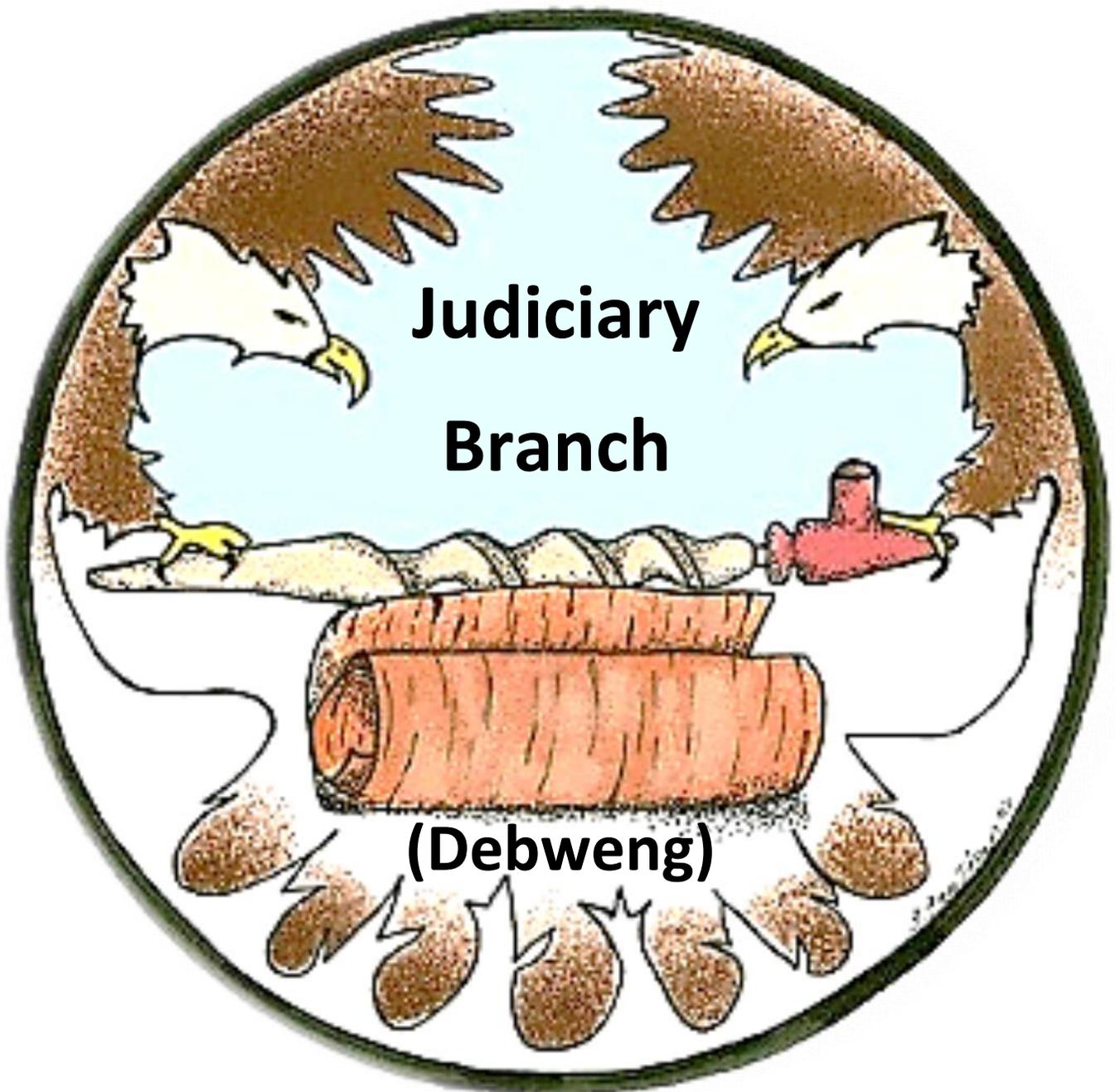


2015 Annual Report



**Judiciary
Branch**

(Debweng)

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I. LETTER FROM CHIEF JUDGE ALLIE GREENLEAF MALDONADO

Ahnee Tribal Citizens:

I believe that the Tribal Court is accountable to the citizens of the Little Traverse Bay Bands of Odawa Indians. Therefore, our 2015 Annual Report will focus on two things: reporting the work of the LTBB Tribal Court and how the Tribal Court spent the money allocated to it by Tribal Council. This Annual Report will report on the Court's caseload in 2015. 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 2015.

2015 was a busy year. **173 new cases** were filed. We scheduled **295 hearings** in 2015. We processed **\$217,915.82 in Child Support** payments and wrote **507 orders and opinions**.

In 2014, we started working on a huge advancement for the LTBB Waabshki-Miigwan Drug Court. 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 database. 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. The Tribal Court completed the required SOS training in 2015. As a result, the SOS and the State Court Administrative Office have assured the Tribal Court that we have successfully finalized all steps required by the SOS to gain the certification necessary to grant restricted driver's licenses to tribal citizens. We understand that our Drug Court now has the authority to issue restricted licenses under the following limited circumstances:

1. The person was arrested for an alcohol related offense after January 1, 2011;
2. The person has a prior alcohol conviction (so it must be a second or later offense);
3. The person is admitted to the Waabshki-Miigwan Drug Court Program; and
4. The person is approved by the Court for a limited license.

When a person loses their driver's license due to a DUI, they must show the Secretary of State's office ("SOS") at least 12 months of sobriety to qualify for a restricted license. However, SOS accepts very few forms of proof of sobriety. Completion of a drug court

program approved by SOS is one of the forms of proof SOS accepts. In the past, when tribal citizens had their licenses suspended the best road to gaining a restricted license was completion of a State Court Drug Court program. It is our hope that due to our tireless efforts, the LTBB Tribal Court will soon be granting a restricted driver's license to a tribal citizen. For more information on how the restricted driver's license program works, please see the commonly asked questions in the back of the report.

Our Tribe's Constitution directs the Judiciary to promote with special care the interests of all the people, especially our children. We believe our children's interests are best served by staying within their families and communities whenever possible. To that end, the LTBB Tribal Court takes a leadership role in providing training for the Indian Child Welfare Act ("ICWA") and the Michigan Indian Family Preservation Act ("MIFPA"). Compliance with ICWA and MIFPA keeps tribal children in tribal families and tribal communities. The following represents our effort and success in providing ICWA and MIFPA training throughout the community:

- Lecture on Indian Child Welfare Act at NCMC Petoskey, MI
- Examining the Role of the Qualified Expert Witness Lansing MI
- MJI Advanced New Judges Round Table Lansing, MI
- Why Problem Solving Courts need to Understand ICWA Novi, MI
- Why ICWA is the Gold Standard St. Paul, MN
- Why ICWA Should Apply to All Children Seattle, WA
- Strengthening the Indian Child Welfare Act Washington, DC
- Legal Standards, Quality Expert Witness, Testimony & Adoptions Ann Arbor, MI

The work of the Tribal Court in 2015 was both challenging and deeply rewarding. Thank you for this wonderful opportunity to serve my community.

Respectfully,

Allie Greenleaf Maldonado
 Chief Judge
 Little Traverse Bay Bands of Odawa Indians

II. INTRODUCTION

LTBB TRIBAL COURT'S MISSION AND STRUCTURE

The mission of the Tribal Court is to implement the Little Traverse Bay Bands of Odawa Indian's ("LTBB") 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 LTBB Constitution established the Tribal Judiciary as a separate branch of government and gave the Court several distinct responsibilities. The Court decides questions concerning the scope and existence of Tribal government authority. The Court also gives definition to the laws enacted by Tribal Council governing the Tribe. In addition, the Court protects the individual rights of the people and entities subject to the Tribe's jurisdiction.

The LTBB Constitution created a Tribal court system composed of a court of general jurisdiction, called Tribal Court, and an appellate court, called Tribal Appellate Court. The chief judge and associate judge preside over all civil and criminal cases in Tribal Court arising under the Tribal constitution, statutes, regulations, or judicial decisions of the Tribe. The Tribal Appellate Court consists of a chief justice and two associate justices that hear appeals from Tribal Court. All Tribal Appellate Court decisions are final, binding, and cannot be appealed. Tribal Court's jurisdiction is based upon the Tribe's inherent sovereignty, traditional custom, and federal law.

The Tribal Judiciary employs a Court Administrator along with additional staff that aid in the administration and operation of the Courts. Additional staff include: two Court Clerks, one Probation Officer, one Administrative Assistant, one Domestic Violence Court Docket Coordinator and one Cultural Resource Advisor.

We believe the Constitution directs the Court to help secure the community while at the same time protecting individual rights guaranteed by the law through a fair, just and impartial judicial system. 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 our community.

III. APOINTMENTS TO THE JUDICIARY IN 2015

Tribal Council asked for nominations, interviewed candidates and ultimately appointed three judicial positions in 2015. The three positions required appointments for different reasons. The Chief Judge of the Trial Court's four-year term expired. The Associate Judge of the Trial Court's position had been vacant for several years. An Appellate Justice position was vacant as Justice Castagne was confirmed by Tribal Council as Tribal Prosecutor earlier in the year.



The Judiciary is very pleased to welcome and introduce Justice Sean E. Cahill. Justice Cahill was sworn in to begin his six-year term on December 21, 2015.

Justice Sean E. Cahill is a citizen of the Little Traverse Bay Bands of Odawa Indians. Justice Cahill is Assistant General Counsel for the Grand Traverse Band of Ottawa and Chippewa Indians, and previously represented the Tribal Council of the Little River Band of Ottawa Indians. He graduated from the University of Michigan with a B.S. in Sociology and in Brain, Behavior and Cognitive Science. In 2011, he received his J.D. from the Sandra Day O'Connor School of Law at Arizona State University, where he participated as a member of the Indian Legal Program, represented tribal clients in the Indian Law Clinic, and served two years on the executive board of the Native American Law Students Association. While in law school, Justice Cahill worked for the Senate Committee on Indian Affairs, the law firm Fredericks, Peebles & Morgan, and the Maricopa Superior County Court. He is admitted to practice in Michigan and in a number of tribal courts.

The Judiciary is pleased to welcome and introduce Associate Judge John J. Lemire. Judge Lemire was sworn in to begin his four-year term on August 04, 2015.

Judge Lemire is an enrolled member of the Grand Portage Band, Minnesota Chippewa. His father was a dislocated "boarding school" Indian ending up in Michigan.

He is a retired Family Court Referee, having served the 3rd Circuit Court in Wayne County for more than 25 years. He has been a Court appointed Mediator/ Arbitrator since his retirement. Judge Lemire has been involved in Indian law and welfare for decades. He has served as a Board member and Vice Chair of Michigan Indian Legal Services for over thirty years until his appointment to the Tribal Court. He is currently Chairperson of the Board of American Indian Health and Family Services of Southeastern Michigan ("AIHFS"). AIHFS is a medical and behavioral health clinic in Detroit funded by the Indian Health Service and other grants that assists urban Indians. He has participated in programs to assist Native American law students and served other Michigan tribes in various legal capacities. He is past Chair of the American Indian Law Section of the State Bar.

In his legal career, Judge Lemire has served as a Referee for the Michigan Civil Rights Commission, as a chair panelist of the Attorney Discipline Board, and as an Assemblyperson for the State Bar of Michigan.

On a personal level, Judge Lemire is an Army Veteran of Vietnam and has been happily married for many years to his wife Marlene with two grown children. Even with all of the above accomplishments, he considers his appointment to the Tribal Court the highlight of his career.



Chief Judge Allie Greenleaf Maldonado was appointed to her second term. The Chief Judge was sworn in and began that four-year term on December 18, 2015.

Honorable Allie Greenleaf Maldonado is a citizen of the Little Traverse Bay Bands of Odawa Indians (LTBB) and a member of the Turtle Clan. She was first appointed the Chief Judge of the LTBB Tribal Court in 2012.

In 2014, Judge Maldonado was voted Michigan Lawyer's Weekly Woman of the Year. In addition, she was privileged to be selected as the 2015 Unsung Hero for the State Bar of Michigan Representative Assembly.

Judge Maldonado graduated in the top third of her class from the University of Michigan (UM) Law School. While at UM, she served as a Contributing Editor for the University of Michigan Law Review.

After graduation, Judge Maldonado was selected through the highly competitive Honors Program at the United States Department of Justice ("DOJ") to become a litigator in the Indian Resources Section of the Environment and Natural Resources Division.

In September of 2002, Judge Maldonado returned home and accepted the position of Assistant General Counsel for LTBB in which she served the Tribe up until her appointment as Chief Judge.

Judge Maldonado is a nationally-recognized expert on the Indian Child Welfare Act (ICWA) and the Michigan Indian Family Preservation Act (MIFPA). She has worked extensively with the State Court Administrative Office to bring Michigan into compliance with ICWA and is a frequent trainer and speaker in the areas of ICWA and MIFPA.

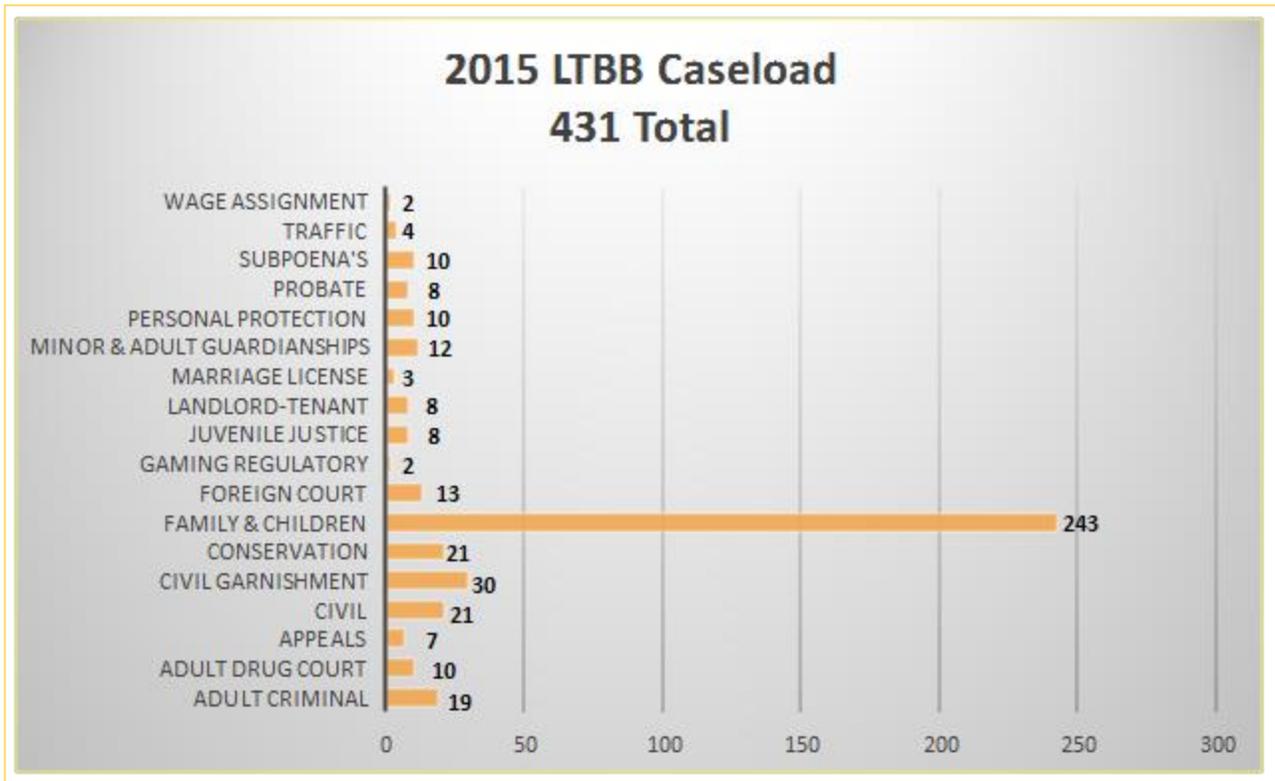
Judge Maldonado and her husband Jay are the proud parents of two wonderful children.



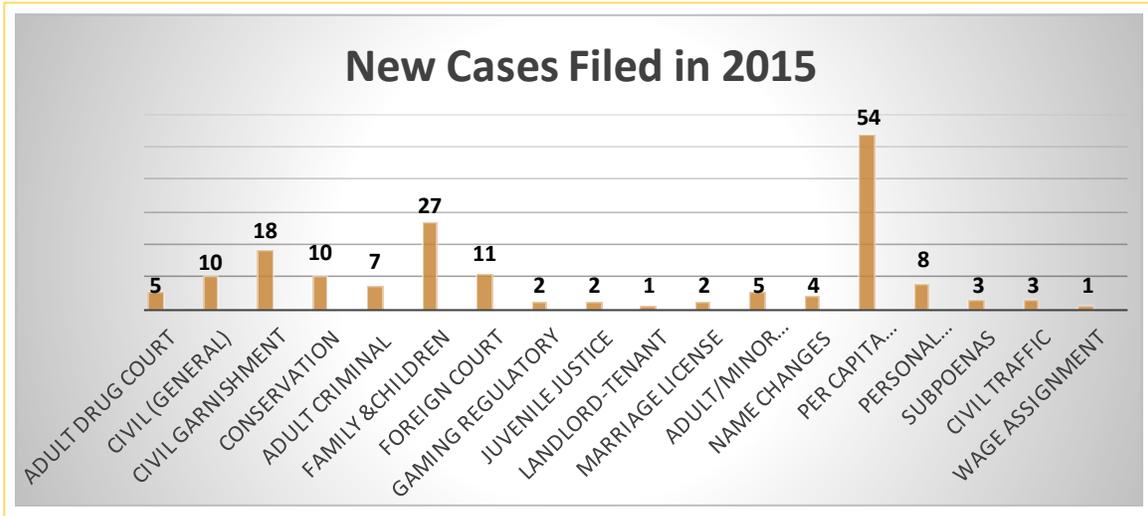
IV. COURT CASELOAD AND RELATED DATA FOR 2015

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 2015. 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 2015. The Report also details the different services provided to Court clients and their families. The data and statistics related to this are helpful in understanding the current work of the Court. The data and statistics also assist in promoting the variety of areas in which the community and membership can utilize Court services.

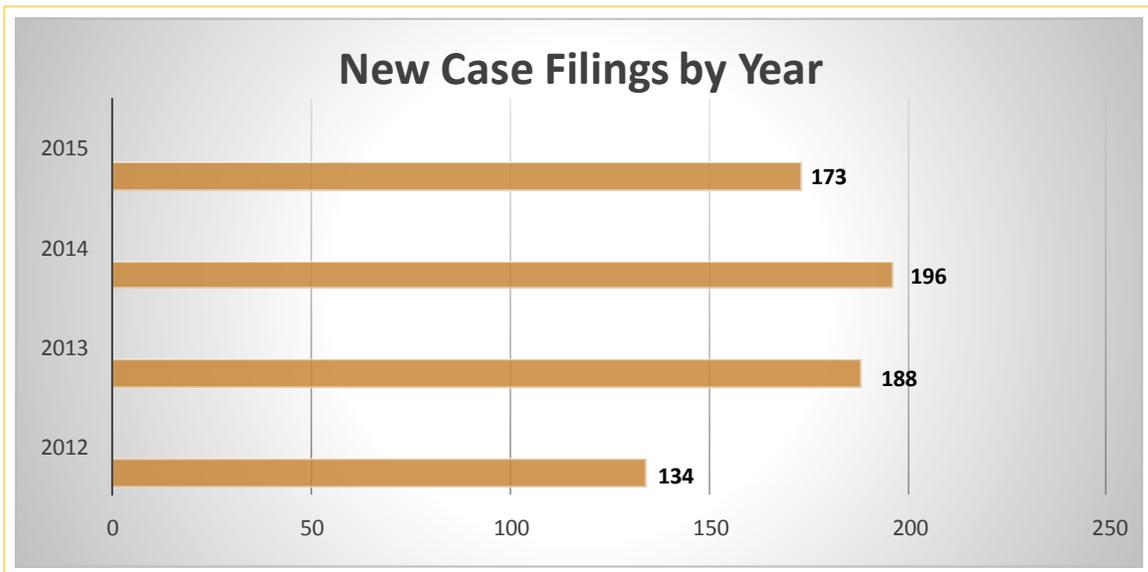
The Trial Court presided over **431 active cases** in 2015. The nature of these cases are shown in the following illustration.



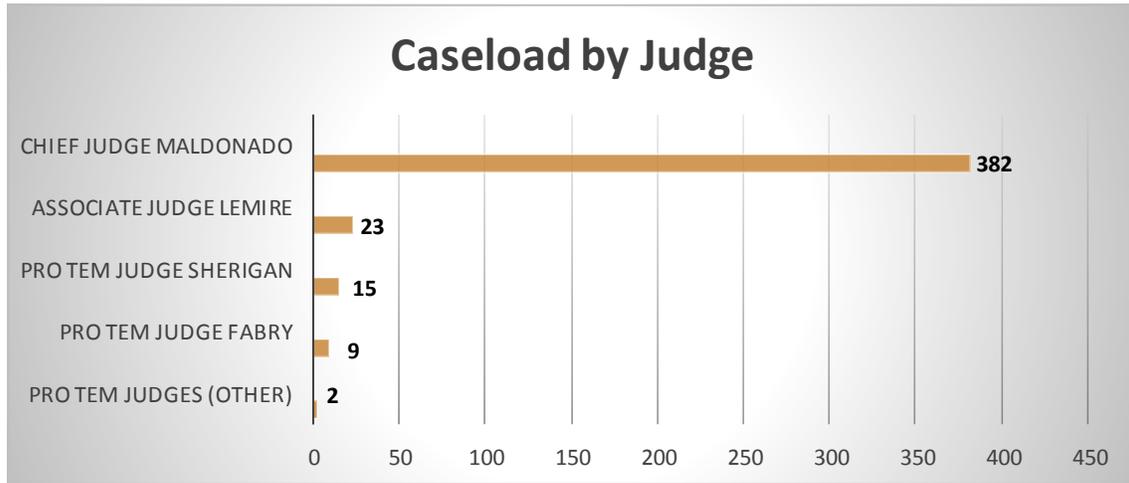
The Trial Court had a total of **173 new cases** filed over the course of 2015. The graph below shows the types and numbers of new cases filed during last calendar year.



Over the period of the last four years, new case filings with the Trial Court have been fairly consistent. Please refer to the graph below for a comparison.



For all cases that were open and active during 2015 the individual judges assigned are reflected in the graph shown below.



V. INFORMATION ON 2015 DAY TO DAY OPERATIONS OF THE COURT

In 2015, the Court was staffed by eight individuals, not including the appointed members of the Judiciary, who shared in the duties and responsibilities that lead to the efficient operation of the Court. Our staff is honored to serve the community and takes pride in their role and contributions that are critical to the success of the Court.

COURT ADMINISTRATOR

The Constitution of the Little Traverse Bay Bands of Odawa Indians states, under Article IX, Section H.3, “The Tribal Judiciary shall employ an administrator of the Courts and other assistants as may be necessary to aid in the administration of the court of the Little Traverse Bay Bands of Odawa Indians. The administrator shall perform administrative duties assigned by the Judiciary.”

The Court Administrator is responsible for the day-to-day operations of the Court. Directed and supervised by the Chief Judge, the Court Administrator supervises Court Staff, develops and monitors budgets, administers various grants, data collection and reporting, along with various other duties related to Court activity. Another key responsibility of the Court Administrator is to collaborate with other representatives of the Legislative and Executive Branches of government to improve services provided to LTBB Citizens.

In 2015, the Court Administrator participated in several programs geared towards Tribal Court professional development. In March the Michigan Association of Treatment Professionals held its annual conference. After attending several educational sessions and networking, the Court revised its drug screening practices and established a relationship with a new vendor. The result improved the quality of service to our clients while saving the Court money.

In June several of the Court staff, along with the Court Administrator, attended a two-day workshop presented by the Uniting Three Fires Against Violence Coalition. The training highlighted new trends regarding human trafficking in Michigan and the trend’s impact. Awareness of important criminal trends helps the Court determine what new services and resources may need to be developed in the future.

In June 2015, the Court Administrator participated in a joint training with members of the Health Department staff. We learned about the impact adolescent mentoring programs have on youth. Adolescent mentoring programs strongly assist in the prevention of substance abuse and other behaviors that can lead to lifelong problems. The development of programs that use mentoring will provide yet another option when referring juveniles for services.

In July of 2015, the Court Administrator attended the National Association of Drug Court Professionals Conference. At this Conference, new Best Practice Standards for Drug Courts were rolled out nationally. These standards were reviewed within the context of our existing programs which resulted in changes and amendments to the Court’s program. As the Healing-to-Wellness Program continues to evolve and grow these

guidelines help in addressing new challenges presented by changes in society and sobriety.

Also in November of 2015, the Court Administrator along with Councilor Bea Law represented LTBB at the National Congress of American Indians Inter-Tribal Workgroup on Special Domestic Violence Jurisdiction meeting on the Squixim Island Tribal Reservation in Washington State. We shared our experiences in the implementation of our newly expanded authority over non-Indians who commit domestic violence against tribal people and learned from the other tribes' experiences. This event concluded with an opportunity to present at the Department of Justice government-to-government consultation. A government-to-government consultation is an opportunity to directly share concerns and ideas with members of the Federal Government's Administrative Offices.

COURT CLERKS

The Tribal Court's Senior Court Clerk and a Court Clerk I have several responsibilities in the processing of all types of cases within the Court. Their specific responsibilities include:

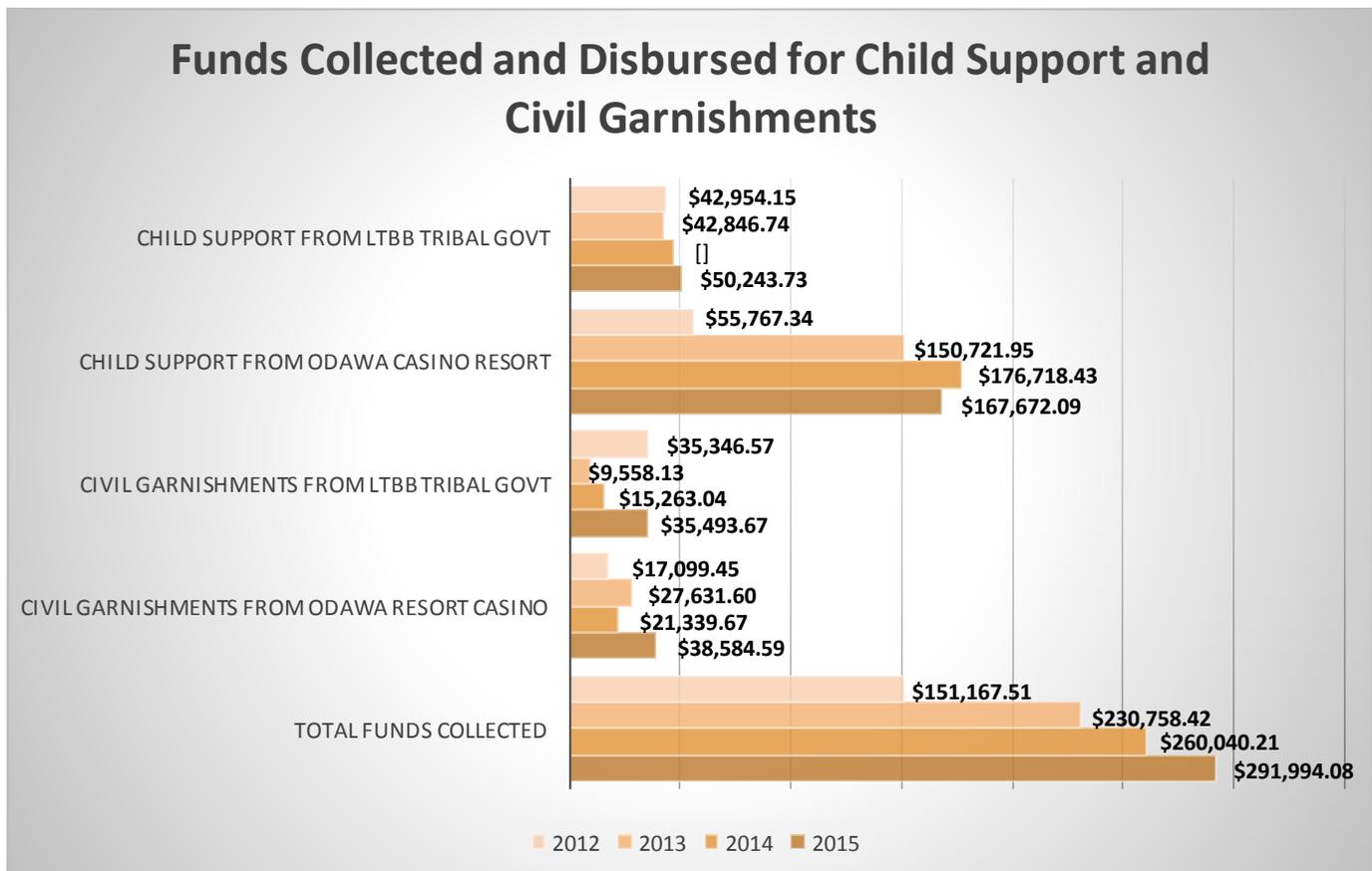
- Data entry of cases and statistics into the Court's database
- Providing approved Court forms to those wishing to file cases
- Processing notices and other documents/pleadings for all interested parties
- Communications with attorneys regarding cases
- Recording an accurate audio record of all hearings
- Case file management
- Processing of the Court's orders
- Maintaining the Court's recording equipment
- The performance of clerical duties 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

Court Clerks are also the staff with whom a community member is most likely to initially have contact through their role of reception, either at the Court's window or answering of the Court's main phone line. Court Clerks serve as liaisons to Tribal Citizens, visitors, various inter-governmental departments, outside agencies, attorneys, and the rest of the general public.

Following are some statistics that outline not only the type of work, but the volume of work that the Court Clerk’s accomplished in 2015:

TYPE OF WORK	QUANTITY
Filings Processed	2,204
Hearings Scheduled	295
Certificates of Service & Other Court Notices	46
Subpoenas Processed	5
Oaths of Office Prepared and Processed	15
Contracts Processed	18
Application to Practice Applications Processed	56
Search and Bench Warrants Processed	3
Documents Notarized	41
Incoming Phone Calls	866
Outgoing Phone Calls	678

The Court clerks collect funds through various types of orders. The graph below shows funds collected and compares the data with previous calendar years.



The Court Clerks participated in a variety of special events and professional development during 2015. The Clerks attended the community workshop on Domestic Violence in January. The Court Clerk I attended Tribal Court Clerk Certification Training in Nevada. The Clerks also participated in professional development prepared by the Human Resource Department at various times throughout the year. These events provided opportunities to gain knowledge in areas that often lead to Court involvement.

The Court Clerks have a wide array of ancillary duties that greatly contribute to the processing of all cases filed within the Court. These positions are essential to the smooth and efficient operation of the Court.

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 to the Chief Judge and Court Administrator
- Correlating data and other information for analysis
- Creating and editing documents and spreadsheets using various software programs
- Interfacing with Tribal Departments in the other branches of Tribal Government
- Processing purchase orders, check requests, and other documents
- Processing travel requests and subsequent reports
- Maintaining the Tribal Court's budget overview for analysis
- Creating and storing closed Court files into a digital format for archiving
- Scheduling, attending, and recording notes and minutes at multiple inter/intra office meetings and events

The Administrative Assistant participated in several different events and professional development trainings during 2015. For example, the Administrative Assistant participated in a three-part series of conferences focused on skill development and women's leadership skills. The Administrative Assistant also attended trainings focused on characteristics of domestic violence, human trafficking, and seasonal sessions of development put on by the Human Resource Department.

PROBATION DEPARTMENT

In 2015, the LTBB Probation Department consisted of one probation officer who also served as the Waabshki-Miigwan Drug Court Program Coordinator. The Probation Department is responsible for the monitoring of individuals under the jurisdiction of the Court that have been ordered to follow specific conditions promoting the safety of the community and the individual. The Probation Department also assist clients in arranging and taking advantage of services designed to make a positive impact in their lives. The services ordered by the Court and monitored by Probation vary depending on the case type and need. The following paragraphs breakdown the cases and services of the LTBB Probation Department.

WAABSHKI-MIIGWAN DRUG COURT PROGRAM (WMDCP)

These cases involve individuals who have come in contact with the justice system repeatedly as a result, either directly or indirectly, of substance abuse. Once an individual enters this program they are provided intense supervision and support. Waabshki-Miigwan offers a highly-regulated but holistic program developed to bring about long-term change through sobriety. Individuals eligible for participation are identified based on referrals from service providers and law enforcement. All participants must volunteer to gain acceptance into this program.

ODAWA YOUTH HEALING TO WELLNESS (OYHTW)

This program involves intensive collaboration between the Court, service providers and the community to provide holistic healing for juveniles who are facing substance abuse issues. Individuals eligible for participation are identified based on referrals from service providers, family, and law enforcement. All participants must volunteer to gain acceptance into this program.

ADULT PROBATION

This program allows individuals to remain in their communities instead of going to jail. Probationers must comply with specific conditions ordered by the Court to protect the community. Individuals under this program are usually subject to the jurisdiction of the Court based on a criminal conviction.

JUVENILE PROBATION

This program focuses on providing Court-ordered monitoring and services to youth which enable them to remain in their homes, communities, and schools instead of placement in juvenile detention. Individuals are identified through criminal complaints and referrals from the Prosecutor.

The LTBB Probation department works to address obstacles and barriers to success that clients often encounter when trying to make positive changes in their lives. Probation provided some unique assistance to numerous clients in 2015. The following are some examples:

- Assistance with consistent and reliable communications;
- Assistance with transportation;
- Support in employment searches; and
- Support in obtaining an education.

The Probation Department's primary purpose is to provide supervision, oversight, and case management to those LTBB Court-ordered individuals and individuals receiving courtesy supervision on behalf of other jurisdictions. This activity resulted in **2,129** individual contacts during the 2015 calendar year. These contacts consisted of face-to-face contact and contact by telephone.

Along with these services the Probation Department provided drug and alcohol screening to individuals under the Court's jurisdiction and others requiring the service. The Court's policy allows any LTBB Tribal Citizen the ability to utilize our testing program free of charge. The Court will also test other individuals who pay the cost of the specific testing. Drug and Alcohol screenings are an essential element in providing services to those involved in the criminal justice system.

MONITORING AND TESTING DESCRIPTIONS

DRUG SCREEN

LTBB Tribal Court uses urinalysis to screen clients for the misuse/abuse of drugs and alcohol. All LTBB Court Staff are trained on the proper procedures for collecting these specimens. These tests can detect a variety of illicit and prescribed substances along with alcohol or their metabolites.

PRELIMINARY BREATH TEST (“PBT”)

A PBT is a device used to discover the presence/consumption of alcohol. Clients breathe through a straw into the device for a few seconds and the PBT analyzes the breath for alcohol.

SCRAM DEVICE

This is a device worn by individuals that constantly and continuously monitors for the presence of alcohol. The SCRAM provides a continuous record throughout each day that Probation can monitor.

SOBERLINK

This is a portable device that the client keeps with them at all times. The device is paired with the client’s cell phone and randomly alerts them to provide a sample of breath for analysis. (Analysis is the same as with the PBT.) The data is then transferred by the cell phone into a software program that is accessed and monitored by Probation.

GPS TETHER

This device is designed to track the location and movements of clients. The device will alert staff if an individual leaves a specified location or enters a specific location. The device will also give real time data on the location of the individual wearing the unit.

SCREENING SCHEDULE

To ensure a truly random testing program, the Court contracts with Sentry. This program provides a system where individuals make one call a day to determine if they have been randomly selected for testing. The system monitors and scores the individual’s compliance with these activities.

CULTURAL RESOURCE ADVISOR

The Cultural Resource Advisor is essential to the services and programs provided by the LTBB Tribal Court. This position ensures that Court services and programs are sensitive to, consistent with, and enriched by the traditions and values of the Anishinabek Culture.

There was a significant change for the Cultural Resource Advisor in 2015. After much conversation and consideration of community needs, the Tribal Court agreed to share the Cultural Resource Advisor's time with Behavioral Health's Coordinated Assistance Grant. The Court agreed to this because the grant focuses on adolescent substance abuse prevention through the use of mentoring along with the traditions and culture of the community. The Court felt that serving our youth through prevention is an incredibly important service to the community that we needed to support. As a result, this position began spending 16 hours each week working with Anishinaabe Life Services Behavioral Health staff in the development and implementation of this program in 2015.

This program meets with youth weekly. It encourages them to recognize their strengths and reinforce their personal character in connection to cultural values. The program also prompts youth to use community wisdom provided by LTBB Elders and other interested Tribal Citizens.

The remaining 24 hours of the Cultural Resource Advisor's week is focused on assisting all WMDCP participants to recognize their full potential by using the Anishinaabe culture and traditions while working on a sustainable sober lifestyle.

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

- Phase Fires: This position arranged and facilitated **three** Phase One fires, **two** Phase Two fires, **one** Phase Three fire, and **one** Phase Four fire, sunrise to sunset, during calendar year 2015.
- Water Ceremonies: The Cultural Resource Advisor reached out to the Mshkikii-Akwe (Medicine Women) in the community to teach female WMDCP participants the traditional water ceremony used at fires.
- Sweat Lodge Ceremonies: Arranged and conducted three of these ceremonies for WMDCP participants.
- Assistance: Provided direction and support to two participants during their time in the Relapse Phase of the program.
- Information: Kept all participants and team members informed as to culturally specific community events including Pow-Wows, Ghost Suppers, and Sugar Bush.

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

- Offered tobacco to lead the Spring Grant End of Year celebration,
- Arranged and directed two sweat lodge ceremonies for the community ,
- Participated in the LTBB Sobriety Feast,
- Engaged in trainings on topics covering domestic violence, substance abuse, and medically-assisted-treatment,
- Attended and completed the Michigan Judicial Institutes training on essential skills for Probation Officers, and
- Was present at several community events such as the Annual Community Meeting, Traditional Jiingtamok, Odawa Homecoming Jiingtamok, and Elders Luncheons.

DOMESTIC VIOLENCE COURT DOCKET PROJECT COORDINATOR

In 2013, Tribal Court was awarded a Justice for Families Grant from the Office of Violence Against Women, with the purpose of developing and implementing a specialized Domestic Violence Court Docket. In 2014, LTBB applied for and was approved to receive a continuation and expansion grant to carry out the goals and objectives of the project. In 2015, The Domestic Violence Court Docket was established and is in effect every Thursday at 1:00pm. This docket establishes a dedicated time that focuses on participant's safety and needs arising from cases involving elements of domestic violence. To increase security for alleged victims the Court implemented the following safety protocols during the Domestic Violence Court Docket:

- The Court designated separate waiting areas for petitioner and respondent,
- The Court requests that a Tribal officer accompany the petitioner into the Court room, stay in the Court room during the hearings and then walks the petitioner to her/his car, and
- The Court has a mandatory waiting period before the respondent is allowed to leave.

Also, to address the needs of offenders who are respondents in cases on the Domestic Violence Court Docket, the Domestic Violence Court Docket Coordinator is developing a culturally specific Batterer's Intervention Program. The planning phase was done throughout 2015. In 2016, Domestic Abuse Intervention Programs will train facilitators to run a Batterer's Intervention Program group. We anticipate the group will be open to all community members in the spring of 2016.

COORDINATED COMMUNITY RESPONSE ("CCR")

Throughout the year, the grant continued to manage and lead the LTBB Domestic Violence Coordinated Community Response Team, an interdisciplinary response to domestic violence. The Team meets monthly and works to establish comprehensive policies and procedures related to the response to domestic violence, dating violence, sexual assault, and stalking. The Team is comprised of several representatives of departments throughout LTBB's government.

VIOLENCE AGAINST WOMEN ACT ("VAWA")

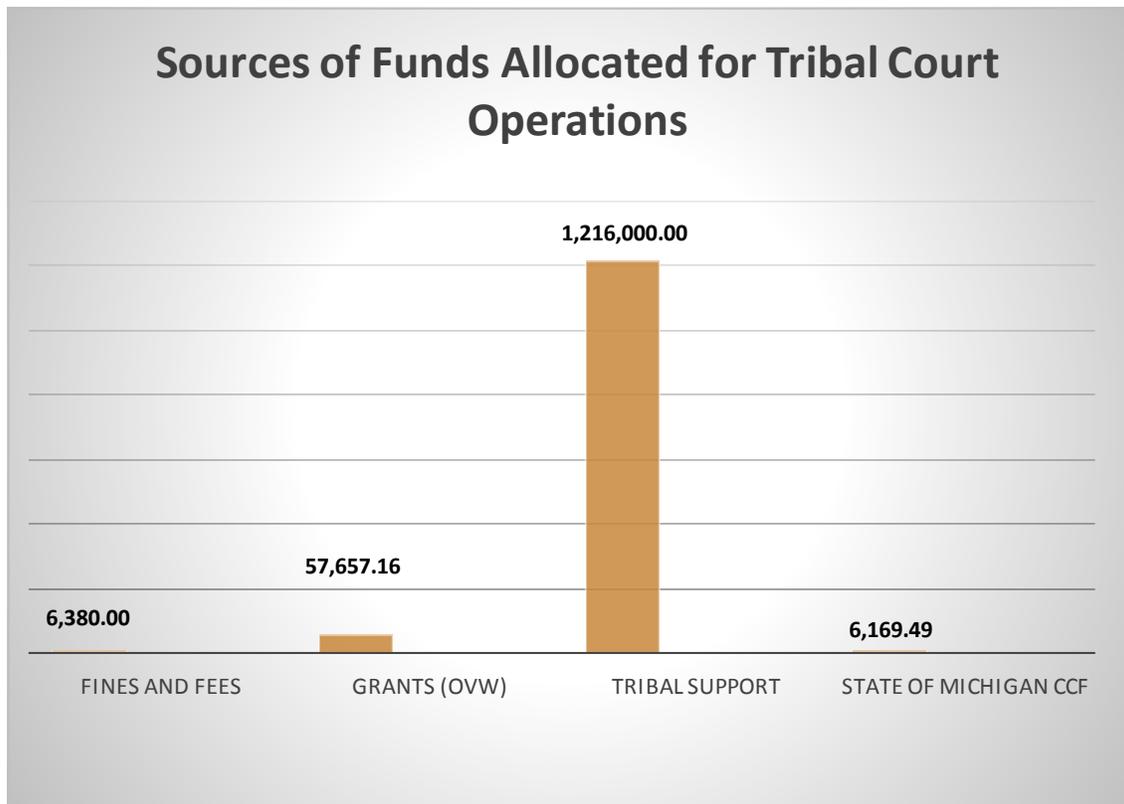
On March 9, 2015, LTBB became the first tribe in Michigan and the eighth tribe in the nation to adopt the laws necessary to exercise criminal jurisdiction over non-Indians who commit crimes of domestic and dating violence against tribal citizens. In order for LTBB to exercise this increased criminal jurisdiction over non-Indians, Tribal Council passed the following laws in 2015: "The Domestic Violence Statute," "Personal Protection Order Statute and No Contact Orders and Violations of Protective Orders" and the "Victim's Rights Statute." The Court's Domestic Violence Docket Coordinator proudly served on the team that drafted this historic legislation for our Tribe.

In 2015, the Domestic Violence Coordinator accomplished the following:

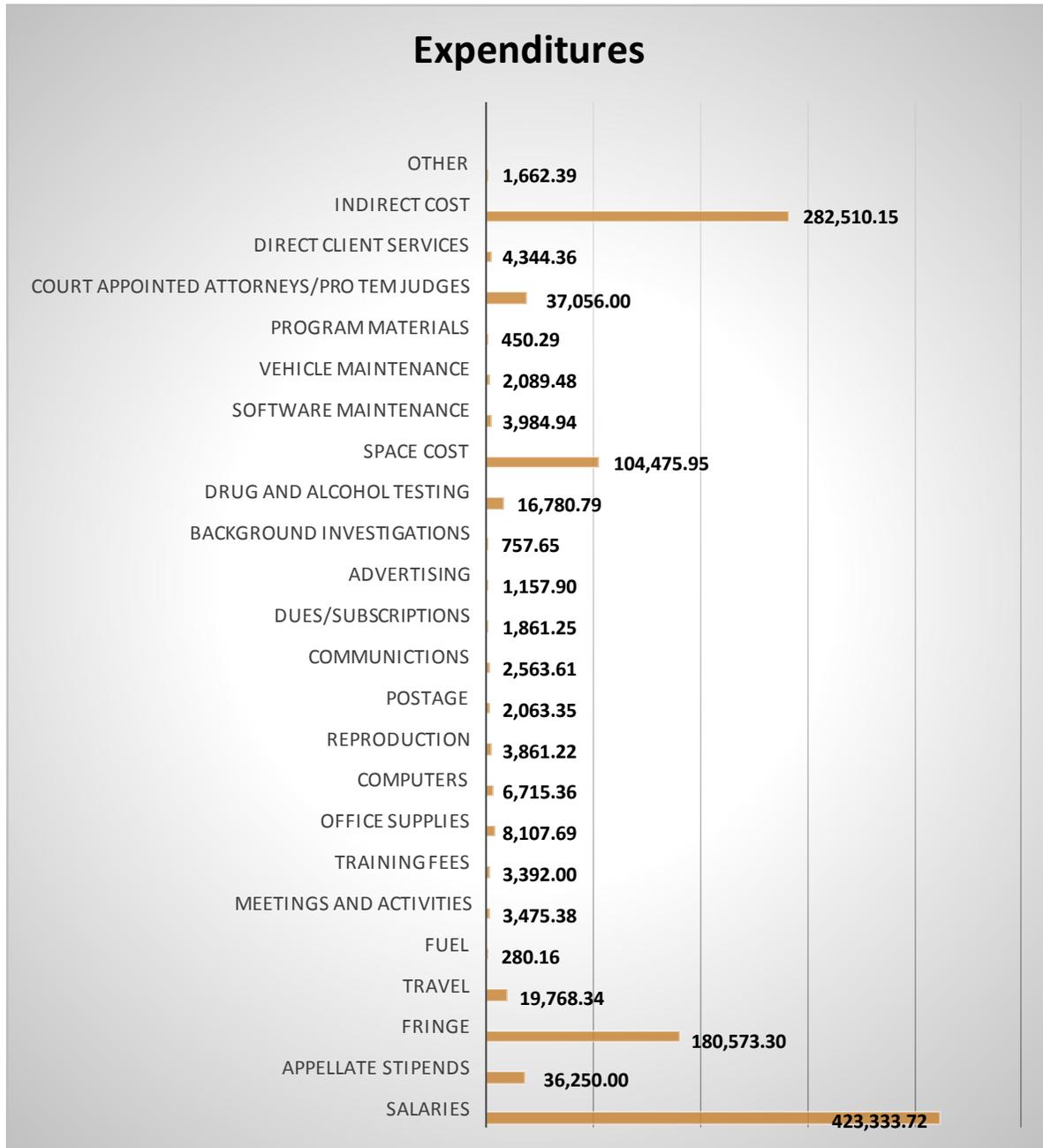
- Hosted monthly Coordinated Community Response Team meetings,
- Participated in Office on Violence Against Women-sponsored technical assistance events,
- Hosted the National Council of Juvenile and Family Court Judges: I See Your Face, I Hear Your Voice: Understanding and Responding to Domestic Violence in the Tribal Community Training,
- Planned and participated in a site visit to the Sault Tribe of Chippewa Indians Domestic Violence Court,
- Participated in conference calls addressing Special Domestic Violence Jurisdiction,
- Prepared and submitted reports to OVW,
- Continued to work to facilitate relationships with State Court and to establish procedures for eligible cases to be transferred,
- Continued to partner with the Women’s Resource Center (“WRC”),
- Maintained an ongoing partnership with the Center for Court of Innovation,
- Revised the Master Protocol for the Coordinated Community Response Team,
- Received technical assistance from Center for Court Innovation and participated in monthly Project Director calls,
- Attended and participated in Emmet County Domestic Violence Task Force Meetings,
- Helped to revise and create PPO regulations and frequently asked question sheets for the petitioner and respondent,
- Worked with DHS to identify needs for victims’ services in the Domestic Violence Court,
- Attended Women of Action Group meetings put on by the WRC,
- Collaborated with WRC on raising community awareness of domestic violence, created banner “Domestic Violence is Not Traditional,”
- Attended the Tribal Law and Policy Institute Training, and
- Attended Assault by Strangulation Training: Investigating and Documenting Cases Under Michigan Law.

IV. FUNDING AND EXPEDITURES FOR THE JUDICIARY IN 2015

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. The following graph represents the allocation for funding as approved by Tribal Council. All dollars besides those listed as Tribal support are actual revenue.



Of the funds allocated to the LTBB Tribal Court for use during 2015 expenditures totaled **\$1,147,515.28**. The distribution of these monies are categorized in the graph below.



2015 GRANTS

In 2015, the LTBB Tribal Court utilized two existing grants to support the activities of the Probation Department and began participation in a third grant.

THE COORDINATED TRIBAL ASSISTANCE GRANT (“CTAS”)

The Coordinated Tribal Assistance Grant for Purpose Area #3 (CTAS) focused on tribal alcohol and substance abuse prevention. The grant supported the position of Masters Level Substance Abuse Counselor who focused on identifying, assessing and referring individuals to the Waabshki-Miigwan Drug Court Program. She was also responsible for providing individual counseling to WMDCP program participants. The Substance Abuse Counselor also participated on the Drug Court Team to provide insight into an individual’s progress and needs. This position was invaluable for both the individuals’ quality of care and the program’s overall sustainability.

BJA DISCRETIONARY DRUG COURT ENHANCEMENT GRANT

In anticipation of the above CTAS grant ending, the Tribal Court applied for and was awarded a Department of Justice, Bureau of Justice Assistance Discretionary Drug Court Enhancement Grant. The award was made in October of 2015 and will continue to assist funding many of the objectives of the expiring CTAS grant. In addition, the new grant pays for an attorney to represent all clients of the Waabshki-Miigwan Drug Court Program. In addition, the grant pays a stipend to a graduate of the program to serve on the Team and provide valuable information from the perspective of a successful participant. Furthermore, there are funds available through this grant to pay fees associated with the State’s Interlock Restricted Driver’s License Program. The grant will provide a total of **\$200,000.00** over two years to continue to support these unique and valuable services to our community.

CHILD CARE FUND

The Child Care Fund (CCF) is a program administered through the State of Michigan using funds provided by the Federal Government. The fund supports the needs of children related to neglect, abuse, and delinquency. The State reimburses the Tribe up to 50% of all approved expenses related to the care of children in these situations. Once again, in 2015, the LTBB Tribal Court did not remove any children from their homes. The funds received from this grant during the year reimbursed the Court for services provided to support the intense supervision of juveniles who remained in the custody of their parents/guardians.

VII. SPECIAL HIGHLIGHTS

Tribal Court Hosts Domestic Violence Workshop “I See Your Face, I Hear Your Voice”. The LTBB Tribal Court hosted the National Indigenous Women’s Resource Center and National Council of Juvenile and Family Court Judges (“NCJFCJ”) to conduct a two day, on-site training on January 12-13, 2015. The workshop was titled, “I See Your Face, I Hear Your Voice,” and was sponsored by the Department of Justice Office of Violence Against Women (“OVW”).

The training illustrated that ending domestic violence needs to be a community effort, with both tribal and state agencies working together. Participants included judges, prosecutors, Tribal/State/County attorneys, Tribal and State advocates, law enforcement, and child protection service workers.

Expert trainers worked with participants on the dynamics of domestic violence, identifying victim and perpetrator behavior, custody and visitation, protection orders, and full faith and credit and firearms. The training also educated participants on the reauthorization of Violence Against Women Act (“VAWA”).

Evaluation forms indicated an increased knowledge of perpetrator behaviors and VAWA making the training a success. Ongoing education and training is a project goal of the Domestic Violence Court and will be a continued priority.



FEAST HELD FOR 90th DISTRICT COURT

In Tribal Court's ongoing effort to build bridges with our local courts, LTBB Tribal Court hosted a Traditional Feast for Judge Erhart and the staff of 90th District Court. Court staff made traditional foods such as corn soup, wild rice and fry bread for our guests. Joe Mitchell provided teachings from the seven grandfathers. Tony Davis told stories and assisted Joe with a pipe ceremony. Our guests left with a newfound respect and understanding for some of the differences between Tribal Court and State court. We look forward to continuing the work needed to build a long lasting relationship with all of our local courts for the benefit of our Tribal Citizens.



TRIBAL COURT HOSTS THE SIGNING OF WAGANAKISING ODAWAK STATUTE 2015-018 (THE DOMESTIC VIOLENCE STATUTE)

On March 9, 2015, LTBB became first tribe in Michigan and the eighth tribe in the nation to adopt the laws necessary to exercise criminal jurisdiction over non-Indians who commit crimes of domestic and dating violence against tribal citizens. In order for LTBB to exercise this increased criminal jurisdiction over non-Indians, Tribal Council passed the following laws in 2015: “The Domestic Violence Statute,” “Personal Protection Order Statute and No Contact Orders and Violations of Protective Orders” and the “Victim’s Rights Statute.” The Court’s Domestic Violence Docket Coordinator proudly served on the team that drafted this historic legislation for our Tribe.



CHIEF JUDGE RECOGNIZED BY STATE BAR

The State Bar of Michigan Representative Assembly (“Assembly”) gives annually the Unsung Hero Award to an attorney who has exhibited the highest standards of practice and commitment for the benefit of others. On October 8th, the State Bar of Michigan Representative Assembly unanimously chose Judge Maldonado as the 2015 *Unsung Hero*. The Assembly honored Judge Maldonado for her tireless statewide and nationwide efforts to protect Native American children by increasing compliance with the Michigan Indian Family Preservation Act and the Indian Child Welfare Act.



WAABSHKI-MIIGWAN DRUG COURT PROGRAM

The mission of the Waabshki-Miigwan Drug Court Program (WMDCP) has been, and continues to be, “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.” Now after five fully successful years the program has contributed to and supported twenty-three (23) community members on their journey to sobriety.

In 2009, the LTBB Tribal Court was awarded a grant that eventually lead to the creation of the WMDCP. Over a year of work, effort, and time was taken to create the initial program with the first participant entering the program in October 2010.

During the 2014 Calendar year the team worked on updating much of the material and curriculum used by the participants during their time in the program. These activities continued well into 2015 and were implemented in October.

The amendments were undertaken with the intention of improving participant's long term success. The initial program was structured under a four-phase forty-four week schedule and workbook with a voluntary six-month aftercare program that was offered to those wishing to take additional advantage of services and support. After reviewing statistics in regards to past participants from the WMDCP, other state, and national programs, the program curriculum, and material were amended to cover a full fifty-two week primary program, with a mandatory six-month aftercare program. In reviewing statistical data for consideration in amending the program the team also decided that they would add an eight-week relapse phase for any participants that faltered and needed additional support during the primary period of the program.

The curriculum is built considering the "10 Key Components of a Drug Court," Adult Drug Court Best Practices as published by the National Association of Drug Court Professionals, and traditional teachings of the Anishanaabe culture. The following is a breakdown of the schedule and focus of the program and its curriculum.

- Phase I - Consists of weeks one (1) through ten (10) with a focus on the teachings of Honesty.
- Phase II - Consists of weeks eleven (11) through twenty-two (22) focusing on the virtues and teachings of Humility and Respect
- Phase III - Consists of weeks twenty-three (23) through thirty-six (36) focusing on activities and teachings on Bravery and Love.
- Phase IV - Consists of weeks thirty-seven (37) through fifty-two (52) and focus on Wisdom and Truth.
- Aftercare – A six-month period where the team works with the individual participants to integrate the tools introduced in the initial four phases into their everyday lives.
- Relapse Phase - At any time during the primary program if a participant has a relapse in their sobriety, their progression will stop and they will enter this phase where the team and staff will focus on addressing specific issues related to the participant's continued work towards sobriety.

Of the five (5) participants who entered the WMDCP in 2015 two of them are participating under the original forty-four (44) week program and the others, who entered later in the year began under the revised fifty-two (52) week program.

During the course of the 2015 calendar year the WMDCP had a total of eight participants, two of those participants were discharged unsuccessfully from the program, and five participants continue on their journey in the program as 2016 begins. One participant successfully graduated in May of 2015.

VII. CHANGES ADOPTED BY THE JUDICIARY

The full Judiciary meets several times a year and reviews information on the operation and efficiency of the Court. As a matter of practice they review and consider changes and revisions to policy and procedure looking for ways to improve access and the overall function of the Court. In 2015, the Judiciary created a new process to get citizen feedback on proposed changes to its procedure and rules. They also made two specific changes to its Court Rules based on user and community feedback.

In the process of adopting changes to Court Rules the Judiciary decided to create the following new process for approving Court rules. “All new and amended ideas for Court rules shall be proposed to the Judiciary who then shall vote on whether to put forward the proposed rule for comment by the community. Resolutions or amendments that the Judiciary votes to put forward for public comment by at least a majority vote of the Judiciary shall be placed on the LTBB website within seven days of adoption. The public shall be invited to comment on proposed rules for thirty days. The Court Administrator shall send to the Judiciary all comments received within seven days of the closing of the comment period. The Judiciary shall either vote to accept with comments, accept without comments, or reject the proposed rule and/or amendment.”

If the Judiciary votes to make a proposed rule final, the final rule shall take effect immediately upon publication on the LTBB website. All final amendments or rules shall be published in the Odawa Trails as soon as possible but no later than ninety days from adoption.

The following two rules were adopted by the Judiciary in 2015:

ELECTION CHALLENGES

The election process is one of the most functional of Tribal Government. A fair Tribal election process ensures that its citizens have the opportunity to be represented in the decisions that affect the present and future of the Tribe.

This amendment recognizes the importance of election disputes by requiring any challenge to be resolved quickly, yet fairly. The timeline is clearly explained and places great responsibility on both the challenger and the Court. Hearings must be scheduled without delay, pleadings filed quickly, and a decision made which allows the Tribe to avoid uncertainty in governing. Extensions are explicitly forbidden at any stage, except under the most extreme circumstances as determined by the Court.

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIBAL COURT
Amendment to Rules of Civil Procedure Regarding Challenge of Election Results**

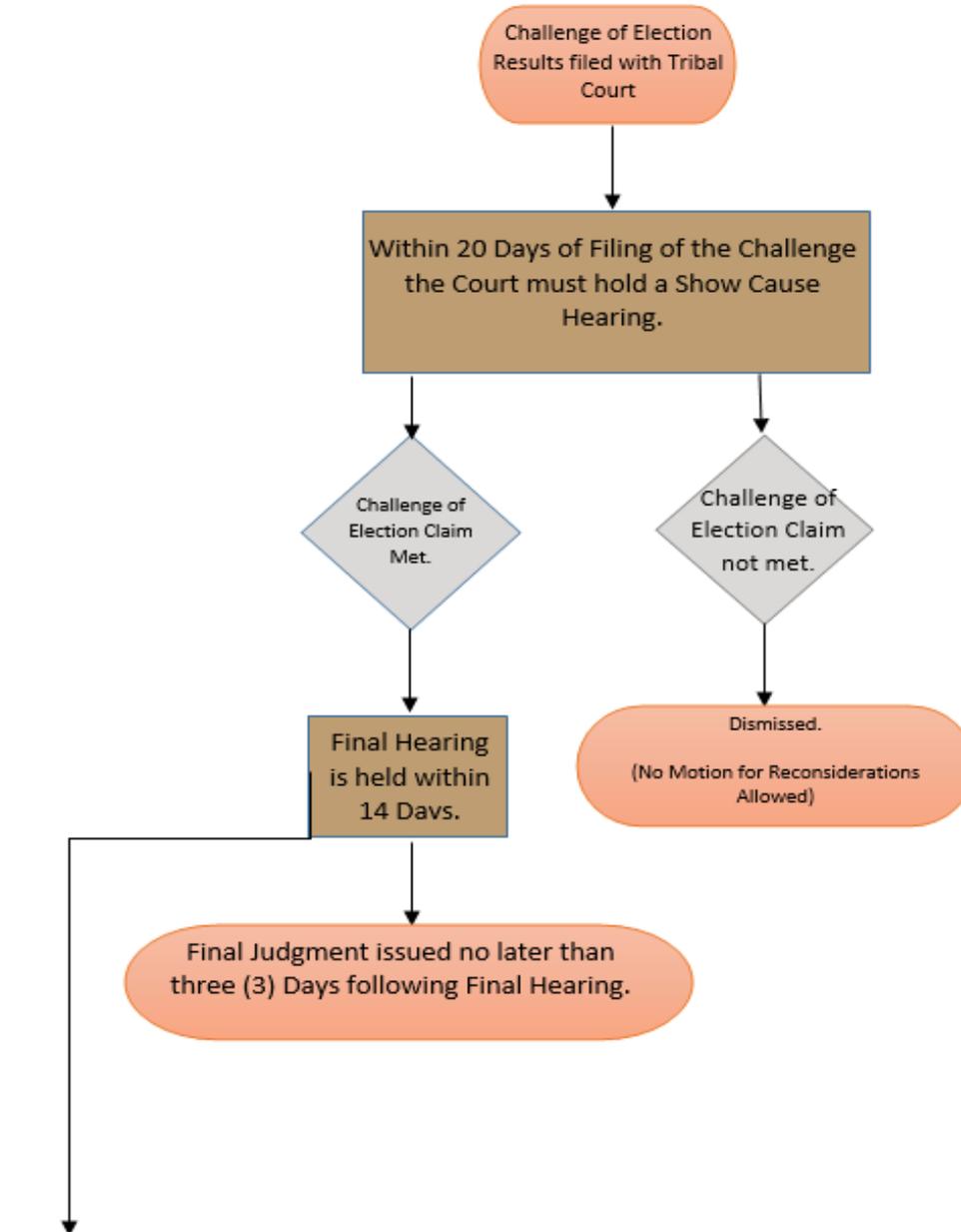
By order of the Judiciary of the Little Traverse Bay Bands Tribal Court, the Rules of Civil Procedure are hereby amended to insert the following after Rule I. § 2:

“Section 3. Application of these Rules to Challenges of Election Results

- i. For the purpose of these Rules, a “Challenge of Election Results” is a suit brought in the Court under Article XII. § F. of the Little Traverse Bay Bands of Odawa Indians Constitution.
- ii. The purpose of this Rule is to clarify the application of these Rules to a Challenge of Election Results. The procedure required by this Rule is intended to ensure compliance with all legal requirements for a Challenge of Election Results, including Article XII § F. of the Little Traverse Bay Bands of Odawa Indians Constitution, the Waganakising Odawa Statute § 3.111(D) and the Election Regulations of the Little Traverse Bay Bands of Odawa Indians, and the Due Process protections guaranteed by Article II. § 8 of the Little Traverse Bay Bands of Odawa Indians Constitution.
- iii. Within twenty (20) days of a Challenge of Election Results being filed, the Court must:
 - i. Hold a show cause hearing, in which the plaintiff must establish that the Challenge of Election Results is a claim upon which relief may be granted. In order to demonstrate this to the Court, the plaintiff must allege facts with sufficient specificity to demonstrate that the Challenge of Election Results is plausible on its face, not merely conceivable; and
 - ii. determine the outcome of the show cause hearing.
- iv. If the Court holds that the plaintiff has established that the Challenge of Election Results is a claim upon which relief may be granted, the Challenge of Election Results must proceed to a final hearing within fourteen (14) days according to the following scheduling requirements:
 - i. The plaintiff must file and serve any amended pleadings and requests for discovery within three (3) days of the show cause hearing;
 - ii. The defendant must file and serve any amended pleadings and requests for discovery within three (3) days of being served with the plaintiff’s amended pleadings or, if the plaintiff does not file any amended pleadings or requests for discovery, within six (6) days of the show cause hearing;
 - iii. All parties must file and serve witness and exhibit lists with the court at least five (5) days before the final hearing; and
 - iv. All discovery must be completed by the final hearing.
- v. Except in the most extreme circumstances, the Court must issue its final judgment within three (3) days of the final hearing.
- vi. For the avoidance of any doubt, if the Court holds that the plaintiff has not established that the Challenge of Election Results is a claim upon which relief may be granted, the Challenge of Election Results has failed and the determination of the outcome of the show cause hearing required by § 3(a) (ii) above is the final determination of the Challenge of Election Results. No motions for reconsideration may be filed.
- vii. The Court may not grant extensions of time in relation to any of the deadlines set out above for Challenges of Election Results under this Rule except under the most extreme circumstances, even if parties are in agreement on an extension.

- viii. The Court may not consider any interlocutory motions by any party in relation to Challenges of Election Results except at the show cause hearing required by § 3(c) above except under the most extreme circumstances, even if the parties are in agreement a motion should be heard or made by the Court.

Election Challenge Filing Process Chart



Within the 14 Days the following schedule applies:

- The plaintiff must file and serve any amended pleadings and requests for discovery within three (3) days of the show cause hearing;
- The defendant must file and serve any amended pleadings and requests for discovery within three (3) days of being served with the plaintiff's amended pleadings or, if the plaintiff does not file any amended pleadings or requests for discovery, within six (6) days of the show cause hearing;
- All parties must file and serve witness & exhibit lists with the court at least five (5) days before the final hearing; and
 - All discovery must be completed by the final hearing.

FULL FAITH & CREDIT

XXXV and XXXVI of the Rules of Civil Procedure and Chapter Four of the Court Rules, titled “Recognition and Enforcement of Foreign Court Rules Judgment,” both deal with the recognition of foreign court judgments by the Tribal Court. It has recently come to the Court’s attention that these rules are inconsistent. It is important to note that the Court Rules, rather than the Rules of Civil Procedure, reflect the agreement struck between the tribes and the State Courts when establishing the mutual full faith and credit procedure for tribal and State Courts in Michigan. Therefore, to the extent of any inconsistency, the Court Rule that applies when seeking full faith and credit of foreign court judgements can be found in Chapter Four, “Recognition and Enforcement of Foreign Court Judgement” and the Judiciary has voted to repeal the rules in Chapter Three, “Rules of Civil Procedure.”

**Little Traverse Bay Bands of Odawa Indians Tribal Court
Rules of Civil Procedure
Chapter 3
Repeal/Elimination of the following rule(s)**

RULE XXXV

**SUBSTANTIVE REQUIREMENTS FOR GIVING FULL FAITH AND CREDIT TO
ORDERS, JUDGEMENTS, DECREES AND OTHER JUDICIAL PROCEEDINGS**

Orders, judgments, decrees and other judicial proceedings from courts other than the tribal court may be given full faith and credit in the tribal court after the party seeking full faith and credit establishes by clear and convincing evidence that:

- a. the other court had jurisdiction over both the subject matter and the parties;
- b. the order, judgment, decree or other proceeding was not fraudulently obtained;
- c. the order, judgment, decree or other proceeding was obtained by a process that assures the requisites of an impartial administration of justice including but not limited to due notice and a hearing;
- d. the order, judgment decree or other proceeding complies with the laws, ordinances and regulations of the jurisdiction from which it was obtained; and
- e. the order, judgment, decree or other proceeding does not contravene the public policy of the Little Traverse Bay Bands of Odawa Indians or interfere with the Tribe’s right to make its own laws and be governed by them.

RULE XXXVI

PROCEDURAL REQUIREMENTS FOR GIVING FULL FAITH AND CREDIT TO ORDERS, JUDGEMENTS, DECREES, AND OTHER JUDICIAL PROCEEDINGS

A party seeking to have full faith and credit given to an order, judgment, decree or other judicial proceeding from a court other than the tribal court shall file a petition with the tribal court requesting that full faith and credit be given to the order, judgment, decree or other judicial proceeding. Notice shall be given to the other party (ies) to the order, judgment, decree or other judicial proceeding in the foreign jurisdiction and they shall have an opportunity to respond to the petition in accordance with the LTBBRCP applicable to responsive pleadings. The tribal court may hear oral argument on the petition at its discretion. The tribal court shall enter an order finding that the requirements of this Rule have or have not been met within ten (10) day of:

- a. the date of the hearing; or
- b. filing of the response to the petition for full faith and credit if no hearing is ordered; or
- c. if no response is filed, within ten (10) days of the date a response could have been filed pursuant to these Rules.

NOTE:

For the current procedure, please refer to the LTBB Tribal Court Rule Chapter 4, "Recognition and Enforcement of Foreign Court Judgment".

IX. USER GUIDE AND INFORMATION RELATED TO THE COURT

The Tribal Court System exists for the benefit of all of its citizens. For it to be truly effective it must first be accessible to all. The members of the Judiciary and the staff of the Court realize a legal system can be a powerful tool to remedy disputes and problems, but it can also be extremely complex and difficult to navigate without help.

The Court has worked to increase access through providing open and accurate information on common Court procedures. The Court first published this information in its 2014 Annual Report but believes that it is important to promote its availability and is including it in this year's report as well.

LTBB Tribal Court User Guide

“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.ltbodawa-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?”

- Criminal 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.

Frequently Asked Questions for LTBB Tribal 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

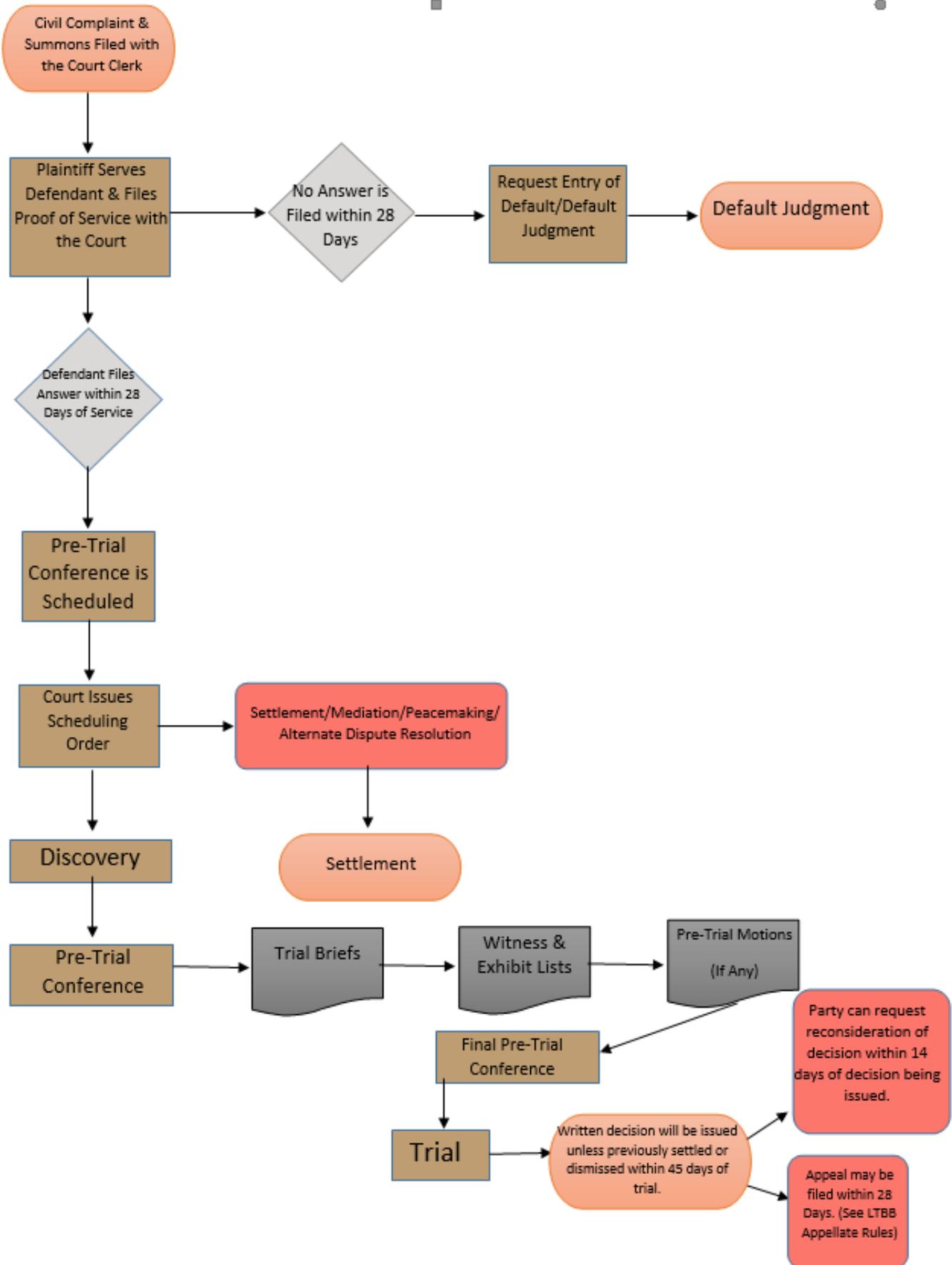
long as placement occurs as a result of an individual's involvement in a legal matter in Tribal Court (e.g. Drug Court).

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

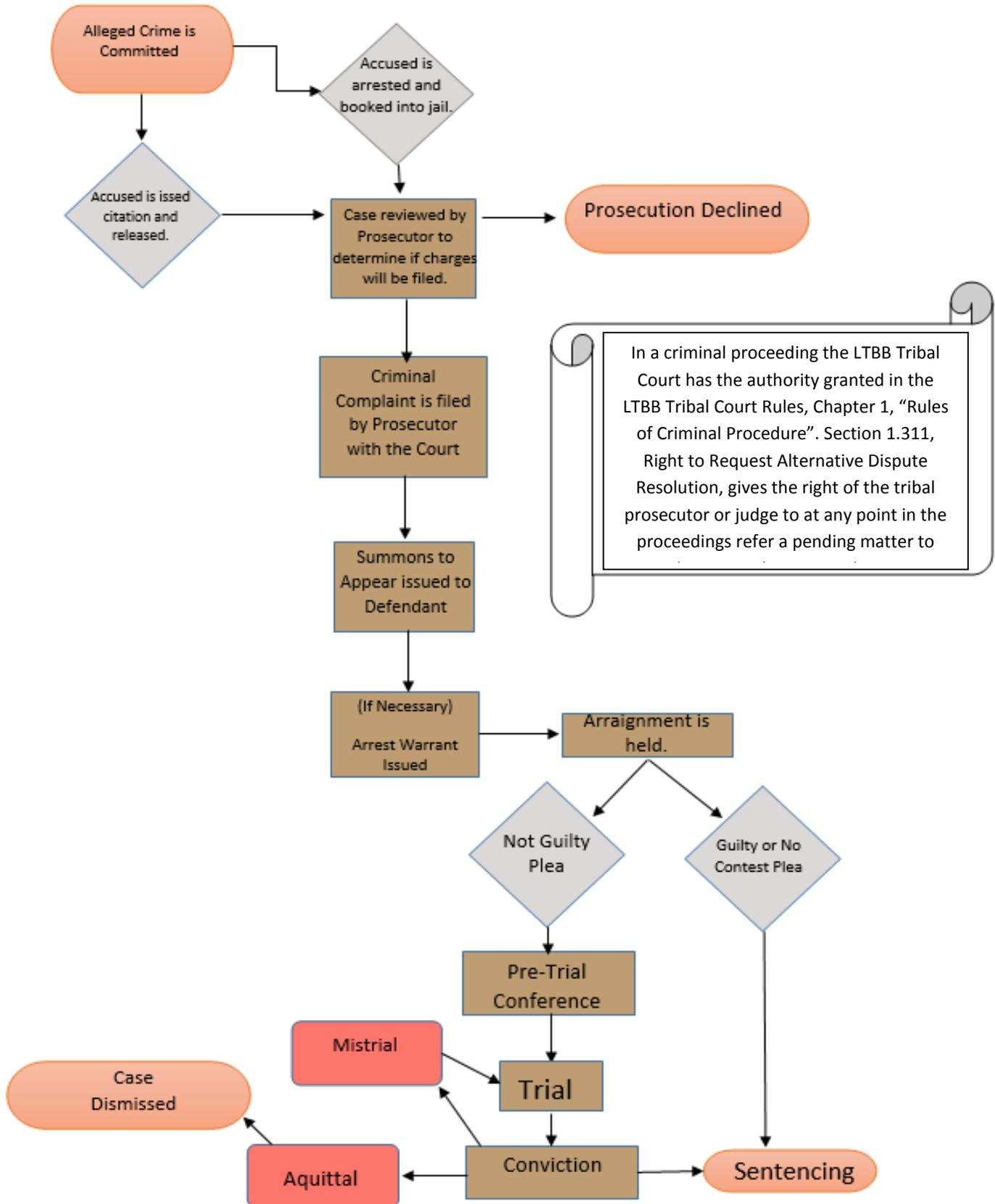
- No. Although Tribal Court staff may provide procedural advice regarding rules, filing fees, and the court process generally, staff are prohibited from providing legal advice to clients due to ethical considerations designed to prevent the creation of conflicts of interest.

Note, Cherie Dominic is available at the Office of Citizen's Legal Assistance (“OCLA”), located at the LTBB Government Center in Harbor Springs. While the OCLA is 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.

Civil Case Filing Process Chart



Criminal Case Filing Process Chart



APPELLATE COURT INFORMATION

The Tribal Appellate Court has jurisdiction over any case that has initially been heard by the Trial Court and after issuing a decision, order, or final judgment, a party to the action, based on alleged error of law, procedural violation of the Constitution, laws or regulations enacted by Tribal Council, Court Rules, or a clear factual error may make an appeal to the Court.

The Appellate Court is made up of three Justices appointed by Tribal Council, and they meet as often as circumstances require. Rulings of the Appellate Court are final, binding, and cannot be appealed to the Tribal Council, Tribal Membership, or any jurisdiction.

FREQUENTLY ASKED QUESTIONS OF THE LTBB APPELLATE COURT

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 8½ 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?”

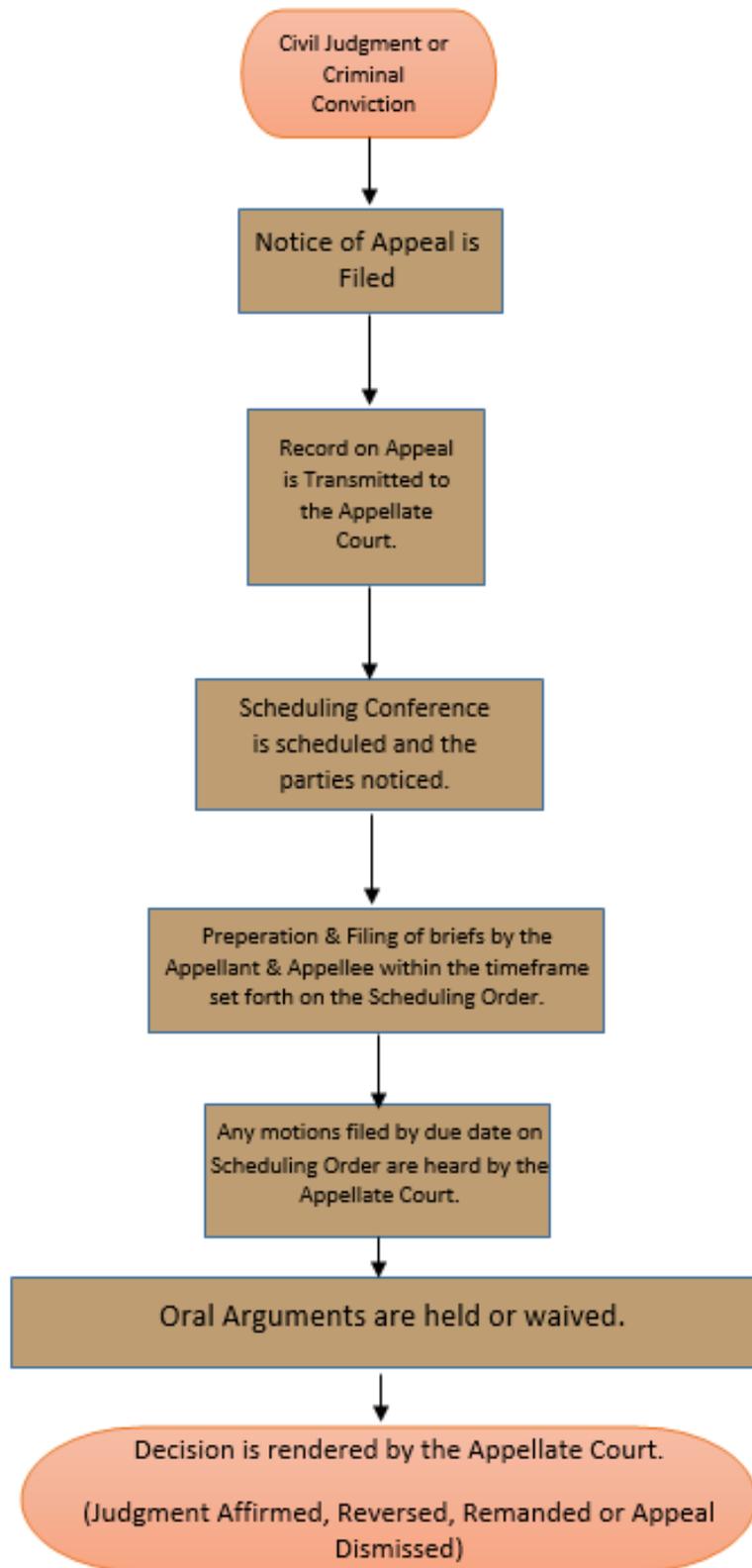
- The Tribal Court Judiciary consists of the Chief Judge, one Associate Judge, and three Appellate Court Justices.

“Who does the Tribal Appellate Court answer to?”

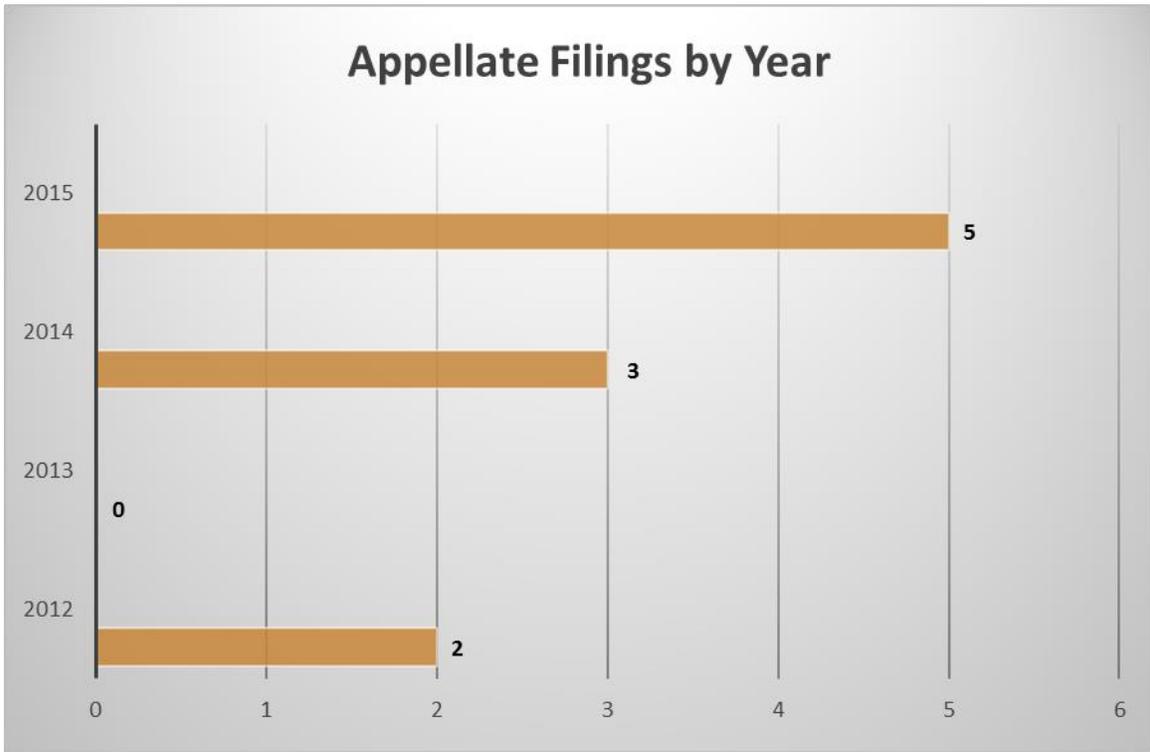
- The Tribal Appellate Court is part of the Tribal Court System. The Judicial Branch of government is an independent branch of government that is constitutionally mandated under Article IX of the LTBB Constitution. The judicial power of the Little Traverse Bay Bands of Odawa Indians shall be vested in 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.

LTBB Appellate Process Chart



The Appellate Court presides over all appeals of the Trial Court. The following chart shows the number of appeals filed with the Court by year.



SOBRIETY COURT FREQUENTLY ASKED QUESTIONS

“Am I eligible to receive a Sobriety Court restricted license?”

- A Sobriety Court determines whether you are eligible and accepts you into their Sobriety Court program. You may be eligible if you were arrested for an alcohol-related offense on or after January 1, 2011, have a prior alcohol conviction(s), and are approved by a Sobriety Court.

“Who can authorize a Sobriety Court restricted license?”

- Only certain courts within the State of Michigan meet the requirements for a Sobriety (DWI) Court. Please visit the [State Court Administrative Office website](#) for specific information.

“If a Sobriety Court approves me for a Sobriety Court restricted license, do I have to mail or bring documentation to a Secretary of State office?”

- The Sobriety Court will notify the Secretary of State directly. If you are eligible and your license has not expired, the Secretary of State will mail the Sobriety Court restricted license to you. You will not need to provide additional documentation to the Secretary of State.
- However, if your license is expired, you will receive a letter authorizing your renewal at a Secretary of State office. After you have completed the renewal process, the Secretary of State will mail the Sobriety Court restricted license to you.

“How soon can I start driving after the Sobriety Court tells me I have been approved for a Sobriety Court restricted license?”

- You may not drive until the beginning date shown on the Sobriety Court restricted license that you will receive in the mail. The law requires you to serve a minimum of 45 days without a license. The 45-day minimum waiting period starts on the beginning date of the suspension or denial/revocation shown on your Order of Action and driving record.

“Do I need to have an ignition interlock on every car that I own?”

- The law requires you to have an ignition interlock device installed on each vehicle you own or operate. You may request your vehicle records by fax, phone or mail.

“Am I allowed to drive to get the ignition interlock installed?”

- Only if your license is not currently suspended, revoked or denied. The Sobriety Court law does not have any special provisions for driving to have the ignition interlock installed.

“Where can I go to have the ignition interlock installed on my vehicle(s)?”

- The Sobriety Court will provide you with a list of currently approved ignition interlock providers

“If I receive a driver license suspension, revocation, or denial after I receive the Sobriety Court restricted license, what happens to my driving privileges?”

- You are not permitted to drive until the new suspension, revocation, or denial is cleared.
- After the suspension, revocation or denial is cleared or terminated, you may resume driving with your Sobriety Court restricted license unless the Sobriety Court has ordered your removal from the Sobriety Court program.

“Am I permitted to drive after I successfully complete the Sobriety Court program?”

- After successful completion of the Sobriety Court program, you will continue with the Sobriety Court restricted license until the Administrative Hearings Section of the Michigan Department of State grants full driving privileges.

“Can I get my Sobriety Court restricted license back if the Sobriety Court removed me from the program?”

- The law does not permit a Sobriety Court to reinstate a Sobriety Court restricted license for the same alcohol offense.

“What happens if I do not successfully complete the Sobriety Court program?”

- If you do not successfully complete the Sobriety Court program, you are subject to all suspensions, revocations, or denials that were in effect before your entrance into the Sobriety Court program.
- You will also be responsible for any unpaid Driver Responsibility Fees that were not collected while you were in the program.

“If I receive a Sobriety Court restricted license, what happens to my Driver Responsibility Fees?”

- You are still responsible for paying any Driver Responsibility Fees (DRF) based on points and non- alcohol related offenses, e.g., No Proof of Insurance. The Department of Treasury will not actively pursue collection of DRF fees based on alcohol convictions until you are no longer in the program.

“What will show on my driving record while I am under the Sobriety Court restricted license?”

- Your driving record will still show your driving history, including all your tickets, points, suspensions, revocations, and denials. You may request your driving record by fax, phone or mail.

“Do I have to provide the Secretary of State with proof that I have installed an ignition interlock device on my vehicle(s)?”

- The Sobriety Court will inform the Secretary of State that the ignition interlock device(s) have been installed in the vehicles you own and operate. You do not have to provide any documentation of ignition interlock installation to the Secretary of State.

“Can I have the ignition interlock device(s) removed after I successfully complete the Sobriety Court program?”

- You must keep the ignition interlock device(s) installed until the Administrative Hearings Section of the Michigan Department of State grants full driving privileges.

“If I already have an ignition interlock device(s) installed on my vehicle(s), can I use it?”

- You must contact the Sobriety Court that authorized your Sobriety Court restricted license to determine whether the device(s) is from a state-approved ignition interlock provider and acceptable for their program.

“May I drive for work with my Sobriety Court restricted license?”

- Driving as part of your job (e.g., driving a taxi, school bus, or delivery service) is a violation of the terms of your Sobriety Court restricted license, but driving to and from work is permitted. The Sobriety Court restricted license law does not allow driving “in the course of employment.”

“Where can I drive on my Sobriety Court restricted license?”

- The Sobriety Court restricted license permits you to drive to and from any combination of the following: your residence, your workplace, your school, and an alcohol or drug education or treatment program as ordered by the court. You must carry proof of the destination and hours with your Sobriety Court restricted license.

“Can I obtain a Sobriety Court restricted license if I have a Commercial Driver License (CDL)?”

- A CDL driver may receive a Sobriety Court restricted license but is prohibited by federal and state law from operating a commercial motor vehicle with a restricted license.

“What happens if I violate any of the terms of my Sobriety Court restricted license?”

- If you violate any of the terms of your Sobriety Court restricted license (this includes a new drunk driving arrest, tampering with, circumventing or driving without an ignition interlock device), the Sobriety Court may remove you from the program and notify the Secretary of State to terminate the Sobriety Court restricted license and reinstate all applicable suspensions, revocations and denials. You will also be required to pay all Driver Responsibility Fees that were not collected while you were in the Sobriety Court program.

“How can I get full driving privileges restored after I successfully complete the Sobriety Court program?”

- You may request a hearing with the Administrative Hearings Section of the Michigan Department of State to restore full driving privileges after the minimum periods for all suspensions; revocations and denials on your driving record have passed. You may request your driving record by fax, phone or mail.

X. CONCLUSION

Each year the Tribal Judiciary and its employees work diligently to provide the highest quality and most efficient service to the Little Traverse Bay Bands Community. We hope that this report provides Citizens information that outlines our efforts in that endeavor. We've also taken the opportunity, through this report, to share with you information related to the use of the Court and would encourage Citizens to investigate this option should the need arise.

The LTBB Judiciary appreciates the opportunity to serve the community. We welcome and encourage your questions and feedback on the services and programs that we provide. Please direct your questions and feedback to the Court Administrator, Michael Wolf at mwolf@lbbodawa-nsn.gov, by phone at (231) 242-1461, or at the office, located at 911 Spring St. in Petoskey during normal business hours.