

2016 *Annual Report*

Judicial
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 2016 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 detail the Court's caseload in 2016. It will explain services provided to Court clients and their families and it will document the hard work of the Court staff. It will also explain how the Tribal Court is funded. Finally, the Report will share special highlights from 2016.

2016 was a busy year. **Two hundred and ten (210) new cases** were filed. We scheduled **212 hearings** in 2016. We processed **2,475 filings, \$176,795 in Child Support payments** and wrote **610 orders and opinions**.

In 2016, the LTBB Tribal Court dedicated a significant part of our staff's time to making the LTBB Tribal Court better reflect the community we serve. We did this by incorporating our language into all Court proceedings. The laws are passed by Tribal Council. The Executive Branch executes the laws. The Tribal Court interprets and enforces the laws. Nonetheless, while Tribal Court must follow the laws as written, Tribal Court is committed to doing what we can under the Constitution to make our Court better resonant with our community's values. Our Tribal Code reflects a balance between restorative justice and a commitment to an individual's healthy return to our community with community safety and individual accountability. However, despite thought and effort by the LTBB Judiciary, some LTBB Court proceedings often seem more similar to State court proceedings than they seem different. The LTBB Judiciary has given careful thought to how the Tribal Court looks and the interior of our Court would never be mistaken for a state court. However, we wanted to change the way LTBB Tribal Court feels, but we had to find a way to accomplish this without changing our laws. Therefore, the Judiciary challenged the staff to open all Tribal Court cases with a call-to-court in the language.

In state courts, court is often opened with something like this:

“ALL RISE! Hear ye, hear ye, court is now in session!”

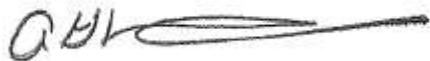
We wanted something different, something special that our ancestors would recognize if they were listening. Therefore, we embarked on a journey to learn a new call-to-court in the language.

With the help of the Gijigowi Anishinaabemowin Language Department, Senior Court Clerk Cynthia Brouckhaert was the first Tribal Court staff member to honor our ancestors by calling court to order in the language. Every time I hear Court called to order in the language, I am moved. I feel a great sense of joy and pride and know that we are starting out our hearings in a good way. I am incredibly proud of the hard work from Court staff and I am grateful for the collaboration with the Gijigowi Anishinaabemowin Language Department that made this possible.

Come listen to the call-to-court in the language. It is inspiring! I invite the community to reach out to Tribal Court for your ideas on other ways we can make Tribal Court better reflect our community. We are motivated and welcome your ideas for improving your Tribal Court.

Serving my community is something I wanted since I was very young. I am incredibly grateful to be here and I work tirelessly on behalf of our community.

Respectfully,



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

A Brief Note From the Associate Judge

Boozhoo LTBB Citizens,

My first full year with the Tribe, like most years of our lives, was filled with the “routine” as well as the “challenges.” I experienced the harsh winter-white/grey and the pleasant summer-green/blue. In Tribal Court, I dealt with uncomplicated straightforward matters but also difficult cases having a profound impact on the people before me.

Please know that I take very seriously the responsibility that you have given me. And I appreciate the dedicated staff, the support and encouragement of the Chief Judge, and the honor to serve given to me by the Tribal Government and the people.

Regards

John J. Lemire

Associate Judge

II. INTRODUCTION TO THE 2016 ANNUAL REPORT OF THE LTBB JUDICIARY

The mission of the Tribal Court is to uphold the laws of the Little Traverse Bay Bands of Odawa Indian's ("LTBB"). The LTBB Tribal Court provides a fair and impartial forum for resolving disputes, providing justice, and protecting the public through the fair and rational application of the law. The LTBB Tribal Courts are an impartial forum where judges must apply the law equally to all without regard to the government's wishes or the weight of public opinion. The mission is fulfilled by focusing on the community values of respect, culture, and spirituality that establish a baseline for fairness and due process within the Tribe's jurisdiction. The Tribal Court continually works to meet this mission and provide operations and services that promote these values.

The LTBB Constitution created a Tribal Judiciary as a separate branch of government composed of a court of general jurisdiction, called Tribal Court, and an appellate court, called Tribal Appellate Court. The Court decides questions concerning the scope and existence of Tribal government authority. The Court also interprets the laws enacted by Tribal Council. In addition, the Court protects the individual rights of the people and entities subject to Tribe's jurisdiction.

The Tribal Judiciary is comprised of a chief judge and associate judge who 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.

In conjunction with the appointed members of the Judiciary the Tribal Court employs a Court Administrator along with two Court Clerks, a Probation Officer, who also serves as the Drug Court Coordinator, an Administrative Assistant, a Cultural Resource Advisor, and a Domestic Violence Court Docket Coordinator. All of these individuals significantly contribute to the administration and operation of the Court on a day-to-day basis.

The Tribal Judiciary serves the LTBB community and believes that we are accountable to its' citizenry along with the other branches of government; Legislative and Executive. Based on this belief this report focuses on informing the Tribe of the activities, services, work, and accomplishments of the Tribal Court during the 2016 calendar year. The Report also includes useful tools that all citizens can refer to when using Court services.

The Court, as always, welcomes the opportunity to share information about programs and services as directed by the Constitution. We encourage your input on how the Court can better serve the community. So, if you have any questions or would like to share your thoughts please feel free to contact us at any time.

III. BIOGRAPHICAL INFORMATION FOR CURRENT MEMBERS OF THE LTBB JUDICIARY

Tribal Court

Chief Judge Hon. Allie Greenleaf Maldonado

Honorable Allie Greenleaf Maldonado is proud to be 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. Moreover, in 2016 she was chosen by Harvard Law School as an honoree for International Women's Day recognizing her as a woman inspiring change for her efforts and mentorship on behalf of Native American students.

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. As an attorney for the LTBB, she successfully litigated the first case in which the Michigan Court of Appeals overturned the termination of parental rights due to a failure by the State to follow the Indian Child Welfare Act (ICWA). *In re Cole*, unpublished opinion per curiam of the Court of Appeals, issued November 17, 2005 (Docket No. 262918). Judge Maldonado also wrote an amicus brief advocating for "conditional reversal" in ICWA cases, which is the position the Michigan Supreme Court adopted in *In re Morris*, 491 Mich 81, 83; 815 N.W.2d 62 (Docket Nos. 142759 & 143673, decided May 4, 2012). She also wrote the first draft of the Michigan Indian Family Preservation Act (MIFPA) and provides training on the MIFPA.

During her time as Chief Judge, Judge Maldonado has overseen implementation of federal grants for tribal substance abuse courts and specialized domestic violence courts. She has facilitated the use of data-driven assessments to improve the quality of services provided by the LTBB Tribal Court.

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.

Associate Judge John J. Lemire

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 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.

Tribal Appellate Court

Chief Justice Wenona Singel

Justice Singel is an enrolled citizen of the Little Traverse Bay Bands of Odawa Indians. She was appointed the Justice of the Appellate Court. Ms. Singel received an A.B. from Harvard College and a J.D. from Harvard Law School. She is currently an Associate Professor of Law at Michigan State University College of Law and the Associate Director of the Indigenous Law & Policy Center. She teaches courses in the fields of federal Indian law and natural resources law, and her research and publications address the development of tribal legal systems and tribal accountability for human rights. Her prior professional activities included being an Assistant Professor at the University of North Dakota School of Law and a Fellow with the Northern Plains Indian Law Center. Before teaching, she worked in private practice with firms that included Kanji & Katzen, P.L.L.C. in Ann Arbor, MI, and Dickinson Wright in Bloomfield Hills, MI. She served as a member of the Economic Development Commission of the Little Traverse Bay Bands of Odawa Indians and as General Counsel for the Grand Traverse Resort. On March 29, 2012, the United States Senate passed by unanimous consent President Barack Obama's nomination of her to serve as a member of the Advisory Board of the Saint Lawrence Seaway Development Corporation. Ms. Singel is also an elected member of the American Law Institute, where she is the Co-Reporter for the project to develop a Restatement of the Law of American Indians.

Justice William Denemy

Justice Denemy was appointed Justice to the Appellate Court on September 12, 2014. Justice Denemy grew up in the Charlevoix and Petoskey area. He left the area to serve a thirty-three year career with the Michigan State Police. After retirement, he moved back to the Petoskey area and was employed by the Little Traverse Bay Bands in the following positions: the Gaming Administration, the Gaming Board of Directors, four years as the Tribal Vice-Chairperson, and then he was employed by the Tribal Drug Court for a period of time prior to being appointed as a Justice on the Appellate Court.

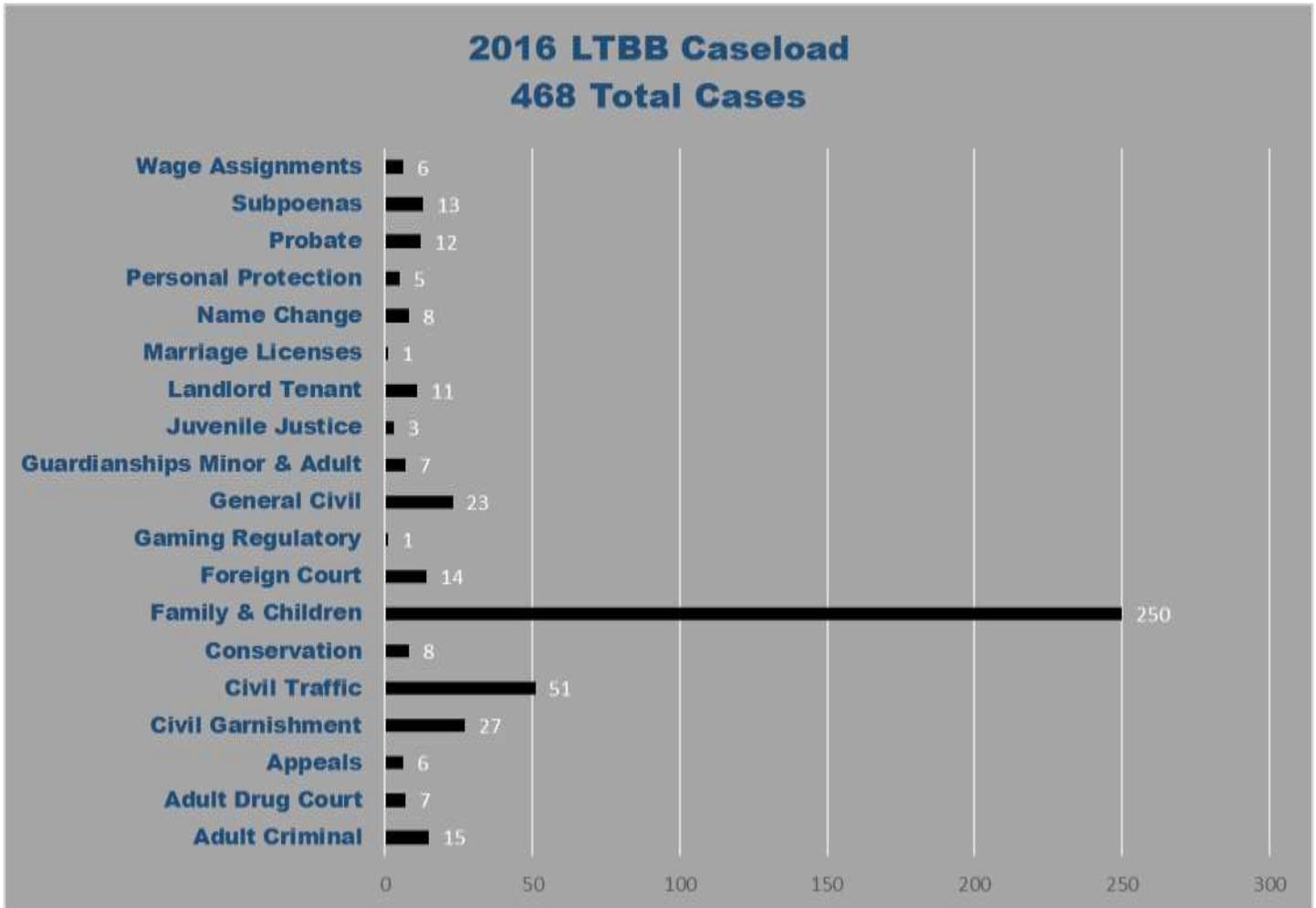
Justice Sean E. Cahill

Justice Cahill was sworn in on December 21, 2015 to complete the six-year term vacated when Catherine Castagne was appointed as LTBB's Prosecutor. Justice 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.

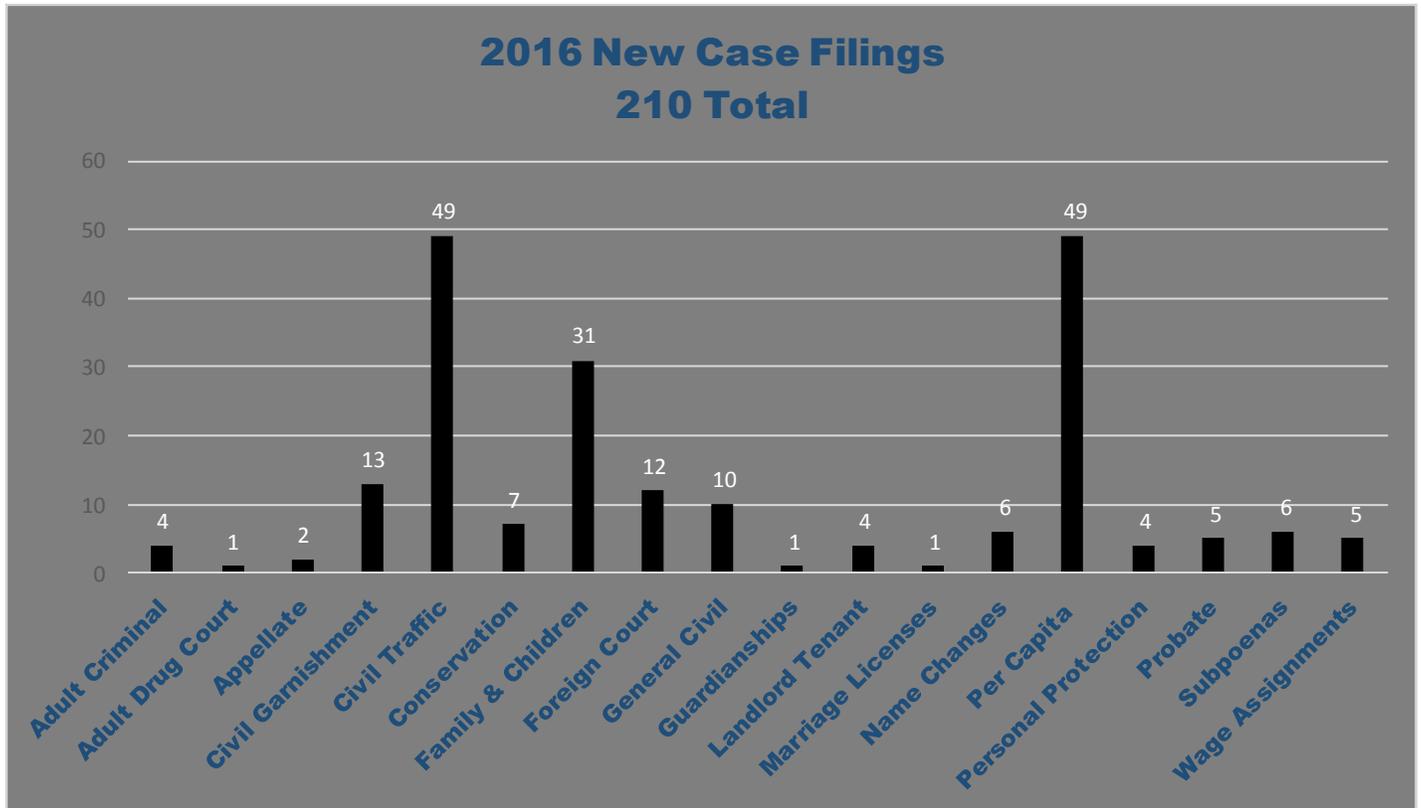
IV. DATA RELATED TO THE OPERATION OF THE TRIBAL COURT

In the course of daily operations, the Court collects data to help in identifying trends related to filings, allocations of staff time and resources, and effectiveness and efficiencies within the services provided to community members. This data can also be helpful in understanding the various activities that the Court participates in throughout any given year. The data and statistical information also assist in promoting the numerous areas in which the community and citizens can utilize Court services.

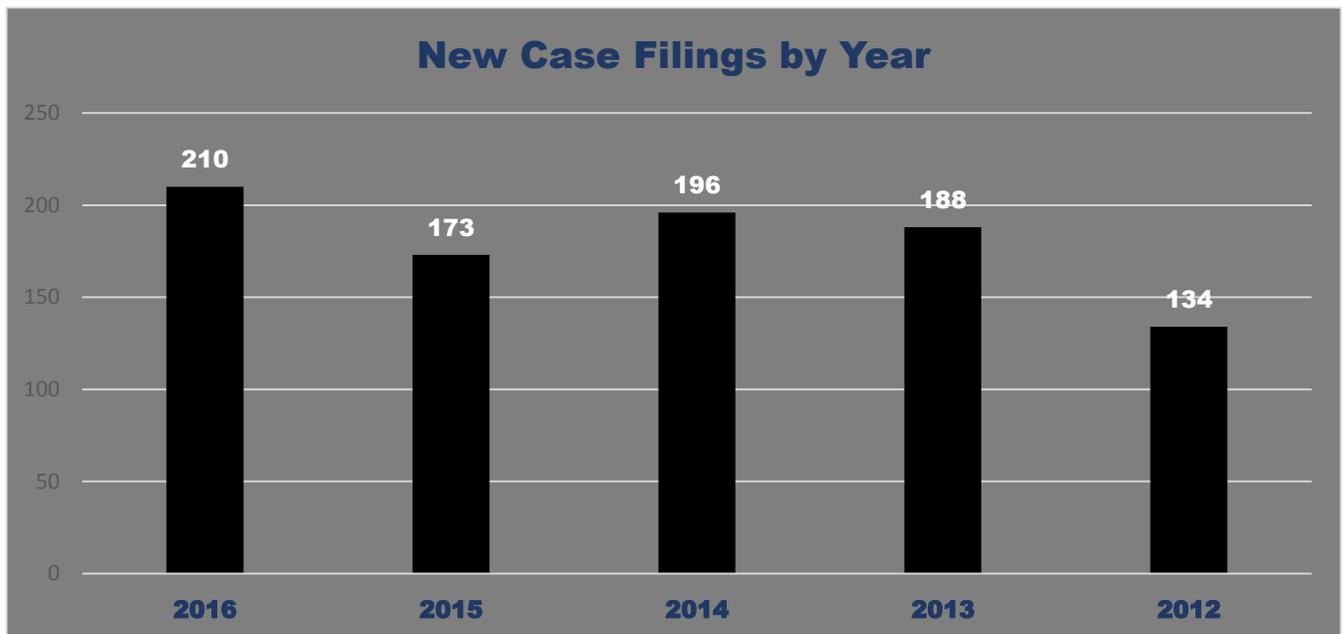
The Tribal Trial Court presided over **468 active cases** during the 2016 calendar year. The total cases are further broken down illustrating the individual numbers by case type.



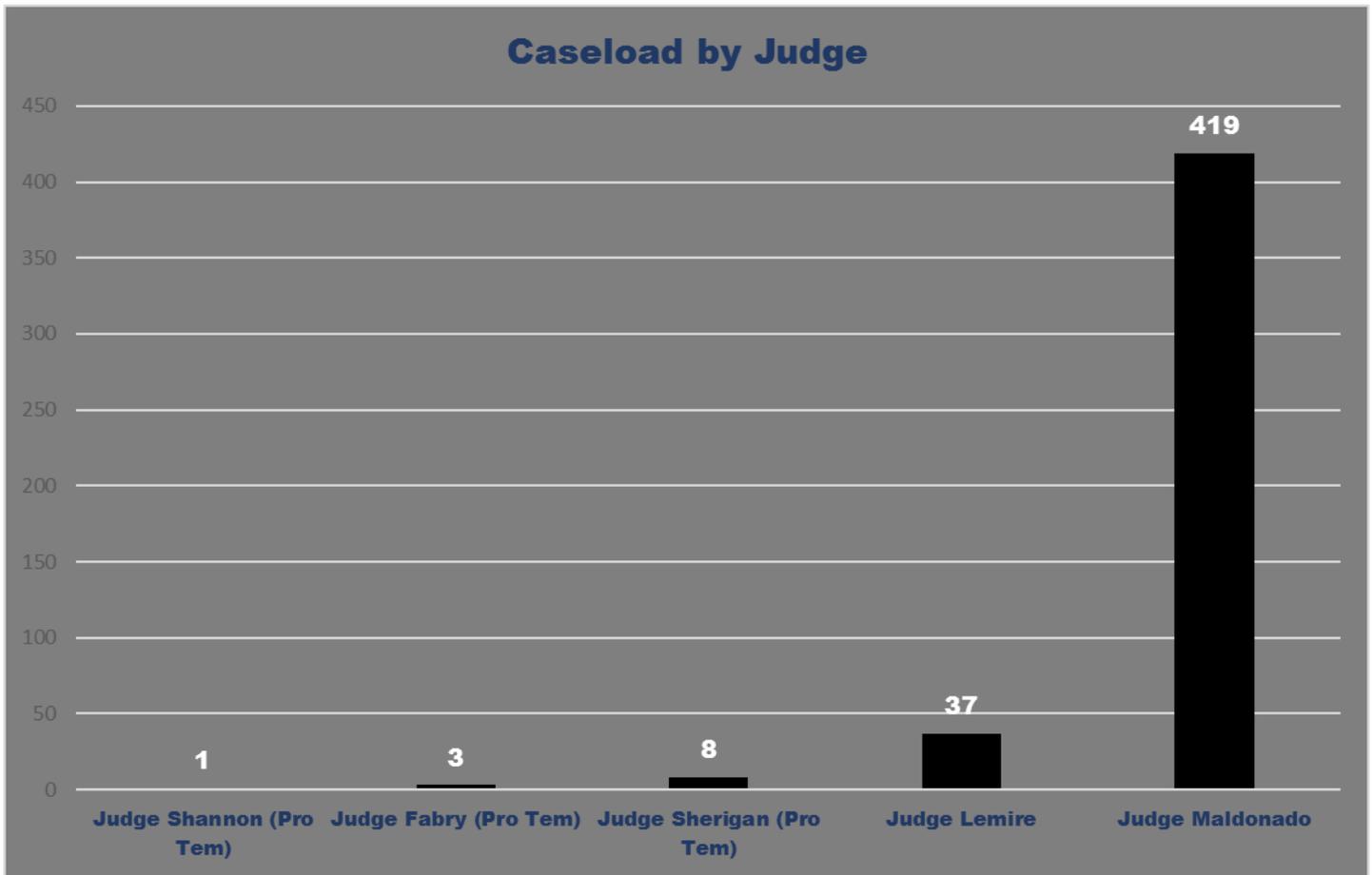
During 2016 there were 210 new cases filed with the Tribal Trial Court. The following graph shows these new filings by type and volume.



In analyzing case filings over the last five years the numbers are fairly consistent with the average number of new filings each year being 180. The graph below shows the comparison over that period of time.



In reviewing all cases that were open and active during 2016 the following graph reflects the assignment by Judge.



V. GENERAL INFORMATION RELATED TO THE OPERATION OF THE TRIBAL COURT

The Court, in an effort to execute its' duties, employed seven individuals in various positions in 2016. These individuals served in specific capacities in order to efficiently and effectively help the community. However, based on the relatively small size of the department each employee is cross-trained in the event that they are needed in other areas of the Court.

The staff takes pride in their role and contribution to the Court. The Court staff is critical to the continued success of the Court and its operation.

Court Administrator

The Constitution of the Little Traverse Bay Bands of Odawa Indians, in Article IX, Section H,3 states, "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 supervised and reports directly to the Chief Judge. This position is responsible for all day-to-day operations of the Court. This includes directing and supervising other Court Staff, the development and management of the budgets, administering grants, reviewing policies and procedures, collecting data and making reports, and various other duties related to activities within the Court. Additionally, in order to further the Court's goal of serving the LTBB community, the Court Administrator also collaborates with departments in the other branches of government and with those agencies and individuals associated with the State Court Systems.

During the 2016 calendar year the Court Administrator participated in numerous activities designed to help improve the operations of the LTBB Tribal Court. For example, the Court Administrator observed and interacted with the Sault Ste. Marie Tribe of Chippewa Indians specialized Domestic Violence Court Program. The Sault Ste. Marie Tribe of Chippewa Indians Tribal Court has established an inter-disciplinary team that routinely reviews cases of domestic violence. The team works to insure that offenders are not only held accountable but are also participating in services that are designed to change their behavior. The Court Administrator also visited the Ada County Idaho State Court. The Court Administrator chose this Court because it has been recognized as having best practices related to processing and resolution of Domestic Violence Cases. From these experiences, LTBB Tribal Court gained a clearer understanding of the variables necessary to ensure community and victim safety while engaging offenders in appropriate services that can lead to a reduction in domestic violence offenses.

In conjunction with the Legislative Attorney and the Court's Domestic Violence Docket Coordinator, the Court Administrator attended an Office of Violence Against Women sponsored conference on strengthening tribal laws to protect Native women. The LTBB team participated in reviewing LTBB statutes related to domestic violence, personal protection orders, and paternity and support as they relate to best practices. We were given excellent examples of national and tribal best practices. This resulted in discussions related to achieving community standards in existing and future statutes for the LTBB community.

In April of 2016, the Court Administrator was invited to participate with the Michigan's State Court Administrative Office's Court Improvement Program and become a member of the Tribal Court Relations

Committee. This group meets quarterly to improve how state-court's operate in child protective matters, including matters involving the Michigan Indian Family Preservation Act. This program is instrumental in creating positive changes related to the State's compliance related to Indian children.

Also in 2016, the Court Administrator joined a group of LTBB employees to work on a comprehensive Justice System Strategic Plan. The goal is that the final work product from this group, a LTBB system-wide strategic plan, will be used to prioritize future funding and resources. It will also create direction for how LTBB entities who operate within the LTBB justice system will work together in the future. This work included several comprehensive meetings where existing practices were scrutinized, ideas were shared on areas where improvement could occur, and specific objectives were set that would accomplish the identified goals.

All of these activities along with the basic role and responsibilities of the Court Administrator focus on providing a system that meets the current but also the future needs of the LTBB community.

Court Clerks

The Tribal Court's Senior Clerk and Court Clerk are the staff with whom the community is most likely to initially have contact with when utilizing the services of the Court. These individuals have variety of responsibilities including fulfilling the role of reception at the Court's window and answering calls received on the Court's main phone line. So, if you have visited or called the Court or do so in the future you will surely have the opportunity to interact with these individuals.

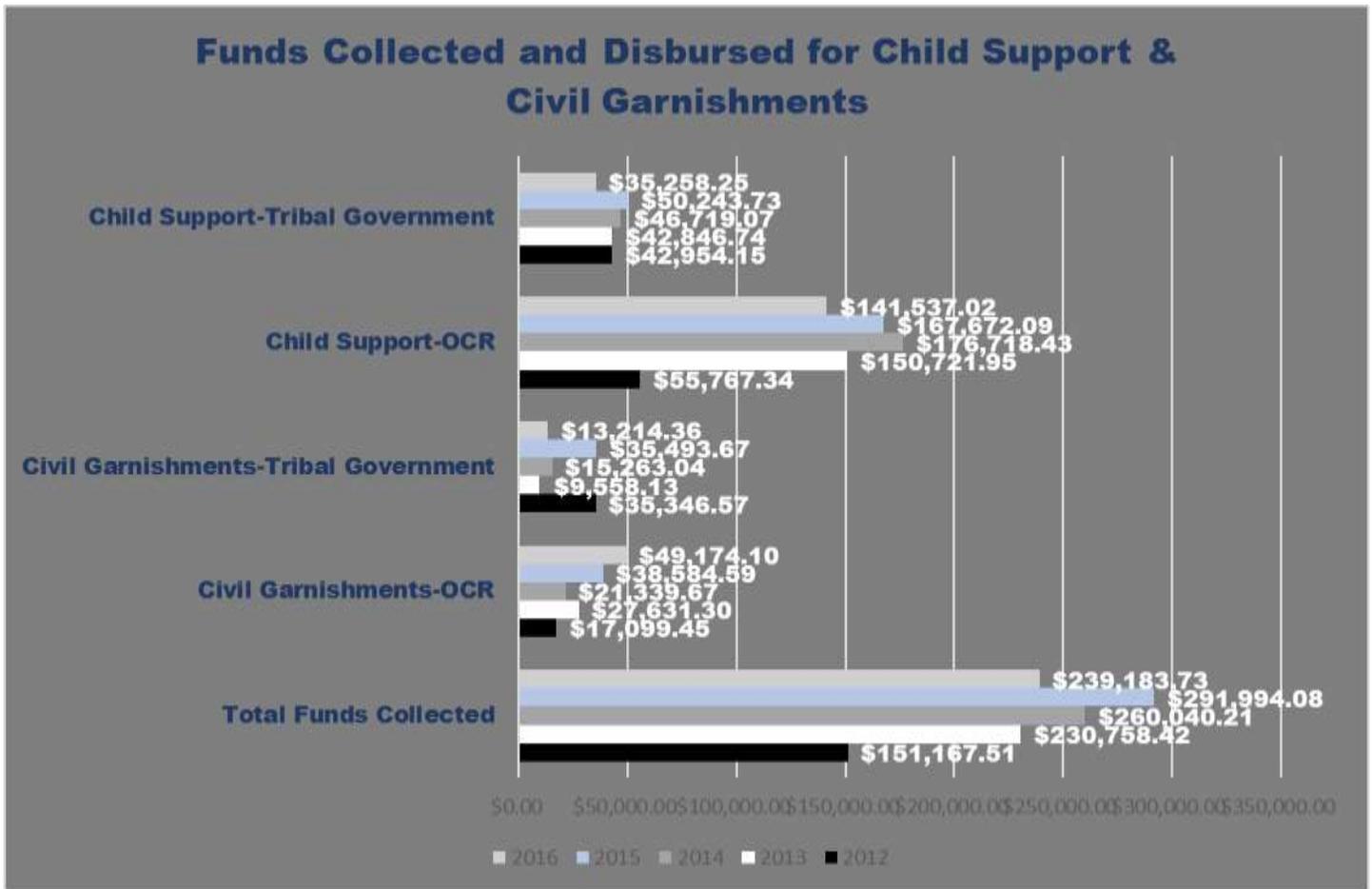
Along with the responsibilities outlined above the Court's Clerks have the primary duty to process all types of cases in regards to existing and new filings. The Court Clerks also have responsibilities and serve in a variety of other ancillary capacities. These include but are not always limited to the following:

- Data entry of case-specific information into the Court's Database;
- Processing notices and other documents/pleadings for all interested parties;
- Recording an accurate audio recording of all hearings;
- Maintaining the Court's recording equipment;
- Providing case information to Tribal Citizens consistent with Statutes;
- Answering questions in regards to Court processes;
- Collecting fines and fees received by the Court;
- Maintaining the Court's docket, calendar, and records;
- Researching and analyzing information specific to active cases;
- Administering annual per-capita garnishments;
- Notarizing documents;
- Processing invoices and contract requisitions;
- Ordering and processing transcripts of specific proceedings;
- Preparing correspondence and other Court documents;
- Processing admission to practice applications and attorney oaths;
- Performance of clerical duties in the office and in the Court room;
- Processing of the Court's Orders;
- Managing case files; Communicating with attorneys and parties regarding cases; and
- Providing approved Court forms to those wishing to file cases.

The following are statistics from 2016 that highlight not only the type of work, but the volume of work that the Court Clerks accomplished in that year.

TYPE OF WORK	QUANTITY
Filings Processed	2,475
Hearings Scheduled	212
Certificates of Service & Other Court Notices	39
Subpoenas Processed	6
Oaths of Office Prepared & Processed	10
Contracts Processed	16
Application to Practice Applications Processed	46
Warrants Processed	4
Documents Notarized	38
Incoming Phone Calls	1039
Outgoing Phone Calls	658

The Court Clerks are responsible for processing funds collected through various types of orders. The graph below shows funds collected in 2016 and compares the data with that of previous years.



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. This position is responsible for filling many of the unique responsibilities that aren't always obvious to the public and that aren't necessarily present or needed on a daily basis but contribute greatly to the operation of the Court over the course of time. The Administrative Assistant's primary responsibilities include:

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

In conjunction with the responsibilities included in the position of Administrative Assistant this employee was very involved in a number of professional development sessions and community events. This included five different seminars focusing on refining skills in the areas of clerical support and office communications. This individual also participated in two professional development events offered on the culture and traditions of the Tribe. Also, as an example of unique contributions, the Administrative Assistant helped two of our participants in our Healing to Wellness Program take advantage of a make-over opportunity by accompanying these individuals on their shopping adventure. Participation in these activities assist the Court's overall goal of providing quality and competent service to the community.

Probation Department

In 2016, the LTBB Probation Department was staffed with one probation officer who also served as the Waabshki-Miigwan Healing-to-Wellness Program Coordinator. The Probation Department has primary responsibility for the monitoring of individuals under the jurisdiction of the Court in accordance with orders, issued by the Court, to follow specific conditions focused on the primary goal of promoting the safety of the community and the individual. The LTBB Probation Department also provides direction and assists 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 Court after reviewing specific information related to the various offenders, the offenses, and their past experiences will consider all available options vetted through best practices and order those for which the individual is likely to benefit from long term. The following paragraphs offer a breakdown of the various services that the LTBB Probation Department may utilize in addressing specific needs when supervising compliance and safety.

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. 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 LTBB Court-ordered individuals and individuals receiving courtesy supervision on behalf of other jurisdictions. These contacts consist of face-to-face contact and contact by telephone either at the individuals home, school, work, or in the Court offices. Contacts are also made with other professionals involved in the care of the individuals.

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/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 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 the requirements that they refrain from consuming alcohol.

Specialized Services

Waabshki-Miigwan Healing-to-Wellness (WMHWP): 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 intensive 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. Many participants in the program are referred from the three-county area State Courts. When this occurs the State Court maintains original jurisdiction but the Tribal Court provides the day-to-day supervision, treatment, and support. The State Courts are provided regular progress reports but the participants do not have to report to those agencies. All participants must volunteer to gain acceptance into this program.

The Waabshki-Miigwan Healing-to-Wellness Program underwent further development and revision during the 2016 calendar year. The specifics of these changes will be discussed in detail within a later section of this report titled, Special Highlights of 2016.

Odawa Youth Healing-to-Wellness: 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.

Cultural Resource Advisor

The Cultural Resource Advisor plays a very important role in all services and programs provided by the LTBB Tribal Court. This position is truly a “resource” contributing to the value and impact of those served by ensuring that the Court’s services and programs are sensitive, consistent, and enriched with Anishinabek Culture. It is the goal of the Cultural Resource Advisor to guide these individuals toward their dreams for a better and healthier life through contact and education of cultural principles and traditions.

One of the roles of the Cultural Resource Advisor is to assist participants of the Waabshki-Miigwan Program to recognize their full potential while working on a sustainable sober lifestyle. In 2016, in addition to interacting with the participants and providing insight and sharing experiences, the Cultural Resource Advisor also facilitated Phase Fires for participants on four occasions. Also, on two occasions the Cultural Resource Advisor facilitated sweat lodge ceremonies.

Also during 2016, the Cultural Resource Advisor began working with the Domestic Violence Court Docket Coordinator on a culturally-appropriate intervention for domestic violence cases. We are currently developing Anishinaabe culturally-specific lessons to incorporate into an existing Batterer’s Intervention Program (“BIP”). BIP is a community program that makes victim safety its first priority, establishes accountability for batterers and promotes a coordinated community response to domestic violence. It is the intention of the Court, through this work, and the work of the Coordinated Community Response Team to provide beneficial services to both victims and offenders of Domestic Violence.

In addition to all these other activities the Cultural Resource Advisor collaborated with various agencies and organizations that promoted the culture and the Tribe. These included events with the Four Directions of Wellness Inc., Blue Thunder Women Counseling, American Indian Health and Family Services, and the Child Abuse Prevention and Education Council. These events were held locally and throughout Michigan providing the opportunity to learn what others are doing in addressing areas of need and for others to learn what we do to meet the needs of our community.

Domestic Violence Court Docket Project Coordinator

In 2013, the Tribal Court was awarded a Justice for Families Grant from the Office of Violence against Women located within the United States Department of Justice. The purpose of the grant was to develop and implement a specialized Domestic Violence Court Docket. In 2014, the Court received a continuation grant to expand the goals and objectives of the project. In 2015, the Domestic Violence Court Docket was established. In previous years, Court focused on identifying needs and making plans for the future. In 2016, Court focused on meeting the identified needs.

For example, the grant provides free legal help to victims of domestic violence. The Office of the Project Coordinator, through the funding of the Grant, maintains the Civil Assistance of Counsel for those who qualify. Domestic violence victims often may need legal help beyond receiving personal protection orders. For instance, they may need assistance in filing for divorce and/or custody. Often a qualified attorney is needed to represent a victim of domestic violence in other proceedings outside the criminal offense. With the funds provided by this Grant, other civil actions initiated by an attorney can promote safety and security for the victim.

Another important function of the Domestic Violence Court Docket Project Coordinator in 2016, included the continued facilitation of the Coordinated Community Response Team. The Team is comprised of representatives of several departments throughout LTBB's government. The Team met several times throughout 2016. The group worked to establish comprehensive policies and procedures related to the response to domestic violence, dating violence, sexual assault, and stalking. The Team's work will continue in 2017.

Also in 2016, the Domestic Violence Court Docket Coordinator established the foundation needed to create appropriate and sustainable services for offenders of domestic violence. Key to these services is a re-education focused facilitated group. These have been commonly referred to as Batterer's Intervention Services or BIP's. Previously, the Court had a contractual relationship with a local service provider to conduct assessments and to provide access to a BIP group. In 2016, the Court sponsored and participated in the training of facilitators for this program. Employees of both the Court and the Tribe's Behavioral Health Services participated in this training. As a result, the Tribe now has multiple persons certified as group facilitators. Hence, we will be able to establish a Tribe-specific group to serve the community.

In October of 2016, the LTBB Court was one of only seven tribes to be awarded the Department of Justice Office of Violence Against Women's Special Domestic Violence Criminal Jurisdiction Implementation Grant. This Grant will continue to support those services already initiated under the previous grants but will also focus on supporting and refining the Court's policies and procedures related to exercising special jurisdiction over non-Indian offenders of domestic violence where the victim is an Indian. The Domestic Violence Court Docket Coordinator worked with the Grants Department in this successful award and will play a key role in the implementation of the established objectives.

Domestic Violence Court Docket Coordinator Activities

- Participated monthly in Project Director Phone Calls
- Inter-Tribal Work Group (ITWG) member and participated monthly in conference calls

- Prepared and submitted grant compliance reports
- Hosted Coordinated Community Response (CCR) team meetings on a monthly basis
- Violence against Women Act (VAWA) and Personal Protection Order (PPO) Regulations team member
- VAWA-Implementing Tribes monthly conference call
- The National Council of Juvenile and Family Court Judges, the Tribal Law and Policy Institute, and the National Congress of American Indians webinar series to discuss 1) Issuing tribal protection orders 2) Enforcing protection orders generally and for VAWA Special Domestic Violence Criminal Jurisdiction over non-Indian (SDVCJ) cases 3) Contempt and tribal protection orders.
- Interviewed candidates for Domestic Violence Civil Legal Assistance
- Participated in Harbor Hall orientation session
- Maintained ongoing partnership with the Center for Court of Innovation
- Department of Human Services (DHS) screening of “not just pictures”
- Meetings with external project partners at the Women’s Resource Center of Northern Michigan (WRCNM)
- Co-facilitated men’s non-violence group at Hidden Brook counseling
- Survivor Service coordination and assistance
- Department of Justice (DOJ) questionnaire to exercise Special Domestic Violence Criminal Jurisdiction Domestic Violence Mentor Court Open House hosted by the Ada County Domestic Violence Mentor Court in Boise, Idaho attended by Court Administrator Michael Wolf and Associate Judge John Lemire
- Attended the 2016 OVW Legal Assistance for Victim Grantee Conference
- Preparation and development for *Advance Issues in Intimate Partner Violence* training
- Grant application for Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction

Domestic Violence Statistic for LTBB in 2016

1 Domestic Violence Charge set for Jury Trial

3 PPO’s filed

1 stalking PPO granted

Law Clerks

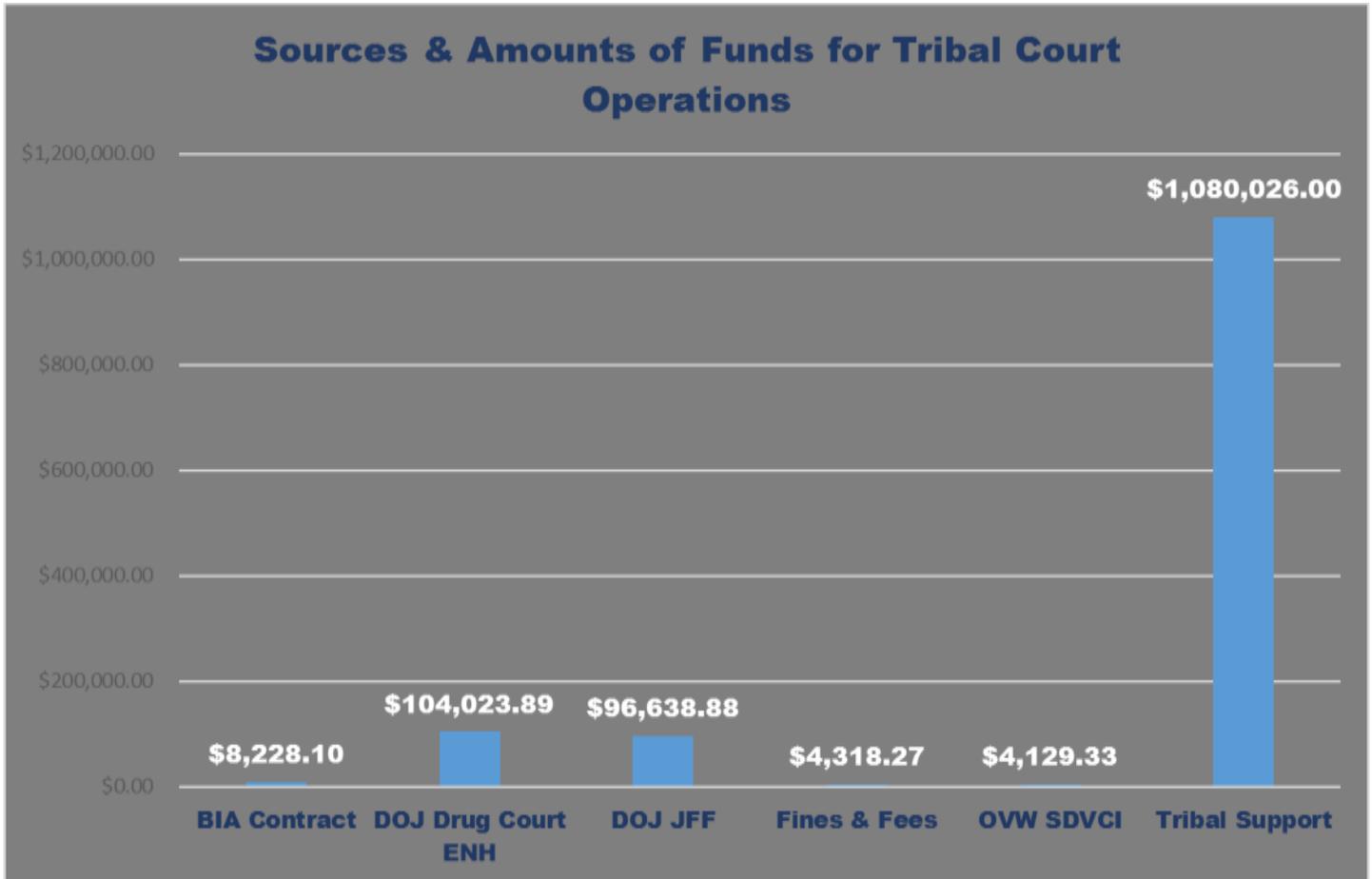
The LTBB Tribal Court was fortunate to be able to host three law students for Summer Internships in 2016. These law students contribute in a variety of ways to the Court's operation. They do research, review policies and procedures, revise forms, update the website, and update the Court's Restatement of Law. The students are also exposed to the Court's operation, and the community. The law students attended conferences, professional development opportunities, and community events including the Homecoming Pow-Wow. All of this helps provide a usable context for their intensive education while helping the Court cross projects off of our wish list.



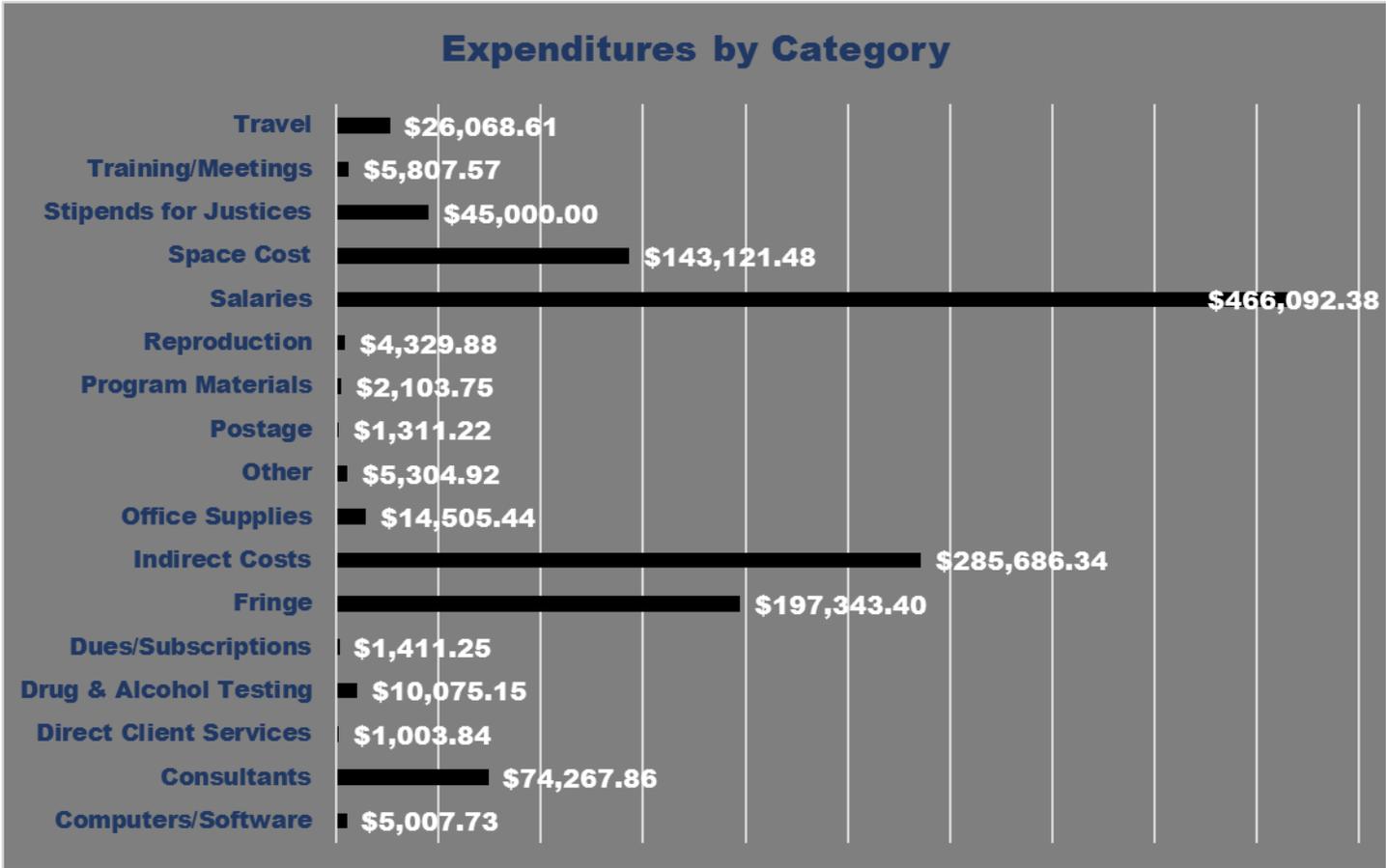
Pictured L to R: Simone Anter, 2nd Year Law Student, UCLA, Nathan Whitman, 2nd Year Law Student University of Kansas, Jason Searle, 1st Year Law Student, University of Michigan. Seated, Hon. Allie Greenleaf Maldonado, Chief Judge, LTBB Tribal Court

VI. FUNDING AND EXPENDITURES OF THE LTBB JUDICIARY

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 and revenues received through grants, fines, and fees. (Allocated funds are those amounts budgeted but not necessarily expended.)



Of the funds allocated to Tribal Court in 2016, expenditures totaled \$1,288,440.82 for the activities and programs as listed in the graph below. (this represents monies actually expended related to the operations of the Court.)



2016 Grants

In 2016, the LTBB Tribal Court received funding through a total of three grants, one of these being a new award beginning in October.

Department of Justice Bureau of Justice Assistance Drug Court Enhancement Grant

The award of this grant was made in October of 2015 and will continue to fund activities related to the Waabshki-Miigwan Healing-to-Wellness Program until the end of September 2017. Using these funds the Court was able to contract with a local service provider, Bear River Health, for services related to outreach, assessments, and treatment of individuals that qualify for services. Contracting these services has provided consistent access and care for those involved in this intensive service. The grant also provides funding for two very key positions on the Drug Court Team. An attorney is contracted to represent the interests and wishes of the participants. Also, this funding provides compensation for a graduate of the program to serve on the Team providing input from the perspective of a successful participant. Furthermore, there are funds available through this grant to pay fees associated with the State's Inter-Lock Restricted Driver's License Program. The Department of Justice Bureau of Justice Assistance Drug Court Enhancement Grant supported due process, a graduate's perspective and the issuance of a restrictive driver's license from the Court.

Department of Justice for Families Grant

Tribal Court was awarded the Justice for Families (JFF) grant, from the Office of Violence against Women (OVW) in 2013, to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, and stalking. This grant facilitated the creation of a specialized domestic violence court docket, the development of the Coordinated Community Response (CCR) Team.

The Domestic Violence Court Docket Coordinator has served as the project coordinator of the project and is responsible for the day-to-day implementation of the program. Additional duties include: maintaining the court docket, serving as the LTBB Domestic Violence Coordinated Community Response team leader, assessing and developing policies and procedures, identifying and coordinating trainings, and communicating with internal and external survivor service providers and offender's service providers.

In 2016, Tribal Court provided civil legal assistance and advocacy services including legal information and resources in cases in which the victim proceeds pro se, to victims of domestic violence. Qualified legal assistance was hired on a contractual base: to provide survivors with assistance in civil matters related to domestic violence, dating violence, or stalking.

Policies and procedures are always evolving to ensure Tribal Court is providing the highest level of safety to victims during the DV Docket. The petitioner is given a separate waiting room from the respondent. Law

Enforcement is available to escort the petitioner into Court and stays for the duration of the proceeding to ensure safety. The Court has a mandatory waiting period before the respondent is allowed to leave.

LTBB Tribal Court has made a commitment to protect its citizens and provide services for both victims and offenders as domestic violence is not traditional. LTBB is committed to the continued success of the Domestic Violence Court Docket and the implementation of the Special Domestic Violence Court Jurisdiction Project.

Department of Justice Office of Violence Against Women SDVCJ Implementation Grant

The Office on Violence against Women (OVW) issued a solicitation for a grant to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ). Tribal Court was awarded the Tribal Governments Grant, October 2016, and was *one of seven* Tribes in the country to receive the grant.

Native American women suffer domestic violence and dating violence at catastrophic rates disproportionately committed by non-Indian assailants. Prior to the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), if the victim was Indian and the perpetrator was non-Indian, the crime could only be prosecuted Federally. VAWA 2013 reinstated authorize tribes to exercise special domestic violence criminal jurisdiction over certain defendants, regardless of their Indian or non-Indian status, who commit crimes of domestic violence or dating violence or violate protection orders in Indian Country.

LTBB Tribal Court will focus on the following purpose areas: 1) To strengthen tribal criminal justice systems to assist Indian Tribes in exercising SDVCJ, including: Law Enforcement, Prosecution, Tribal & Appellate courts, Probation systems, Detention and correctional facilities, Alternative rehabilitation centers, Culturally appropriate services and assistance for victims and their families, and criminal codes and rules of criminal procedure, appellate procedure, and evidence. 2) To provide indigent criminal defendants with the effective assistance of licensed defense counsel, at no costs to the defendants in criminal proceedings in which a participating tribe prosecutes a crime of domestic violence or dating violence or a criminal violation of a protection order. 3) To ensure in criminal proceedings in which participating tribes exercises SDVCJ, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements.

The primary goal of the grant is for LTBB Tribal Court to exercise its inherent sovereignty by prosecuting cases of domestic violence, dating violence and or violation of protection orders within the Tribal reservation boundaries. A three year plan has been made to achieve that goal which entails 100% compliance with all mandated SDVCJ requirements. To ensure compliance training will be provided to 100% of LTBB Coordinate Community Response (CCR) team members on non-Native offenders, domestic violence identification, and primary aggressors. Additionally culturally-appropriate assistance to victims and their families, as requested, and in coordination with LTBB internal and external victim service providers.

Objectives of the program include providing services for 100% of incarcerated defendants, when qualifying. As well as providing rehabilitation programs for 100% of indigent defendants when qualifying.

Tribal Court is in compliance with all OVW requirements and adheres to the prohibitions that would compromise victim safety and recovery. The Tribal Government grant will allow Tribal Court to enhance services both to victims and perpetrators of domestic violence and strengthen LTBB's ability to exercise special domestic violence jurisdiction.

State of Michigan Child Care Fund

Although the Court did not have any qualifying cases that enabled the use of this program in 2016, the Court considers this program as very beneficial for future services involving juveniles.

The State of Michigan's Child Care Fund was established to offset the cost of care associated with the placement of children outside their home for reasons of neglect, abuse, and/or delinquency. With the addition of federal funding, the State has broadened the scope of these programs to include proactive/preventive services to keep children in their own homes with their own families. The program reimburses participating counties and tribes 50% of actual expenditures related to these activities.

The program is set-up to reimburse services offered through both the Tribe's Department of Human Services and the Court. The Department of Human Service's focus is usually that of cost/expenditures related to foster care in regards to neglect and abuse. The Court's focus is that on services related to delinquency.

The Tribal Court has submitted their budget proposal to the State of Michigan covering the fiscal year 2017 with expenditures anticipated to take place from October 1, 2016 through September 30, 2017. These expenditures will be related to the above described services and will be reimbursed to the Tribe at the 50% rate.

VII. SPECIAL HIGHLIGHTS IN 2016

The Call-To-Court in the Language

In 2016, the Tribal Court partnered with the Gijigowi Anishinaabemowin Language Department for a project of great importance to the Court. The Court wanted to bring the language into every Tribal court proceeding by opening all Tribal Court hearings in the language. It was a challenge, but with hard work and help of the Gijigowi Anishinaabemowin Language Department we are now opening Court proceedings in the language!

Our journey started in 2016. The Tribal Court Cultural Advisor Anthony Davis reached out to Carla Osawamick, Director of Gijigowi Anishinaabemowin Language Department with a dream and request for their expertise. Ms. Osawamick collaborated with Mr. Davis to write an appropriate call-to-court in the language. Here is what they wrote:

Ahaaw, maajtaadaa. Weweni bzindan.
(All right, let's begin. Listen carefully,)
Mii sa debweng miinwaa nookaadendmowin maamppii
(and so truth and peace will)
Ge'e wiitemigat de'aapshkoowendamowin.
(also be here equally/equality.)

All of the Court staff is cross-trained to clerk. Therefore, to get us ready, the Gijigowi Anishinaabemowin Language Department sent one of their language students who is studying to be a teacher to give the entire Court staff and the Chief Judge several basic language lessons. Wasson Dillard patiently spent several hours teaching the Court the foundation we needed to successfully learn the call-to-court in the language. The Court loved the language classes. In between classes, we practiced at staff meetings. After completing four wonderful lessons, the staff was left with a recording of the call-to-court in the language with which to practice. Senior Court Clerk Cynthia Brouckhaert was the first Tribal Court staff member to honor our ancestors by calling court to order in the language. There is something moving about hearing the call to court in the language. Every time we hear it, we feel a great sense of joy and pride. LTBB Tribal Court is incredibly grateful for the collaboration with the Gijigowi Anishinaabemowin Language Department that made this possible.



Cynthia Brouckhaert, Sr. Court Clerk

Waabshki-Miigwan Revised for Improvement

In 2009, the LTBB Tribal Court began to develop the foundation that led to the Waabshki-Miigwan Drug Court Program (“WMDCP”). Now, in its’ sixth year of operation, that development continues. To that end, we monitor national best practices and continually evaluate our program and make improvements that will offer participants an even better opportunity to make significant life changes leading to a healthier and happier future.

During the 2016 calendar year the Court fully implemented the new fifty-two-week program with a mandatory six-month aftercare component. Two individuals graduated from this revised program in 2016. The year also provided the Court an opportunity to develop new policies, revise the make-up of the Team, and to host a two day on-site training.

In 2016, the Court celebrated the graduation of the first two participants to successfully complete the improved fifty-two week WMDCP program. Each of these individuals then worked with the program’s Substance Abuse Therapist and the Team to develop an individualized six month after-care program. Nationally, the success of drug courts is measured by a lack of recidivism – in other words, if they do not end up getting in trouble again, their drug court participation is deemed a success. Starting with these two graduates the Court is eager to see their future success and use their journey in evaluating the impact that the continued improvements to the program have made. One of those graduates wants to share their WMDCP experience with the community so that it might inspire hope for others besieged with alcohol or drug addiction.

Valerie Loranger, was the first individual to graduate from the Court’s enhanced fifty-two-week program and volunteered to share her WMDCP experience with the Community. Valerie is also only the second female graduate in the program’s history. During the course of her participation Ms. Loranger went through a pregnancy and gave birth to a baby boy. The Team, in evaluating past practices, worked to develop supports and amend program requirements enabling Ms. Loranger to continue her participation in a meaningful way, despite the obstacles provided by her pregnancy. In searching for best practices and examples of how other programs address the needs of pregnant participants we found that there were no established standards. Therefore, the Team developed policies allowing Ms. Loranger and future participants in her shoes continued participation. For example, the new policy creates an amended schedule for pregnant participants. The Team made another change that directly affected Ms. Loranger.

As national best practices dictate, the Program has what we refer to as a 30/30/30 requirement. This means participants must either work, go to school or perform 30 hours of community service per week. The requirement supports structure for the individual’s recovery. In conjunction with recent amendments to the WMDCP, we developed and adopted a new policy for a parenting time credit that can be applied to the programs 30/30/30 requirement. This change along with the new amended schedule for pregnant participants supported Ms. Loranger’s on the Red Road to recovery. Her success is a testament to her commitment and hard work and serves as an example of the impact this opportunity can facilitate. Ms. Loranger wrote the following letter sharing her thoughts on the program.

“To Whom It May Concern:

Healing to Wellness Court has benefited my life and my family's life greatly. As it has taught me to organize and prioritize every day and long term living. Providing me the tools and authority aspect to excel in my sobriety.

The main highlights in the program are one, how they try to form a program to your needs once they/the drug court team has an understanding of who you are. Two, I was special enough to be the first pregnant woman to work through the program. The team had drawn up a relaxing/stress free section to parenting time. This was very helpful and I appreciated it. And three, the grandfather teachings as well as the spiritual tribal traditions are key to my understanding of a sober life. I am very thankful for the guidance and traditional love I have received.

Thank you so much for all the support and spirituality I am blessed to have my second chance at life. To be the sober loving mother and family woman that I've always wanted to be. I went through the deepest pits of fire to get here. And I truly believe without the program I would have never made it here.

Sincerely,

Valerie Loranger"

Another improvement of the program made in 2016 was the incorporation of a WMDCP graduate to the Waabshki-Miigwan Healing-to-Wellness Program Team. Christopher McClellan graduated WMDCP in 2015. His unique perspective as a previous participant sharing not only his experiences but insights from the perspective of a person who has literally been in the other chair has been invaluable to the Team.

Mr. McClellan appreciated the experience he had while in Waabshki-Miigwan. Thus, he authored the following letter earlier this year sharing his feelings related to the programs contributions to his life and wanted to share it with the Community:

"As a graduate of the WMDC Program I have been asked to share my experience and impression of this programs impact in my life and the life of my family.

I never wanted to be the poster boy of this or any program. I now understand that by sharing my experience I can provide a firsthand account of the unique benefits that this program has and can provide. To say that I was resistant to the requirements and structure of the program would be an understatement. I wanted nothing to do with anyone involved with this program, including myself. Over time all of this changed. I learned that change was necessary, and beyond that something that could/would be a benefit for myself and those that care for me and my wellbeing.

The structure and support provided through the program gave me the opportunity to do the things that I was most uncomfortable with and to deal with the situations that were the most intimidating. I learned a new way to live, a better way.

I am now the husband, father, family member, and community member who people want to be around. I now think about how I can make others a priority not just myself. Also, for the first time in a very long time I now look to, and plan for the future. I reflect back and now know that the time, effort, and attention has made a difference. A BIG and POSITIVE difference!

I also now understand the financial cost of supporting a program such as the WMDCP. But I can confidently state that if it helps just ONE person then those cost are well worth the investment!

Sincerely,

Christopher McClellan

Training and education greatly contribute to the improvement to any program and continue to assist the Court in making revisions in its' programming that benefit those who participate. In May of 2016 the WMDCP Team participated in an on-site two-day professional development program provided by the Tribal Law and Policy Institute's Healing to Wellness Court Technical Assistance Provider. The two days were spent focusing on a variety of topics including: The Ten Key Components of a Successful Drug Court, the newly published National Drug Court Standards Best Practices, and an overview and review of team dynamics along with team member roles and responsibilities. The event concluded with a presentation and dialogue on enablement prevention, a very difficult challenge when dealing with addiction. This on-site training provided access and one-on-one interaction with national-level trainers on the most up-to-date information related to Healing-to-Wellness Courts in Indian Country and throughout the entire nation.

The WMDCP Team believes that our program is necessary to assist citizens who are routinely involved in the criminal justice system where their involvement is directly related to substance abuse. The program, although very demanding, can make a significant difference in the lives of these individuals and in the overall health of the community. The Court staff continues to evaluate current practices and exploring ways in which we can help these individuals be successful. The Staff along with the other participating Team members look forward to the coming year's challenges and opportunities to improve this essential program.

Building Bridges

We believe that representing the LTBB community well is an important role for the LTBB Tribal Court. The Tribal Court did this in many ways in 2016, including through community outreach and providing services to the community. In 2016, the Tribal Court supported the protection and preservation of Native American families by offering State-wide training on both the Indian Child Welfare Act and the Michigan Indian Family Preservation Act. The Chief Judge was also an invited speaker for the 41st Annual Federal Indian Law conference in Phoenix, Arizona. Judge Maldonado spoke about the need to regulate non-Indian attorneys who practice before tribal courts on the Conference's Ethics Panel. At the Federal Bar Association's Bankruptcy Law Section Seminar, Judge Maldonado spoke about the intersection of bankruptcy law and tribal law.

She served on the Board of Directors for the Michigan Association of Treatment Court Professionals. In addition, at the request of her peers, Judge Maldonado served as the co-chair of the Tribal State Federal Judicial Forum. LTBB Tribal Court believes that representing the community in a good way assists in building bridges between the Tribe, the State and the Federal Government. Building these bridges gives our Citizens a chance to cross them.



Pictured from left to right: Bea Law (Tribal Council Member), Hon. Allie Greenleaf Maldonado (LTBB Chief Judge) & Tamara Kiogima (Legislative Branch)

Harvard Law School's International Women's Day Honored Women Inspiring Change

The 3rd Annual Harvard Law International Women's Day Portrait Exhibit showcases the astounding contributions of women around the world to the areas of law and policy. The honorees—each of whom were nominated by Harvard Law School student, faculty or staff—are powerful voices in their respective fields, whether they are sitting on a high court bench, standing in front of a classroom, or marching in the streets. The Hon. Allie Greenleaf Maldonado was honored by Harvard Law School alongside Supreme Court Justice Sonia Sotomayor and Senator Elizabeth Warren, and several other amazing women as a woman inspiring change. She was nominated in honor of her nearly two decades of dedication to mentoring and lifting up Native American students. In addition, she was invited to be a guest lecturer at Harvard Law School. Without a doubt, this was a highlight in Judge Maldonado's career.





Tribal Court also participated in the 2016 Halloween LTBB Government Costume Contest dressed as Snow White & the Seven Dwarfs.

VIII. CHANGES ADOPTED BY THE JUDICIARY IN 2016

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 2016, the Judiciary made only one change to its Court Rules and published this change both on the Tribe's website and in the Odawa Trails.

The change was a repeal of rule 7.302 of Chapter 7, "Appellate Procedures." A copy of the rule and the reasons for the repeal follow.

Per the Judiciary of the Little Traverse Bay Bands of Odawa Indians, Chapter 7 "Appellate Procedures" Court Rule Section 7.302 Advisory Opinions, **has been repealed.**

The Judicial power of Tribal Court extends to civil and criminal cases and advisory opinions are not cases.* Independence from the Legislative and Executive branches must be maintained.** Therefore, requests from either of the other two branches cannot be accepted. Lastly, because advisory opinions are non-binding, they do not satisfy the fact that that "...Rulings of the Tribal Appellate Court are final and binding and cannot be appealed ..."

In 2003 an advisory opinion was requested by Tribal Council, Case No. AO-001-0803. The Tribal Judiciary was split and did not agree on whether Rule 7.302 could be accepted as a valid appellate procedure. In this case, it was determined that even if Appellate Procedure 7.302 were valid, the request failed to meet the Court's jurisdictional standard of mootness and the issuance of an advisory opinion was denied.

*Article IX(C)(1) of The Constitution of the LTBB of Odawa Indians

**Article IX(H)(1) of the Constitution of the LTBB of Odawa Indians

***Article IX(C)(7) of the Constitution of the LTBB of Odawa Indians

IX. 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 the community information that outlines our efforts in that endeavor. We have also taken the opportunity, through this report, to share with you information related to the use of the Court and would encourage community members to investigate this option should the need arise.

The LTBB Tribal Court 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@ltbbodawa-nsn.gov, by phone at (231) 242-1461, or at the office, located at 911 Spring St. in Petoskey during normal business hours.

APPENDIX

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-nsn.gov/Tribal%20Court/TribalCourtRules.html>

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

- Civil actions begin by filing a civil 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?”

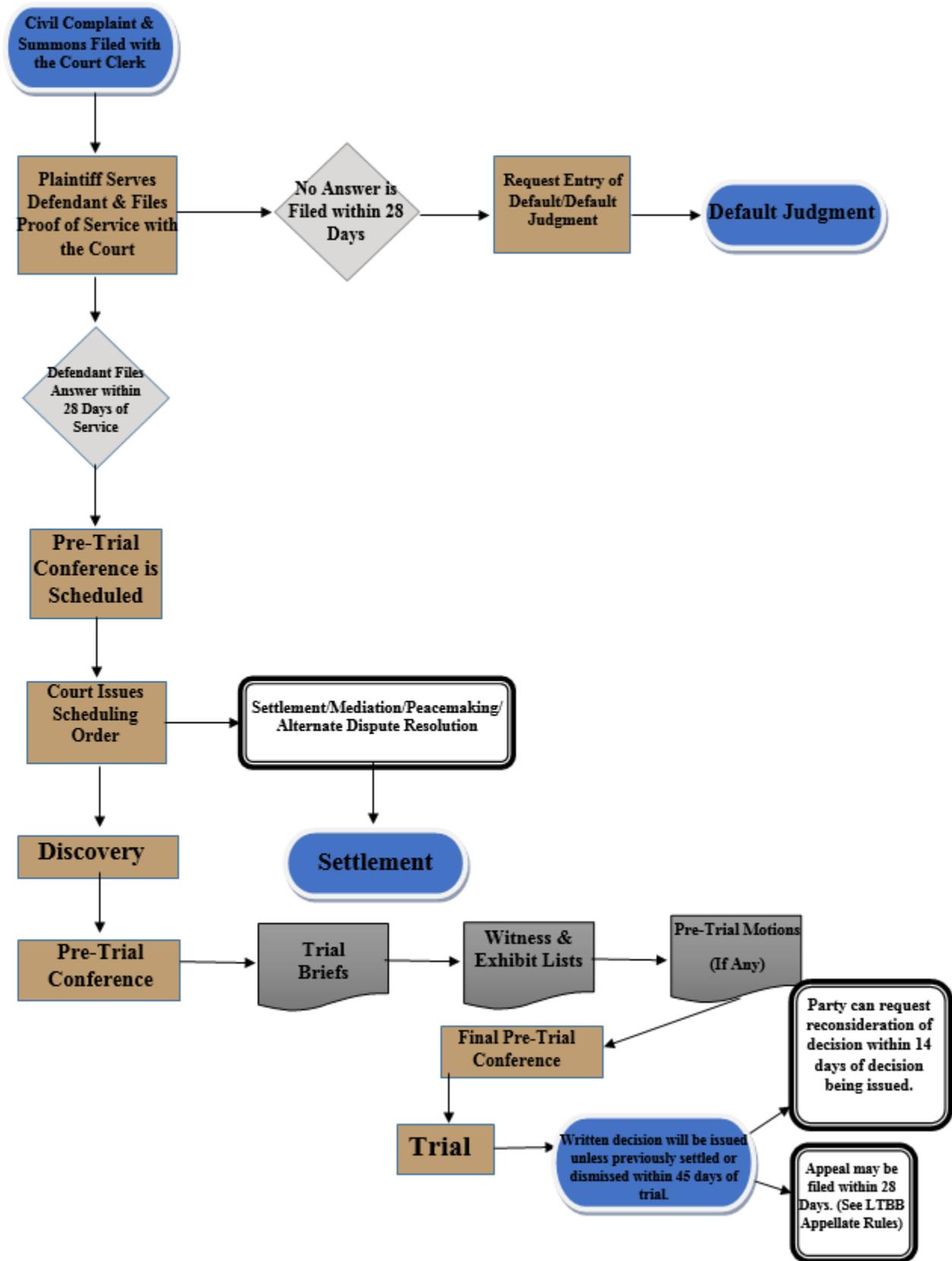
- Drug screens: Tribal Court will pay for the drug screens of **LTBB Citizens, only**, upon the presentation of an LTBB Tribal ID Card. Additionally, in order to qualify for payment of drug screens through the Tribal Court, LTBB Citizens must have their drug screens performed at the LTBB Court or by 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?”

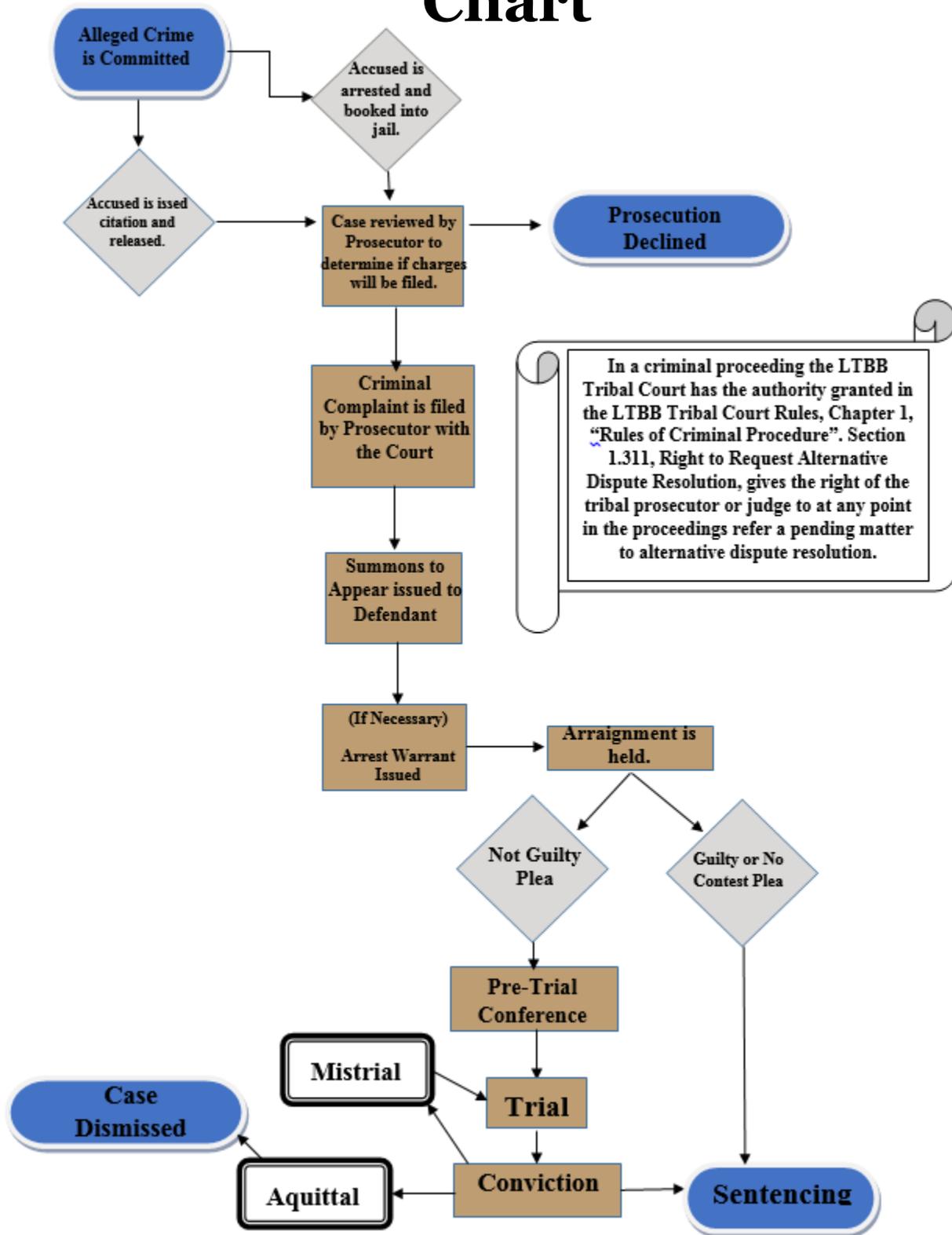
- No. Although Tribal Court staff may provide procedural advice regarding rules, filing fees, and the court process generally, staff are prohibited from providing legal advice to clients due to ethical considerations designed to prevent the creation of conflicts of interest.

Note, however, that Cherie Dominic staffs the Tribe’s 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.

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 appeal to the Court.

The Appellate Court is made of three Justices, appointed by Tribal Council, and 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*).

“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*).

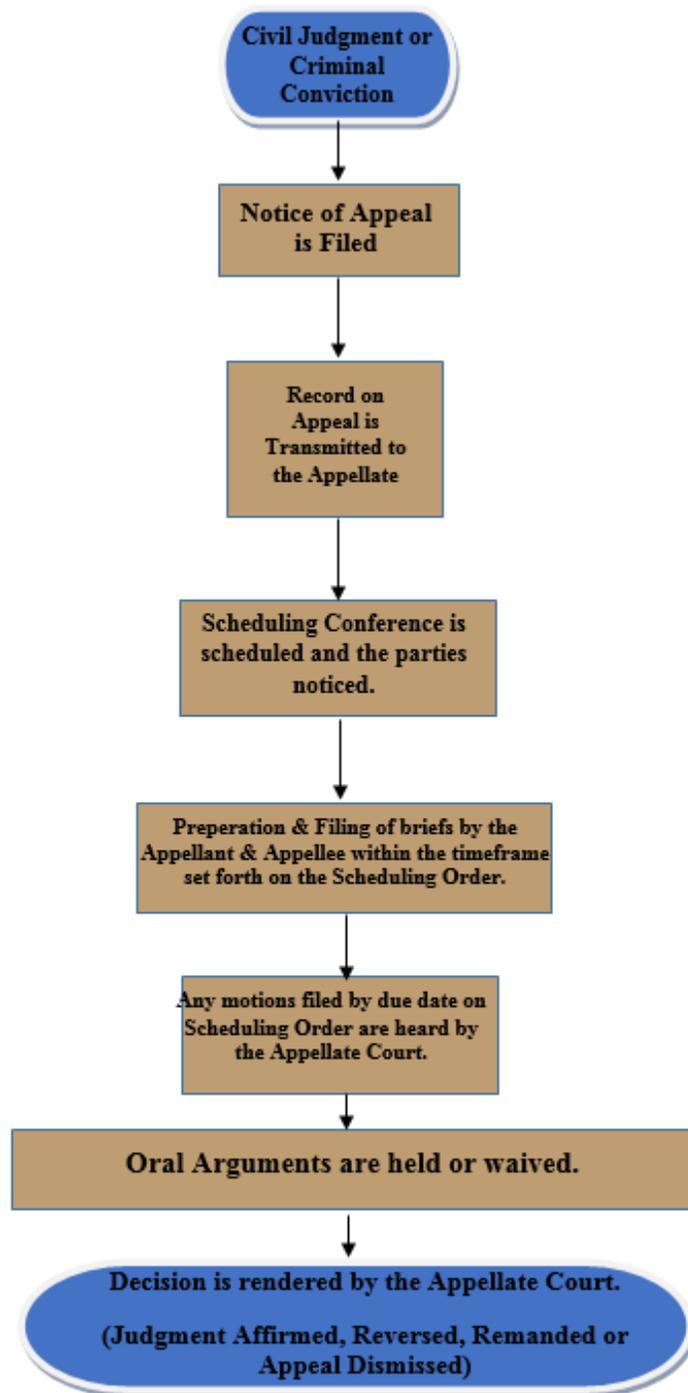
“Who is the Tribal Judiciary?”

- 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.

LTBB Appellate Process Chart



FREQUENTLY ASKED QUESTIONS FOR REINSTATEMENT OF DRIVING PRIVILEGES

“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 Jan 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 an 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.

“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.