

North Central Regional Office

REPORT TO

BUREAU OF INDIAN AFFAIRS

November 17-19, 1982
Phoenix, Arizona



**National Center for State Courts
Suite 2601
American National Bank Building
5th & Minnesota Streets
St. Paul, Minnesota 55101**

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RECOMMENDATION 7

THE COURT SHOULD DEVELOP AND IMPLEMENT A MANAGEMENT INFORMATION SYSTEM.

The Menominee court is currently required by the BIA to collect certain data for monthly and annual reports. Collection of some of the data may be duplicative of what is already on computer forms and mailed by tribal police to Brigham City, Utah for BIA statistical use. The information on the monthly and annual reports as currently reported provide minimal management information. Project staff could not identify any management use for these reports by the BIA.

Copies of annual and monthly reports were collected at the Menominee court. The annual report contained:

- civil cases, broken down by type
- cases heard and pending before the Supreme Court
- narrative report from probation officer
- quarterly report containing:
 - number of criminal cases
 - number of traffic and civil cases
 - number of juvenile cases
 - amount of fines collected
 - amount of court costs collected
 - grand totals for each of above.

The 1982 monthly report contained:

- number of cases broken down by civil, criminal, juvenile
- narrative report on progress and objectives of the court
- offenses listed individually with fine and court cost.

These reports should be designed to be a more valuable management tool. It is the Center's recommendation that a more useful management information system and forms be developed. The BIA should decide what information it needs to determine funding, staffing, facilities and equipment needs of the court. (See Charts 6, 7, 8, and 9 for recommended formats.)

In addition the Menominee court is interested in purchasing IBM word processing equipment. (See Appendix F: Description of IBM Word Processing Equipment.) Center staff could work with the IBM representative to develop report formats for case-load activity, financial information and any other management information the court or the BIA determine either useful or necessary. Creating management information through the word processor would eliminate the need to manually generate the reports described in Charts 6-9, and require no more clerical time than is currently utilized in doing the present reports. Collection of all of the data in the recommended formats would allow both the court and the BIA to more accurately evaluate and determine future court needs. Management information would be available to document and justify funding proposals for the Menominee court.

MONTHLY STATISTICAL REPORT

Each month the court should prepare for itself, the Tribe and the Bureau of Indian Affairs a summary of the Court's activity and status. This information should be in a standard format. This set of reports would be substituted for any existing monthly reports.

The monthly report would include information on money collected/ disbursed, expenditures, caseload activity, and additional court activity. The summary of the monies collected and disbursed could be summarized as noted in the following chart. For expenditures the court could use form M from the Expenditure section of this manual. The court caseload and activity reports could be prepared on the following forms (as described in the instructions).

PROBATION

CASELOAD AND COURT ACTIVITY

TYPES OF DISPOSITIONS*

CRIMINAL CASES**

Dismissed Not Guilty Guilty Sentence Work Warrant
 Jury Judge Jury Judge Prob. Rest. Jail Fine Referral Program Arrest Bench

1. Previous Month Total
2. Dispositions This Month
-
-
-
-
-
-
-
-
3. Total This Month
4. Total to Date

* Separate sheet for other types of cases (e.g., traffic, juvenile, civil, and ICWA). Each sheet would have different types of dispositions. Separate sheets could also be done for each judge.

** List individual cases (number or name).

SENTENCING REPORT

For Judge _____ Month of _____, 19____

[illegible]

(MONTHLY CASELOAD REPORT)

For month _____, 19__

	Criminal	Traffic	Non-Moving	Moving	ICWA	Custody/ Parental Rights	Juveniles	Adoptions	Criminal	Truancy	Money	Civil	Paternity	Probate	(Estates)	Total
Trial Court																
1. Pending Beginning of Month																
2. Filed																
3. Reopened Cases																
(Sub-total)																
4. Dismissal or Withdrawn																
5. Guilty Plea Before a Judge																
6. Plea Before Clerk																
7. Consent or Default Judgment																
8. Judge Trial: Guilty																
9. Judge Trial: Not Guilty																
10. Jury Trial: Guilty																
11. Trial: Not Guilty																
12. Informal																
(Sub-total)																
13. Pending End of Month																
14. Warrant Before Disp.																
15. Active Cases																
Appellate Court																
16. Pending Beginning of Month																
17. Filed																
(Sub-total)																
18. Affirmed																
19. Reversed																
(Sub-total)																
20. Pending End of Month																

Prepared by _____

INSTRUCTIONS FOR COMPLETING
MONTHLY CASELOAD REPORT

Row Definitions

Trial Court

- 1 Pending Beginning of Month. Record number from prior month's "Active Cases" row. (15).
- 2 Filed. Record number of new cases (including cases with outstanding arrest warrants) filed with court during the month in each case type. Do not record here any cases reopened because of the filing of post-judgment proceedings.
- 3 Reopened Case. Record in this row any case where a defendant has been brought before the court after an arrest from an arrest or bench warrant (issued for failure to appear for trial) - do not record here appearances to pay a fine after a bench warrant.
- 4 Dismissed or Withdrawn. Use this row to record dismissals (including no-progress cases) or withdrawals in civil or criminal cases.
- 5 Guilty Plea Before Judge.
- 6 Plea Before Clerk. Any matter disposed of by a forfeiture of a bond or payment of a fine (per a schedule) before a court clerk should be recorded here.
- 7 Consent or Default Judgments. If a party in a civil case admits liability in an answer or fails to respond after being served with a complaint, enter disposition in this row.
- 8-11 Trials or Hearings. Record verdicts of juries or decisions of judge. Rows 8-11 should also be used for civil cases. Ex parte decisions by a judge should be recorded in Row 8.
- 12 Informal. Any disposition arrived at by the parties and recorded with court should be noted here (dismissed or withdrawn complaints should not be recorded here).
- 13 Pending End of Month. This figure is calculated by adding rows 1-3 together and subtracting the total of the "Disposition" rows (4-12).
- 14 Arrest and Bench Warrant Before Disposition. If a person has never appeared before the court or appeared at least once and failed to return for trial, the court has no control over the processing of the case while a warrant is outstanding. New bench warrants issued during the month should be recorded here. At the end of each month record in this row cases filed during the month (with unserved arrest warrants) that continue to be unserved at the end of the month.
- 15 Active Cases. Subtract "Arrest and Bench Warrant Before Disposition" [row (14)] from "Pending End of Month" [row (13)] to determine the number of "active cases" before the court.

Appellate Court

- 16 Pending Beginning of Month. Record number from prior month's "Pending End of Month" row (20).
- 17 Filed. Number of new appeals filed during the month by case type.
- 18-19 Decision. Record each opinion rendered by the court as either "Affirmed" row (18) or "Reversed" row (19) by the case type.
- 20 Pending End of Month. This figure is calculated by adding together row 16 (Pending Beginning of Month) and row 17 (Filed), and subtracting the total of row 18 and 19.

For month _____, 19____

- SUPREME COURT -

Decision —

[illegible]

Prepared by _____

PENDING CASELOAD
(by Judge)

	TRIAL COURT			APPELLATE COURT				
	Judge I	Judge II	TOTAL	Judge I	Judge II	Judge III	TOTAL	TOTAL
<u>PENDING</u>								
Criminal								
Civil								
Traffic								
Juvenile								
ICWA								
<u>TOTAL</u>								
<u>No. of cases* over 6 months</u>								

* List on reverse side cases over six months old.

CASES OVER SIX MONTHS OLD

JUDGE

CASE	
NUMBER	NAME

DATE
CASE
FILED

REASON CASE STILL OPEN

[illegible]

MENOMINEE TRIBAL COURT
MONTHLY WORKLOAD ACTIVITY REPORT

For month of _____, 19__

NUMBER

(1) Counseling

(A) Court Procedures	_____
(B) Domestic Relations	_____
(C) Legal Procedures	_____

(2) Probation Department

(A) Presentence Reports	_____
(B) New Adult Probationers	_____
(C) New Juvenile Probationers	_____
(D) Restitution Payments	_____

(3) Post Judgment Activities

(A) Garnishments	_____
(B) Enforcement of Foreign Judgments	_____
(e.g., child support)	_____

(4) Other Activities

(A) Marriages	_____
(B) Occupational Driver's Licenses	_____
(C) Courtesy Letters (bad checks)	_____
(D) Search Warrants	_____
(E) Paternity (enrollment)	_____

Dated _____

Prepared by _____

MENOMINEE TRIBAL COURT
(Additional Monthly Workload Report)

For Month of _____, 19____

(TOTAL)

COUNSELING	
• Court Procedures	
• Domestic Relations	
• Legal Procedures	
MOTIONS	
POST JUDGMENT ACTIVITY	
• Garnishments	
• Restitution payments	
• Orders to Show Cause	
• Bench Warrants	
• Enforcement of Foreign Judgments	
OTHER ACTIVITY	
• Marriages	
• Occupational Driver's License	
• Courtesy Letters	
• Search Warrants	
• Paternity (Enrollments)	

Prepared By _____

COURT REVENUE AND DISTRIBUTION

(Monthly Summary of Collected Funds)

Month of _____, 198__

	Court Funds				Trust	Pass Through Funds			
	Fines	Costs	Fees	Total	Bonds	Support	Restit.	Garnish.	Total
1. Previous Month's Balance									
2. Collected									
3. Interest									
4. Distributed									
5. Spent									
6. Refunded									
7. Forfeited									
8. Balance									
Amount Collected Year to Date									

Prepared By _____

MENOMINEE RECEIPTS JOURNAL

Month	Year
-------	------

[illegible]

[illegible]

BOND LEDGER							Year	No
Date	1. Received From (Name & Address)	Rec or Ref By	Receipt Code	1. Receipt No	Case Number	Pymt Code	1. Amount Received	
	2. Court Disposition						2. Amount of Fine or Forf.	
	3. Refund Voucher No.			3. Refund Check No.			3. Amount Refunded	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	
	1.			1.			1.	
	2.						2.	
	3.			3.			3.	

BUDGET AND COURT EXPENDITURES

INSTRUCTIONS

Tribal courts receive operating funds from various sources (e.g., BIA appropriations, BIA-638 contracts, court funds, grants, CETA, etc.). A single court may receive funds from more than one of these sources. Therefore, the only way to properly plan for and monitor the financial needs of a court is to consider all funding sources in a single process. The attached revised Financial Program Plan forms provide the Tribe, Bureau, and court with a set of documents that will allow everyone to plan for and monitor all court expenditures.

I. Budget Preparation

The first set of forms are basically the Bureau's existing Quarterly Report forms with minor revisions:

Form A

This form is identical with the original with the exception that an additional line has been inserted above line 15 for "Indirect" expenses. The form will also be used to record all appropriations and expenditures regardless of source.

FORMS B-E

These forms are also identical with existing forms except for the addition of a "code" column in column 12 of each of the forms, and additional description sheets for all expenditure line items (including "INDIRECT").

When a court is preparing a fiscal year's budget, they should use Forms B-E to list all expenditure items regardless of funding source. The additional "CODE" column in column 19 should be used to note funding sources as follows:

<u>CODE</u>	<u>Description</u>
A	BIA courts
B	638 contracts
C	Court funds
D	Tribal funds
E	Grants
F	CETA
G	Other (list)

FORMS F-K

These forms should be used to summarize the allocation from each of the funding sources. Each form is for a different funding source. The amounts for each line item can be taken from Forms B-E by reference to the funding codes. The totals from a specific line item should be added together (from Forms F-K) and recorded on Form A.

II. Monthly Expenditures

Form L

As the court prepares expenditure vouchers (regardless of the source of funds), an entry should be made on Form L. One form will be prepared for each month in a fiscal year. The

court clerk should record the date of the voucher and the number for each expenditure, and under the "code" column record the funding source alpha code. The remaining columns correspond to columns 9-11 (object group, object class, and description) on Form A. Expenditures from the voucher are to be noted under the appropriate column.

At the end of each month all columns are totalled and appropriate adjustments are made to the "BALANCE" row. This row is then transferred to the next month's "PREVIOUS MONTH'S BALANCE" row.

Form M

Quarterly reports (Forms A, C-K) can be prepared by the Tribe, Bureau, or court by adding up the totals from Form M for a three (3) month period. The "OBLIGATION" columns for the quarterly reports is the total of the amounts in the "SPENT" and "ENCUMBERED" columns on Form M. Form M could also be used for a quarterly summary report.

FUNDING SOURCES

A	B	C	D	E	F	G

5. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN
SUMMARY

1. Location _____ 3. Fiscal Year _____

2. Activity _____ 4. Program Element _____

9. Object Group	10. Object Class	11. DESCRIPTION	12. QUARTERLY FINANCIAL PROGRAM PLAN								13. TOTAL LINE ITEM BUDGET	14. PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER							
			1st Quarter		2nd Quarter		3rd Quarter		4th Quarter			Code	Code	Code	Code	Code	Code		
			Plan	Obligation	Plan	Obligation	Plan	Obligation	Plan	Obligation									
A	64-92	PERSONNEL SERVICES																	
		TRAVEL																	
	21	Gov't. Employee Travel																	
	27	Non-Gov't. Empl. Travel																	
D	25	CONTRACTUAL SERV.																	
F	41	GRANTS																	
C&E		OTHER OBJ. GROUPS																	
C	22	Transportation of Things																	
C	23	Rents, Comm. & Utilities																	
C	24	Printing																	
C	26	Supplies/Materials																	
E	31	Equipment																	
E	32	Land and Structures																	
E	33	Investments & Trans.																	
		INDIRECT																	
15. TOTAL FIN. PROGRAM PLAN																			
16. Less: Estimated Pay Cost																			
17. Less: Quarter Reimbursement																			
18. Less: Other Reimbursement																			
19. TOTAL ALLOCATION (CY)																			
20. VARIANCE (X)																			

TRAVEL PLAN

Originator	Code	Description	Authentication Block	Remarks
1. Area/Agency			6. Revision Number	
2. Location			7. Prepared by	
3. Fiscal Year			8. Date Prepared	
4. Activity			8. Approved by	
5. Element			10. Date Approved	

11. COMPONENT/ WORK ORDER	12. CODE	12. DESCRIPTION	13. TOTAL	14. QUARTERLY FINANCIAL PLAN				15. Not Funded
				1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
		Object Class 21:						
		Total 21						
		Object Class 27:						
		Total 27						
		Object Class 22:						
		Total 22						
		TOTAL TRAVEL PLAN						

16. TRAVEL CEILING

Rev. 1-2009

11. COMPONENT/ WORK ORDER		12. DESCRIPTION		13. TOTAL	14. QUARTERLY FINANCIAL PLAN				15. Not Funded		
		CovE									
						1st Quarter	2nd Quarter	3rd Quarter	4th Quarter		
		Object Class 25									
				Total 25							
		Object Class 41									
				Total 41							
		Object Class (0490)									
				Total							
		Object Class 33									
				Total 23							
		Object Class 24									
				Total 24							

11. COMPONENT/ WORK ORDER		12. DESCRIPTION	13. TOTAL	14. QUARTERLY FINANCIAL PLAN				15. Not Funded
		Code		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
		Object Class 26						
		Total 26						
		Object Class 31:						
		Total 31						
		Object Class 32						
		Total 32						
		Object Class 33						
		Total 33						
		Object Class (INDIRECT)						
		Total						
		TOTAL						

**BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN**

☐ (A) CONTRACT ☐ (B) CFR

1. Location _____ 3. Fiscal Year _____
2. Activity _____ 4. Program Element _____

5. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

9. Object Group	10. Object Class	11. DESCRIPTION	12. QUARTERLY FINANCIAL PROGRAM PLAN								13. TOTAL LINE ITEM BUDGET	14. PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER								
			1st Quarter		2nd Quarter		3rd Quarter		4th Quarter			Code		Code		Code		Code		
			Plan	Obligation	Plan	Obligation	Plan	Obligation	Plan	Obligation										
A	64-92	PERSONNEL SERVICES																		
		TRAVEL																		
	21	Gov't. Employee Travel																		
	27	Non-Gov't. Empl. Travel																		
	25	CONTRACTUAL SERV.																		
F	41	GRANTS																		
C&E		OTHER OBJ. GROUPS																		
C	22	Transportation of Things																		
C	23	Rents, Comm. & Utilities																		
C	24	Printing																		
C	26	Supplies/Materials																		
E	31	Equipment																		
E	32	Land and Structures																		
E	33	Investments & Trans.																		
		INDIRECT																		
15. TOTAL FIN. PROGRAM PLAN																				
16. Less: Estimated Pay Cost																				
17. Less: Quarter Reimbursement																				
18. Less: Other Reimbursement																				
19. TOTAL ALLOCATION (CY)																				
20. VARIANCE (X)																				

**BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN**

[(C) COURT FUND]

1. Location _____ 3. Fiscal Year _____

2. Activity _____ 4. Program Element _____

5. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

9. Object Group	10. Object Class	11. DESCRIPTION	12. QUARTERLY FINANCIAL PROGRAM PLAN								13. TOTAL LINE ITEM BUDGET	14. PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER								
			1st Quarter		2nd Quarter		3rd Quarter		4th Quarter			Code		Code		Code		Code		
			Plan	Obligation	Plan	Obligation	Plan	Obligation	Plan	Obligation										
A	64-92	PERSONNEL SERVICES																		
H		TRAVEL																		
	21	Gov't. Employee Travel																		
	27	Non-Gov't. Empl. Travel																		
D	25	CONTRACTUAL SERV.																		
F	41	GRANTS																		
CNE		OTHER OBJ. GROUPS																		
C	22	Transportation of Things																		
C	23	Rents, Comm. & Utilities																		
C	24	Printing																		
C	26	Supplies/Materials																		
E	31	Equipment																		
E	32	Land and Structures																		
E	33	Investments & Trans.																		
		INDIRECT																		
15. TOTAL FIN. PROGRAM PLAN																				
16. Less: Estimated Pay Cost																				
17. Less: Quarter Reimbursement																				
18. Less: Other Reimbursement																				
19. TOTAL ALLOCATION (CY)																				
20. VARIANCE (X)																				

**BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN
[(b) TRIBAL FUNDS]**

1. Location _____ 3. Fiscal Year _____
2. Activity _____ 4. Program Element _____

5. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

9. Object Group	10. Object Class	11. DESCRIPTION	12. QUARTERLY FINANCIAL PROGRAM PLAN								13. TOTAL LINE ITEM BUDGET	14. PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER								
			1st Quarter		2nd Quarter		3rd Quarter		4th Quarter			Code		Code		Code		Code		
			Plan	Obligation	Plan	Obligation	Plan	Obligation	Plan	Obligation										
A	64-92	PERSONNEL SERVICES																		
B		TRAVEL																		
	21	Gov't. Employee Travel																		
	27	Non-Gov't. Empl. Travel																		
D	25	CONTRACTUAL SERV.																		
F	41	GRANTS																		
C&E		OTHER OBJ. GROUPS																		
C	22	Transportation of Things																		
C	23	Rents, Comm. & Utilities																		
C	24	Printing																		
C	26	Supplies/Materials																		
E	31	Equipment																		
E	32	Land and Structures																		
E	33	Investments & Trans.																		
		INDIRECT																		
15. TOTAL FIN. PROGRAM PLAN																				
16. Less: Estimated Pay Cost																				
17. Less: Quarter Reimbursement																				
18. Less: Other Reimbursement																				
19. TOTAL ALLOCATION (CY)																				
20. VARIANCE (X)																				

**BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN
[(E) GRANT]**

1. Location _____ 3. Fiscal Year _____
2. Activity _____ 4. Program Element _____

5. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

9. Object Group	10. Object Class	11. DESCRIPTION	12. QUARTERLY FINANCIAL PROGRAM PLAN								13. TOTAL LINE ITEM BUDGET	14. PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER								
			1st Quarter		2nd Quarter		3rd Quarter		4th Quarter			Code	Code	Code	Code	Code	Code			
			Plan	Obligation	Plan	Obligation	Plan	Obligation	Plan	Obligation										
A	64-92	PERSONNEL SERVICES																		
B		TRAVEL																		
	21	Gov't. Employee Travel																		
	27	Non-Gov't. Empl. Travel																		
D	25	CONTRACTUAL SERV.																		
F	41	GRANTS																		
C&E		OTHER OBJ. GROUPS																		
C	22	Transportation of Things																		
C	23	Rents, Comm. & Utilities																		
C	24	Printing																		
C	26	Supplies/Materials																		
E	31	Equipment																		
E	32	Land and Structures																		
E	33	Investments & Trans.																		
		INDIRECT																		
15. TOTAL FIN. PROGRAM PLAN																				
16. Less: Estimated Pay Cost																				
17. Less: Quarter Reimbursement																				
18. Less: Other Reimbursement																				
19. TOTAL ALLOCATION (CY)																				
20. VARIANCE (X)																				

**BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN
[(F) CETA]**

1. Location _____ 3. Fiscal Year _____
2. Activity _____ 4. Program Element _____

5. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

9. Object Group	10. Object Class	11. DESCRIPTION	12. QUARTERLY FINANCIAL PROGRAM PLAN								13. TOTAL LINE ITEM BUDGET	14. PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER								
			1st Quarter		2nd Quarter		3rd Quarter		4th Quarter			Code		Code		Code		Code		
			Plan	Obligation	Plan	Obligation	Plan	Obligation	Plan	Obligation										
A	64-92	PERSONNEL SERVICES																		
		TRAVEL																		
	21	Gov't. Employee Travel																		
	27	Non-Gov't. Empl. Travel																		
D	25	CONTRACTUAL SERV.																		
F	41	GRANTS																		
C&E		OTHER OBJ. GROUPS																		
C	22	Transportation of Things																		
C	23	Rents, Comm. & Utilities																		
C	24	Printing																		
C	26	Supplies/Materials																		
E	31	Equipment																		
E	32	Land and Structures																		
E	33	Investments & Trans.																		
		INDIRECT																		
15. TOTAL FIN. PROGRAM PLAN																				
16. Less: Estimated Pay Cost																				
17. Less: Quarter Reimbursement																				
18. Less: Other Reimbursement																				
19. TOTAL ALLOCATION (CY)																				
20. VARIANCE (%)																				

1. Location _____ 3. Fiscal Year _____

2. Activity _____ 4. Program Element _____

**BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN**
[(G) OTHER _____]

5. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

9. Object Group	10. Object Class	11. DESCRIPTION	12. QUARTERLY FINANCIAL PROGRAM PLAN								13. TOTAL LINE ITEM BUDGET	14. PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER								
			1st Quarter		2nd Quarter		3rd Quarter		4th Quarter			Code		Code		Code		Code		
			Plan	Obligation	Plan	Obligation	Plan	Obligation	Plan	Obligation										
A	64 92	PERSONNEL SERVICES																		
II		TRAVEL																		
	21	Gov't. Employee Travel																		
	27	Non-Gov't. Empl. Travel																		
D	25	CONTRACTUAL SERV.																		
F	41	GRANTS																		
C&E		OTHER OBJ. GROUPS																		
C	22	Transportation of Things																		
C	23	Rents, Comm. & Utilities																		
C	24	Printing																		
C	26	Supplies/Materials																		
E	31	Equipment																		
E	32	Land and Structures																		
E	33	Investments & Trans.																		
		INDIRECT																		
15. TOTAL FIN. PROGRAM PLAN																				
16. Less: Estimated Pay Cost																				
17. Less: Quarter Reimbursement																				
18. Less: Other Reimbursement																				
19. TOTAL ALLOCATION (CY)																				
20. VARIANCE (X)																				

BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN
(1981)

9. Object Group	10. Object Class	11. DESCRIPTION	12. (A/B)							
			BUREAU OF INDIAN AFFAIRS				(C) COURT FUND			
			Plan	SPENT	ENCUM	BAL.	Plan	SPENT	ENCUM	BAL.
A	61 92	PERSONNEL SERVICES				8,983				82,604
II		TRAVEL								
	21	Gov't. Employee Travel				7,216				1,363
	22	Non-Gov't. Empl. Travel								
II	23	CONTRACTUAL SERV.								
F	41	GRANTS								
C&E		OTHER OBJ. GROUPS								7,633
C	22	Transportation of Things								2,000
C	23	Rents, Conun. & Utilities								
C	24	Printing								
C	26	Supplies/Materials				15,758				5,633
E	31	Equipment								
E	32	Land and Structures								
E	33	Investments & Trans.								
		INDIRECT								
15.		TOTAL FIN. PROGRAM PLAN				31,957				91,600
16.		Less: Estimated Pay Cost								
17.		Less: Director Reimbursement								
18.		Less: Other Reimbursement								
19.		TOTAL ALLOCATION (CY)				31,957				91,600
20.		VARIANCE (X)								

13.	TOTAL			13. TOTAL LINE ITEM BUDGET
Plan	SPENT	ENCUM	BALANCE	
				91,587
				8,579
				7,633
				2,000
				21,391
				123,557
				123,557

Month , 198

TRIBAL COURT MONTHLY EXPENDITURE RECORD

[illegible][illegible]

1. Agency		2. Location		3. Fiscal Year		4. Activity		5. Element	
Originator	Code	Description							
BUREAU OF INDIAN AFFAIRS									
FINANCIAL PROGRAM PLAN									
<div> <div> 1. Mission Number 2. Prepared by 3. Date Prepared 4. Approved by 5. Date Approved </div> <div> Authentication Block Reports </div> </div>									
<div> <div> 11. DISPOSITION 12. BUDGET SERVICES 13. TRAVEL 14. COURT FUND 15. TRIBAL FUNDS 16. GRANT 17. OTHER </div> <div> 18. TOTAL 19. BALANCE 20. TOTAL </div> </div>									

ANNUAL REPORT

Checklist of Suggested Contents for State Court
Annual Reports

Section I: Introductory Material

- ___ A. Dated letter of transmittal
- ___ B. Acknowledgment
- ___ C. Table of Contents
- ___ D. List of tables, charts, and graphs

Section II: Executive Summary/Judicial Year in Review

- ___ A. Executive summary
- ___ B. References to related sections in the main body of the report

Section III: Court Organization

- ___ A. History of the court system--complete or partial
- ___ B. Chart of court organization, including appeal routes
- ___ C. Chart of the Administrative organization of the judiciary
- ___ D. Chart of the structure of the Administrative Office of the Courts
- ___ E. Court Structure
 - 1. Courts of last resort and intermediate appellate courts
 - ___ a. Location of court
 - ___ b. Term of court
 - ___ c. Number of judges
 - ___ d. Method of selection of judges / *qualifications*
 - ___ e. Term of judges
 - ___ f. En banc or panels?
 - ___ g. Jurisdiction
 - (1) Appeals as of right
 - (2) Discretionary appeals
 - (3) Original proceedings
 - 2. Courts of general and limited jurisdiction
 - ___ a. Jurisdiction
 - (1) Subject matter jurisdiction
 - (2) Geographic jurisdiction
 - ___ b. Number of courts
 - ___ c. Number of judges
 - ___ d. Terms of the judges
 - ___ e. Selection of judges / *qualifications*
 - ___ f. Rotation of judges
 - ___ g. Chief judge or presiding judge?
 - (1) Method of selection
 - (2) Term as chief judge
 - (3) Administrative duties
- ___ F. Administrative Organization
 - 1. Administrative Office of the Courts

- ___ a. Administrative Director
 - ___ (1) Selection
 - ___ (2) Retention
 - ___ (3) Functions
- ___ b. Functions
- ___ c. Projects
- ___ d. Personnel
- ___ G. Map of geographic jurisdictions for the state
- ___ H. Judicial Directory
- ___ I. Adjunct support organizations
 - ___ 1. Purpose
 - ___ 2. Membership

Section IV: Court Resources

- ___ A. Source of judicial branch funding
 - ___ 1. Percentage of total state budget
 - ___ 2. Federal, state, and local (FSL) breakdown
- ___ B. Amount of judicial branch funding
- ___ C. Trends in judicial branch funding
 - ___ 1. Plot of percentage change in caseload vs. percentage change in expenditures
- ___ D. For each court: (F, S, L breakdown)
 - ___ 1. Salaries/personnel expenditures
 - ___ 2. Retirement fund expenditures
 - ___ 3. Other fringe expenditures
 - ___ 4. Operating budget
 - ___ 5. Capital equipment
 - ___ 6. Capital improvements
- ___ E. Sources of revenue generated by the judicial branch
- ___ F. Amounts of revenue generated by the judicial branch
- ___ G. Disposition of revenue generated by the judicial branch
- ___ H. Description of personnel system

Section VI: Appendices

- ___ A. Glossary of terms
- ___ B. Technical appendix
- ___ C. ~~Additional~~ Trial Court Statistics

GENERAL RECOMMENDATIONS

- 1. Include the state name and year of data on the front cover, spine, and title page of the report.
- 2. Illustrate the narrative with charts, graphs, and maps.
- 3. Accompany tables, charts, graphs, and maps with explanatory narrative.
- 4. Use divider pages

An example taken from the Arizona 1981 Annual Judicial Report.

A change in court structure is noted right on the graph. (In the table printed in the report, the year end pending line is printed in red. It's the lower of the two solid lines on the graph. It shows up as black in this copy.)

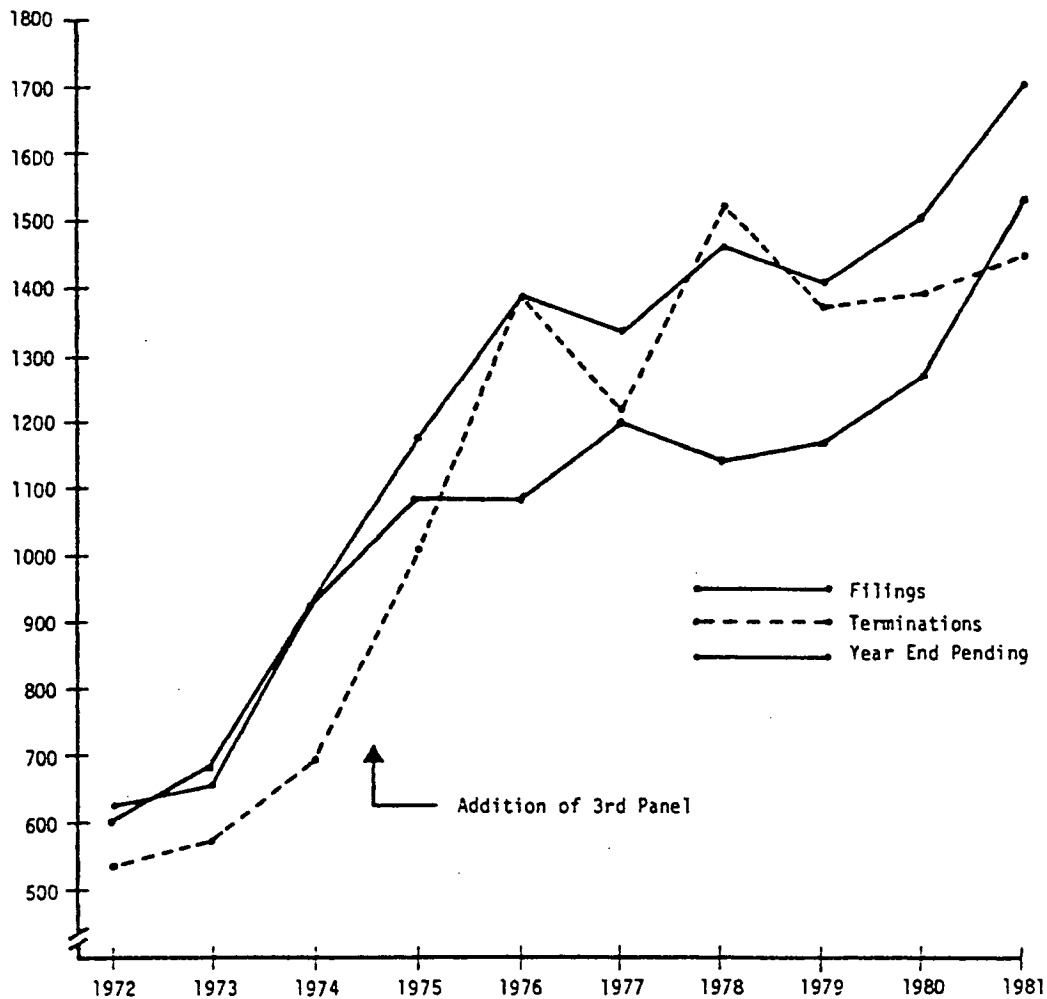
COURT OF APPEALS - DIVISION 1
TOTAL FILING AND TERMINATION ACTIVITY
1972-1981

	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
FILINGS	628	661	929	1,185	1,397	1,337	1,467	1,411	1,510	1,718
TRANSFER IN	1	1	0	0	0	0	0	0	0	2
TOTAL	629	662	929	1,185	1,397	1,337	1,467	1,411	1,510	1,720

TERMINATIONS	517	571	647	902	1,239	1,137	1,368	1,296	1,311	1,405
TRANSFER OUT	19	6	52	112	158	87	159	85	91	58
TOTAL	536	577	699	1,014	1,397	1,224	1,527	1,381	1,402	1,463

YEAR END PENDING	612	697	927	1,098	1,098	1,211	1,151	1,181	1,289	1,546
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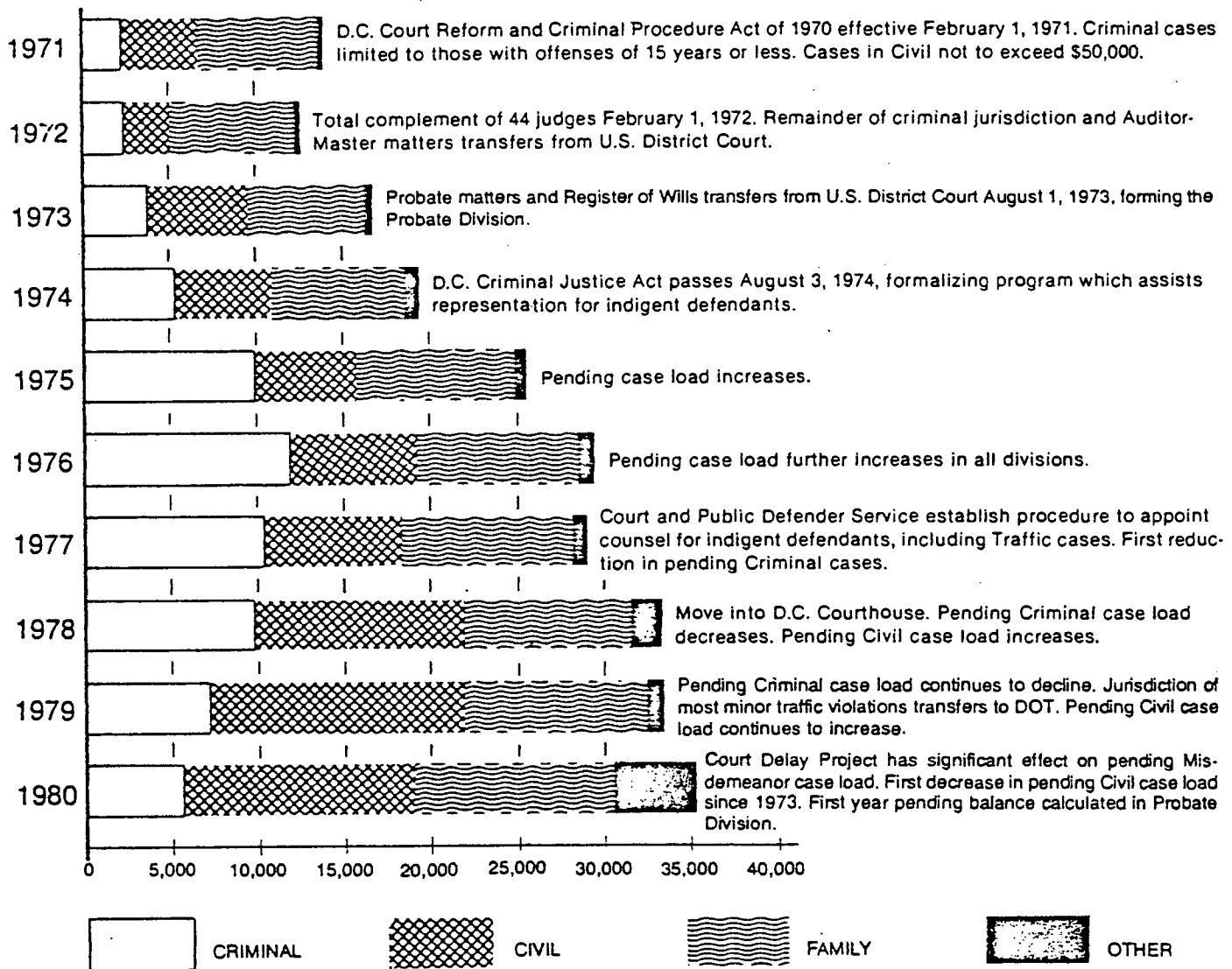
FILING AND TERMINATION ACTIVITY
1972-1981



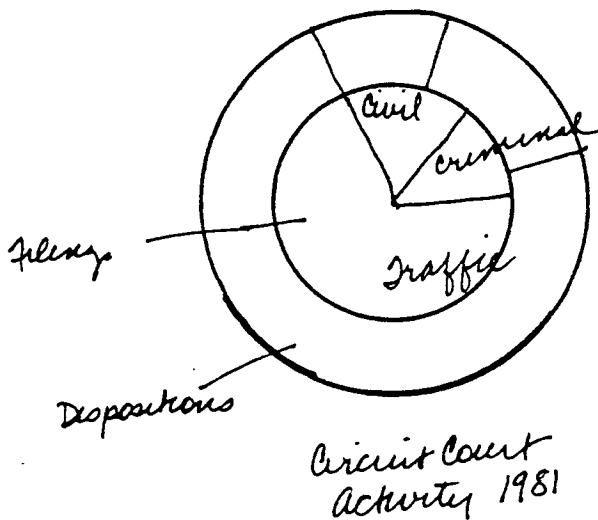
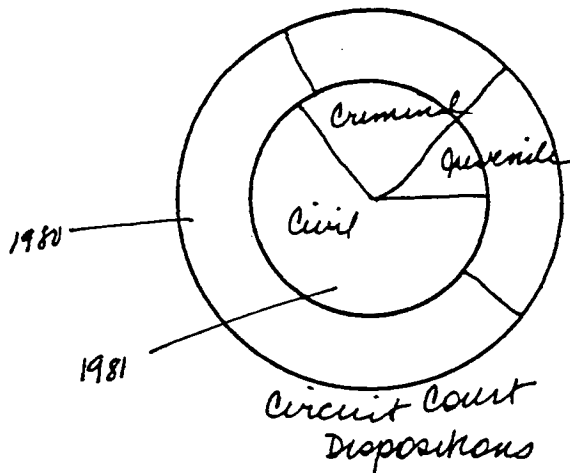
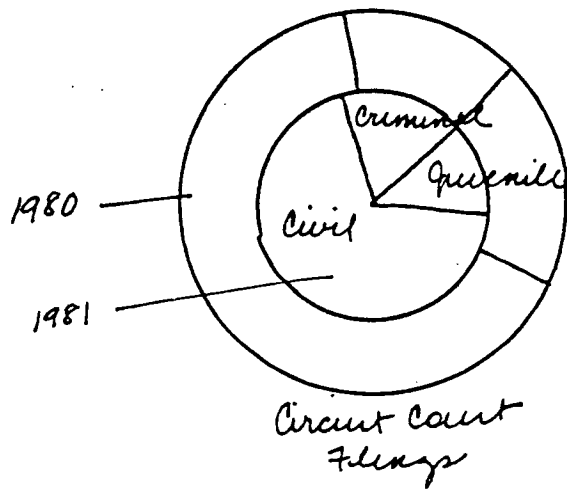
Example 1

An example taken from the District of Columbia 1980 Annual Report. Explanatory information is printed next to the segmented bars noting possible causes of changes in the size of the pending caseload.

EXHIBIT I: PENDING CASE LOAD



Example 3. Concentric Pie Charts



These concentric pie charts can display data that maintains the same categories over various years. They could be drawn to include two, three, or possibly even four rings. The rings should be constructed at equal square-root units from the center of the circle, in order to keep the volume enclosed in each successive ring equal. In other words, the first ring can be drawn $\sqrt{1}$ unit from the center, the second $\sqrt{2} = 1.4$ units from the center, the third $\sqrt{3} = 1.73$ units from the center, etc. Any wedge of the pie that is drawn will contain the same volume in the area that is between the center of the circle and the first ring as it does between any two other adjacent rings.

(The pie charts drawn at left were made up by me using completely fictitious data that do not relate to Missouri caseloads. They are included here to give you ideas.)

COURT MANUALS

North Central Regional Office

MENOMINEE TRIBAL COURT MANUAL

November, 1982

Prepared by:

James G. Farrar	Senior Staff Attorney
Thomas G. Dibble	Staff Associate
Priscilla Wilfahrt	Staff Attorney



National Center for State Courts
Suite 2601
American National Bank Building
5th & Minnesota Streets
St. Paul, Minnesota 55101

TABLE OF CONTENTS

INTRODUCTION

Chapter 1	Court System
Chapter 2	Facilities
Chapter 3	Library
Chapter 4	Personnel Manual
Chapter 5	Court Classification
	A) Chief Justice
	B) Associate Justice
	C) Tribal Judge
	D) Court Administrator/Clerk
	E) Deputy Court Clerk
	F) Secretary
	G) Probation Officer
	H) Bailiff
	I) Tribal Prosecutor
Chapter 6	Lay Advocates
Chapter 7	Court Rules
Chapter 8	Records Management
	A) General Standards
	B) Case Action Summary Sheet
	C) Retention Schedule
Chapter 9	Case Initiation and Processing
	A) Civil and Small Claims
	B) Family
	C) Paternity
	D) Criminal
	E) Traffic and Non-Traffic Ordinances
	F) Estates
	G) Guardianships
	H) Adoptions
	I) Civil Commitments
Chapter 10	Data Processing (Reserved)
Chapter 11	Courtroom Clerical Procedures

- Chapter 12 Jury System
- A) Manual
 - B) Juror Guide
- Chapter 13 Full Faith/Credit
- Chapter 14 Probation (Reserved)
- Chapter 15 Appeals (Reserved)
- Chapter 16 Revenue and Accounting
- A) General Accounting Practices
 - B) "One-Write" Accounting System
 - C) Fees and Cost Schedule
 - D) Garnishment Procedures
- Chapter 17 Expenditures
- A) Financial Management
 - B) FY 80 and 81 Expenditures
 - C) Budget Forms
- Chapter 18 Management Information System
- A) Monthly Summary of Collected Funds
 - B) Monthly Caseload Report
 - C) Monthly Workload Report

B. Clerk's Procedures

The court is to be commended for having recently complied a Clerk's Procedures Manual. See Appendix E. Clerk's manuals are an essential aide and reference source for court personnel and serve several functions, among which are:

1. As a reference source for court personnel in performing their daily duties;
2. As a training tool for teaching court procedures to new court personnel;
3. To encourage consistency in procedures when there is more than one clerk in the office performing the same operations; and
4. To help educate the public and inform non-court personnel of court procedures.

Manuals should clearly document all procedures by the clerk and the court, and they should be divided into convenient and clearly distinct sections for easy reference. The different sections should be related to the different events that transpire during a case, such as filing, bookkeeping, docketing, indexing, issuance of summons, return of summons, filing of an answer, etc. In this way, the proper procedure can be quickly found according to the stage of the case.

The court's present procedures manual has sections covering the following topics:

- Filing
- Docketing
- Procedures Regarding the Intake of Money
- File Lending and Review Procedures
- Calendaring
- Stamps
- Statistical Reporting Procedures
- Traffic Cases
- Jury Procedures
- Other (Miscellaneous) Procedures

These sections generally cover many of the existing clerical areas; however, if the court implements the recommendations contained in this report, there will be a need to substantially revise various sections of the manual.

The manual may also have to be expanded to include the following topics:

- Courtroom Recording
- Records Retention and Destruction
- Budget Practices and Records
- Personnel Management
- Data Processing
- Court Bailiff Procedures
- Probation
- Enforcement of Judgments (Tribal and State Court)
- Appeals

Every clerical or staff procedure should be documented.

The format of a clerk's procedures manual is very important. A manual should have a short introduction to each section followed by a step-by-step description of the procedures that must be followed. Required forms or documents should be referenced in the step-by-step procedures. Clerks may find the manual easier to use if the form or document is immediately after the place it is referenced. Detailed instructions for filling out each blank on a form need not be in the general narrative. Instructions for completing a form can be on the reverse side of a form. The instructions should be numbered to correspond to numbered blanks on the sample form.

Even the physical layout of the manual and updating procedures are critical to the manual's usefulness and accuracy. The manual should be in a looseleaf binder to facilitate future updates and to protect the pages in the manual. Two (2) sections of a manual should not be on the same page. Following this practice will make it easier to insert new pages without disturbing subsequent sections. New employees can now be given a copy of certain pages that deal with their areas of responsibility.

Each page of the manual should be formulated identically. Separate columns for section numbers, procedure, reference (or citation), and clerk's notes will make it easier for staff to locate needed information. The column for clerk's notes provides a space for inserting additional information or proposed future changes. The following page (Exhibit 3) from an actual manual prepared by the Center illustrates the use of these columns.

NEW JERSEY COUNTY DISTRICT COURT*

Civil

1.0 Case Initiation

Section	Procedure	Reference	Clerk Notes
---------	-----------	-----------	-------------

1.1

Filing

Civil cases are initiated by the plaintiff filing the original of the SUMMONS and COMPLAINT and one copy of each for each defendant.

(Plaintiff may request a jury trial at this time. See procedure 3.1.) The AFFIDAVIT OF PROOF OF NON-MILITARY SERVICE also may be filed with the court at this time.

Most cases are initiated through the mail and are filed by attorneys who provide their own forms.

When the SUMMONS and COMPLAINT and the fees are received, either in the mail or over the counter:

- a. Stamp the SUMMONS with the current date and impress the original with the seal of the court. R. 6:2-1
- b. Verify that the proper fees (filing and mileage) have been submitted and that forms have been completed properly.
- c. Check SUMMONS and COMPLAINT for: R. 6:2-1
R. 4:4-2
 1. Name of the Court
 2. Plaintiff's and defendant's names and addresses.
 3. Name and address of the plaintiff's attorney.
 4. Description by the plaintiff of the reasons for, and the amount of, the claim.

*Taken from A MODEL MANUAL CASE PROCESSING SYSTEM, NEW JERSEY COUNTY DISTRICT COURTS, CIVIL; prepared by the National Center for State Courts (December, 1981).

Each page should also note who prepared the procedures and when it was last revised. The following sample page (Exhibit 4) provides a standard place for such information. The described procedures and sample forms (reduced) would be typed or placed within the borders.

SUBJECT	SECTION	DATE
PREPARED BY	CHAPTER	PAGE

A master binder should be maintained by the Court Administrator. Additional (full or partial) binders should be provided to other appropriate individuals. Each manual should be numbered and a list maintained as to who has been assigned each numbered binder. As amendments are made, copies should be provided to each person. The updates should be accompanied with instructions describing which pages are to be removed and which pages are to be inserted.

At least annually, a MASTER INDEX should be distributed (with noted revision dates for each page) so each individual can check to see if they have all revisions in their binder. This index should be developed on an ongoing basis throughout the year as amendments are made. New indexes may also have to be made and distributed with periodic amendments (without reference to amendment dates).

CODE CODIFICATION

National Center for State Courts

NORTH CENTRAL REGIONAL OFFICE

Suite 2601

American National Bank Building

5th & Minnesota Streets

St. Paul, Minnesota 55101

(612) 222-6331

Edward B. McConnell
Executive Director

Francis L. Bremson
Regional Director

October 20, 1982

Lucille Chapman
Tribal Chairperson
P. O. Box 397
Keshena, Wisconsin 54135

RE: TRIBAL CODE CODIFICATION

Dear Ms. Chapman:

Enclosed is a first draft of a Table of Contents (Attachment A) and Indices (Attachment B) for the various chapters being proposed for the looseleaf code binder. These drafts need to be reviewed and approved by you.

In addition to the enclosed materials I would like to review with you the Center's efforts, to date, and some policy decisions the tribe has to make before we can proceed.

1) As Ms. Wilfahrt and I reviewed the copies of ordinances you provided us, it became apparent to us that certain ordinances should be kept separate from those that would be kept in the codification binder. These ordinances included the following:

- Leases
- Attorney Contract Authorizations
- Authority to Incur Indebtedness
- Annual Budget Approvals
- Emergency Ordinance.

We suggest that these ordinances be kept chronologically (by topic) in a separate binder. Each topic would have an index.

2) The remaining ordinances were then reviewed and all non-final copies were removed. Only finally-approved ordinances were used to develop the codified code.

3) Amendments to final ordinances were substituted for amended sections. Repealed sections were eliminated. (See Attachment C for list of repealed ordinances.)

4) The remaining ordinances were grouped by general topical areas. It is the Center's suggestion that each of these general areas be called a "chapter" in the binder. (See, Attachment A.) Each chapter would have a detailed index to the ordinances for that section. (See, Attachment B.)

5) It is the Center's recommendation that the Menominee Tribe use a standard codification numbering system for ordinances instead of tracking subject areas by ordinance numbers.

Every ordinance passed by the Tribal Legislature should have a unique ordinance number (even amendments to previous ordinances). At present, amendments use the original ordinance number. The history of an ordinance should be recorded at the end of each ordinance (or section, if amended). This is what we have done with our copies of the code.

With a standard codification numbering system, each ordinance would reference the appropriate number in the code system. The numbering system the Center is recommending would be a combination of the chapter number, section number, subsection number, and any subdivision. Using the Table of Contents (Attachment A) and the index for Chapter 17 (Attachment B), such a numbering system would look like the following illustration:

	Chapter	Section	Sub-section	Sub-division
Number	17	2	2	a
Description	Regulatory Ordinances	Bingo	General Provisions	Licensing

The number for this portion of the code would look like 17-2-2(a). From this number we would know the ordinance was referring to Chapter 17, Section 2, Subsection 2(a).

With this numbering system all code provisions would have a unique number. New chapters and sections could be added without changing previously numbered code provisions. Occasionally existing numbers may have to be revised if sections were repealed or there was a major revision to a chapter.

6) If this numbering system is adopted, the tribe should pass a single ordinance converting numbers in existing ordinances to conform to the proposed system. The Center could provide a list of the required numbering changes. A decision needs to be made regarding this proposal before the final binder is prepared.

7) Priscilla has been in contact with Rita concerning some questions she had concerning the code; in particular, ordinances numbered 79-12 (affirming Menominee Enterprises Plan) and 79-13 (affirming the Trust and Management Agreement). Since both of these ordinances seem to incorporate the documents they affirm by reference, her question was whether the text of both the Menominee Enterprises Management Plan and the Trust and Management Agreement should be included as part of the Code. Rita has been kind enough to provide Priscilla with copies of those documents.

However, as you will notice on the Table of Contents, I have provided separate chapters for "Menominee Tribal Enterprises" (Chapter 9) and "Trust and Management Agreement" (Chapter 10). Should these chapters be combined?

8) The Center has attempted to establish a codification system whereby the tribe could locate specific ordinances. We have not attempted to review the substance of any provisions or suggest additional ordinances. However, we have included three (3) chapters (i.e., 18-19) for a Juvenile Code, Conservation Code, and Tribal Personnel. There appears to be enough interest in these areas that it might be helpful if I included these chapters to illustrate how the codified code be expanded..


As you review the listed chapters you may also think of some additional areas that the tribe may wish to address at a future time.

9) If any new ordinances are enacted, please forward them to us as soon as possible. We will include them in the codified code.

Please review the above noted topics and let me know whether you agree with our approach or suggestions.

Sincerely,

NATIONAL CENTER FOR STATE COURTS



James G. Farrar
Senior Staff Attorney

JGF:gj

Enclosure

cc: Rita Keshena, Chief Justice Peters, Sylvia Wilbur,
Perry Baker, Shirley Daly

MENOMINEE INDIAN TRIBE OF WISCONSIN

TABLE OF CONTENTS

CHAPTER 1	Tribal Constitution
CHAPTER 2	By Laws

TRIBAL CODE

CHAPTER 3	Tribal Government Plan
CHAPTER 4	Enrollment in the Menominee Tribe
CHAPTER 5	Tribal Elections
CHAPTER 6	Notice and Posting Procedures
CHAPTER 7	Accounting System
CHAPTER 8	Tribal Housing Authority
CHAPTER 9	Menominee Tribal Enterprises
CHAPTER 10	Trust and Management Agreement
CHAPTER 11	Tribal Police
CHAPTER 12	Tribal Judiciary
CHAPTER 13	Menominee Indian Bill of Rights
CHAPTER 14	Criminal Code
CHAPTER 15	Motor Vehicle Code
CHAPTER 16	Civil Code
CHAPTER 17	Regulatory Code
CHAPTER 18	Juvenile Code (Reserved)
CHAPTER 19	Conservation Code (Reserved)
CHAPTER 20	Tribal Personnel (Reserved)

CHAPTER 15

MOTOR VEHICLE CODE

Section 1. Words and Phrases Defined

Section 2. Licensing and Registration

- 2-1 Authority of Menominee
- 2-2 Registration Requirements
- 2-3 Tribal Registration Plates
- 2-4 Penalty for Fraudulent Application

Section 3. Vehicle Title and Anti-Theft Law

(Certificate of Title)

- 3-1 Words and Phrases Defined
- 3-2 Excepted Liens and Security Interests
- 3-3 When Certificate of Title Required
- 3-4 Application for Certificate of Title
- 3-5 Application When Vehicle Previously Junked
- 3-6 Department of Examine Records
- 3-7 Issuance of Certificate and Maintenance of Records
- 3-8 Contents of Certificate of Title
- 3-9 Refusing Issuance of Certificate of Title
- 3-10 Withholding Certificate of Title; Bond
- 3-11 Lost, Stolen or Mutilated Certificaters
- 3-12 Fees

(Transfer of Title)

- 3-13 Transfer of Interest
- 3-14 Transfer to or from Dealer
- 3-15 Involuntary Transfer
- 3-16 Issuance of new Certificate

National Center for State Courts

NORTH CENTRAL REGIONAL OFFICE

Suite 2601

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(612) 222-6331

Francis L. Bretnson
Regional Director

Edward B. McConnell
Executive Director

October 28, 1982

Lucille Chapman
Tribal Chairperson
P. O. Box 397
Keshena, Wisconsin 54135

RE: TRIBAL CODE CODIFICATION

Dear Ms. Chapman:

As part of the National Center's Tribal Code Codification Project, we will be developing a series of guidelines and procedures to help the tribe prepare and maintain the proposed code binder. The following is a brief summary of a series of items, procedures and forms that need to be reviewed and approved before we can complete the required guidelines and procedures.

Binder Distribution List

A major objective of this project is to assure that certain tribal offices and individuals are provided with a current tribal code binder. A list of these offices or individuals needs to be prepared. Could your office prepare such a list and forward it to me?

Each office or person will be provided a specific binder number. The binder number should be noted on each binder. The distribution list and binder number will (as described later) be the basis for distributing updates and keeping track of who has a binder. See Exhibit 1 for a sample chart that might be used to keep track of the offices or individuals that have a binder.

A certain number of extra binders should be kept in the tribal offices in case additional binders need to be provided to new offices or to replace lost binders.

Binder Format

The binder should have three (3) rings and be large enough to accommodate at least 2" of inserts. The binder should have tabbed dividers for a Word and Phrases Index, each chapter, and update worksheets. Each chapter will have a separate detailed index followed by the code provision for that chapter. The pages in each chapter would be numbered with a number consisting of the chapter number and a sequential number (e.g., 13-1, 13-2, etc.). (This numbering system would allow for the insertion of additional pages without having to renumber the whole binder.)

See Chart 1 for an illustration of how the pages and dividers will be arranged in the binder.

Word and Phrases Index

A set of compiled laws with many volumes frequently has an alphabetical index of words and phrases to help the reader locate specific topics. With the Table of Contents and Chapter Indexes proposed by the Center, such an alphabetical index will not be needed for the Menominee Code at this time. Nevertheless, the Center recommends that a section be reserved in the binder for such an index.

In the interim, I am enclosing a sample page and Preface from the North Dakota State Code to illustrate how such an index would appear and be used. (See Exhibit 2.) After the codified code has been thoroughly reviewed, revised and/or expanded, the tribe may wish to develop such an index.

Preparation of a New Ordinance

As stated in my report of October 20, 1982, each ordinance passed by the Tribal Legislature should have a unique number even if it is amending or repealing a previous ordinance. Enacted code provisions will, under the new system, be given a codification number. In drafting legislation, the tribal legislature should consider where in the code the particular legislation will fit. If it fits within an existing chapter, it should be given a code number consistent with the numbers in that chapter. Legislation which is completely original should begin a new chapter. Legislation should be drafted to look as it would in final form.

The number of code provisions should begin with the first substantive provision, not with the introduction or preamble to the provision which merely states the general law-making powers of the legislature and the reasons for passing the particular provision. Thus, a draft of a code provision being considered for passage by the legislature would have two numbers. The first one (printed at the top of each page) would be consistent with the currently used ordinance numbering system, i.e. 82-20. A second number, consistent with the codified code would be used to actually number the substantive text of the code provision. For instance, a new piece of legislation passed in 1982 which deals with tribal police might be numbered like this:

ORDINANCE # 82-30
Date November 15, 1982

Be it ordained by the Legislature of the
Menominee Indian Tribe of Wisconsin:

Whereas: _____

Whereas: _____

Chapter 11 Tribal Police

Section 8. Police may not use deadly force when apprehending offenders who have merely committed misdemeanors or crimes against property.

Section 9. Police may not participate in high speed chases under any circumstances.

Proposed ordinances should be continue to be typed on 8 1/2" x 11" paper so if approved, they can be copied onto three-hole

letter size paper and distributed to offices or persons with a binder for insertion into the binder until updates are prepared and distributed. Copies of ordinances should be sent out on colored paper to make them more visible for removal when updates/revisions are distributed. Always make them the same color so they can be identified merely by color and distinguished from emergency ordinances.

When approved ordinances are distributed, a record should be (created) to document that they have been distributed. See Exhibit 3 for a copy of a form that could be used for this purpose.

Storage and Indexes for Enacted Ordinances

Under the new code system an enacted ordinance will be included in a binder according to its codification number. However, the tribe should also maintain the original copy of all ordinances in sequential order in a folder or separate binder.

An annual index of all ordinances enacted should continue to be maintained for each year. Cross reference information regarding ordinances repealed or amended could be recorded on the index.* However, an ordinance repealing or amending a previous ordinance should not be stored with the original copy of the previous ordinance.

Operational or Emergency Ordinances

Certain ordinances should not be included in the codified binder. These ordinances include the following:

- Leases
- Attorney Contract Authorizations
- Authority to Incur Indebtedness
- Annual budget approvals
- Emergency ordinances

Copies of these ordinances should be kept in separate folders with a table of contents.

Copies of certain ordinances will have to be provided to offices or persons affected by the ordinance. Emergency ordinances pose a unique situation. These ordinances would

* See Exhibit 4 for a copy of indexes for 1979-82.

normally be included in the codified binder. However, since they are only temporary, steps need to be taken to assure that everyone is aware of when they expire. Emergency ordinances should always be distributed immediately on a form that has the words "EMERGENCY ORDINANCE" in large, bold letters at the top. Beneath "EMERGENCY ORDINANCE" the effective dates of the ordinance should be printed. For example, an emergency ordinance passed January 1, 1983 (and effective from date of passage) would expire on March 1, 1983. Thus, print on the form "Effective Date _____ Through Expiration Date _____." Print copies of emergency ordinances for distribution on colored paper different than regular ordinances. Always make them the same color so that they can be identified as an emergency ordinance merely by color. Emergency ordinances should be removed from the code binder on expiration.

See Exhibit 5 for a copy of an index to these ordinances identified by the Center. Please review this index to determine if there are any additional ordinances that should be included on the index.

Code Revisions and Updates

Although offices and individuals with a code binder will be receiving copies of ordinances as they are enacted, there will be a need to periodically retype code pages to incorporate changes. Ideally this should be done as soon as possible after the ordinance is passed or at a minimum of every three (3) months (except for emergency ordinances).

The responsibility for preparing needed code revisions should be assigned to a specific person. That person would receive a copy of all ordinances that will have to be included in the binder. He/she would, each quarter, retype appropriate binder pages, update chapter indexes, and distribute the revisions to all offices or individuals with a binder. Revisions should be done on the tribe's word processing equipment to reduce the amount of typing associated with future revisions.

Each set of updates should be accompanied with a set of instructions that lists which pages should be removed from the binder, and which pages should be inserted. Each recipient of these updates should also be instructed to keep the instruction sheet (with notations that the revisions have been inserted in the binder) in the code binder (behind the last tab in the binder). The individual distributing the revisions should also maintain a record of when and how many updates were distributed. See Exhibit 6 for sample form for this purpose.

The integrity of the proposed codified code system is dependent upon everyone properly maintaining their code binder. If the tribe wishes to assure and monitor this process, it will be necessary to maintain records that all binders have been updated. To accomplish this objective, it is suggested that each update packet also include a form to be returned to the tribe indicating that the revisions have been inserted in the binder. The person assigned to making the revisions would have to then record for each assigned binder a record of these updates. See Exhibit 7 for a sample form that could be used for this purpose.

The above-noted procedures would also have to be followed for the extra binders in the tribal offices.

Annotations to Code Provisions

The National Center will be including in the final version of the code notations indicating the date and ordinance number associated with each code section. However, the tribe may at a future date consider expanding these annotations to include cross-references to other related sections or judicial decisions interpreting a specific code provision. See Exhibit 8 for an illustration of how these annotations could be included in the code.

Annual Audit

Even though the above-noted procedures for revisions should assure that all binders are properly maintained, there will continue to be occasions where binders have not been properly updated. As a backup system or procedure, the Center recommends that the tribe prepare and distribute annually a list of all page numbers in the binder and the last revision date for that page. The recipient of this checklist can (by comparing the list with the pages in his/her binder) determine if the binder has been properly maintained. The tribe should be notified when this comparison has been completed and that information would be recorded on the form illustrated in Exhibit 7.

Lucille Chapman
Tribal Code Codification

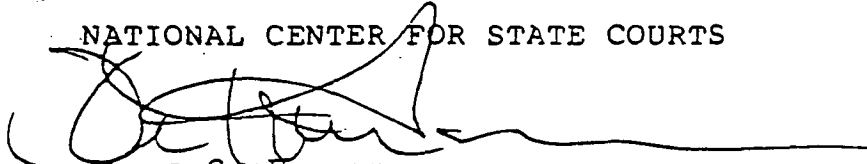
-7-

October 28, 1982

Please forward to me any reactions, observations or suggestions you may have regarding the above-noted items.

Sincerely,

NATIONAL CENTER FOR STATE COURTS



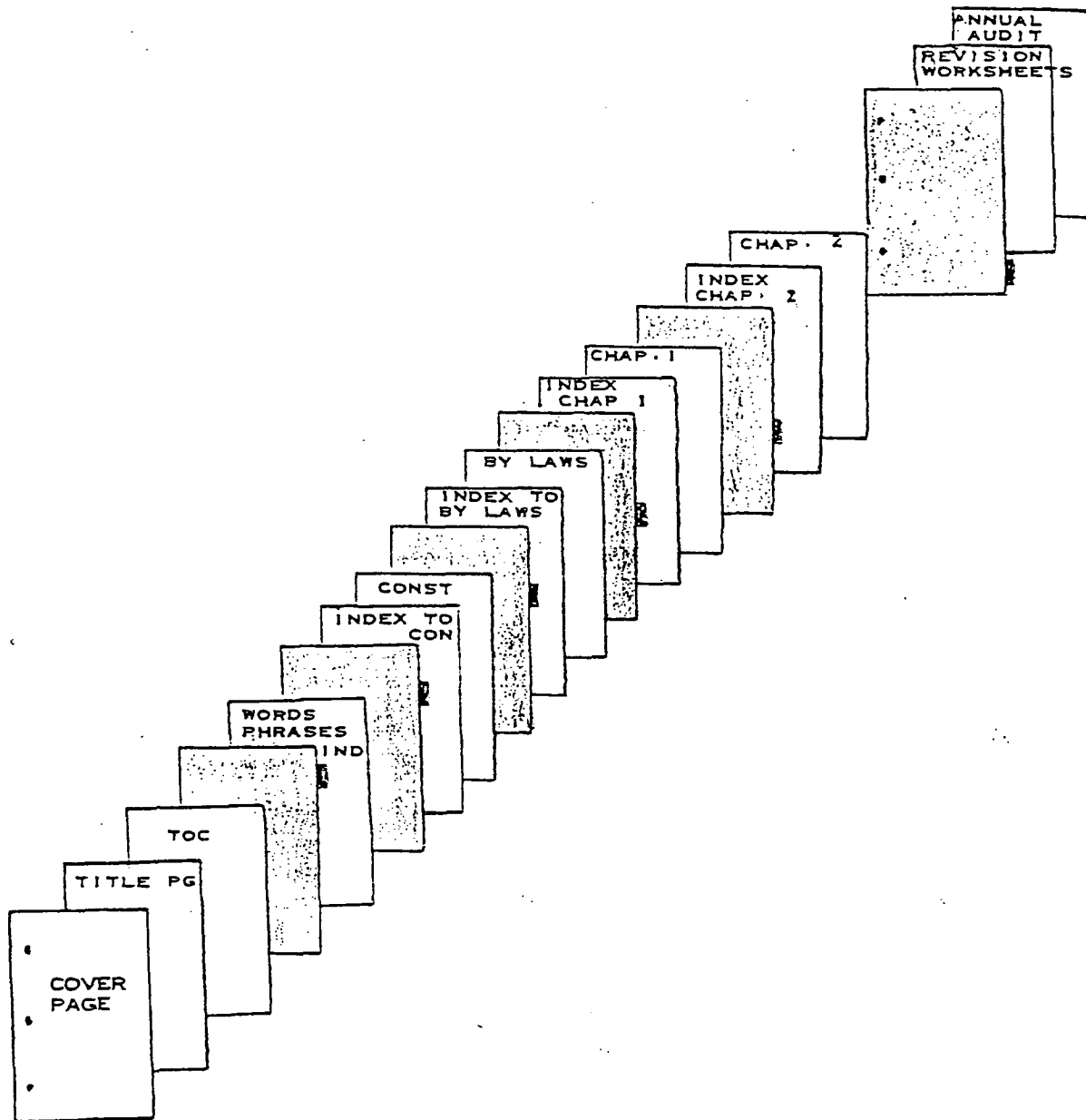
James G. Farrar
Senior Staff Attorney

JGF:gj
Enclosure

cc: Chief Justice Peters, Rita Keshena, Shirley Daly,
Sylvia Wilbur, Perry Baker

CHART 1

MENOMINEE TRIBAL CODE BINDER



STATE COURT ENFORCEMENT OF INDIAN COURT JUDGMENTS

North Central Regional Office

MODEL COURT DEVELOPMENT PROJECT

Full Faith and Credit for
Indian Court Judgments

FINAL REPORT

Project Staff

Project Manager..... James G. Farrar
Staff Attorney..... Fred Miller
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I. STATE COURT ENFORCEMENT OF INDIAN COURT JUDGMENTS

State and tribal courts have for many years struggled over the problem of reciprocal enforcement of orders and judgments. A brief summary of the problem and existing alternatives being used in various states is contained in the following article by the National American Indian Court Judges Association (see, Exhibit 1). For a more detailed discussion see, Tab B.

The traditional approaches to achieving enforcement of Indian court judgments have not solved the problem in most states. The Model Court Development Project recognized that full cooperation could not be achieved without an understanding and sensitivity to the concerns and uniqueness of each court system. As state and Indian courts develop close working relationships, solutions will be found.

ALTERNATIVES FOR ACHIEVING RECIPROCITY

It is well established that Indian tribes have a status separate from the state in which they are located. For this reason, it would seem to follow that some type of judgment recognition and enforcement reciprocity would be in effect between state and tribal courts. Yet this is generally not the case. In the absence of such mutuality, injustices are common for both Indians and non-Indians.

Tribal members often cannot enforce contract rights or other civil remedies which involve parties off the reservation. In many states, tribal members are unable to commence a civil suit arising out of accidents caused on reservations by drivers who are non-members of the tribe. Once across the reservation boundary line, the driver is not subject to the tribal court's jurisdiction. This leaves the injured party without redress in the tribal forum because actions brought against non-members have no effect outside the reservation boundary unless tribal judgments are recognized by the state. Similarly, state court proceedings against Indians who reside on the reservation are not enforceable on the reservation absent reciprocity between the two jurisdictions, or unilateral recognition by the tribal court.*

Limitations on criminal justice are likewise evident where mutual extradition agreements are lacking. State officials often perceive reservations as a "refuge" for individuals fleeing from state and federal law enforcement officers. At the same time, tribal officials cite numerous examples of non-member violators who simply cross reservation boundaries to escape from tribal authority. Obviously, lack of cooperation between state and tribal courts encourages violators on both sides.*

The question of how to achieve reciprocity between state and tribal courts remains. There are several alternatives. They include full faith and credit, congressional mandate, state legislation, tribal/state court agreements and comity. These alternatives are outlined below.

Full Faith and Credit

The concept of "full faith and credit", as embodied in Article IV of the U.S. Constitution, protects the legal rights of American citizens. The concept requires states to mutually recognize and enforce the official court orders and judgments of sister state courts of record. This mandate was extended to "territories" by federal statute (28 U.S.C.A. 1738). In 1975, the New Mexico Supreme Court ruled that the laws of Indian tribes are entitled by this statute to "full faith and credit" in the courts of New Mexico because Indian tribes are "territories" within the meaning of that statute, with the qualification that a forum state need not subordinate its own statutory policy to a conflicting public act of another state or territory (CIT Corp. v. Jim, 533 P.2d 751, 87 N.M. 362 (1975)). No other state has interpreted "territories" as applying to Indian country. In fact, some states openly dispute the full faith and credit intent of these laws in relation to Indian courts. Various interpretations exist, state by state, on the degree to which state courts must honor Indian court judgments.

Congressional Mandate

The recent Indian Child Welfare Act (P.L. 95-608, 92 Stat. 3069, 25 U.S.C. 1901 et seq.) requires state

courts to honor Indian court judgments through granting them full faith and credit, when these judgments relate to Indian child custody cases. This is the only area in which Congress has specifically mandated state courts to enforce Indian court judgments.

State Legislation

Few states believe that there is any constitutional or congressional mandate (except under the Indian Child Welfare Act) to give "full faith and credit" to Indian court judgments or orders. Additionally, some states believe that state courts have no authority to enforce Indian court judgments without authorizing state legislation. The state of Washington is one of these states. However, in that state, the Legislature has authorized enforcement of tribal judgments in civil actions in the discretion of the state court, if not inconsistent with state policy. The state of Wisconsin is presently considering legislation that not only would authorize state court enforcement of tribal court judgments, but would also make such enforcement mandatory. Wisconsin is also considering legislation that would authorize the governor to negotiate a reciprocal extradition agreement with the Menominee tribe.

State-Tribal Court Agreements

Even without federal or state legislation, some tribes have entered into written agreements with state courts to mutually enforce each other's orders and judgments. These agreements formally spell out expectations and requirements between state and tribal courts for mutual recognition of each other's orders and judgments. At present there are few state-tribal agreements in existence to govern reciprocity, but tribes are looking toward formulating such agreements with more frequency. These agreements would avoid the often slow and cumbersome legislative process.

Comity

In many states, individual state courts have informally enforced Indian court judgments under their "inherent power" to enforce judgments from another jurisdiction. This practice is called "comity" and is exercised on a case-by-case basis, at the discretion of the court. This practice generally occurs where state and Indian courts are geographically close and have developed, over a period of time, good communication and working relationships. Tribal court marriages and divorce orders, in particular, have often been recognized and enforced through comity.

*Portions of these paragraphs are excerpted from *Issues in Mutuality* prepared by the American Indian Lawyer Training Program, Inc., November 1976.

II. STATEWIDE MEETINGS

The primary approach used in this project to achieve improved tribal and state court relationships was statewide meetings between representatives from the two court systems. Meetings were held in 1981 in the following seven pilot states.

<u>DATE</u>	<u>STATE</u>	<u>LOCATION</u>
June 19	New Mexico	Albuquerque
July 14	South Dakota	Pierre
July 20	Montana	Billings
August 7	Arizona	Phoenix
August 21	Oregon	Portland
September 28	Nevada	Reno
October 1	Washington	Toppenish

An eighth statewide meeting was planned and scheduled for Wisconsin. The meeting was subsequently cancelled at the request of the tribal court (and, approval of NAICJA) because of the positive relationship already developed between tribal and state courts resulting from meetings previously held between project staff, state court officials, state attorney generals office, and tribal representatives regarding this project and pending legislation (granting full faith and credit to Indian court judgments).

Chart 1

<u>Tribes</u>	<u>STATE MEETINGS</u>							<u>TOTAL</u>
	<u>Arizona</u>	<u>Montana</u>	<u>Nevada</u>	<u>New Mexico</u>	<u>Oregon</u>	<u>South Dakota</u>	<u>Washington</u>	
• Judges	8	10	7	8	3	7	8	51
• Ct. Admin./Staff		1	1	2	1	3	4	12
• Tribal Council		2		4				6
• Law/Order Comm.					3		1	4
• Police				2			1	3
• Prosecutor/Ct. Advocate		1	1		2	4	2	10
• Other	<u>1</u>	<u>8</u>	<u>3</u>	<u>6</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>23</u>
(Sub-total)	9	22	12	22	10	17	17	109
<u>State</u>								
• Supreme Ct. Justice	1	1	1		1	1	1	6
• Appeals/Trial Judge	3	5		3	9	1	2	23
• State Ct. Adm./Staff		1	1	1	2	2	1	8
• Ct. Admin./Staff	2						3	5
• Prosecutor/Public Def.	<u></u>	<u></u>	<u></u>	<u>1</u>	<u>2</u>	<u></u>	<u></u>	<u>3</u>
(Sub-total)	6	7	2	5	14	4	7	45
<u>TOTAL</u>	15	29	14	27	24	21	24	154

The statewide meetings were conducted by the National Center for State Courts and attended by 154 tribal and state representatives. See, Chart 1 for a list of types and number of attendees in each state. Individual attendee lists are included in each of the state reports.

Each state meeting was similarly conducted. The NAICJA representative introduced him or herself and each attendee was then asked to introduce themselves. The NAICJA representative then outlined the project's objective and the reason for the meeting. The Center staff representative then briefly reviewed the materials in the resource binder for each state. After this review, participants were encouraged to describe existing cooperative relationships existing between state and Indian courts. Participants were then given an opportunity to discuss problem areas between the two court systems. In all state meetings, state and tribal court representatives interrupted the formal agenda with suggestions for improving future relationships.

III. FINDINGS AND RECOMMENDATIONS

Some Indian and state court representatives at each meeting appeared to hold outdated views of the other based upon old impressions and inaccurate stereotypes. Fortunately, most participants openly discussed concerns, problems, factors affecting their preceptions and willingness to enforce each other's orders and judgments. This process gave both sides an

opportunity to meet each other (usually for the first time), and respond to each sides concerns. Both sides generally left the meeting with an increased sensitivity to the problem, an awareness of the other's concerns, and a willingness to continue working toward improved relationships.

A. State Court Concerns

The most serious concern of state court judges was that defendants in tribal courts were not being provided due process protections required in state court systems. State judges did not assume that tribal judges were knowingly denying defendants these basic rights. Their fear was that because tribal judges were generally not lawyers and had little judicial training, such denials were done unknowingly. Many state judges also feared the control and influence tribal councils have over Indian courts. When these concerns are added to a preception that tribal court records are not adequate to document compliance with traditional due process safeguards, state judges are reluctant to enforce Indian court judgments.

There were a number of additional factors identified at the meetings which affect state court's relationships with tribal courts including uncertainty regarding jurisdiction, a lack of appellate review of tribal court decisions, who receives the fines from traffic violations on state highways crossing reservations, and tribal court's lack of authority to enforce there own civil judgments. A general list of concerns from each state is recorded below on Chart 2.

STATE COURT CONCERNS
Regarding Enforcement of Indian Court Judgments

Chart 2

	<u>ARIZONA</u>	<u>MONTANA</u>	<u>NEVADA</u>	<u>NEW MEXICO</u>	<u>OREGON</u>	<u>SOUTH DAKOTA</u>	<u>WASHINGTON</u>	<u>WISCONSIN</u>	<u>TOTAL</u>
• Lack of Due Process	X	X	X	X	X	X		X	6
• Inadequate Records	X		X	X	X	X			5
• Judicial Training		X			X	X		X	4
• Judicial Independence		X	X		X	X			4
• No authority for State Courts to enforce Indian Court Judgments		X			X	X		X	4
• Lack of appropriate sentencing alternatives for Indian defendants in State Courts	X			X					2
• Jurisdiction unclear							X	X	2
• Who gets revenue from traffic fines							X		1
• Indian Judgments are <u>not</u> submitted to state courts for enforcement		X							1
• Indian courts have no authority to enforce their own judgments						X			1
• Indian court judgment do not have procedures to review decision on appeal						X			1

Even if all of the articulated concerns were resolved, four of the project states believed they have no authority to enforce Indian court judgments. This position has been articulated in various state attorney general opinions (e.g., South Dakota and Wisconsin). In such states, the problem will likely not be resolved without state legislation authorizing such enforcement. In the states where statewide meetings were held, this is now more likely to occur. As a result of the meetings, some state judges learned that many tribal courts did have judicial independence, were well trained, provided basic due process protections, and maintained proper court records. As will be noted later, a number of these judges even offered to support and draft needed legislation or court rules.

B. Tribal Court Problems

Although a few of the tribal court judges acknowledge that the concerns of state judges (i.e., poor records, judicial independence, and lack of post judgment remedies or appellate review) were a problem in their courts, most Indian judges felt that state judges generally lacked an accurate understanding of Indian court operations, records maintenance practices, and due process safeguards. Most of the Indian courts believe that state courts have no valid basis for refusing to enforce Indian court judgments.

A number of the tribal courts indicated that in the past they had enforced state court judgments in their courts. However, because of state court's lack of reciprocity, their tribal councils had passed code revisions taking away the tribal court's authority to enforce state judgments. In these jurisdictions, some of the tribal judges were not certain tribal councils would authorize the court to enforce state court judgments even if the state agreed to enforce Indian court judgments. Some tribal councils apparently are concerned that Indian courts will become collection agencies for the state. Nevertheless, most tribal court judges are interested in achieving reciprocal enforcement of orders and judgments. However, they do not feel they should have to lose their Indian identity.

Some of the most serious problems tribal courts have are not with the state courts. Many of their problems are with state police agencies, county prosecutors, and other tribal courts. State police will not work with tribal police, county prosecutors refuse to prosecute criminal offenses against non-Indians, and tribal courts frequently will not enforce each others court orders and judgments. These problems will have to be addressed and resolved before Indian courts are able to adequately administer justice on their reservations.

Chart 3 below records the problems identified by Indian court judges in each of the state meetings.

TRIBAL COURT PROBLEMS

Chart 3

	<u>ARIZONA</u>	<u>MONTANA</u>	<u>NEVADA</u>	<u>NEW MEXICO</u>	<u>OREGON</u>	<u>SOUTH DAKOTA</u>	<u>WASHINGTON</u>	<u>WISCONSIN</u>	<u>TOTAL</u>
• State court judges lack accurate knowledge of tribal courts and judges		X	X	X	X	X	X		6
• Tribal council central over-court			X			X			2
• Tribal Courts do <u>not</u> want to be a copy of Anglo courts			X		X				2
• No FFC between tribal courts		X				X			2
• Police/county prosecutors refuse to enforce Indian court warrants		X							1
• Tribal codes do <u>not</u> allow tribal courts to enforce state judgments.		X				X			2
• Court jurisdiction too limited			X						1
• Inadequate records			X						1
• Tribal council is <u>not</u> supportive of court			X						1
• FFC with state courts would result in Indian courts becoming a collection agent								X	1
• State courts require a second filing fee when judgments submitted to state court for enforcement								X	1
• State does not have confidence in tribal police			X						1

C. Proposed Solutions

The greatest indicators of success of the Model Court Development Project came from the state justices and judges attending the state meetings. In all of the state meetings, there was an offer by the state to include Indian judges in annual state judicial conferences or training programs. In five (5) of the states there were offers to include Indian judges in state or local judicial committees. In three (3) of state meetings, state judges even agreed to help write legislation or court rules providing for state court enforcement of Indian court judgments. One state even offered to provide technical assistance to tribal courts. See, Chart 4 below for a listing of these offers by state.

D. Needed Technical Assistance

Each of the state reports (see, Tab A) lists specific technical assistance that should be provided to Indian courts in that state. These recommendations vary by state because of their unique situations. However, there are a number of areas where technical assistance would generally benefit the Indian courts in each of the states. These include the following areas:

- All "offers" by state court representatives should be followed-up on and monitored.
- Updated tribal court profiles should be prepared and made available to the state supreme court.
- Proposed legislation should be drafted for each state to provide for state court enforcement of Indian court judgments (in some states all that might be required is an amendment to the state's Uniform Enforcement of Foreign Judgments Act).

Offers By State Courts To Improve
Enforcement of Indian Court Judgments

Chart 4

	<u>ARIZONA</u>	<u>MONTANA</u>	<u>NEVADA</u>	<u>NEW MEXICO</u>	<u>OREGON</u>	<u>SOUTH DAKOTA</u>	<u>WASHINGTON</u>	<u>WISCONSIN*</u>	<u>TOTAL</u>
• Attendance of Indian judges at state judicial conferences		X	X		X	X	X		5
• Indian judges participation in state/local committees	X	X		X		X	X		5
• participation in state judicial training programs	X			X					2
• assistance in amending state statutes or court rules to provide for enforcement of Indian court judgments	X	X			X				3
• Provide technical assistance to tribal courts						X			1

* No statewide meeting held

- A program should be developed to certify tribal courts meeting the requirements of a state's Uniform Enforcement of Foreign Judgments Act (or any other requirements of the State).
- Tribal courts should be encouraged and assisted in arranging local state/tribal court meetings.
- A standard Records Management Manual should be developed for Indian Courts.
- Indian court judges should be provided guidelines and training in the areas of "full faith and credit" and records management.

Assistance in these areas will substantially improve the likelihood of state court enforcement of Indian court judgments.

IV. FEDERAL LEGISLATION

Some states hold that state courts have no inherent authority to enforce tribal court judgments or transfer jurisdiction in individual cases to tribal courts. Others believe that the federal government has the responsibility to establish and fund a judicial forum for hearing criminal and civil matters on reservations. The following proposed bills address these issues and should be considered as additional alternatives or approaches.

H. Tribal State Compact Act (S.563 1981)

This bill is intended to serve as a federal enabling statute authorizing Indian tribes and states and their political subdivisions to enter into compacts and agreements

between themselves on matters relating to: (1) the enforcement or application of civil, criminal and regulatory laws of each within their respective jurisdictions; (2) allocation or determination of governmental responsibility over specified subject matters of specified geographical areas, or both; and (3) agreements or compacts which provide for transfer of jurisdiction in individual cases from tribal courts to state courts or state courts to tribal courts in accordance with procedures established by the laws of the tribes and the states.

States and tribes already have authority to enter into agreements on many issues. However, provisions in federal law appear to limit this authority in certain areas touching upon jurisdiction. The purpose of this bill is to eliminate these restrictions.

Hearings were held on this bill before the Senate Select Committee on Indian Affairs on May 11, 1981. A document entitled Mutual Agreements and Compacts Respecting Jurisdiction and Governmental Operations was published as a result of these hearings. As of October 21, 1981, the bill is still before the Senate Select Committee on Indian Affairs. See, following copy of S.563

JOB DESCRIPTIONS

MENOMINEE TRIBAL JUDICIARY

CHIEF JUSTICE

GENERAL DESCRIPTION OF POSITION

The incumbent is appointed by the Menominee Tribal Legislature for a four (4) year term. The Chief Justice has final responsibility for the administration of the Menominee Tribal Judiciary and supervision of court staff. He/she generally hears appeals from the Menominee Tribal Court and as required hears cases in the Tribal Court.

EXAMPLES OF DUTIES

- Administers the operation of the Tribal Judiciary including the assignment of cases and the management of the Court's calendar and business.
- Hears all appeals from the Tribal Court (except those cases heard by the Chief Justice in the lower court).
- Directs the preparation of reports on court activities including requests for needed funds and resources for the Judiciary.
- Supervises Associate Justices, Tribal Court Judges, the Clerk of Court and other support staff.
- Hears cases in the Tribal Court when the assigned judge has a conflict of interest.
- Issues or directs issuance of court documents, subpoenas, warrants, summons, writs, judgments, decrees, and other legal documents relating to the Courts.
- May perform wedding ceremonies.
- Coordinates relationships and contacts with Federal, state, county and local authorities on court related matters.
- In the absence of the court clerk, may perform the clerk's duties and may receive cash bail or bonds whenever a clerk or other authorized person is not available.

The above statements are intended to describe the general nature and level of work to be performed by the person appointed to this position. They are not an exhaustive list of all job duties performed.

DISTINGUISHING CHARACTERISTICS

1. Knowledge Required By The Position:

- Knowledge of criminal law, and the tribal constitution, codes and ordinances, rules, precedents, and relationships affecting jurisdiction on criminal and civil cases in Indian territory.
- Knowledge of tribal customs, traditions, constitution and ordinances to be able to protect the sovereignty and customs of the tribe and protect the rights of the people.
- Ability to communicate with and gain confidence of Federal, state and tribal officials to carry out judicial program needs.
- Ability to recognize sensitive and complex issues relating to court cases and handle them effectively.
- Ability to organize, develop and staff a comprehensive judicial program using good judgment.
- Ability to display a high level of judgment and proficiency relating to court cases.

2. Supervisory Control:

Incumbent has independent authority, judgment and decision on matters relative to court cases and the administration of the tribal judiciary.

3. Guidelines:

Guidelines will be the Menominee Indian Tribe Constitution, code or ordinances, policies, all applicable Federal laws, rules of evidence, and rights of the alleged offender or party including Federal, State and local court decisions affecting the Indian people in Indian territory; and the Code of Judicial Conduct as adopted by the American Bar Association.

4. Complexity:

Work involves independent judgment of court cases, some of which are difficult and sensitive. Incumbent exercises considerable discretion and/or relies on own knowledge of the law in resolving judicial issues and is required to render a judgment in accordance with existing laws.

5. Scope and Effect:

Effective administration of justice on the Menominee Indian Tribe Reservation of Wisconsin has a significant impact on every aspect of life on the reservation. The incumbent's work can result in the safety and security of the community as well as assuring the people of fair and equal treatment.

6. Personal Contact:

Personal contacts are with other justices, judges, court staff, personnel of the Federal, State, local and tribal offices and organizations, as well as with parties, witnesses, jurors and the general public.

7. Purpose of Contact:

Purpose of contact will be for conducting hearings, court, judicial program matters and daily operation of the Tribal Judiciary.

8. Physical Demands:

Incumbent will be required to sit in a courtroom or office, at times for long periods of time, occasionally walking or bending.

9. Work Enviroment:

Work is performed indoors in a courtroom and office setting.

QUALIFICATIONS

The candidate must be at least 35 years of age, an enrolled Menominee Tribal Member, a resident for at least one (1) year of the Menominee Reservation, a high school graduate, never convicted of a felony, or a misdemeanor (within a year prior to appointment) and must demonstrate fitness and competency for the appointment including familiarity with the Tribal Constitution, Code and Judiciary.

The qualifications listed above are guidelines. Alternative qualifications may be substituted if sufficient to perform the duties.

MENOMINEE TRIBAL JUDICIARY
COURT ADMINISTRATOR/CLERK

GENERAL DESCRIPTION OF POSITION

The Court Administrator is appointed by the Supreme Court and under the general direction of the Chief Justice assists in planning, developing, and implementing judicial policies designed to improve the efficiency and effectiveness of court operations. The administrator is also responsible for the management of the court's daily administrative operations including directing and coordinating staff tasks and assignments.

Performance of these duties requires the establishment and maintenance of modern business and professional practices in managing such judicial administration areas as personnel, fiscal, caseflow, juror utilization, facilities, records, statistics and data processing, and necessary research and planning to achieve the goals and objectives of the Tribal Judiciary. Additional duties may include representation of the judiciary with Tribal Legislature, advocacy and advisory groups, media and the general public. Tasks are performed with a wide latitude for initiative and independent judgment subject to review by the Judiciary through conferences, reports, and observation of results achieved.

EXAMPLE OF DUTIES

Under the authority and general supervision of the Supreme Court, the administrator is responsible for the following functions and tasks:

1. Personnel Management: Supervises the activities of court personnel, develops, implements and administers a personnel system which includes recruitment, orientation, performance evaluation, in-service training, discipline, compensation, fringe benefits, and personnel records; additional duties may be assigned with respect to personnel practices, title structure, job definitions, classifications, appointment, and qualifications.
2. Fiscal Management: Supervises financial management activities including budget preparation, fiscal report preparation, establishment of a uniform system of accounts and vouchers, maintains fiscal records, develops and monitors financial control procedures, and maintains a liaison with tribal fiscal officers.
3. Caseflow and Calendar Management: Analyzes and evaluates pending caseloads, assists in establishing scheduling priorities and time requirements, monitors case scheduling and case assignments, and recommends improvements to reduce case backlogs and delays.
4. Information and Data Processing Management: Supervises the court's record and management information systems including the analysis, evaluation, and implementation of appropriate manual or automated systems to assist the court; collects statistical information needed to manage operations and prepare required or requested reports or presentations.
5. Jury and Witness Management: Works with the Tribal Court to ensure compliance with governing jury trial requirements; makes recommendations for improving the use and comfort of jurors and witnesses consistent with the proper administration of justice.
6. Space and Equipment Management: Plans physical space needs and requirements; and, establishes standards and procedures for purchasing and managing equipment, supplies, and services.

7. Public Information Management: Acts as a reception center and source of information for persons having business with the court; develops public information programs; maintains a file of all complaints received by the Judiciary, and recommends methods for responding to such complaints or inquiries; as directed, acts as a clearinghouse for news releases, publications, and presentations to the media, public, civic groups, and other private or public groups having reasonable interest in the administration of the judiciary.
8. Records and Reports Management: Creation and management of uniform recordkeeping systems and forms; collection and publication of data and reports on pending and completed judicial business and internal functioning of the Tribal Judiciary.
9. Research, Planning, and Advisory Services: Problem identification including proposed changes in codes, regulations and court rules effecting the Judiciary, and recommended administrative changes in forms, procedures, and practices.
10. Liaison and Intergovernmental Relations: Acts as liaison to other governmental agencies such as the prosecutor, police, and the state court system.
11. Administrative Services to the Court: Assists the Judiciary in planning and scheduling meetings of the judges, prepares agendas and materials for such meetings, attends such meetings and maintains appropriate records of proceedings; arranges conferences and seminars for judges; drafts proposed court rules; and, performs such other duties as may be required.

As court clerk, the incumbent is also responsible for the following:

- Prepares dockets or calendar of cases to be called.
- Examines legal documents submitted to court for adherence to law or court procedures, prepares case folders, and posts, files or routes documents.
- Explains protocol or procedures or forms to parties involved in cases.
- Secures information for judges, and contacts witnesses, attorneys, and litigants to obtain information for Court, and instructs parties when to appear in court.

- Administers oath to witnesses, records minutes of court proceedings, and transcribes testimony.
- Records case disposition, court orders, and arrangement for payment of court fees. Collects court fees or fines and records amounts collected.

The above statements are intended to describe the general nature and level of work to be performed by the person appointed to this position. They are not an exhaustive list of all job duties performed.

DISTINGUISHING CHARACTERISTICS

The following items describe the basic characteristics associated with this executive level management position:

1. Supervision Received: Administrative direction is received from the Judiciary in the form of broadly defined organizational objectives and specific judicial operating policies. Performance is evaluated during periodic conferences with the court intended to monitor and assess the general direction of programs, the effects of broad policies, and the overall condition of the court's calendar.
2. Supervision Exercised: The court administrator exercises supervision through the general administrative direction of staff; by reviewing a wide variety of periodic and special reports, including statistical summaries and budgets, and by periodic conferences with the court to review the status of on-going court operations and the progress of special projects.
3. Consequence of Error: The court administrator is the highest ranking non-judicial officer in the court and errors typically involve the exercise of professional and personal judgment; the development, implementation, and interpretation of administrative policies; or the implementation and interpretation of judicial policies. Hence, errors are likely to remain undetected beyond the point of economical or inconsequential remedy, and could reflect adversely on public perceptions of the judiciary.

4. Judgment/Discretion: The frequent exercise of a high degree of professional and personal judgment and discretion is a fundamental characteristic of this position.
5. Public Contact: The court administrator may represent the judiciary in a wide variety of highly responsible contacts with tribal officials, and serve as the court's liaison with advisory and advocacy groups, and with the general public.
6. Procedural Knowledge: The court administrator is expected to possess a comprehensive knowledge of federal statutes, tribal codes, and rules related to the administration and operation of the court; a broad professional knowledge of the principles and practices of court administration; and considerable knowledge of the principles and practices of fiscal, personnel, records, and data management.
7. Fiscal Responsibility: The administrator is responsible for preparing, defending, monitoring, and revising the judicial budget; and for developing and implementing policies and procedures for the internal control and security of important documents and trial exhibits.
8. Specialized Skills and Abilities: The court administrator must have exceptional technical skills in administering a full range of court administration activities including calendaring, planning, budgeting, personnel, records, statistics, data processing, public relations, juror utilization, and facilities. The administrator must also possess executive and management skills in organizational problem identification, coordinating staff efforts, conflict resolution, communication, and integrating various purposes, values, and resources within the court and its environment.

As court clerk, the incumbent will also need knowledge, skills, and abilities in the following areas:

1. Clerical, filing, and typing;
2. Operation of various office machines used in the courtroom, including transcribing from tape recordings;
3. Shorthand methods; and
4. Regulations contained in the tribal code relating to court proceedings and documents.

QUALIFICATIONS

1. Education: Bachelor's Degree in Public or Business Administration with preference for graduate degree in Judicial Administration, Law, Public Administration, or Business Administration
2. Experience: Three (3) years of high level professional, management and supervisory experience in a trial court system sufficient to perform the assigned duties. Additional credit may be given for experience in other high level management positions or training.
3. Other: Enrolled Menominee Tribal Member and resident of the Reservation.

The qualifications listed above are guidelines. Alternative qualifications may be substituted if sufficient to perform the duties.

CODE OF PROFESSIONAL STANDARDS
FOR COURT ADMINISTRATORS AND MANAGERS OF JUDICIAL SYSTEMS

Standard I

Promote the growth and development of professional court administration by seeking to improve personal management skills and by supporting research and development in the field.

Standard II

Support professional court administration organizations by membership and by active participation in their activities.

Standard III

Promote professionalism within the court system and avoid participation in any activity that would reflect adversely upon the judges or the court.

Standard IV

Discharge the duties of the office in a timely, impartial, and courteous manner, and be aware of the court administrator's responsibility as a public official and as a servant of the people.

Standard V

Refrain from participation in the election of the members of his or her employing body, and from all partisan political activities that would impair his or her performance as a professional administrator.

Standard VI

Refrain from using the position of court administrator to influence improperly the decision of a judge or the court in any individual case.

Standard VII

Put aside any and all personal considerations in the conduct of service to the court.

Standard VIII

Be mindful that a court administrator is responsible to the judges served and that the role of the court administrator is to assist in the administration of justice rather than to set policy.

Standard IX

Honor the confidential relationship of the position and do not use it for improper purposes of any respect.

PROPOSED BIA PROJECTS

PROPOSED BIA PROJECTS

1. Court Administration Training and Manual for BIA Staff
2. Standard Tribal Court Statistic Forms
3. Court Collection Handbook
4. P. L. 93-638 Contract Guidelines
5. Jury System Manual and Juror Information Handout
6. Standard Job Descriptions
7. Model Annual Survey
8. Micro-computer Software
9. Improved Relationships with State Courts
10. Standard Manuals (e.g., Records Management, Personnel, Accounting, etc.)
11. Code Codification
12. "Wingspread" Conference
13. Indian Court Library Standards and Bibliography
14. Library Resource Services to BIA
15. Court Administration Training for Indian Court Clerks

National Center for State Courts

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City Court of Lafayette, LA

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Allegheny Co., PA

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Supreme Court of Rhode Island

Judge Robert A. Wenke
Superior Court of Los Angeles, CA

October 12, 1982

Mr. Ralph E. Gonzales
Chief Branch of Indian Services
Bureau of Indian Affairs
Code 440
Department of the Interior
1951 Constitution Ave., N.W.
Washington, D.C. 20245

RE: FY 83 BIA PROJECTS

Dear Mr. Gonzales:

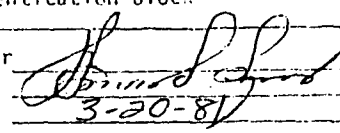
Per our discussion, I am herein submitting a brief summary of some projects the Bureau may wish to consider for funding. These suggestions are based upon my personal observations, and contacts with tribal courts and BIA staff.

INTERNAL BIA PROJECTS

There are a number of problem areas the Bureau should address if it is to respond to the needs of tribal courts.

1. Court Administration Training For BIA Staff.

A number of Bureau staff assigned to tribal court services have over the years developed considerable experience in courts and understand the problems and needs of tribal courts. However, other staff have had minimal training or the level of training and expertise in Area, Field and Agency offices vary considerably. Key Court Services personnel should be provided an intense in-house training program in court administration.

Originator		Code	Description	Authentication Block		Remarks					
1. Area/Agency	F52	Red Lake	5. Revision Number	 3-20-81							
2. Location	-01	Red Lake	7. Prepared by								
3. Fiscal Year	1	1981	8. Date Prepared								
4. Activity	3200	Indian Service	9. Approved by								
5. Element	2165	Tribal Court	10. Date Approved								
11. POSITION NUMBER	12. POSITION TITLE	13. PROGRAMMED		14. LAPSE (-)	15. ADJUSTED TOTAL	PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER CODES					
		GRADE STEP	SALARY			COMP/W.O.	COMP/W.O.	COMP/W.O.	COMP/W.O.	COMP/W.O.	COMP/W.O.
B23.0560	M Chief Magistrate		71.48	4,861.	13,724.						
B23.0559	M Magistrate		58.43	11,277	3,915.						
B23.F0667	M Associate Magistrate		58.43	10,868.	4,324.						
B23.F0561	T Prob. & Parole Officer	7/1	15,193.	175.	15,018.						
B23.F0562	T Voc. Rehab. Specialist	7/1	15,193.	175.	15,018.						
B23.F0558	T Court Clerk	5/1	12,266.	142.	12,124.						
B23.F0556	T Court Clerk	3/1	9,766.	113.	9,653.						
B23.	T Court Clerk (vacant)	3/1	9,766.	9,325.	441.						
17. SUB-TOTAL PERSONNEL SERVICES					74,217.						
21. OTHER COMPENSATION					3,711.						
18. TOTAL FULL TIME PERMANENT					0	22. EMPLOYEE BENEFIT CONT					
19. TOTAL OTHER					8	23. TOTAL PERSONNEL SERVICES & EBC					
20. TOTAL POSITIONS					8						

2. Standard Statistical Reports.

The data collected regarding caseloads, expenditures and revenue from Indian Courts is not uniform throughout the country. Without uniform statistical reporting requirements, it is impossible to make comparisons between courts.

Although the Bureau provides for standard reports from CFR courts, these reports are not required of Traditional or Tribal Courts. Standard statistics from all courts would be helpful in understanding how Indian courts operate. The Bureau would also be better able to evaluate the funding of 638 contracts for non-CFR courts.

It is not only important that statistics be standard, they should provide useful operational and management information. Comments from court judges, staff and BIA personnel seem to indicate that much of the present activity, expenditure and revenue data collected is inaccurate, incomplete and not in an easily usable format.

Some of the forms I developed for the Menominee Tribal Courts attempt to address these problems. However, these first drafts should be reviewed and further revised. See Attachment I for copies of Menominee forms.

3. Court Collection Handbook.

Although the Bureau does have a Collections Handbook, it incorporates certain previously issued guidelines (which makes it hard to follow as a single document), and it has a large amount of information not relating to Indian Courts. The Handbook should be edited, revised and expanded specifically for courts.

4. P.L. 93-638 Contracts.

Guidelines and reporting requirements should be developed to evaluate 638 contract proposals and monitor progress of a project.

5. Jury System Manual And Juror Information Handout.

The Indian Civil Rights Act and the CFR provide for a right to a jury trial. However, it appears as if jury trials are not readily available in some Indian courts. The problem is that the ICRA and CFR provide little guidance in how to provide a jury trial.

TRAVEL PLAN

Originator	Code	Description	Authentication Block	Remarks
1. Area/Agency	F52	Red Lake	6. Revision Number <u>1</u>	
2. Location	-01	Red Lake	7. Prepared by <u>[Signature]</u>	
3. Fiscal Year	1	1981	8. Date Prepared <u>3-20-81</u>	
4. Activity	3200	Indian Services	9. Approved by _____	
5. Element	2165	Tribal Court	10. Date Approved _____	

11. COMPONENT/ WORK ORDER	12. DESCRIPTION	13. TOTAL	14. QUARTERLY FINANCIAL PLAN				15. Not Funded
			1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
	Object Class 21: Training & Travel Authorization & GTR		463.	200.	300.	400.	
	Total 21	\$1363.	463	200.	300.	400.	
	Object Class 27:						
	Total 27						
	Object Class 22: Personnel Transportation & GSA Rental		450	516.	516.	518.	
	Total 22	\$2,000	450.	516.	516.	518.	
	TOTAL TRAVEL PLAN	\$3,363.	913.	716.	816.	918.	

16. TRAVEL CEILING

I have enclosed (Attachment 2) a copy of the Jury Manual and Juror Guide I prepared for the Menominee Tribal Court. With further review and revisions it could be used as a standard.

6. Job Descriptions.

As part of the Center's Red Lake Project, I attempted to collect copies of BIA job descriptions for court positions and was unable to locate copies for all positions. The Bureau should have a set of descriptions that could be used in all CFR courts. They could also be models for other Indian Courts. See Attachment 3 for copies of job descriptions prepared for the Menominee Tribal Court.

All BIA job descriptions for CFR court employees should be reviewed to assure that they properly incorporate all federal requirements.

7. Model Annual Survey.

Although the BIA has just developed a new Tribal Court Profile Format, there are a number of additional refinements or additions that should be considered for future profiles. Some of the additional items that quickly come to my mind include the following items:

- A listing of BIA offices and persons to contact.
- A description of the appellate court system and caseloads.
- A description of the "court of record" practices or procedures.
- A list of Associate Judges and Court Clerks.

Certainly there are other items that should be considered for future profiles.

It would also be helpful if a number of the topics were condensed onto summary comparison charts to facilitate the comparison between courts.

8. Mini-Computers.

It appears as if Indian Courts are frequently interested in using mini-computers for caseflow management, statistics, word processing, notices, form design, etc. To the extent

1. Location -01 3. Fiscal Year 1
2. Activity 3200 4. Program Element 2165

3. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

[illegible]

the Bureau is asked to fund the purchase of such equipment and required implementation assistance, it may be advisable for the Bureau to fund the development a standard software program for use in all Indian courts.

The development of such a software program would reduce the cost of future implementation and insure the uniform use of mini-computers including the collection of data needed by BIA.

9. State Court Enforcement Of Indian Court Orders And Judgments.

The recently completed project by NAICJA and NCSC on State Court Enforcement of Indian Court Judgments identified the various ways to achieve reciprocal enforcement of orders and judgments between Indian and state courts. The State of Wisconsin has even passed a bill addressing this problem. See Attachment 4.

It would be extremely helpful to other Indian courts if the Bureau were to prepare a monograph describing the various approaches to this problem and a model statute.

10. Standard Manuals.

It is the National Center's opinion that standard manuals could and should be developed for Indian courts in a number of areas such as records management, personnel, and accounting. See Attachments 5-7.

Certainly Indian courts will have to make minor modifications to reflect their individual needs and practices. However, there are certain basic approaches and practices that should be used in all Indian courts.

11. Code Codification.

While performing the management audits for Laguna and Menominee, it became apparent that Law and Order Codes needed updating and revisions. However, it equally was apparent that tribal councils needed guidance in developing a codification and maintenance system for tribal codes.

At the Menominee Reservation we found that there was no single updated version of the tribal code. Ordinances were passed and merely added to previous passed code provisions. Some were temporary provisions and others amended only portions of previous codes provisions. There was no single outline or index to the most recent code provision or system to maintain the code.

Originator	Code	Description	Authentication Block		Remarks
1. Area/Agency	F52	Red Lake	5. Revision Number		
2. Location	-01	Red Lake	7. Prepared by	<i>[Signature]</i>	
3. Fiscal Year	1	1981	8. Date Prepared	3-30-81	
4. Activity	3200	Indian Service	9. Approved by		
5. Element	2165	Tribal Court	10. Date Approved		

11. POSITION NUMBER	12. POSITION TITLE	13. PROGRAMMED		14. LAPSE (-)	15. ADJUSTED TOTAL	PROGRAM COST ACCOUNT DISTRIBUTION COMPONENT/WORK ORDER CODES					
		GRADE STEP	SALARY			COMP/W.O.	COMP/W.O.	COMP/W.O.	COMP/W.O.	COMP/W.O.	COMP/W.O.
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B23.	T Court Clerk (vacant)	3/1	9,766.	9,325.	441.						
17. SUB-TOTAL PERSONNEL SERVICES					74,217.						
					21. OTHER COMPENSATION	3,711.					
18. TOTAL FULL TIME PERMANENT					0	22. EMPLOYEE BENEFIT CONT.	4,676.				
19. TOTAL OTHER					8	23. TOTAL PERSONNEL SERVICES & EBC	82,604.				
20. TOTAL POSITIONS					8						

October 12, 1982


The National Center is presently codifying the Menominee Tribal code and will present to them (in the near future) a single updated version of their code and instructions for maintaining the code. From our experience, I believe the National Center could develop guidelines, standards and an approach for other Tribes to codifying and maintaining their codes. Only after a tribe has a clear picture of their present code can they intelligently make any necessary revisions.

Additional Comments

As we discussed earlier, there will be limited funds available in the future to implement these types of projects. However, if the Bureau is interested in pursuing such projects I would be willing to discuss with you the identification of additional funding sources to supplement BIA monies.

Sincerely,

NATIONAL CENTER FOR STATE COURTS



James G. Farrar
Senior Staff Attorney

JGF/lag

cc: Perry Baker

1. Location -01 3. Fiscal Year 1
2. Activity 3200 4. Program Element 2165

BUREAU OF INDIAN AFFAIRS
FINANCIAL PROGRAM PLAN

3. Approved _____

6. Date Approved _____ 7. Quarter 1 2 3 4

8. Revision No. _____

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