



The First New York Listening Conference

CO-SPONSORED BY
THE NEW YORK TRIBAL COURTS COMMITTEE,
THE NEW YORK STATE JUDICIAL INSTITUTE, AND
THE CENTER FOR INDIGENOUS LAW, GOVERNANCE AND CITIZENSHIP
IN AFFILIATION WITH THE NEW YORK FEDERAL-STATE-TRIBAL COURTS FORUM



Program

April 26 – 27, 2006 • Syracuse, New York

Wednesday, April 26, 2006

7:00 P.M. OPENING

LAFAYETTE ROOM

- OPENING **OPENING WORDS OF THANKSGIVING: "THE WORDS THAT COME BEFORE ALL ELSE"**
TADODAHO, SIDNEY HILL of the Haudenosaunee and the Onondaga Nation
- GREETING **HON. EDWARD DAVIDOWITZ**, Conference Co-Chair, New York Tribal Courts Committee Co-Chair

7:15 P.M. - 9:30 P.M. DINNER AND PROGRAM

LAFAYETTE ROOM

RESTORATIVE JUSTICE

This program will address principles of restorative justice and its use in traditional tribal judicial systems.

- PROGRAM CHAIR **TODD WEBER, ESQ.**
- SPEAKERS **RENA SMOKE**, Director, Akwesasne Community Justice Program
MURRAY MACDONALD, ESQ., Crown Attorney for Stormont, Dundas and Glengarry Counties, Province of Ontario
VALERIE STAATS, Native American Council on Alcoholism and Substance Abuse, Inc.
REVEREND MIKE SMITH, Shinnecock Men's Tribal Council
- COMMENTARY **MARILYN JOHN**, Oneida Nation Peacemaker and Clan Mother

Thursday, April 27, 2006

7:30 A.M. - 8:00 A.M. REGISTRATION AND BREAKFAST

8:00 A.M. - 8:45 A.M. WELCOMING GREETINGS

LAFAYETTE ROOM

- HON. MARCY L. KAHN**, Conference Co-Chair and New York Tribal Courts Committee Co-Chair
HON. ANN PFAU, First Deputy Chief Administrative Judge, New York State Unified Court System
MR. BRIAN PATTERSON, Oneida Nation Men's Council
NIAGARA RIVER IROQUOIS DANCERS

8:45 A.M. - 10:30 A.M. PLENARY SESSION

LAFAYETTE ROOM

INDIAN COUNTRY JURISDICTION 101: AN HISTORICAL REVIEW OF NATIVE AMERICAN TRIBAL SOVEREIGNTY AS REFLECTED IN FEDERAL AND NEW YORK STATE INDIAN LAW

This panel will provide an overview of the legal history of the exercise of sovereign jurisdiction by the Indian Nations since the founding of the United States, and what has been done to limit it, or support it, over the years, through United States Supreme Court decisions, acts of Congress, and executive branch policy. The impact of these actions, as well as certain New York executive and legislative policy measures, and the legal issues thus created will also be examined, using realistic case scenarios. Time will be reserved for a question and answer session.

- MODERATOR **HON. MARCY L. KAHN**
- SPEAKERS **PROFESSOR ROBERT ODAWI PORTER**, Syracuse University College of Law
PROFESSOR CARRIE GARROW, Executive Director, Center for Indigenous Law, Governance and Citizenship
PROFESSOR JO ANN HARRIS, Pace University School of Law
PETER CARMEN, General Counsel, Oneida Nation

10:30 A.M. - 10:45 A.M. BREAK

10:45 A.M. - 12:15 P.M. MORNING PLENARY SESSION

LAFAYETTE ROOM

NATIVE JUSTICE SYSTEMS IN NEW YORK STATE

Speakers from the Indian Nations in New York will discuss the formal court systems as well as the more traditional concepts of justice used by their Nations.

MODERATOR **HON. EDWARD DAVIDOWITZ**
SPEAKERS **JOSEPH HEATH**, *General Counsel, Onondaga Nation*
HON. STEWART HANCOCK, *Chief Appellate Judge, Oneida Nation*
RUSS JOCK, *former Tribal Courts Research and Development Coordinator for the St. Regis Mohawk Tribe*
CHIEF HARRY WALLACE, *Unkechaug Nation*
HON. ROBERT PIERCE, *Administrative Judge of the Supreme Court of the Seneca Nation; Councilor of the Seneca Nation Council*

12:30 P.M. - 1:30 P.M. LUNCH

HORIZONS

KEYNOTE SPEAKER **OREN LYONS**, *Faithkeeper, Onondaga Nation*

1:30 P.M. - 3:00 P.M. AFTERNOON CONCURRENT SESSIONS

LAFAYETTE: ROOMS A AND B

SESSION A **INDIAN CHILDREN IN STATE FAMILY COURTS:
UNDERSTANDING ICWA AND APPLYING ICWA IN NEW YORK**

Panelists will use frequently encountered scenarios to illustrate the Indian Child Welfare Act (ICWA) and its application in New York.

MODERATOR **HON. HUGH GILBERT**, *Supervising Judge of New York State Family Courts for the Fifth Judicial District*
SPEAKERS **HON. BARBARA (CREE) POTTER**, *St. Lawrence County Family Court*
MARGARET BURT, ESQ.
JAMIE BAY, *Assistant Executive Director, St. Regis Mohawk Tribe*
JAMIE GILBERT, *Tuscarora Home School Coordinator*

OR

SESSION B **CRIMINAL JURISDICTION IN INDIAN COUNTRY: THE APPLICATION OF 25 U.S.C. § 232**

This panel will address the various paths of prosecution and how the jurisdiction is actually applied and will discuss the effect of federal law on the jurisdiction of state courts over crimes committed by Natives or non-Natives in Indian Country, the extent and limits of federal criminal jurisdiction over Natives and non-Natives in Indian Country and the effect of federal law on the authority of Native courts to conduct criminal prosecutions.

MODERATOR **HON. MARCY L. KAHN**
SPEAKERS **HON. HUGH SCOTT**, *U.S. Magistrate Judge, W.D.N.Y.*
PETER CARMEN, *General Counsel, Oneida Nation*
PROFESSOR JO ANN HARRIS, *Pace University School of Law*

3:00 P.M. - 3:15 P.M. BREAK

3:15 P.M. - 4:15 P.M. AFTERNOON PLENARY SESSION

LAFAYETTE ROOM

**PROBLEM-SOLVING: HOPES/ WISHES FOR JUSTICE SYSTEMS AND INTERFACE BETWEEN NATIVE AND
NON-NATIVE JUSTICE SYSTEMS**

Meeting challenges that arise at the interface of different court systems will be the focus of this panel. Speakers will address areas in which cross-jurisdictional efforts have proven successful and will identify others where similar initiatives might prove fruitful, including possible development of jurisdictional protocols.

MODERATOR **PROFESSOR CARRIE GARROW**
CO-COORDINATOR **HON. JOHN COLLINS**, *Administrative Judge, New York Supreme Court, Bronx County*
SPEAKERS **JAMIE GILBERT**, *Tuscarora Home School Coordinator*
MARGUERITE A. SMITH, ESQ., *Shinnecock Nation Representative, Suffolk County Executive Task Force to Prevent Family Violence*
ANDREW THOMAS, *St. Regis Mohawk Tribe Police Department*
OREN LYONS, *Faithkeeper, Onondaga Nation*

4:15 P.M. CLOSING

ONEIDA NATION DANCERS

CLOSING REMARKS **HON. HUGH GILBERT**, *Forum Co-Facilitator*

TRADITIONAL CLOSE **TADODOHAO, SIDNEY HILL** *of the Haudenosaunee and the Onondaga Nation*
