

*Russ Jock*  
*Outline*  
*10:45 am-12:30 pm Plenary Session II*  
*Listening Conference*  
*Native Justice Systems in NY State*

*Processes for Tribal Court Development*

- I. Research and Development Phase
  - a. What is in place? What do you have to work with? “You don’t have to re-invent the wheel.”
  - b. Collect and Organize Any and All Information regarding what it is you are working on
    1. Prior legislation, codes, ordinances etc.
  - c. Take a Methodical and Pragmatic Approach
    1. Every Community Member’s Perspective Must be Taken Into Account.(Informational Sessions, Media Releases, and Community Surveys, etc)
  - d. Issue of “Traditional Concepts v. Mainstream”—Especially in Tribal Communities
  - e. “Three Avenues” Approach
    1. Strict Traditional / Specific Tribal Identity Approach
    2. Create After Mainstream Societies Justice Models
    3. Combining of the Two Ideologies and Perspectives

## II. Challenges and Barriers to Anticipate

### a. Funding Source(s)—External v. Internal

#### \*External

1. Federal Grants
2. GMS--Grants Management Systems
3. Proposal and Grant Writing Skills
4. On Staff? Use Resources.
5. Not on Staff? Training Available

#### \*Internal

1. Tribal General Funds
2. Gaming, Petroleum and Tobacco Sales / Taxes,  
etc.

### b. Supports in Place

1. Health and Human Services (Family and Child  
Programs—CPS, Domestic Violence, etc.)
2. Law Enforcement (Tribal Police)
3. External Judicial Jurisdictions (Surrounding Courts  
Utilized by Tribal Community)

- c. Community Division—Sometimes communities are very complex.
- d. Must Possess or Gain Comprehensive Knowledge about the Community (History and Culture)

### III. Implementation Phase

- a. Determine Tribe Specific Method of Legislation Adoption
  - 1. Tribal Council Resolutions
  - 2. Community Vote
  - 3. Percentage Needed for Affirmation
  - 4. Percentage Needed for Validity
- b. Funding Should be Determined
- c. 1<sup>st</sup> and 2<sup>nd</sup> Year Goals should be Established
  - 1. Training
  - 2. Purchasing of Equipment
  - 3. Filling Positions for Organization (Judge, Clerks, Administrator etc.)
- d. Oversight or Working Group should be in Place to Ensure Objectives are being Met

Thank You and  
Good Luck!