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UNIFIED COURT SYSTEM
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July 6, 2004

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Greetings:

I believe you'll all share my sentiment that the **June 24th** Utica jurisdictional discussion group was a resounding success (except of course for Head Peacemaker Norma Kennedy, who was unfortunately unable to attend).

The 7th Judicial District found us a spot (Conference Room 165, mezzanine level, Hall of Justice, 99 Exchange Boulevard) for our Monday, August 23rd, 10:30 a.m. meeting in Rochester (directions enclosed).

I thought I'd take this moment to recap the high points from June 24th and, given the way I took notes, do it alphabetically by nation/tribe.

The **Mohawks** would particularly like to obtain state recognition of their traffic court civil judgments. They report primarily voluntary compliance in payment of imposed fines and utilize a collection agency based in Vermont for the remainder.

Presumably they will also want recognition of their Family Court judgments in those non-ICWA and VAWA areas as well once it is functioning; they also reported concerns about recognition of divorce judgments should they seek to address that topic in the future.

The **Oneida** representatives reported an unfortunate incident in which a county or local clerk's office employee referred to an Oneida Nation marriage certificate as a "novelty," plainly meaning it had no legitimate effect.

They also report that: Oneida County will not recognize child support judgments issued by their court; their traffic and other civil judgments are usually enforced in state (and local?) courts by motions for summary judgment in lieu of complaint.

The Oneida representatives also stated that to-date they have been unable to register their Protective Orders with the State Police or Family Court, despite the presence of the statutory federal-state recognition language at the foot of each one issued?!

They are considering issuing their own "child safety seat" violation tickets based upon observations too frequently made of traffic to and from their day care center.

The **Onondagas** report that their traditional marriage certificates are recognized but that they too have concerns re: recognition of divorces. They maintain good relations with local Town and Village Courts and the Sheriff, less so perhaps with County Court with the exception of the community service portion of some criminal sentences.

The Onondagas also report making traffic safety violation stops and compliance with their system of civil fines vs. referral for Village and Traffic proceedings in local courts. Not having a uniformed tribal police force or Traffic Court as the Mohawks and Oneidas do, however, the method by which they accomplish this is unclear.

The Onondagas' Council participates in legal matters involving nation residents, supporting its members in state and local (and presumably federal as well) court proceedings and effecting service of civil process through Chief Edwin Cook. The Mohawks report similar involvement and, as discussions continue, one would expect the other nations to report they do as well.

The **Tuscarora** representatives came later to the jurisdictional discussion, having opted to stay longer in Judge Gilbert's program for the 5th Judicial District Family Court Judges (heaven knows why, but they did).

Their primary concern since the main Committee convened originally has been with situations where the family are all members and reserve/territory residents, the parents split and, for example, dad leaves the reserve and successfully obtains a Family Court order awarding him custody.

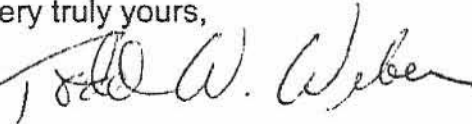
It was strongly suggested and emphasized that these sorts of situations (they also report not being allowed to participate in straight custody proceedings such as the scenario described above) are exactly why Judge Traficanti distributed the list of New York State AJs and SJs: so the nations/tribes would have someone close to the situation to reach out to and receive definite responses from. I suggested they get in touch with Judge Gilbert and he would relay their written concerns to the appropriate AJ or SJ -- or both.

When informed afterward of the Tuscaroras' concerns and the particular county mentioned, he thought that one of its judges, after his Buffalo ICWA presentation, told him he knew he needed to become more versed in both ICWA nuances and the traditional ways of the Tuscarora. Judge Gilbert of course also said he was more than happy to route/help address the Tuscaroras' concerns.

The within is the extent of my feeble notes and recollection. If anyone's is better than mine you can 1) mail all of us your additions or 2) set the record straight on August 23rd.

Hoping to see you all there, I remain

Very truly yours,



TODD W. WEBER
Principal Law Clerk

TWW:pk
Encs.

cc: Hon. Hugh Gilbert, w/encs.