

**TRIBAL/ STATE PROTOCOL
For the Judicial Allocation of Jurisdiction
Between the
Four Chippewa Tribes of
Northern Wisconsin and the
Tenth Judicial District of Wisconsin**

DECEMBER 7, 2001

**COPY FOR THE
TENTH JUDICIAL
DISTRICT OF WISCONSIN**

Tribal/State Protocol for the Judicial Allocation of Jurisdiction Between the Four Chippewa Tribes of Northern Wisconsin and the 10th Judicial District of Wisconsin

Sec. 1. Purpose.

The purpose of this Tribal/State Court Protocol is to effectively and efficiently allocate judicial resources by providing a legal mechanism which clearly outlines the path a legal dispute will follow when both a tribal court and a circuit court have jurisdiction over a matter. This protocol does not apply to any case in which controlling law commits exclusive jurisdiction to either the tribal court or the circuit court.

Sec. 2. Scope.

This Protocol applies to each Circuit Court within the Tenth Judicial Administrative District of the State of Wisconsin approving the Protocol by Local Rule and to each Tribal Court approving the Protocol by appropriate authority.

Sec. 3. Authority.

This protocol is promulgated to effectuate the holding set forth in *Teague v. Bad River Band*, 236 Wis. 2nd 384, 612 N.W. 2d 709 (2000). It is authorized by Local Rules as adopted by the Circuit Courts and appropriate approvals by the Tribal Courts.

Sec. 4. Applicability.

(a) Every party in every action commenced in any circuit court shall in the first pleading filed by the party, or in an attached affidavit, disclose under oath whenever a party is a party in any related action in any tribal court. Every party in every action commenced in any tribal court shall in the first pleading filed by the party, or in an attached affidavit, disclose under oath whenever a party is a party in any related action in any circuit court. If a party is required under this paragraph to disclose the existence of any action, the party shall state the names and addresses of the parties to the action, the name and address of the court in which the action is filed, the case number of the action, and the name of judge assigned to the action.

(b) Any party desiring a dismissal or stay of an action pursuant to this Protocol shall file a motion to that effect in the court where the stay or dismissal is desired, and shall include in the motion a request for temporary stay pending allocation of jurisdiction under this Protocol. The temporary stay pending allocation of jurisdiction may be ordered ex parte upon the sworn allegations required under paragraph 4(a).

(c) Whenever a court issues a temporary stay pending allocation of jurisdiction, the court shall transmit a copy of a notice of stay to the court where the related action is pending. The court receiving notice of the temporary stay pending allocation of jurisdiction shall automatically issue a stay of proceedings of the related action.

Sec. 5. Jurisdictional Dismissal.

Notwithstanding the stays issued under section 4, if either court determines after notice and hearing, *sua sponte* or by motion of a party, that it lacks jurisdiction, the court may dismiss the action. The court shall provide notice of the dismissal to the other court.

Sec. 6. Judicial Conference for Allocation of Jurisdiction.

(a) The court issuing the first temporary stay shall contact the other court for the purpose of scheduling a joint hearing on the issue of allocation of jurisdiction. The judges from both courts shall establish a briefing schedule, if any, and shall conduct a hearing at which both judges preside. The location of the hearing and the conduct of the

hearing shall be determined by the judges jointly in their discretion. If the two judges cannot be present in the same courtroom, one judge may preside by telephone. The hearing shall be on the record.

(b) At the close of the hearing and applying the standards set forth in section 7 of this Protocol, the judges shall confer to decide the allocation of jurisdiction, and shall decide which case shall be dismissed or stayed. A dismissal without prejudice of one of the cases shall be ordered, except:

(1) If there is a doubt about the jurisdiction of the court in which the case is not dismissed, or if there is a concern for the expiration of a statute of limitations or if other equitable considerations exist, a stay may be issued instead of an order for dismissal, and

(2) The judges may determine that some issues or claims are more appropriately decided in one court and some issues or claims are more appropriately decided in the other court and may make orders appropriate to such circumstances.

The deliberations of the judges shall not be on the record. The judges shall thereafter state on the record their decision and the reasons therefor.

(c) If the judges are unable to allocate jurisdiction at their conference as provided for in section 6(b), above, a third judge will be selected. The judge will be selected from a standing pool of judges, composed of four circuit judges and four tribal judges. Circuit Judges shall be appointed to the pool by the Chief Judge of the Tenth Judicial Administrative District. The Chief Tribal Judge of each Tribal Court which has approved this Protocol, or his or her designee, shall serve on the pool. If fewer than four Tribal Courts approve this Protocol, then the Chief Judges of the Tribal Courts which do approve this Protocol shall jointly select a sufficient number of judges to bring the number of Tribal Judges in the pool up to four. All judges appointed to the standing pool shall remain in the pool until replaced. In the event a case is referred to the pool, any judge who is a member of the pool and who is a judge of the Tribal Court or Circuit Court from which the referral arises shall be removed from the pool for purposes of that referral. The parties shall then be given the opportunity to mutually decide on the judge. If the parties cannot agree on a judge, each party shall be allowed to peremptorily strike one judge from the pool, and of those remaining one judge shall be drawn at random. That judge shall join the two judges from the courts where the actions are pending, and a hearing de novo before all three judges will be scheduled. At the close of the hearing, the judges shall deliberate and decide as set forth in section 6(b), above.

7. Standards for allocation of jurisdiction.

The following factors shall be considered in determining which court shall exercise jurisdiction in the matter:

(1) Whether issues are present in the case which directly touch on or require interpretation of a Tribe's Constitution, By-Laws, Ordinances or Resolutions;

(2) Whether the nature of the case involves traditional or cultural matters of the Tribe;

(3) Whether the action is one in which the Tribe is a party, or where tribal sovereignty, jurisdiction, or territory is an issue in the case;

(4) The tribal membership status of the parties.

(5) Where the case arises.

(6) If the parties have by contract chosen a forum or the law to be applied in the event of a dispute.

(7) The timing of the motion to dismiss or stay, taking into account the parties' and courts' expenditures of time and resources, and compliance with any applicable provisions of either court's scheduling orders.


(8) The court in which the action can be decided most expeditiously.

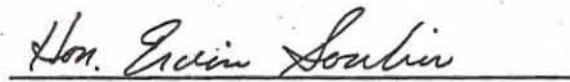
(9) Such other factors as may be appropriate in the particular case.

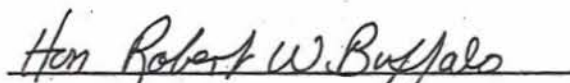
Sec. 8. Powers, Rights, and Obligations Unaffected.

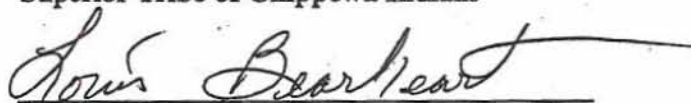
Nothing in this protocol is intended to alter, diminish, or expand the jurisdiction of state or tribal courts, the sovereignty of state or tribes, or the rights or obligations of parties under state, tribal, or federal law.

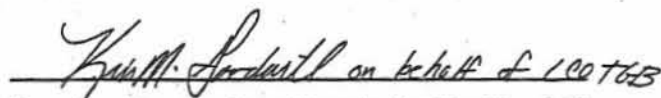
Before all present on this the Seventh Day
of December, in the year two-thousand-and one,
each signatory below acknowledges the adoption
of the preceding State /Tribal Protocols for the
Allocation of Jurisdiction in their respective jurisdiction.


Chief Judge 10th Judicial District


Chief Judge Bad River Band of the Lake
Superior Tribe of Chippewa Indians


Chief Judge Red Cliff Band of the Lake
Superior Tribe of Chippewa Indians


Chief Judge St. Croix Chippewa Indians
of Wisconsin


Representing the Lac Courte Oreilles Band of
of Lake Superior Chippewa Indians of Wisconsin

In re the Matter of:

ORDER

TRIBAL-STATE COURT JUDICIAL PROTOCOLS

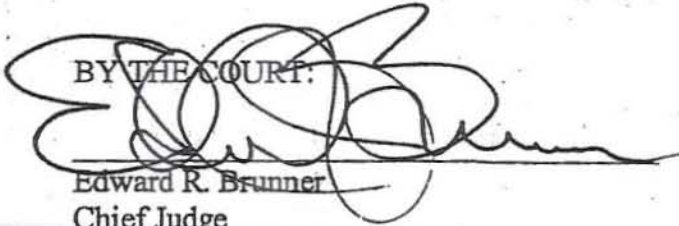
WHEREAS:

1. Public Law 280 67 Stat. 588 (1953), 25 U.S.C. SS 1322(a) authorizes the State of Wisconsin to assume jurisdiction over civil causes of action arising within such Indian Country located within its borders.
2. Public Law 280 67 Stat. 588 (1953), 25 U.S.C. SS 1322(c) recognizes that any tribal ordinance or custom adopted by the Band not inconsistent with any applicable state civil law shall be given full force and effect in determination of civil causes of action.
3. *Teague v. Bad River Band*, 236 Wis. 2nd 384, 612 NW 2d 709 (2000) recommends that Trial Court and Tribal Court effectuates inter court protocols to resolve in a cooperative manner jurisdictional issues.
4. Wisconsin Rules of Court Section 753.35(2) authorizes the Chief Judge of the Judicial Administrative District to adopt local rules concerning court administration.
5. There is a need to effectively and efficiently allocate jurisdiction among the Tribal and District Courts in the Tenth Judicial District so that a case in controversy might be heard by the Court best suited to decide a matter.
6. A protocol has been developed by the State Court-Tribal Court Forum of the Tenth Judicial District which addresses criteria to be used by Tribal and State Court Judges in allocating jurisdiction where both the Tribal and State Courts have jurisdiction over a civil matter.

THEREFORE, IT IS ORDERED that the 13 Circuit Courts of the Tenth Administrative District [Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer and Washburn] will utilize the attached protocol in resolving jurisdictional issues between the Circuit Court and the four Tribal Courts of the district [Bad River, Lac Courte Oreilles, Red Cliff and St. Croix.]

Dated: December 7, 2001

BY THE COURT:


Edward R. Brunner
Chief Judge
Tenth Judicial District

Tribal/State Protocol For The Judicial Allocation Of Jurisdiction

Sec. 1. Purpose.

The purpose of this Tribal/State Protocol is to effectively and efficiently allocate judicial resources by providing a legal mechanism which clearly outlines the path a legal dispute will follow when both a tribal court and a circuit court have jurisdiction over a matter. This protocol does not apply to any case in which controlling law commits exclusive jurisdiction to either the tribal court or the circuit court.

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This protocol applies to each Circuit Court within the Tenth Judicial Administrative District of the State of Wisconsin approving the Protocol by Local Rule and to each Tribal Court approving the Protocol by appropriate authority.

Sec. 3. Authority.

This protocol is promulgated to effectuate the holding set forth in *Teague v. Bad River Band*, 236 Wis. 2nd 384, 612 N.W. 2d 709 (2000). It is authorized by Local Rules as adopted by the Circuit Courts and appropriate approvals by the Tribal Courts.

Sec. 4. Applicability.

(a) Every party in every action commenced in any circuit court shall in the first pleading filed by the party, or in an attached affidavit, disclose under oath whenever a party is a party in any related action in any tribal court. Every party in every action commenced in any tribal court shall in the first pleading filed by the party, or in an attached affidavit, disclose under oath whenever a party is a party in any related action in any circuit court. If a party is required under this paragraph to disclose the existence of any action, the party shall state the names and addresses of the parties to the action, the name and address of the court in which the action is filed, the case number of the action, and the name of judge assigned to the action.

(b) Any party desiring a dismissal or stay of an action pursuant to this Protocol shall file a motion to that effect in the court where the stay or dismissal is desired, and shall include in the motion a request for temporary stay pending allocation of jurisdiction under this Protocol. The temporary stay pending allocation of jurisdiction may be ordered ex parte upon the sworn allegations required under paragraph 4(a).

(c) Whenever a court issues a temporary stay pending allocation of jurisdiction, the court shall transmit a copy of a notice of stay to the court where the related action is pending. The court receiving notice of the temporary stay pending allocation of jurisdiction shall automatically issue a stay of proceedings of the related action.

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Notwithstanding the stays issued under section 4, if either court determines after notice and hearing, *sua sponte* or by motion of a party, that it lacks jurisdiction, the court may dismiss the action. The court shall provide notice of the dismissal to the other court.

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(a) The court issuing the first temporary stay shall contact the other court for the purpose of scheduling a joint hearing on the issue of allocation of jurisdiction. The judges from both courts shall establish a briefing schedule, if any, and shall conduct a hearing at which both judges preside. The location of the hearing and the conduct of the hearing shall be determined by the judges jointly in their discretion. If the two judges cannot be present in the same courtroom, one judge may preside by telephone. The hearing shall be on the record.

(b) At the close of the hearing and applying the standards set forth in section 7 of this Protocol, the judges shall confer to decide the allocation of jurisdiction, and shall decide which case shall be dismissed or stayed. A dismissal without prejudice of one of the cases shall be ordered, except:

- (1) If there is a doubt about the jurisdiction of the court in which the case is not dismissed, or if there is a concern for the expiration of a statute of limitations or if other equitable considerations exist, a stay may be issued instead of an order for dismissal, and
- (2) The judges may determine that some issues or claims are more appropriately decided in one court and some issues or claims are more appropriately decided in the other court and may make orders appropriate to such circumstances.

The deliberations of the judges shall not be on the record. The judges shall thereafter state on the record their decision and the reasons therefore.

(c) If the judges are unable to allocate jurisdiction at their conference as provided for in section 6(b) above, a third judge will be selected. The judge will be selected from a standing pool of judges, composed of four circuit judges and four tribal judges. Circuit Judges shall be appointed to the pool by the Chief Judge of the Tenth Judicial Administrative District. The Tribal Judge of the Lac Courte Oreilles Tribe, or his or her designee, shall serve on the pool. If fewer than four Tribal Courts approve this Protocol, then the Tribal Judge of the Lac Courte Oreilles Tribal Court shall assist in jointly selecting a sufficient number of judges to bring the number of Tribal Judges in the pool up to four. All judges appointed to the standing pool shall remain in the pool until replaced. In the event a case is referred to the pool, any judge who is a member of the pool and who is a judge of the Tribal Court or Circuit Court from which the referral arises shall be removed from the pool for purposes of that referral. The parties shall then be given the opportunity to mutually decide on the judge. If the parties cannot agree on a judge, each party shall be allowed to peremptorily strike one judge from the pool, and of those remaining one judge shall be drawn at random. That judge shall join the two judges from the

courts where the actions are pending, and a hearing de novo before all three judges will be scheduled. At the close of the hearing, the judges shall deliberate and decide as set forth in section 6(b) above.

Sec. 7. Standards for Allocation of Jurisdiction.

The following factors shall be considered in determining which court shall exercise jurisdiction in the matter:

- (1) Whether issues are present in the case which directly touch on or require interpretation of a Tribe's Constitution, By-Laws, Ordinances or Resolutions;
- (2) Whether the nature of the case involves traditional or cultural matters of the Tribe;
- (3) Whether the action is one in which the Tribe is a party, or where tribal sovereignty, jurisdiction, or territory is an issue in the case;
- (4) The tribal membership status of the parties.
- (5) Where the case arises.
- (6) If the parties have by contract chosen a forum or the law to be applied in the event of a dispute.
- (7) The timing of the motion to dismiss or stay, taking into account the parties' and courts' expenditures of time and resources, and compliance with any applicable provisions of either court's scheduling orders.
- (8) The court in which the action can be decided most expeditiously.
- (9) Such other factors as may be appropriate in the particular case.

Sec. 8. Powers, Rights, and Obligations Unaffected.

Nothing in this protocol is intended to alter, diminish, or expand the jurisdiction of state or tribal courts, the sovereignty of state or tribes, or the rights or obligations of parties under state, tribal, or federal law.

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O.Box 39 • Odanah, Wisconsin 54861

RESOLUTION 5-14-01-94

Approving the Bad River Tribe/Ashland County Court Protocol for the Allocation of Judicial Resources

- WHEREAS,** The Bad River Band of Lake Superior Tribe of Chippewa Indians ("Band") is organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. Subsection 476, and the Bad River Tribal Council is the governing body of the Band pursuant to the Tribal Constitution; and
- WHEREAS,** Article VI Section (q) of the Bad River Constitution authorizes the Tribal Council to promulgate and enforce ordinances for the administration of justice by establishing an Indian Court; and
- WHEREAS,** Public Law 280-67 Stat. 588 (1953), 25 U.S.C. §§ 1322 (a) authorizes the State of Wisconsin to assume jurisdiction over civil causes of action arising within such Indian Country located within its borders; and
- WHEREAS,** Public Law 280-67 Stat. 588 (1953), 25 U.S.C. §§ 1322 (c) recognizes that any tribal ordinance or custom adopted by the Band not inconsistent with any applicable state civil law shall be given full force and effect in determination of civil causes of action; and
- WHEREAS,** There is a need to effectively and efficiently allocate jurisdiction among the tribal and State Courts in the State of Wisconsin so that a case or controversy might be heard by the court best suited to decide a matter; and
- WHEREAS,** a select Committee of the Chippewa Bands and County Courts that comprise the 10th Judicial District of the State of Wisconsin have developed a protocol that addresses certain criteria to be used by tribal and state court judges in allocating jurisdiction where both the tribal and state courts have jurisdiction over a civil matter; and
- WHEREAS,** The Tribal Council finds that it is in the best interest of the Band to adopt the protocol as presented at "Attachment A;"
- WHEREAS,** The Tribal Council finds that it is in the best interest of the Band to authorize the Bad River Tribal Court to implement the tribal/state court protocol effective immediately.

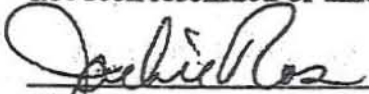
NOW THEREFORE BE IT RESOLVED, that the Tribal/State Court Protocol between the Band and Ashland County establishing the judicial allocation of jurisdiction is hereby adopted effective immediately.

BE IT FURTHER RESOLVED, that the Tribal Council shall review and approve all amendments to this protocol.

BE IT FURTHER RESOLVED, that the Tribal Chairman is authorized to execute the documents necessary to effectuate said protocol.

CERTIFICATION

I, the undersigned as Secretary of the Bad River Band of the Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of seven members, of whom 6 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 14 day of May, 2001 that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 5 members; 0 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.



Jackie Rose, Secretary
Bad River Tribal Council

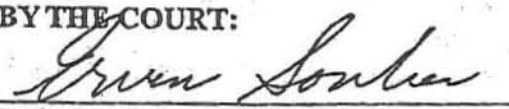
Bad River Tribal Court
Bad River Band of the Lake Superior Tribe of Chippewa Indians

- WHEREAS,** The Bad River Band of Lake Superior Tribe of Chippewa Indians ("Band") is organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. Subsection 476; and
- WHEREAS,** Article VI Section (q) of the Bad River Constitution authorizes the Tribal Council to promulgate and enforce ordinances for the administration of justice by establishing an Indian Court; and
- WHEREAS,** The Bad River Tribal Code Section 105.11 authorizes the Tribal Court to adopt such procedural rules for the operation of the Tribal Court and the regulation of the Bar as it deems proper; and
- WHEREAS,** Public Law 280 67 Stat. 588 (1953), 28 U.S.C. SS 1360 (a) authorizes the State of Wisconsin to assume jurisdiction over civil causes of action arising within such Indian Country located within its borders; and
- WHEREAS,** Public Law 280 67 Stat. 588 (1953), 28 U.S.C. SS 1360 (c) recognizes that any tribal ordinance or custom adopted by the Band not inconsistent with any applicable state civil law shall be given full force and effect in determination of civil causes of action; and
- WHEREAS,** There is a need to effectively and efficiently allocate jurisdiction among the Tribal and State Courts in the State of Wisconsin so that a case in controversy might be heard by the court best suited to decide a matter; and
- WHEREAS,** a select Committee of the Chippewa Bands and County Courts that comprise the 10th Judicial District of the State of Wisconsin have developed a protocol that addresses certain criteria to be used by tribal and state court judges in allocating jurisdiction where both the tribal and state courts have jurisdiction over a civil matter; and
- WHEREAS,** the Tribal Chairman notified the Bad River Tribal Court that pursuant to the Bad River Tribal Council Resolution 05-14-01-94 the Band authorized the adoption of the Tribal/State Court Protocols for the Judicial Allocation of Jurisdiction; and
- WHEREAS,** The Bad River Tribal Court finds that it is in the best interest of the Tribal Court to adopt the Judicial Protocol.

THEREFORE, THE COURT HEREBY ORDERS:

That on this the 7th day of Dec The Bad River Tribal Court adopts the Tribal/State Court Judicial Protocols for the Allocation of Jurisdiction.

BY THE COURT:


Ervin Soulier, Chief Judge
Bad River Tribal Court

7 Dec 2001

Red Cliff Band

"The Hub Of The



Superior Chippewas

Chippewa Nation"

RED CLIFF TRIBAL COUNCIL

Resolution No. 10-25-01-A

RESOLUTION ADOPTING TRIBAL/STATE PROTOCOL FOR THE JUDICIAL ALLOCATION OF JURISDICTION

Whereas: The Red Cliff Tribal Council is the governing body of the Red Cliff Band of Lake Superior Chippewa; and

Whereas: The Red Cliff Tribal Council is authorized to adopt resolutions regulating the procedure of the Tribal Court pursuant to Article VI section 1(l) and (o) of the Red Cliff Constitution; and

Whereas: The Chief Judge of the Red Cliff Tribal Court has been consulted and agrees that the Tribal/State Protocol for the Judicial Allocation of Jurisdiction is in the best interests of the Tribal Court and the Tribe; and

Whereas: the Tribal Council has reviewed the Tribal/State Protocol for the Judicial Allocation of Jurisdiction and deems it in the best interests of the Tribe; and

Whereas: said Protocol will strengthen relations between State and Tribal courts and provide an effective mechanism for resolving competing jurisdictional claims in the 10th District;

NOW THEREFORE BE IT RESOLVED: That the Red Cliff Tribal Council does hereby adopt the attached Tribal/State Protocol for the Judicial Allocation of Jurisdiction; and

BE IT FURTHER RESOLVED: That this resolution is effective immediately.

CERTIFICATION

I, the undersigned, as Secretary of the Red Cliff Tribal Council, hereby certify that the Red Cliff Tribal Council is composed of nine (9) members of whom 7 being present, constituted a quorum at a meeting thereof, duly called, convened and held on this 23rd day of Sept 2001; that the foregoing Resolution was duly adopted

at said meeting by an affirmative vote of 6 members for, 0 members against,
and 0 members abstaining, and that said resolution has not been rescinded or
amended in any way.



Dennis Souler
Tribal Secretary



Pride Of The Ojibwa
13394 W Trepania Road
Hayward • Wisconsin • 54843
PHONE (715) 634-8934 • FAX (715) 634-4797

RESOLUTION NO. 01-90

Approving the Tribal/State Protocol for the Judicial Allocation of Jurisdiction

-
- A black and white illustration of two Native Americans. The figure on the left is shown in profile, holding a bow. The figure on the right is shown from a three-quarter view, holding an arrow. They are both dressed in traditional Native American clothing.
- WHEREAS,** the Lac Courte Oreilles Tribe ("Tribe") is a federally recognized American Indian Tribe, organized under the Indian Reorganization Act of 1934, 25 U.S.C. Section 461, et seq.; and
- WHEREAS,** the Lac Courte Oreilles Tribal Governing Board is the governing body of the Tribe pursuant to the Lac Courte Oreilles Constitution, Article III; and
- WHEREAS,** Article V, Section 11(q) of the Lac Courte Oreilles Constitution authorizes the Tribal Governing Board to establish a tribal court for the purpose of enforcing tribal ordinances, to appoint tribal game wardens, and to provide by appropriate ordinances, for fines, imprisonment or confiscation of equipment for violation of such ordinance; and
- WHEREAS,** Article V, Section 11(c) of the Lac Courte Oreilles Constitution authorizes the Tribal Governing Board to promulgate and enforce ordinances governing the conduct of members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin and providing for the maintenance of law and order and the administration of justice by establishing a tribal court and defining its duties and powers; and
- WHEREAS,** Public Law 280, 67 Stat. 588 (1953), 25 U.S.C. Section 1322 (a) authorizes the State of Wisconsin to assume jurisdiction over civil causes of action arising within Indian Country located within its boundaries; and
- WHEREAS,** Public Law 280, 67 Stat. 588 (1953), 25 U.S.C. Section 1322 (c) recognizes that any tribal ordinance or custom adopted by the Tribe not inconsistent with any applicable state civil law shall be given full force and effect in determination of civil causes of action; and

RESOLUTION NO. 01-90

WHEREAS, there is a need to effectively and efficiently allocate jurisdiction among the Tribal and State Courts in the State of Wisconsin so that a case in controversy might be heard by the court best suited to decide a matter; and

WHEREAS, a select Committee of Tribes and County Courts that comprise the 10th Judicial District of the State of Wisconsin have developed a protocol that addresses certain criteria to be used by tribal and state court judges in allocating jurisdiction where both the tribal and state courts have jurisdiction over a civil matter; and

WHEREAS, the Tribal Governing Board finds that it is in the best interest of the Tribe to adopt the protocol presented as "Attachment A"; and

WHEREAS, the Tribal Governing Board finds that it is in the best interest of the Band to authorize the Lac Courte Oreilles Tribal Court to implement the tribal/state protocol effective immediately.


NOW THEREFORE BE IT RESOLVED that the Tribal/State Court Protocol between the Lac Courte Oreilles Tribe and Sawyer County establishing the judicial allocation of jurisdiction is hereby adopted effective immediately.

BE IT FURTHER RESOLVED that the Tribal Governing Board shall review and approve all amendments to this protocol.

BE IT FURTHER RESOLVED that the Tribal Chairman is authorized to execute the documents necessary to effectuate said protocol.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Lac Courte Oreilles Tribal Governing Board, hereby certify that the Tribal Governing Board is composed of seven (7) members, of whom 5 being present, constituted a quorum at a meeting thereof, duly called, convened, and held on this 3rd day of December, 2001; that the foregoing Resolution was duly adopted at said meeting by an affirmative vote of 4 members, 0 against, 0 abstaining, and that said Resolution has not been rescinded or amended in any way.


Donald Carley, Secretary/Treasurer
Lac Courte Oreilles Tribal Governing Board

RESOLUTION NO. 10.9.01.4

WHEREAS, the tribal judges of the St. Croix, Bad River, Lac Courte Oreilles, and Red Cliff Tribal Courts and the Circuit Judges of the Barron, Burnett, Polk, Ashland, Hayward and Bayfield County Circuit Courts have recommended the adoption of the Wisconsin Tribal/State Court Protocol for the Judicial Allocation of Jurisdiction developed in conference among the tribal and circuit judges;

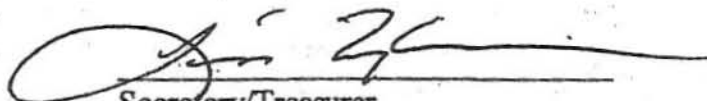
AND WHEREAS, the purpose of the Tribal/State Court Protocol is to effectively and efficiently allocate judicial resources by providing a legal mechanism which clearly outlines the path a legal dispute will follow when both a tribal court and a circuit court have jurisdiction over a matter.

AND WHEREAS, the St. Croix Tribal Council supports the goals and methods of the Tribal/State Court Protocol;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves the attached "Wisconsin Tribal/State Court Protocol for the Judicial Allocation of Jurisdiction" (Final Draft for Approval by Tribal Courts and District 10 Circuit Courts dated March 23, 2001).

CERTIFICATION

I, the undersigned as Secretary of the St. Croix Tribal Council, do hereby certify that the Council is composed of 5 members, of whom 5 were present, constituting a quorum, at a meeting duly called, convened, and held this 9th day of OCTOBER, 2001, and that the foregoing resolution was adopted at said meeting by an affirmative vote of 5 members for, 0 against, and 0 members abstaining from the vote, and that said resolution has not been rescinded or amended in any way.


Secretary/Treasurer
St. Croix Tribal Council