

Intergovernmental Collaborations to Heal, Protect, and Find Solutions: Joint Jurisdiction Courts 101



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I. What Is a Joint Jurisdictional Court?

Jurisdiction is exercised jointly when the Tribal Court and State or Federal Court judges convene to exercise their respective authority simultaneously, bringing together justice system partners and leveraging resources and allowing the systems to work collaboratively and creatively toward better results for individuals involved in the adult and juvenile justice systems. Working together in a Joint Jurisdictional Court both promotes healing and protects public safety, and adopting a problem-solving approach using a Joint Jurisdictional Court recognizes that the adversarial process often increases conflict and does not always produce the best results.¹

The first Joint Jurisdictional Courts, developed by the judges of the Leech Lake Band of Ojibwe Tribal Court and Minnesota’s Ninth Judicial District-Cass County District Court (2007) and Itasca County District Court (2008), were based on the now familiar Healing-to-Wellness Court model.² These Wellness Courts started as any new drug court would; the only difference was that the two judges exercised their jurisdiction simultaneously and the Wellness Court team consisted of representatives from both jurisdictions. The judges of the Tribal Court and State Court entered into a simply worded joint powers agreement:

“Be it known that we the undersigned agree to, where possible, jointly exercise the powers and authorities conferred upon us as judges of our respective jurisdictions in furtherance of the following common goals: (1) Improving access to justice; (2) Administering justice for effective results; and (3) Fostering public trust, accountability, and impartiality.”

A more detailed memorandum of agreement and manual containing policies and procedures were developed for day-to-day court operations, and resolutions in support were passed by both the Leech Lake Band of Ojibwe Tribal Council and the Boards of Commissioners for Cass and Itasca Counties.³ These original courts have remained in continuous operation since their inception, despite turnover in presiding judges and changes in Tribal and local government.

The joint jurisdictional approach has developed practices based on the cultural values inherent in community systems that stress interlocking responsibilities for all the parties. Everyone has a role. The supportive environment as opposed to punitive environment speaks to the collective history of many cultures.

¹ Fahey, J., Korey Wahwassuck, Allison Leof, and John Smith, 2018, *Joint Jurisdiction Courts: A Manual for Developing Tribal, Local, State & Federal Justice Collaborations*, 2nd ed., Portland, OR: Project T.E.A.M., Center for Evidence-Based Policy, Oregon Health & Science University, retrieved September 6, 2023:

[http://walkingoncommonground.org/files/BJA%20%20Manual%202nd%20Ed_%20\(v1\)\(1\).pdf](http://walkingoncommonground.org/files/BJA%20%20Manual%202nd%20Ed_%20(v1)(1).pdf).

² For more information on the first Joint Jurisdictional Wellness Courts, see Wahwassuck, K., John P. Smith, and John R. Hawkinson, 2010, “Building a Legacy of Hope: Perspectives on Joint Tribal-State Jurisdiction”, *William Mitchell Law Review*, 36(2), Article 3 (January), retrieved September 6, 2023:

<http://www.wellnesscourts.org/files/Leech%20Lake%20William%20Mitchell%20law%20review%20article%20Wahwassuck.pdf>.

³ For copies of these foundational documents, see note 1 above, Fahey, *Joint Jurisdiction Courts: A Manual for Developing Tribal, Local, State & Federal Justice Collaboration*, 41.

The joint jurisdictional approach is consistent with Tribal cultural values, and it is increasingly being recognized and incorporated in many courts.⁴ And while many jurisdictions wish to adopt the joint jurisdictional model, some simply do not know how to begin. This article is informed by the experiences of the first Joint Jurisdictional Courts and those that followed. The information is geared for jurisdictions that want to collaborate for better outcomes, build relationships for greater understanding, share resources to achieve health and well-being, improve public safety, celebrate culture, embrace diversity, and work together to build a better future for whole communities. This article provides a brief overview. Further resources, publications, and technical assistance are available for planning, implementing, and managing a Joint Jurisdictional Court through the [Tribal Law and Policy Institute](#) (TLPI).⁵

II. Why Establish a Joint Jurisdictional Court?

Tribal, state, and federal governments share a range of common interests that include protecting the health, safety, and welfare of their citizens. All governments share a responsibility to use public resources effectively and efficiently and to provide comprehensive services such as education, health care, and law enforcement to their respective citizens.⁶ Each jurisdiction has tools unique to its system, and joint exercise of jurisdiction allows the systems to leverage scarce resources and achieve better results. Joint exercise of jurisdiction also allows governments to coordinate the exercise of authority, reduce administrative costs, deliver services in more efficient and culturally appropriate ways, address future contingencies, share resources, and save costs of litigation.⁷ The joint jurisdictional model also enables governments to craft legal arrangements reflecting the particular circumstances of individual Indian nations, rather than relying on uniform national rules.⁸ Greater intergovernmental cooperation often results in better services for Indian country, is more cost effective, is culturally compatible, and

⁴ For more information about operational Joint Jurisdictional Courts, see Walter, J., Korey Wahwassuck, and Suzanne Garcia, 2022, *Joint Jurisdiction Courts: Needs Assessment Findings*, February 2022, West Hollywood: Tribal Law and Policy Institute, retrieved September 6, 2023: [http://walkingoncommonground.org/files/Joint%20Jurisdiction%20Courts%20Final%20Report%20for%20Posting%202-7-22%20\(1\).pdf](http://walkingoncommonground.org/files/Joint%20Jurisdiction%20Courts%20Final%20Report%20for%20Posting%202-7-22%20(1).pdf).

⁵ For more information on TLPI, see www.Home.TLPI.org. For more information on requesting technical assistance for Joint Jurisdictional Court planning and development, please visit TLPI's Tribal State Collaboration Project website at WalkingOnCommonGround.org.

⁶ See Johnson S., Kaufmann J., Dossett J., & Hicks S., June 2000, *Government to Government: Understanding State and Tribal Governments*, Washington, DC: National Congress of American Indians and the National Conference of State Legislatures, retrieved September 6, 2023:

<https://cdn.sanity.io/files/raa5sn1v/development/84e33e251e1bb5aab850ae47f917ab507d3d9765.pdf>. See also Johnson S., et al., 2002, *Government to Government: Models of Cooperation Between States and Tribes*, Washington, DC: National Congress of American Indians and the National Conference of State Legislatures, retrieved September 6, 2023: <https://cdn.sanity.io/files/raa5sn1v/development/b936d4c60b38e64de90f9f8c7f8a73f88c77772d.pdf>.

⁷ See note 2 above, Wahwassuck, "Building a Legacy of Hope", 885–886.

⁸ *Ibid.*, 886.

provides better arrest and prosecution rates.⁹ By working together, services to families can be strengthened and overall community wellness can be improved. Even the most basic forms of interjurisdictional cooperation can save lives and money, and where intergovernmental cooperation has become the rule not the exception, arrests are made, interdiction of crime occurs, and confidence in public safety improves.¹⁰

Evaluations of the first Joint Jurisdictional Wellness Courts developed in Minnesota showed that they are effective and result in positive outcomes.¹¹ Similarly, the Joint Jurisdictional Courts that developed since then show promise for similar effectiveness.¹² These evaluations showed the benefits of Joint Jurisdictional Courts include development of stronger collaborative relationships; better outcomes for participants; families feeling that they are seen and heard; increased rates of sobriety among participants; reduced recidivism in participants; implementation of holistic treatment; better engagement and outcomes for DUI/DWI offenders; establishment of positive relationships; better understanding of native communities by state criminal justice stakeholders; faster access to services; local access to court for participants; improved and expanded relationships with county-Tribal probation and law enforcement; improved and expanded relationships with county and Tribal judges; better outcomes for Tribal families who successfully completed the court process; connection with families; and better collaboration between justice partners.

The first Joint Jurisdictional Courts demonstrated lower incarceration rates because they achieved positive outcomes, which also translated into significant cost saving: between 2007 and 2014 the savings was \$2,078,031 and was more than \$3,000,000 when the evaluation took into account the number jail days avoided.¹³ Additional benefits included participants' reduced drug use and treatment needs, increased educational achievement, and reduced health care costs and mortality. By preventing future crimes, these first Joint Jurisdictional Courts saved potential victims of these crimes from incurring costs as well.

The economic and societal benefits of the first Joint Jurisdictional Courts were also demonstrated by the other Joint Jurisdictional Courts that developed since then, showing

⁹ Indian Law and Order Commission, 2013, *Intergovernmental Cooperation: Establishing Working Relationships That Transcend Jurisdictional Lines, in a Roadmap for Making Native America Safer: Report to the President and Congress of the United States*, p. 105, retrieved September 6, 2023: <https://www.aisc.ucla.edu/iloc/report/>.

¹⁰ *Ibid.*, 100.

¹¹ For the full evaluations of the first Joint Jurisdictional Wellness Courts, see 2015 Alcohol & Drug Abuse Division End of Year Evaluation Report for Leech Lake Band of Ojibwe-Itasca County Joint Jurisdiction Wellness Court, retrieved September 6, 2023: <https://www.co.itasca.mn.us/DocumentCenter/View/2921/Itasca-County-Wellness-Court-Evaluation-PDF>; and 2014 Leech Lake-Cass County Wellness Court Evaluation, retrieved September 6, 2023: <https://npcresearch.com/wp-content/uploads/Cass-County-Wellness-Court-Process-Outcome-and-Cost-Evaluation-FINAL-FOR-OTS.pdf>.

¹² See note 4 above, Walter, *Joint Jurisdiction Courts: Needs Assessment Findings*.

¹³ In 2014, the National Demographics Corporation (NDC) conducted a process, outcome, and cost evaluation that examined data from the Leech Lake Band of Ojibwe-Cass County Joint Jurisdiction Wellness Court, compared to offenders in a non-Joint Jurisdictional Court process, from 2006 to 2012. (See note 11 above, for a link to the evaluation.)

improved outcomes, promising practices, and systemic changes that addressed disparities and improved access to and types of services essential to lasting change for these communities. Among the improved outcomes were lower recidivism rates; lower school discipline and higher graduation rates; increased family preservation rates; reduced incarceration rates; and cost savings.¹⁴ Working together in a Joint Jurisdictional Court, they were able to meet significant needs, including housing, employment, education, prenatal care, mental health, alcohol and drug treatment, childcare, and other needs related to social determinants of health by incorporating culturally based, locally designed interventions.¹⁵

III. What Are the Essential Elements That Support a Joint Jurisdictional Court?

Joint Jurisdictional Courts share similar characteristics and face similar challenges: Leadership is crucial for development. These courts need effective technical assistance; need to blend Healing-to-Wellness and problem-solving Court approaches; are tailored to fit the specific culture of the Tribe and local court systems; are focused on root causes; break down silos and improved collaboration; improve outcomes and system changes; apply sustainability and quality control strategies; and face similar challenges in planning, staffing, geographic distance, and lack of funding for direct services and training.¹⁶

A. Strong Leadership

Strong and effective leadership is required from both the state/non-Tribal and Tribal judges, who must engage with their respective governments, communities, departments, and service providers. Judges are in a unique position to lead change because they can use their power to convene to bring a broad-based group of stakeholders to the planning table to develop a shared vision and design for their intergovernmental justice models.

B. Effective Technical Assistance

It is also essential to access effective technical assistance to plan, implement, and sustain these collaborative courts. Technical assistance and facilitation in planning supports the judges' leadership. Areas for technical assistance can include peer-to-peer learning/mentorship, mapping services, and education on specific subject matters.¹⁷

C. Focus on Root Causes

Joint Jurisdictional Courts focus on the root causes of a shared problem that they address together. Examples of presenting problems that spurred the creating of Joint Jurisdictional Courts include unacceptably high mortality rates from driving while intoxicated or opioid dependence, removal rate for abuse and neglect, opioid or other substance abuse rate, or

¹⁴ See note 4 above, Walter, *Joint Jurisdiction Courts: Needs Assessment Findings*, 20.

¹⁵ *Ibid.*, 20.

¹⁶ *Ibid.*, 7.

¹⁷ For additional information on technical assistance and resources for Joint Jurisdictional Court planning and implementation, please visit WalkingOnCommonGround.org.

school dropout rate. While these unacceptable rates may lead planners to target specific case types in a Joint Jurisdictional Court, it is their collaborative approach that causes the judges and their justice partners to drill down to the underlying root causes. And by designing their joint justice systems, collaboration improves naturally, and stakeholders' relationships become stronger and more positive.

Much of the focus in our shared communities when discussing causation is concentrated not on causation but on symptoms. The symptoms as briefly described previously do *not* represent the bases/source, or the why of the problem(s). When dealing with Tribal communities, or any community(ies) issues, it is essential to determine the origin of the problem. In Tribal communities that means looking at the historical trauma of each Tribe and then spending the time to link the present-day behavior issues to that trauma and the learned behavior in each of the participants families and life. A widely "shared" trauma in our communities is the boarding school experience and the resultant gaps include not being parented, being subjected to sexual and/or physical abuse, being punished for speaking native languages, and so forth. Those behaviors were often brought home to the Tribal communities upon graduation and/or escape. Many times, those appearing in court will have to seek the answers to when certain behaviors appear in your family and unweave these specific traumas, so they walk forward out of those shadows. Part of the work of the courts is to find long-term solutions, and that is often found in the whys of the behavior or source of the behaviors.

Support staff is often not trained to perform these tasks. While judges should focus on developing these supportive skills in court workers, special attention is needed in developing this investigative skill in participants as well. This requires a concentrated effort to determine the history of the people appearing. All parties need to understand how to support this effort and assist as the participant(s) understand the concept of this court, which simply put is, "it is not your fault, but it is your responsibility." By working together, the Tribal and State Courts can develop approaches specific to their communities, providing a blend of resources to address specific traumas, promote healing, and break the cycle of recidivism.

D. Face-to-Face Relationships and a Coordinated Approach

Face-to-face relationships are crucial and create the conditions necessary to examine and challenge core beliefs and practices and break down the silos that separate justice partners. These Joint Jurisdictional Courts also move away from punishment toward healing by drawing on the individual and community strengths, and rather than supporting families in silos, they take a coordinated team approach.

These relationships can be fostered by having "court" sessions where the judge(s) are sitting at a table with participants rather than at their benches when record findings are not required. Some court models may include all participants at each hearing so they can support each other and develop a support network to continue after completion of their court commitment. The rationale for this practice is to assist in building a "new" circle of friends/family as participants seek to make changes in how they present themselves in community. Also, these groups often

become peer-recovery groups or may evolve into out-of-court events, for example, plans to go to ceremonies together and holiday dinners.

Most joint courts operate with teams of advocates that can provide assistance depending on presenting issues. These teams work together and formally meet before court. To facilitate relationships, many courts create a special hearing calendar schedule in which everyone is in court every two weeks with some hearings going monthly as the participants progress. This process can also be done virtually. This became prevalent during the COVID-19 pandemic and many courts found that by offering a virtual process it allowed working participants to appear while reducing their need to take time off work.

E. Integration of Cultural and Traditional Values

Joint Jurisdictional Courts blend two court approaches, drawing upon the best of each system and complementing each other. This work requires a paradigm shift away from the state or federal justice system that does not typically embrace access to culture and spirituality to resolve the issues before the court in their justice systems and tends to rely heavily on incarceration. When creating a Joint Jurisdictional Court, justice partners make a shift and design a new justice system. The joint jurisdictional model respects different traditions and incorporates Tribe-specific culture, values, and spirituality. These courts provide culturally compatible alternatives to the state court justice system and can even transform their state court justice system in the process.¹⁸

Some examples of how some courts have integrated culture into their programs include:

- Opening hearings with prayer and/or traditional practices (smudging, traditional songs, etc.);
- Incorporating traditional language(s) into court program name or phases/milestones;
- Honoring participants in traditional ways and/or ways that involve the broader community during phase graduation or upon completion of program (e.g., presenting them with an eagle feather at graduation or acknowledging them in a community forum or newsletter);
- Teaching culture/cultural values and giving back to your community;
- Attending/assisting with cultural events/dinners/gatherings; and
- Taking care of elders in the community (providing food/hunt for elders, cutting wood for elders, etc.).

¹⁸ In California, the launch of the joint Family Wellness Court led to the Humboldt Superior Court creating a Family Wellness Court as an alternative to the juvenile dependency court, which is more compatible for all citizens. Tribal members of Tribes without Tribal Courts in the region and non-Native people are choosing this Wellness Court alternative. In Michigan, the Resiliency Court led to the state court hiring a Tribal Court judge as a magistrate and inclusion of Tribal Court judges in their state court problem-solving work groups.

F. Establish Sustainability Strategies

These collaborative courts also build sustainability strategies into planning, implementation, and ongoing operations based on a community's local and shared goals. Joint Jurisdictional Courts are always evolving, focusing on local and Tribal context, and last beyond the personalities of the leaders and stakeholders who originally designed the collaboration.¹⁹

IV. What Types of Joint Jurisdictional Courts Can a Tribe Establish?

While Joint Jurisdictional Wellness Courts first developed in Minnesota are one example of how jurisdiction can be exercised jointly, there is no “one-size-fits-all” approach. The type of court structure best suited to a particular community depends on factors such as the structure and size of the courts, local demographics and resources, and the politics and culture of the community. The type of model selected depends entirely upon local needs and goals. The joint jurisdictional approach can be used across all case types, in a variety of geographical locations, and results in better outcomes.²⁰

Although the initial Joint Jurisdictional Courts chose a “Wellness Court” model, not all programs are alike, and each of them represents different applications of joint jurisdiction. In fact, any of the Healing-to-Wellness Court models (adult, juvenile, family)²¹ can be adapted to operate as a Joint Jurisdictional Court. The existing Joint Jurisdictional Courts hear civil cases (adoption, child abuse and neglect, conservatorship, delinquency, domestic violence, family law, guardianship, truancy, termination of parental rights, and Tribal customary adoption) and criminal cases (adult criminal felonies, misdemeanors, and driving under the influence/while intoxicated [DUI/DWI]). While none of the existing courts were specifically designed to address mental health issues, homelessness, or veterans' issues, most of these courts address these issues when they arise. The model can also include truancy/education courts, Individualized Educational Plan (IEP) family support, and relocation courts. The beauty of the model lies in its flexibility to meet local needs.

¹⁹ See note 4 above, Walter, *Joint Jurisdiction Courts: Needs Assessment Findings*, 22.

²⁰ *Ibid.*, 28.

²¹ For more information about Wellness Courts, see Cordero, K., Suzanne Garcia, and Lauren van Schilfgaarde, 2021, *Tribal Healing to Wellness Courts: Intergovernmental Collaboration*, West Hollywood: Tribal Law and Policy Institute, retrieved September 6, 2023: https://287f3473-8ddb-4a3e-a842-552e544a6932.usrfiles.com/ugd/3fb28d_979365c3029e42b38d7eb8f29167c362.pdf. See also Flies-Away, J.T., and Jerry Gardner, and Carrie Garrow, 2014, *Overview of Tribal Healing to Wellness Courts*, 2nd ed., West Hollywood: Tribal Law and Policy Institute, retrieved September 6, 2023: <http://www.wellnesscourts.org/files/THWC%20Overview%20Final%20-%20Sept%20%202014.pdf>. Both publications prepared by the Tribal Law and Policy Institute and funded by the Drug Court Program Office, Office of Justice Programs, U.S. Department of Justice as listed.

V. What Preliminary Steps Should Be Taken When Planning a Joint Jurisdictional Court?

While the exact process used to create a Joint Jurisdictional Court will differ based upon local needs and practices, certain “steps” should be taken in developing a Joint Jurisdictional Court.²²

Step 1: Understand and Build Collaboration

Collaboration of individuals and organizations is at the heart of developing Joint Jurisdictional Courts and can often be the hardest part to initiate. Jurisdictions wishing to create their own court must understand and build collaboration, which is more than just bringing stakeholders to the table. Collaboration is more than cooperation, and exercising jurisdiction jointly goes a step beyond to create a new type of system; it moves participants away from the traditional definition of power as control or domination and toward a definition that allows for shared authority. Collaboration between governments begins by developing relationships between two or more people and focusing on common goals. Even in the midst of historical trauma and conflict, or in the aftermath of litigation, relationships can grow and blossom where trust and a willingness to openly communicate are fostered. It can start by something as simple as inviting someone from another jurisdiction, preferably someone in a similar position to your own, to share a cup of coffee or a meal together, discuss goals for your respective jurisdictions, and identify similar and overlapping goals.²³

Step 2: Gather Stakeholders

The next step is to gather stakeholders, which include institutions or people can help the court accomplish its goals (e.g., another judge, a law enforcement entity, a treatment provider), and define what is needed from them (e.g., money, services, facilities). It is important to identify the person in each organization who will be the best liaison (e.g., the Tribal chairperson or Tribal council/county board of commissioners, the Tribal judge or state judge).

Step 3: Establish Ground Rules for Communication

It is also essential to establish ground rules for communication. Group leaders or facilitators must create an environment of openness to talking and sharing ideas and should effectively communicate this commitment to the group. Setting a tone of a judgment-free environment, where people are encouraged to think creatively and freely express their ideas, is critical to establishing a Joint Jurisdictional Court. The group can establish its own rules for communication or adopt what others have used, but it is important to be respectful and involve everyone, which can be accomplished by asking each person to contribute. Even if you do not agree with someone’s position, hear them out. Ground rules for effective communication

²² The information in the following section is adapted from *Joint Jurisdiction Courts: A Manual for Developing Tribal, Local, State & Federal Justice Collaborations*, 2nd ed. (see note 1 above). The founders of the first Joint Jurisdictional Courts in Minnesota formed Project TEAM (“Together Everyone Achieves More”), prepared the manual as a road map for leaders who want to develop Joint Jurisdictional Courts or initiatives in their own communities.

²³ See, generally, note 2 above, Wahwassuck, “Building a Legacy of Hope.” Planning teams should keep in mind and comply with applicable federal grant restrictions prohibiting expenditure of grant funds for food and beverages.

include a commitment to transparency in sharing information, a commitment to open dialogue, a safe space to contribute, agreement to honor our words and our commitments, and an agreement to stay focused on the group's mission and goals. If the discussion becomes difficult, remember why the group came together: for youth and families and the community.

Step 4: Define the Mission and Vision

Define the mission and vision for the Joint Jurisdictional Court to provide the planning team with a common sense of purpose and identity, provide long-term direction, and communicate both internally and externally what the collaboration is about.

The difference between a vision and a mission statement can sometimes be confusing. Developing a vision statement entails identifying the optimal goal or reason for the existence of a group or organization. A vision statement describes how the group would look in its future successful state of being; it communicates where an organization wants to be. A mission statement, however, describes what a group will do in the present to attain its future vision; it describes how an organization will get to where it wants to be. A well-drafted vision statement can prevent the group from veering off course and can help remind the group of its initial intent and reason for existence. A mission statement provides purpose and direction for the stakeholders. The value of a mission statement comes only when all stakeholders can internalize it and use it as a kind of organizational compass.

Step 5: Understand and Map Current Processes

It is important to understand current processes used in each system. Mapping the current process helps all stakeholders learn the details of the system, where cases become backlogged, how to navigate treatment agencies, what is legally required when an offender is on probation or parole, and so forth. By understanding how the system operates, stakeholders can better identify needs, establish goals, and collaborate regarding system change.

Step 6: Develop Collaborative Goals

The planning team should develop collaborative goals. These goals can provide guidance and direction; create a template for short- and long-term planning; motivate and inspire; and provide a way to evaluate performance goals that also affect individual performance by directing action and effort toward goal-related activities rather than getting on unrelated activities. Goals provide direction, facilitate planning, motivate, and help evaluate performance of the Joint Jurisdictional Court. It is important to incorporate goals that group members would like to see the initiative adopt, and all goals should be SMART goals.²⁴ The planning team should also identify current data needed to develop a baseline against which to measure goals in the future.

Step 7: Attend Trainings as a Team and Work on Team-Building Opportunities

Training is essential for a successful Joint Jurisdictional Court. Tribal Healing to Wellness Court and other drug/alcohol court training and evidence-based training programs can be immensely

²⁴Goals should be specific, measurable, attainable, realistic, and time-bound, otherwise known as SMART goals.

helpful to stakeholders, no matter what type of Joint Jurisdictional Court is being developed. Stakeholders should be encouraged to attend trainings together, if possible; spending time with one another outside of the workplace helps to solidify relationships and creates informal learning opportunities. Attending together also ensures that team members learn the same information, have opportunities for informal learning, and continue to build relationships.²⁵

Step 8: Integrate Culture in Program Development and Implementation

Another essential step in planning is to integrate culture and its healing properties. The effects of historical trauma among American Indians and Alaska Natives can have a significant impact on the process. These effects can arise not only among court participants but also among the court team members. Culture is a protective factor²⁶ and should be supported and nurtured throughout program development and implementation. Culture is also inherent in the entire process of joint jurisdiction work; traditional values are the underlying foundation of the court and serve as guiding principles for stakeholders and participants. Culture should be part of the process, both in creating the court and in defining its procedures. Joint Jurisdictional Courts can be a key in helping people reconnect and learn about their values, traditions, and how to restore relationships. It can be a healing and learning experience for participants and court team members, Tribal members, and non-Indians alike. Culture is often integrated in the name of the Joint Jurisdictional Court, and naming is important and can express traditional values of the community.

In developing incentives, it is important to tie in cultural experiences. For instance, providing rides to events, including tents/sleeping bags and someone to go with them to introduce them or assist them with protocol. Also gaining access to culturally tailored programs like parenting classes specific to Tribal families and Tribal communities, groups for men that may include specific cultural events or traditional practices (e.g., making nets, fishing, harvesting wild rice, making maple syrup, sweat lodges), gender-specific discussion groups that include traditional practices (e.g., jewelry making, basket weaving, beading). The goal is to build out their cultural strengths and ties while working on curbing learned behaviors that prevent their participation. Medicine people or spiritual leaders will often join in these activities to help participants gain the strength to claim their place and meet their responsibilities.

Part of many Joint Jurisdictional Wellness Courts is the “graduation” requirement of giving back to community. This is done to reinforce the value shared amongst many Tribal cultures of the responsibilities we each hold to others and place. Each participant is required to develop a giving back event/gift to complete their apology to the community for “not being there” as they should have been. Many Tribal languages did not have words for “I am sorry” but instead focused on acts to demonstrate that change of behavior.

²⁵ Two exceptional trainings are offered annually. The Tribal Law and Policy Institute offers a Tribal Healing to Wellness Training (see www.wellnesscourts.org) and the National Association of Drug Court Professionals also offers a drug court training (see www.nadcp.org).

²⁶ See *Assessment of Awareness of Connectedness as a Culturally-Based Protective Factor for Alaska Native Youth*, Allen et al., 2011, retrieved September 6, 2023: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3193160/>.

One of the main functions of the Tribal Healing-to-Wellness Court program is to walk the person back to their responsibilities and their rightful place in community and to ensure they are fulfilling the purpose that is unique to them.

Step 9: Develop Target Population and Participant Selection Criteria

The planning team should determine who the Joint Jurisdictional Court will target and who will be eligible to participate and who will be disqualified. For example, the team must decide if the court will be a juvenile court or an adult court; whether it will serve families involved in child welfare cases or serve drug-addicted adults involved in the criminal justice system. The planning team must also decide whether to review prospective participants' history for a possible waiver if they do not meet all criteria. It is also important to consider whether the court has or plans to apply for federal grant funding that has restrictions on accepting certain types of offenders.

Step 10: Phase Development

After the planning team determines who the court will serve, it must identify the phases of the court, how long each phase will last, and what requirements the participants must complete in each phase. Phases refer to the various parts of a participant's program and milestones to be accomplished. A Joint Jurisdictional Court should be designed to reflect the needs of the target population that the court will serve. The program model (e.g., juvenile, adult, or family) can affect how long each phase will last. For example, if the court will serve entire families versus one individual, more time might be required in each phase and a focus on different issues could be necessary. The planning team can look to what has been done by other jurisdictions and modify their programs, and phases can always be adjusted later as the court develops and the needs of the program and participants are identified. It is important to remember that the development of a Joint Jurisdictional Court is a fluid process. Do not become stuck developing perfect policies and procedures; they will likely change as the court progresses.

Step 11: Develop Entry Process

The planning team must determine how referrals will be made and from where or from whom referrals will be accepted. Generally, referrals are reviewed by the court coordinator and, if appropriate, are sent to the core team for review. The core team will make the final determination regarding whether a participant is accepted into the court.

Each program must grapple with whether they will allow self-referral. Many Tribal programs are questioning the wisdom of the approach that requires participants to "get caught" before they are offered help. In cultures that center personal responsibility, this is inconsistent and many of us are looking toward self-referrals and/or family referrals triggering at least an intake interview.

Step 12: Determine Incentives and Sanctions

The planning team also needs to determine incentives and sanctions. Incentives and sanctions must be predictable, fair, consistent, and administered in accordance with evidence-based

principles of effective behavior modification.²⁷ Incentives might include verbal recognition and praise, applause, phase advancement, decreased restrictions, court appearance priority, and gift cards. Local businesses can be asked to donate gift cards or other items for incentives. Sanctions might include verbal reprimands and warnings, verbal or written apologies to the judges and other participants, community service, additional chemical testing, court hearings and/or support meetings, or being moved back a program phase. Incentives do not have to be grand or require a monetary outlay. Verbal praise or decreased restrictions are possible incentives. Similarly, sanctions do not have to be severe. A written apology or increased testing could be appropriate sanctions, depending on the nature of the violation.

Step 13: Develop Graduation/Commencement Requirements and Peer Support Services

The planning team must determine graduation/commencement requirements. For example, the team must decide the length of documented, continuous sobriety required of participants to graduate, and whether they must be gainfully employed as a condition of graduation. Graduation/commencements ceremonies should be special and memorable so that participants have something to look forward to and something to remember. Culture should also be incorporated into the graduation ceremony. Planning teams can also consider whether to utilize graduates as volunteer mentors for other participants.

Step 14: Identify a Court Coordinator

A court coordinator must be identified to help organize people, events, schedules, and documents for the court. A court coordinator must be able to manage competing priorities efficiently and effectively and to be good at interacting with a wide variety of people. A court coordinator should be hired or appointed early in the planning process so that he or she can participate in development and hit the ground running when the Joint Jurisdictional Court is operational.

Step 15: Develop a Steering Committee, Core Team, and Subcommittees

In addition to selecting a court coordinator, the planning team should develop a steering committee, core team, and subcommittees. The team should seek volunteers to serve on subcommittees in which they have interest and/or expertise. Local universities or colleges, other therapeutic courts, the chamber of commerce, businesses, and local radio or television stations are all good community resources, and the planning team can also look to other Joint Jurisdictional Courts for information, assistance, and guidance.

Step 16: Determine Potential Funding Sources

Sustainability is key to the survival of a Joint Jurisdictional Court. Grants can provide funds for program development, training, and initial implementation, but securing long-term funding is essential for sustainability. Partnering with the business community, including professional service organizations, the chamber of commerce, employers, local radio and television stations,

²⁷ See National Association of Drug Court Professionals (NADCP), 2013, *Adult Drug Court Best Practice Standards*, Vol. 1, p. 26, retrieved September 6, 2023: <https://allrise.org/wp-content/uploads/2023/06/Adult-Drug-Court-Best-Practice-Standards-Volume-I-Text-Revision-December-2018.pdf>.

foundations, and others will go a long way in securing program funding, procuring incentives such as gift cards or movie tickets, helping participants find jobs, identifying volunteers, and promoting the Joint Jurisdictional Court throughout the community. It is also important to determine whether programs and services utilized as part of the Joint Jurisdictional Court are eligible for Medicaid funding. If they are not eligible, work with appropriate officials to determine how a provider can become eligible to bill for services. It might be a complicated process initially, but the revenue stream can allow for sustained, reimbursable services. Some Joint Jurisdictional Courts charge participants a program fee. The planning team must determine whether fees should be charged and for what they will be used. A court's fees can be used to purchase participant incentives, journals, graduation gifts, or pay for community feasts. Fees can also be used to advertise the court, help offset costs of stakeholder training, or pay for a program evaluation.

Step 17: Data Collection, Monitoring, and Evaluation

Collecting and analyzing appropriate data are critical for identifying results, securing funding, and maintaining sustainability. An evaluator should be on board from the court's inception so that data can be collected from the very beginning for formal evaluation purposes. Evaluation of any court is an ongoing process with three general goals.

- First, evaluate the court processes—Is the court operating efficiently and effectively? Are participants being informed of their court option in a timely manner? If they enroll, do they receive their assessments and services in a timely manner? Is the required data obtained and recorded? Do court team members have the information they need to do their jobs?
- Second, evaluate participant outcomes—Is the court effective at achieving its goal of better participant outcomes? Are there any parts of the court intervention that are associated with better outcomes (e.g., intensity of treatment or number of visits, type of services provided, nature of originating “offense” or incident)?
- Third, evaluate satisfaction with the court—Do court clients and the community at large feel well served? Do core team members all feel heard? Is Tribal council supportive?

Although data elements should be defined and collected as early as possible, it could take years to accumulate sufficient data to allow a formal outcome evaluation to occur. However, collecting data early on will help prepare for future evaluations, available funding opportunities, allocation of staff, identification of program needs, and so forth. Specific, accurate, timely, and complete data will serve a Joint Jurisdictional Court well in many areas. Partnering with a local university or college to help with data design, collection, and analysis can also be invaluable in ensuring sustainability because what is measured is more likely to be funded.

Step 18: Develop Policies and Procedures

Finally, a policy and procedure manual should be developed using the information gathered in the preceding steps. After an initial draft is complete, circulate it to stakeholders involved in the planning stages for review. If concerns are raised about content, bring the issue back to the entire planning group for discussion and resolution. The manual is a living document; it will

likely be reviewed and revised many times during the first few months after the court is operational and in the following years. There is no reason to “reinvent the wheel” and sample policy and procedure manuals are available that can be modified to fit the needs of a new Joint Jurisdictional Court.

VI. How Is a Joint Jurisdictional Court Managed or Coordinated?

The court coordinator plays a critical role in a Joint Jurisdictional Court. Court coordinators need to be competent, efficient, and good with people. A court coordinator might be the first person most participants encounter when entering a Joint Jurisdictional Court. He or she will be responsible for taking referrals, forwarding the referrals to the core team, managing files, entering data, managing a busy caseload, and having contact with participants, judges, community members, elders, board members, law enforcement, treatment providers, and many others. When developing a new Joint Jurisdictional Court, the court coordinator should be the first position hired so that the coordinator can assist with developing policies and procedures, scheduling meetings, and so forth.

The steering committee is the policy and planning body for the Joint Jurisdictional Court. It makes decisions on policy and procedures and meets quarterly, generally for an hour or two. Steering committee membership generally includes judges; council members from the Tribe and city or county; the court coordinator; legal representatives from the prosecuting attorney’s office, the public defender’s office, and perhaps a Court Appointed Special Advocate (CASA), guardian ad litem (GAL), or child welfare attorney; and probation, law enforcement, treatment services, social services, mental health services, and other agencies that may be involved in the court. It may also be advantageous to have a member of the business community involved.

The core team meets before each court session to discuss client status, including whether the participant is attending treatment, therapy, or groups as ordered; whether the participant is maintaining sobriety; whether the participant is actively seeking employment; and so forth. The core team also prepares for court by deciding beforehand what an appropriate sanction or incentive might be for a participant who has violated a condition of the court or accomplished something positive. Depending on how many participants are in the court, core team meetings generally take approximately one hour, followed by a one-hour court session. Membership will include judges, case managers and treatment providers, the court coordinator, law enforcement, and attorneys. Some Joint Jurisdictional Court core teams also include graduates/alumni of the court, an elder, or other community member representatives.

Many policies, procedures, and forms must be established and revised as the court develops, such as participant contracts, referral forms, court rosters, release forms, the court’s manual, and a participant manual. It will be much easier for steering committee members to create new policies if they have been involved in the planning process. Also, the steering committee should utilize state and Tribal resources and contact other jurisdictions that may have policies and procedures already in place that can be adapted.

Tracking data allows the court to monitor participant success and program success. Some Joint Jurisdictional Courts use a simple but effective spreadsheet or roster that tracks length of time in the program, which phase of the program participants are in, length of sobriety, results of urinalysis tests, sanctions imposed, amount of participant fees still owed, next report date, and general notes such as participants' birthdays or if they are not required to appear in court. Factors that should be measured at intake and discharge include the risk level of participants, their criminal history, their housing situation, their employment records, and whether participants have a valid driver's license. A cost-benefit analysis can be conducted by measuring the number of days of incarceration avoided for each participant, savings from reduced recidivism, and benefits to the county from taxes contributed by employed participants. It may be helpful to partner with a university or foundation that can help the court collect and analyze data.

VII. How Does a Community Decide It Is Ready to Establish a Joint Jurisdictional Court and How Are the Community Needs of the Joint Jurisdictional Court Determined?

Wilder Research has devised a Collaboration Factors Inventory Worksheet ("Inventory Worksheet") that can be used to evaluate the readiness of jurisdictions planning to develop a Joint Jurisdictional Court.²⁸ The Inventory Worksheet contains 20 factors that influence the success of collaboration; although each of the 20 factors are equally important, studies have shown that developing and/or enhancing mutual respect, understanding, and trust are critical for successful collaboration development.²⁹ Depending on the scores on the Inventory Worksheet, more time might need to be spent developing relationships before developing the court's structure. Although many groups do not initially convene with these characteristics, it is developed over time as each new resolution of a problem further enhances mutual trust. However, if the results of the Inventory Worksheet are low in this domain, dedicated time should be allocated for members of the collaboration to get to know one another. The results of the inventory can help determine the strengths and weaknesses of the stakeholder group; whether representatives from different organizations rate questions the same way and, if not, what the implications are; whether there are factors with low ratings in need of attention; and how strong the overall scores are. By paying attention to potential pitfalls early in the planning process and addressing those areas, collaboration can prove much more successful in the future.³⁰

In addition to gauging the readiness of stakeholders to collaborate, it is important to understand the needs of the community and ensure that the community will embrace the joint

²⁸ The Wilder Collaboration Inventory is a free tool to assess how your collaboration is doing on 20 research-tested success factors. See www.wilder.org.

²⁹ *Ibid.*, 7.

³⁰ See note 1 above, Fahey, *Joint Jurisdiction Courts: A Manual for Developing Tribal, Local, State & Federal Justice Collaborations*, 10.

jurisdictional model. Various community readiness assessment tools are available.³¹ Support from community leaders, law enforcement, educators, probation officers, and mental health and substance use disorder treatment providers is important, and people in these roles often have their “fingers on the pulse” of the community and know what is needed. By assessing its resources, a judge and justice partners can build a joint jurisdictional model compatible to the community’s characteristics and needs.

Judges and justice partners involved in the first Joint Jurisdictional Courts decided to launch their courts for similar reasons relating to the need for a new way of delivering justice to better serve their citizens.³² Planners knew that their communities needed a Joint Jurisdictional Court to address a shared concern, and discovered that when they opened their minds and were willing to really listen to one other, then they were able to successfully launch their joint court.³³

When decision makers come together to explore creative ways to exercise their legal authority together, many possibilities for creative joint jurisdictional initiatives emerge. Some judges convened justice partners with the goal of creating a Joint Jurisdictional Court but came to realize that their collaboration was not ready for a full-blown Joint Jurisdictional Court. Instead, they examined decision points in their separate justice systems and developed joint initiatives. Examples include Tribal and non-Tribal law enforcement discussing and jointly deciding whether to arrest, take into custody, and refer to probation; Tribal and non-Tribal probation discussing and jointly deciding whether to refer for probation, recommend revocation of probation, and recommend various terms and conditions for probation either under the jurisdiction of the Tribal or non-Tribal court; prosecutors and Tribal attorneys communicating on charges and pleas; and a non-Tribal court judge, working collaboratively with the Tribal Court, deciding the defendant is a candidate for diversion to the Tribal Court and suspending the sentence pending successful completion before the Tribal Court.³⁴

The crucial thing is to have an honest discussion about needs and why help is needed, what the stakeholders are trying to accomplish and why accomplishing it is a good idea. It is important to understand drug and alcohol trends in the community, what crimes are being committed because of substance abuse, how children and families are being impacted, recidivism/rearrest rates, services available in the community, and what has and has not worked in the past to address these issues. Data privacy laws and confidentiality policies can create barriers to gathering this information, so it is important to recognize that agreements can be established to address these concerns.

³¹ Oetting E., et al., 2014, *Community Readiness for Community Change*, 2nd ed., Tri-Ethnic Center for Prevention Research, Colorado State University, retrieved September 6, 2023: https://tec.colostate.edu/wp-content/uploads/2018/04/CR_Handbook_8-3-15.pdf. See also Substance Abuse and Mental Health Services Administration, December 2016, *Gathering of Native Americans (GONA)/ Gathering of Alaska Natives (GOAN) Fact Sheet*, retrieved September 6, 2023: https://www.samhsa.gov/sites/default/files/tttac_gona_fact_sheet_1.pdf.

³² See note 4 above, Walter, *Joint Jurisdiction Courts: Needs Assessment Findings*, 6.

³³ *Ibid.*, 6.

³⁴ *Ibid.*, 6.

Joint Jurisdictional Court planners should recognize learning opportunities and share good practices. Recognize that each partner brings their own strengths and experiences and accept that each faces its own challenges and obstacles; acknowledge those challenges and work together to develop strategies to overcome them. The willingness to remain flexible is key.

It is important to create interest and excitement about any new court, and a Joint Jurisdictional Court is still unprecedented in most states. The community needs to know about successes for both the court and its participants. Be proud of the work with other stakeholders and share information about the court's work with county and Tribal boards, supreme courts, the community, and so forth. When the new court is operational, advertise this fact on local radio and television stations, have a community feast to celebrate, and consider a public ceremony such as a flag installation ceremony.³⁵ Keep in mind that community celebrations should always reflect the culture of the population the court serves.

VIII. The Joint Jurisdictional Teams

Broad-based collaboration across disciplines is required to meet the prospective Joint Jurisdictional Court participants' complex needs. Social services, treatment providers, probation, law enforcement, public defenders, and prosecutors all needed to be involved and committed to the Joint Jurisdictional Wellness Court. It is important to involve a cross-section of members from all groups that will be affected by the proposed collaboration.

Generally, there are four types of stakeholders who should be involved in planning a Joint Jurisdictional Court. Judges are the natural leaders for a joint jurisdiction collaborative, as they have inherent authority and are likely to have legitimacy with the members of the stakeholders with formal decision-making power. There are also stakeholders with the power to impede a decision or reform initiative, ranging from top level decision makers who actively block reform efforts to other stakeholders who passively undermine the implementation of specific reforms. It is important that these individuals feel they have a voice in the consensus-building and decision-making process. They need to feel that their concerns are being addressed. Including the perspective of these individuals also helps define problems and identify barriers to implementation. These same people often become strong advocates for collaboration if they are treated with respect and educated about how to participate constructively. There are also stakeholders with relevant information or experience about the current reality of practice, policies, and outcomes. Making certain that a range of individuals from differing levels of the organization or system's structure (e.g., managers, supervisors, and line-level staff) are included in the planning group expands the knowledge base of the group and the group's sphere of influence. Stakeholders who are affected by decisions and changes in policy and practice should also be included; these "client" stakeholders should be included in the planning group and can

³⁵ To celebrate the joint jurisdictional partnerships, the Leech Lake Band of Ojibwe Flag was installed in the courtrooms of the state district courts for Cass and Itasca counties and the Chamber of Commerce office in Grand Rapids, Minnesota. This is a lasting symbol of the partnerships, and the flag installations were the first time a Tribal flag flew in a state court.

serve as a constant “reality check” against whether efforts are appropriately targeted and implemented (e.g., Are reform efforts reaching the individuals they were designed to reach? Does the collaborative group have an accurate picture of the needs and concerns of its clients?).

For an adult criminal Joint Jurisdictional Court, team members should include judges, the prosecuting attorney and public defenders, law enforcement, probation/parole, treatment providers, administrators, elders, cultural leaders, and others. For a juvenile delinquency court, these same individuals should be included, along with school personnel, social workers, and individuals who work with a juvenile population. The roles and responsibilities that each of these team members have on the Joint Jurisdictional Court are similar to the roles and responsibilities in a Healing-to-Wellness Court. Because local needs drive the exact model, these roles and responsibilities can be adjusted according to the model ultimately selected. Balanced and significant representation from both the Tribal and non-Tribal systems is important. Ideally, those involved in the collaborative planning process and implementation should have decision-making authority within their respective agencies.

IX. Conclusion

Since the first Joint Jurisdictional Court was founded in 2007, the model has been adopted by many jurisdictions to reduce recidivism, save money, protect public safety, and promote lasting change. Judicial leaders from Tribal, state, and federal systems are increasingly finding creative ways to join forces to better meet the needs of all citizens. In the beginning, the urgency of a shared problem may prompt them to convene stakeholders and begin a conversation; in the end, they create a completely new system of justice. It is important to remember that systems do not collaborate, people do—face-to-face relationships are crucial. There is no “one-size-fits-all” approach; the exact model depends upon local needs and is shaped by the culture and traditions of those involved. There is assistance, training, and a wealth of information available for those wishing to create their own Joint Jurisdictional Court or other justice collaboration, and a variety of organizations such as the Tribal Law and Policy Institute provide technical assistance and training.³⁶

³⁶ For more information on TLPI, please visit Home.TLPI.org.

X. Appendix: Joint Jurisdiction and Intergovernmental Collaboration

Resources

Laura Schauben, [2015 Alcohol & Drug Abuse Division End of Year Evaluation Report for Leech Lake Band of Ojibwe-Itasca County Joint Jurisdiction Wellness Court](#) (Wilder Research August 2015).

[2014 Leech Lake-Cass County Wellness Court: Process, Outcome, and Cost Evaluation Report Evaluation](#) (NPC Research July 2014).

Jennifer Fahey, Hon. Korey Wahwassuck, Allison Leof, and Hon. John Smith, [Joint Jurisdiction Courts: A Manual for Developing Tribal, Local, State & Federal Justice Collaborations, 2nd ed.](#) (Project T.E.A.M., Center for Evidence-based Policy, Oregon Health & Science University, 2018).

Jennifer Walter, Hon. Korey Wahwassuck, and Suzanne M. Garcia, [Joint Jurisdiction Courts: Needs Assessment Findings](#) and [Summary Findings](#) (Tribal Law and Policy Institute, February 2022).

William Thorne and Suzanne Garcia, [Crossing the Bridge: Tribal -State -Local Collaboration](#) (Tribal Law and Policy Institute, February 2019).

Hon. Korey Wahwassuck, Hon. John P. Smith, and Hon. John R. Hawkinson, [Building a Legacy of Hope: Perspectives on Joint Tribal-State Jurisdiction](#), 36:2 *William Mitchell L. Rev.* 859 (2010).

Hon. Korey Wahwassuck, [The New Face of Justice: Joint Tribal-State Jurisdiction](#), 47 *Washburn L. J.* 733 (2008).

Kori Cordero, Suzanne Garcia, and Lauren van Schilfgaarde, [Tribal Healing to Wellness Courts: Intergovernmental Collaboration](#) (Tribal Law and Policy Institute, May 2022).

Heather Valdez Freedman, Catherine Retana, Kori Cordero, Hon. Carrie Garrow, and Jennifer Walter, [Tribal-State Court Forums: An Annotated Directory, 2nd ed.](#) (Tribal Law and Policy Institute, 2020).

Carole Goldberg and Duane Champagne, [Promising Strategies: Tribal State Court Relations](#) (Tribal Law and Policy Institute, March 2013).

Paul Mattessich and Kirsten Johnson, [Wilder Collaboration Factors Inventory](#), 3rd ed. (Amherst H. Wilder Foundation).

E. R. Oetting, B. A. Plested, R. W. Edwards, P. J. Thurman, K. J. Kelly, and F. Beauvais, [Community Readiness for Community Change](#) (Tri-Ethnic Center Community Readiness Handbook 2nd ed., 2014).

Substance Abuse and Mental Health Services Administration, [Gathering of Native Americans \(GONA\)/ Gathering of Alaska Natives \(GOAN\) Fact Sheet](#) (December 2016).

Hon. Korey Wahwassuck, TLPI National Treatment Court Month Webinar Series: [Joint Jurisdiction Healing to Wellness Courts 101: An Overview](#) (May 26, 2023).

Lauren van Schilfgaarde, TLPI 11th Annual Tribal Healing to Wellness Court Enhancement Virtual Training Webinar: [Tribal/State Collaboration: Transfer Agreements, Joint Jurisdiction Courts and Beyond](#) (July 2021).

Also see: Tribal Law and Policy Institute, www.WalkingOnCommonGround.org

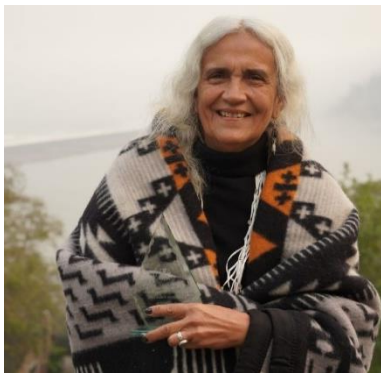
Hon. Korey Wahwassuck- Itasca County District Court Judge



Judge Korey Wahwassuck (Cree) served as a tribal court judge for the Leech Lake Band of Ojibwe Tribal Court from 2006 until 2013 when she was appointed by Governor Mark Dayton to serve as a Minnesota District Court Judge for the Ninth Judicial District. Previously, Judge Wahwassuck served as a Kansas Supreme Court Certified Mediator, and practiced law for 15 years, specializing in Indian law, child welfare, and juvenile delinquency.

Judge Wahwassuck was a founding member of the first Joint Tribal-State Jurisdiction Wellness Courts in the nation and authored “The New Face of Justice: Joint Tribal-State Jurisdiction” for the Washburn Law Journal and “Building a Legacy of Hope: Perspectives on Joint Tribal-State Jurisdiction” for the William Mitchell Law Review. Judge Wahwassuck is also a member of Project T.E.A.M. (“Together Everyone Achieves More,”) helping other jurisdictions create tribal-state collaborative courts of their own.

Hon. Abby Abinanti- Chief Judge, Yurok Tribal Court



Abby Abinanti (Yurok), Chief Judge of the Yurok Tribe, is the first Native American woman to pass the California bar exam. Known simply as “Judge Abby” by her colleagues, she is a graduate of Humboldt State College and the University of New Mexico School of Law. Judge Abby was admitted to the California State Bar in 1974; she was the first California Native admitted to the California State Bar. Judge Abby is one of a very limited number of attorneys who have been practicing tribal

child welfare law prior to the 1978 enactment of the Indian Child Welfare Act. Judge Abby also established the first Tribal-run clean slate program in the country to help members expunge criminal records, which focuses on keeping young people out of jail, in school, and with their people. Judge Abby has served as a California Superior Court Commissioner for the City and County of San Francisco assigned to the Unified Family Court for 18 years and retired in September 2011. Judge Abby has also served as Chief Judge for the Yurok Tribal Court since her appointment in March 2007.

Her additional tribal court experience has included serving as Chief Magistrate, Court of Indian Offenses, for the Hoopa Valley Indian Reservation from 1983-1986 and Judge by special appointment for many other tribal courts including Shoshone-Bannock Tribal Court (1985), Hopi Tribal Court (1986), and Colorado River Indian Tribe (1994). Judge Abby has served as the President of the Board of Directors of the Tribal Law and Policy Institute since its establishment in 1996. Additionally, Judge Abby served as the Tribal Courts Evaluator for the Indian Justice Center and the American Indian Justice Center. Judge Abby currently serves as a board member of the Friendship House Association of American Indians, of San Francisco Inc., and previously served as a board member for the National Court Appointed Special Advocate (CASA) Association and its Tribal Court CASA Advisory Council. Judge Abby is also the author of various training resources including two Instructor Guides for TLPI's Tribal Legal Studies textbook series.