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Historic State Court-Tribal Court Agreement to be Signed at Bad River Reservation

Odanah, Wis. (Dec. 4, 2001) – Representatives from the four Chippewa tribes in northern Wisconsin will meet with the judge who oversees administration of the state courts in 13 northwest Wisconsin counties to sign and officially implement a new system – believed to be the first of its kind in the nation – for handling court cases in which the tribal and state courts share jurisdiction.

The new system will make it easier in cases involving shared jurisdiction to determine whether the state court or the tribal court should hear the case. Examples are divorces in which one party is a tribal member and lawsuits that involve a tribe. Often in such cases, hearings are held in both the state and tribal courts on the same issues – resulting in confusion and inefficiency. Under the new system, state court and tribal court judges will temporarily stop actions that are filed in both courts and hold a joint hearing to determine which court should handle the case. If the judges cannot agree, a third judge will be summoned from a pool of state and tribal judges and the arguments will be re-heard until a decision on jurisdiction is reached.

The new system will be in effect in the state's 10th Judicial District, which includes the following counties: Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer, and Washburn. "I am delighted that our region of the state is leading the way toward improved tribal-state relations and setting an example for others to follow," said 10th District Chief Judge Edward R. Brunner. "These protocols are historically significant in Wisconsin and, as far as I am aware, a first in the nation. Our cooperation will save time and money for litigants and for the courts – and that's just good government."

(more)

Chief Judge Ervin Soulier, of the Bad River Band of the Lake Superior Tribe of Chippewa Indians, will join Brunner, who sits in Barron County Circuit Court, for the signing ceremony on Friday, Dec. 7, at 1 p.m. in the Madigan Room of the Bad River Lodge and Casino Conference Center in Odanah. A traditional Ojibway pipe and drum ceremony will commemorate the occasion. Also participating will be Chief Judges Louis Bearheart, St. Croix Chippewa; Robert Buffalo, Red Cliff Chippewa; and Sheila Corbine, Lac Courte Oreilles Chippewa.

“With many Wisconsin tribal courts expanding services to their members, litigants sometimes find themselves in a position where they would prefer the matter be heard in one court or another, yet the opposing party in the case would prefer the opposite court forum,” Soulier said. “When both the state and tribal courts have jurisdiction over the matter, the question arises: Which court should hear the case? The protocols should lead all parties to a rational solution to this dilemma.”

The new protocols were drafted by Judge Robert E. Eaton, Ashland County Circuit Court; Atty. David Siegler, Ashland; and Atty. Kevin Osterbauer, general counsel to the Bad River Band of Chippewa.

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