

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 Orielles, Red Cliff and St. Croix.]

Dated: **December 7, 2001**

BY THE COURT:

Edward R. Brunner
Chief Judge
Tenth Judicial District