The Judge's Dinner: Bringing Native American Judges and State Court Judges Together

The Judge's Dinner is an annual event involving state court and tribal judges typically taking place on an Indian reservation. The dinner grew out of discussions among tribal leaders that it was important to engage state court judges to develop a working relationship with them. It has been a long but successful process.

One of the first acknowledgments of the need to develop a collaboration between state court and tribal court judges started in San Diego in the early 1980's. The Presiding Judge of the Juvenile Court, Judge Napolean Jones, recognized Native Americans in his court. The Indian Child Welfare Act (the ICWA) had been signed into law in 1979, and it was clear that state court judges needed to understand its impact on their work. From 1988 – 1995 the Honorable Bill Thorne (a Native American Appellate Court Justice from Utah) conducted trainings in San Diego focusing on the ICWA. Justice Thorne estimates he provided 20 to 30 full-day trainings on the ICWA in both San Diego and Riverside Counties. He worked with Indian Child & Family Services, an organization led by Margaret Orantia and Kathy Deserly, who sponsored him. Robert White from the San Diego Specialty Unit arranged for additional trainings that included judges, attorneys, and social workers. Then, as an attorney and now Presiding Juvenile Court Judge, Ana Espana ensured that panel attorneys in San Diego received the ICWA training. During the 1990's through 2013, Indian Liaisons provided San Diego judges with tours of Indian Reservations.

In 2003, Tribal Star, a San Diego organization focusing on training programs, was established. The leaders addressed the disproportionality of Native American children in the child welfare system.

At about the same time, Judge Richard Blake, Presiding Judge of the Hoopa Valley Tribal Court, wrote to Chief Justice Ronald M. George and suggested that the Judicial Council coordinate with California Native Tribes. The Chief Justice agreed, and the Tribal Court – State Court Forum was formed, staffed at its inception by attorney Jenny Walter and now by attorney Ann Gilmour.

Tribal Star and its leaders had a goal – to develop a working relationship with state court judges so that Native Americans would receive justice from the state court system. Tom Lidot from Tribal Star made efforts to create these dinners and spent countless hours making certain that they would be successful.

Judge Abby Abinanti, Chief Judge of the Yurok Tribe, best expressed the goal of these dinners when she wrote:

> *You will find that we are stronger together, that we each have ideas, energy, resources to share with each other.*

The first dinner was in 2012 in San Diego. The Honorable Anita Fineday, former Chief Judge of the White Earth Nation, was the featured speaker. Only one state court judge attended – Judge Juan Ulloa from Imperial County Superior Court.

The dinners grew over the years and often included representatives from the National Council of Juvenile and Family Court Judges, Superior Court Judges from California, and special guests from around California and nationwide. The number of state court judges has grown and includes judges from Fresno, Inyo, San Diego, and a few other counties.

The most recent dinner was held on December 17th, 2024, at the Picayune Rancheria where the Chuckchansi Gold

Continued on page 36

Judge Leonard Edwards is retired from the Santa Clara Superior Court. His e-mail is *judgeleonardedwards@gmail.com.*

Legislative – *continued from page 3*

the benefit of both bench and bar. CJA is continuing discussions with bar groups, particularly the Consumer Attorneys of California, about when "SODs" should be requested and how the present system of proposed, tentative and final SODs might be streamlined. The Consumer Attorneys have graciously agreed to keep talking while the bill moves out of the Assembly Judiciary Committee.

SB 552 *(Cortese)*: Juvenile Case Plans. Proposed and crafted by the Juvenile Court Judges of California (JCJC), a section of CJA, SB 352 proposes to build upon the science of juvenile development in creating a requirement for goal-oriented, personalized case plans in the juvenile justice (delinquency) context, similar to existing provisions in dependency.

Limitations of space require that the other 383 bills of interest to CJA be covered another time!

Carnahan's Corner – *continued from page 4*

Is an absent party, who has appeared in the case earlier, still a party litigant, such that their stipulation is required?

The answer is No. The Law Revision Commission dealt with this issue, bringing 259 into conformance with the constitutional grant, and substituted "parties' litigant" for what had been "appearing parties" in an earlier version of 259. This change, in addition to other case law that distinguishes between a party who is a "litigant" and one who is "appearing," has settled the issue. If you don't show up, and your opponent does, and your opponent stips, the commissioner can go ahead.

A commissionership is a schizoid office. Sometimes you're a commissioner, acting as such. Sometimes you're a temporary judge. This difference is reflected in things as trivial as signature blocks, but it's also an important distinction governing the powers commissioners have, and when they have them.

Endnotes

1 Michael J. Raphael, "Ex Parte Applications in Personal Injury Court," *Advocate*, July 2015.

Juvenile – *continued from page 6*

Resort hosted the dinner. Over 160 attended. Judge Shawna Schwarz from Santa Clara County gave a keynote focusing on appellate cases involving the ICWA, and a panel discussion included Tribal Judges Abby Abananti and Christine Williams and State Court Judges Dean Stout (ret.) and Judge Stephen Place, both from Inyo County. Assemblyman James Ramos, the only Native American member of the Assembly, described the significant legislation he has sponsored impacting Native American rights.

These dinners reflect the increased collaboration between state and tribal judges.

Criminal Law – *continued from page 8*

Act may have been violated. It examined the four enumerated ways that a Racial Justice Act violation might be proven and found no evidence that any had occurred. Although the Act includes language that "The state" may not obtain a conviction or sentence on the basis of race, defense counsel was not the state and had not obtained a conviction or sentence. The dissenting opinion also saw no merit in the argument that defense counsel might be investigated for harboring implicit bias. The Act's findings include a statement that all persons harbor such bias, "but surely it does not follow that every lawyer, judge, and juror involved in any criminal case must be investigated on that basis and hence must be disqualified." (*Sanchez v. Superior Court, supra,* 106 Cal.App.5th 617, 641-642 (dis. opn. of Menetrez, J.).)

New legislation means new questions – questions that typically take years for appellate caselaw to answer. There is some irony, perhaps, in the fact that trial courts help develop that caselaw by exercising discretion as best they can in novel circumstances.

Civil Law – *continued from page 9*

altogether. In a recent unpublished decision, the court found error in the complete denial of fees based solely on counsel's barebones declaration, finding the trial court still had a sufficient evidentiary basis to render fees "in some amount" that was "substantially lower" than what was sought." (*Akin,* 2025 WL 612946.)

IN RECESS PUZZLE SOLUTION

M	I	N	G	■	S	T	E	S	■	A	B	E	S	■
R	O	A	R	■	P	I	T	A	■	R	E	S	I	P
I	N	Y	O	■	I	R	A	N	■	C	A	P	E	R
■	■	■	B	A	R	E	L	Y	■	H	U	R	R	Y
A	R	M	A	N	I	■	■	O	B	I	■	I	R	E
T	R	I	N	I	T	Y	■	■	A	V	A	T	A	R
E	S	T	■	■	■	O	M	E	L	E	T	■	■	■
■	■	E	V	A	N	G	E	L	I	S	T	A	■	■
■	■	■	A	L	P	I	N	E	■	■	■	M	B	A
A	L	A	N	I	S	■	■	C	A	N	D	I	E	D
V	A	R	■	E	S	O	■	■	I	D	I	O	T	S
E	S	I	G	N	■	P	L	U	M	A	S	■	■	■
O	S	A	M	A	■	R	I	B	S	■	A	N	N	E
S	E	N	O	R	■	A	R	E	A	■	R	E	A	P
■	N	A	S	T	■	H	A	R	T	■	M	O	N	O