



## TRADITIONAL PEACEMAKING: Exploring the Intersections between Tribal Courts and Peacemaking, Including Alternatives to Detention

October 6-7, 2014 | Tulsa/Catoosa, OK



### Agenda | Monday, October 6, 2014

Cherokee Hard Rock Hotel | Room: Cherokee Salon | Tulsa/Catoosa, OK

- 8:00 AM Registration/Check-in
- 8:30 AM Traditional Opening Welcome/Prayer/Woksape
- 8:45 AM Cherokee Nation Morning Song –Marissa Mitchell, Cherokee National Youth Choir
- 8:50 AM Welcome from NAICJA –Justice Kevin Briscoe, Board of Directors, National American Indian Court Judges Association
- 9:10 AM Roll Call of Tribal Nations Present—Brett Shelton, Staff Attorney, Native American Rights Fund
- 9:25 AM Overview of Conference – Shawn Watts, Associate Director, Edson Quiroz Foundation Mediation Program, Columbia Law School

#### MORNING PLENARIES

- 9:30 AM – 10:30 AM **Positive Aspects of Peacemaking in Tribal Communities**  
 Facilitator: Nikki Borchardt-Campbell, Program Administrator, National American Indian Court Judges Association  
 Presenters: Judge Cheryl Fairbanks, Judge, Intertribal Court of Appeals of Nevada  
 Brett Lee Shelton, Staff Attorney, Native American Rights Fund

**Description:**

Pea cemaking is a traditional, Native method of resolving conflict. Peacemaking doesn't just resolve a conflict or address a wrong done by one to another. It creates or restores a network of relationships and highlights the interconnectivity between many more people than just the parties to a dispute. When two people have a problem between them, criminal or civil, it is not just the parties who suffer—rather, their families and the community they live in suffer as well. Peacemaking addresses problems within the bigger context in which the problems arise- resulting in a more holistic and inclusive solution. This process has many positive aspects when employed in Tribal communities, including developing more sustainable resolutions that are better supported by the community, reducing costs to the justice and law enforcement system, revitalizing tribal culture and pride in identity, and freeing up resources to more adequately allow for defense of indigent defendants

- 10:30 AM - 10:45 AM **S-T-R-E-T-C-H BREAK**

- 10:45 AM – 12:00 PM **Peacemaking Doesn't Operate in a Vacuum: The Importance of Context**  
 Facilitator: Nikki Borchardt-Campbell, Program Administrator, National American Indian Court Judges Association  
 Presenters: Dr. Nora Antoine, Advisory Committee Member, Indigenous Peacemaking Initiative

**Description:**

The process and effectiveness of Peacemaking necessarily depends on the local context. In tribal communities this means that the culture, language, and history, and shared group histories of the people involved play a big role throughout Peacemaking. Other systemic options and forces also influence the role and conduct of Peacemaking, such as: other justice systems available and perceived risks and benefits of all options, and ensuring that victims' safety is maintained while their voices are adequately represented. Understanding the context, the entire surroundings, in which Peacemaking takes place is important to plan and to help frame expectations of a Peacemaking program.

- 12:00 PM - 1:30 PM **LUNCH (on your own)** | Participants may purchase their lunch from one of the food establishments in the Resort.

1:30 PM –  
3:00 PM

## AFTERNOON BREAKOUT SESSIONS

### **A. Sentencing Alternatives**

**Presenters:** Jennifer Kirby, Project Director, Reclaiming Futures Cherokee Nation  
Brett Lee Shelton, Staff Attorney, Native American Rights Fund

**Description:**

Peacemaking considers the possibility of broader impacts of wrongful actions and what will help offenders be more able to act appropriately in the future. It allows courts to access alternatives to conventional sentencing that create more enduring healing, reduce recidivism, and allow families and communities to remain whole while allowing victims to have their perspectives voiced and their safety ensured.

### **B. Approaching Culturally Appropriate Justice with Indigent Defendants**

**Facilitator:** Shawn Watts

**Presenters:** Hon. Michael Smith, District Court Judge, Sac & Fox Tribal Court  
Hon. Eldridge Coochise, Chief Justice, Ret. (Hopi)

**Description:**

Ability to pay for legal services should not negatively impact access to culturally appropriate justice. This is true whether culturally appropriate justice means appropriate sentencing, or appropriate processes to resolve disputes. Peacemaking principles afford a better opportunity for indigent defendants to access culturally appropriate justice in both situations and provide better and more sustainable outcomes.

### **C. Peacemaking Programs at Work in Tribal Nations/Tribal Models**

**Facilitator:** Hon. Cheryl Fairbanks, Attorney, Judge, Intertribal Court of Appeals of Nevada

**Presenters:** Dr. Nora Antoine, Advisory Committee Member, Indigenous Peacemaking Initiative  
Hon. Kevin Briscoe, Chief Justice Mississippi Band of Choctaw  
Hon. JoAnn Battise, Senior Peacemaker, Alabama Coushatta Tribe

**Description:**

This session will provide examples of different ways and topical areas in which Peacemaking can be implemented at the Tribal level. The focus will be to show the diversity of possibilities, empirical examples, and resources for further consideration, so that individual Tribes can create implementation strategies best suited to their own local conditions.

3:00 PM –  
3:30 PM

## **S-T-R-E-T-C-H BREAK**

3:30 PM –  
5:00 PM

## AFTERNOON BREAKOUT SESSIONS *CONTINUED*

### **A. Peacemaking from the Ground Up**

**Facilitator:** Elton Naswood

**Presenters:** Shawn Watts, Associate Director, Edson Quieroz Foundation Mediation Program, Columbia Law School  
Larry Williams, Forensic Social Worker and Court Consultant, Alabama Coushatta

**Description:**

Many important decisions have to be made by Tribes implementing a new Peacemaking system. This panel will discuss the critical stages of designing a Peacemaking system and the various considerations for decision making at each point. Special emphasis will be placed on helping tribes think about which issues are most important to their particular cultures and the various sources of internal wisdom and history upon which they can draw.

### **B. Approaching Culturally Appropriate Justice with Indigent Defendants**

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Brett Lee Shelton, NARF Indigenous Peacemaking Initiative  
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5:00 PM

RECESS

# DRAFT Agenda | Tuesday, October 7, 2014

Cherokee Hard Rock Hotel | Room: Cherokee Salon A & B | Tulsa/Catoosa, OK

8:30 AM –

9:00 AM

## WELCOME AND MORNING PLENARY

9:00 AM –

10:30 AM

### Peacemaking from the Bench

Facilitator: Nikki Borchardt-Campbell, Program Administrator, National American Indian Court Judges Association

Presenters: Hon. Michael Petoskey, Pokagon Band of Potawatomi Indians Tribal Court

Hon. Timothy Connors, Judge Washtenaw County Trial Court

Hon. Michael Smith, District Court Judge, Sac & Fox Tribal Court

### Description:

The inherent flexibility of the tribal court context can allow opportunities to employ principles of Peacemaking from the bench. In fact, Tribal judges may or may not be aware that they already employ Peacemaking, especially when they rely on local traditional culture to inform outcomes in a case. This session will discuss principles of Peacemaking frequently and successfully accessed to assist in resolution of cases from the bench, and pitfalls to avoid in doing the same. Special attention will be focused on ensuring that victims' have full opportunities to voice their perspectives, without compromise to victim safety.

10:30 AM –

10:45 AM

## S-T-R-E-T-C-H BREAK

10:45 AM –

12:15 PM

## MORNING BREAKOUT SESSIONS

### A. Exploring the Fiscal and Human Costs of Incarceration

Facilitator: Cheryl Fairbanks

Presenters: Hon. Theresa Pouley, Chief Judge, Tulalip Tribes

Brett Lee Shelton, Staff Attorney, Native American Rights Fund

### Description:

Incarceration is big business because it is costly to lock up and care for people convicted of crimes. And the human costs of incarceration are even higher. Incarceration not only takes a person's freedom, but it frequently leaves him less equipped to rejoin his community afterward. It robs families of crucial role models, emotional stability, and financial providers leaving children and families psychologically traumatized. It also destroys a community's ability to be whole and heal itself. This session will focus on these costs, the reduction or removal of which are among the benefits that may be attainable from implementation of Peacemaking within a Tribal justice system. To include discussion of TCCLA and TLOA interconnections.

### B. Preparing the Next Generation of Peacemakers: Academic and Court Training Options

Presenters: Dr. Nora Antoine, Advisory Committee Member, Indigenous Peacemaking Initiative

Shawn Watts, Associate Director, Edson Quieroz Foundation Mediation Program, Columbia Law School

Hon. Michael Smith, District Court Judge, Sac & Fox Tribal Court

### Description:

How does one train peacemakers? This session will draw from the experience of trainers of peacemakers, who have performed trainings in both the academic and the court personnel contexts. It will also help you understand where to find materials, experts, and other resources to help you—often free of charge.

### C. Reentry Programs Using Peacemaking/Peacemaking in Correctional Facilities

Facilitator: Nikki Borchardt Campbell

Presenters: Tony Fish, Director, Muscogee Nation Reintegration Program

Carrie Wyatt, Case Manager, Muscogee Nation Reintegration Program

Daryl Legg, Director of Vocational Programs, Cherokee Nation

### Description:

Peacemaking can be invaluable as a tool for rehabilitation and to aid in successful reintegration of inmates upon release. This session will discuss possible interventions using Peacemaking in both active incarceration and in preparation for and after release, and considerations to continually safeguard victim safety.

12:15 PM –  
1:45 PM

**Lunch (on your own)** | Participants may purchase their lunch from one of the food establishments in the Resort.

### CLOSING PLENARY

1:45 PM –  
3:30 PM

## **Traditional Dispute Resolution as Healing and Growth of Tribal Sovereign Power**

**Presenters:** Hon. Eldridge Coochise, Chief Justice, Ret. (Hopi)  
Brett Lee Shelton, Staff Attorney, Native American Rights Fund  
Shawn Watts, Associate Director, Edson Quieroz Foundation Mediation Program, Columbia Law School

#### **Description:**

Implementing Peacemaking or other tribal dispute resolution processes is a step towards healing for your people. It is a step towards reclaiming the traditional ways the people resolved their disputes and punished wrongdoers. Traditional methods of dispute resolution ensured the people could continue to live together and trust and rely on each other. Resentments had to be washed clean, wrongdoers had to be rehabilitated, victims had to be cared for and restored, and communities and families had to be healed. Taking up these processes is taking up your ability and responsibility to reverse the de-culturization programs of the past, to reclaim the tribal culture and identity. It is a step towards reclaiming power to do things as your people know best- it is an act of sovereignty to reclaim your responsibility. Recap of previous, what is the next step, what can we do moving together?

3:45 pm

**Wrap Up & Next Steps**

4:00 pm

**Meeting Adjournment**