Bifurcated Tribal Courts

Monique Vondall-Rieke and Rick Garcia
Tribal Court in the singular, Bifurcated in the plural

Bifurcated Tribal Courts is how the Tribal Institute describes “a court system in which two or more divisions of a tribal court exist with jurisdiction to hear certain types of cases.”

Tribal Court systems or even Tribal Councils can agree to combine resources to form what is sometimes called one of the following:

* Intertribal court system
* Satellite court office
* Regional court system
* Others?
Examples of Bifurcated Tribal Courts
Tribal Agreements

A simple Memorandum of Agreement is signed with tribal resolution authority.

The MOA need not be complicated and sample ones have been developed at AVCP and some tribers have their own standard MOA templates.

Attach a copy of the Tribal Council resolution to the MOA which authorizes the MOA.
What types of court(s) and other questions

1. What type or types of courts are in a bifurcated agreement?
2. How many tribes will be involved?
3. How will its judges be selected?
4. How do you agree on a clerk of court?