

*Tribal Court Structures-
ways that Tribes operate their tribal courts*



Tribal Management Program

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Tribal Management
Program

*Tribal Court Structures:
How is your court set up?*



Tribal Court Structures:

- There is no one single or ‘correct’ model for tribal justice systems in Alaska.
- Each community must decide for yourself what structure and process is right to use and what kind of cases to hear, this is self-determination!



Why are you starting Tribal Court?

Is the Tribe focused on punishment or healing?

- For most communities, The idea is to design specific consequences that help the offender to heal and find a better path, and that repair the harm to the victim and to the entire community.



Why are you starting Tribal Court?



- To repair the harm done to the community and families.
 - To repair harm done to victims.
 - To help the kids- help make better choices.
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- The idea is to design a justice system that benefits the community, the victim, and the offender.



Tribal Court Structures:

Who Is Your Decision Maker?



Some Tribal Justice systems use Judges as the decision maker:

- Single Judge- less common, but used by some communities
- Panel of Judges- 3 Judge panel is common
 - Judges are most often elected, but can be appointed
 - Decision making is often through consensus

Tribal Court Structures:

Who Is Your Decision Maker?



Other Tribes use the community or elders as the decision maker:

- Peacemaking or Justice Circles
- Elders Circle
 - Offender must admit guilt and want to make it right
 - often act in a preventative nature, to keep problems from getting bigger

Ways Alaska Tribes Are Hearing Cases: Inter-Tribal Courts



Some tribes are cooperating by sharing resources or forming intertribal court systems.



Tribal Court Structures: To separate or not to separate



Is the Tribal Court going to be separate from the Tribal Council?

Some questions to ask:

- What ways were conflicts or disputes resolved in the past?
- What is practical for your community today?
- What do tribal members want?
- What advantage would separation of powers bring?
- What about appeals?

Tribal Court Structures: To separate or not to separate

Possible advantages to a separate court:

- The possibility for more fairness, separation of powers- checks and balances.
- Distribute the workload among more people.
- Judges often have different qualifications than for Council members.
- Perceived by many as the ‘American’ way justice operates.

Possible disadvantages to a separate court:

- May not be enough good people for both branches of government.
- More people that need training and funding.
- Separate court may be contrary to traditional rules or laws.





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