Tribal Court Structures—ways that Tribes operate their tribal courts

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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.

- 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.
• There is no 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!
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