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GOVERNMENT RELATIONS

Wisconsin Tribal Judges Association

Quarterly Meeting
Milwaukee, WI



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Notable Federal Legislation in 2017



The Consolidated Appropriations Act of 2017

- \$4,000,000 in Federal grants was given to assist tribal governments in exercising “special domestic violence criminal jurisdiction”
 - “Special domestic violence criminal jurisdiction” (SDVCR)* recognizes tribes’ inherent power to exercise domestic violence jurisdiction over certain defendants, regardless of their Indian or non-Indian status
 - SDVCR applies in cases of domestic violence, dating violence, or violations of certain protection orders in Indian country.
 - Tribes may apply for funding for the costs of investigation, prosecution, conviction, and sentencing through the DOJ’s Coordinated Tribal Assistance Solicitation service.

- \$65,000,000 for initiatives to improve police-community relations, of which \$22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement.



Pretrial Integrity Act of 2017

- The Assistant Attorney General would be able to make grants to State and tribal court systems to replace the use of money bail as a condition of pretrial release in criminal cases.
- Money bail would be replaced with individualized, pretrial assessments that measure the flight risk of defendants and their anticipated rate of recidivism using “objective, research-based, and locally validated assessment tools.”
- Preventative detention measures would only be used in cases where a judicial officer determines “by clear and convincing evidence the safety of the community cannot reasonably be assured through the use of any combination of [non preventative detention] conditions.”
- If pretrial release requires imposing preventative detention conditions, ensuring it is based on “the least restrictive conditions” that a judicial officer determines would reasonably assure the appearance of the defendant and the safety of others in the community.
- Ensures that the defendant, State, or Indian tribe is entitled to an immediate, expedited appeal of a pretrial detention decision.



The Native Youth and Tribal Officer Protection Act

- Native American Child and Tribal Community Protections: revisions to Public Law 90-284 to include child violence and violence against law enforcement officers.
- Effectively expands the special domestic violence jurisdiction of Native American tribes to encompass child violence and violence against law enforcement officers (i.e. “members of the tribal justice system”).



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Notable State Legislation in 2017



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2017 Wisconsin Act 59 (biennial budget)

- **DOC 309.10 (1):** Public officials, elected tribal officials, tribal judges, and members of private and public organizations who provide services to inmates may visit institutions with the approval of the warden. These visitors shall make arrangements for all such visits in advance with the warden to minimize interference with normal operations and activities. The warden may limit the duration of such visits for security reasons. A person who has not attained the age of 18 may not participate in any group visit except with the approval of the warden, unless the person is a family member on the inmate's approved visitor list.



AB 114

(Battery to a tribal judge)

- Under current law, it is a Class H Felony to intentionally cause bodily harm to a judge, prosecutor, or law enforcement official
- However, under current law; tribal judges, tribal prosecutors and, tribal law enforcement are not included in the above law
- AB 114 modifies definitions in state law to include tribal judges, tribal prosecutors and tribal law enforcement and gives them the same protection



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2018 Wisconsin Supreme Court Race

- Three way primary to replace outgoing Justice Michael Gabelman
- Primary is February 20, 2018
- General Election is April 3, 2018



Judge Rebecca Dallet



Education

- B.A. from Ohio State University
- J.D. from Case Western Reserve University Law School

Professional Positions

- Judge, Milwaukee County Circuit Court (2008- Present)
- Adjunct Professor, Marquette University Law School (2006- 2009)
- Special Assistant U.S. Attorney (1999- 2002)

On the Issues

- Wants the Wisconsin Supreme Court to remain “nonpartisan”
- In favor of strong recusal rules, wants all Wisconsin supreme court justices to recuse themselves in cases involving their “major campaign donors.”



Tim Burns



Education

- B.A. from Weber State University
- J.D. from the University of Missouri School of Law

Professional Positions

- Partner, Perkin Coie LLP
- Co-chair, Insurance Coverage Litigation Committee of the American Bar Association

On the Issues

- Stated that he is running a “progressive” supreme court campaign
- Endorsed by “Our Revolution” a political organization founded by democratic candidate Bernie Sanders (I-VT)



Judge Michael Screnock



Education

- B.A. from the University of Wisconsin-Madison
- J.D. from the University of Wisconsin-Madison
- M.B.A from Eastern University

Professional Positions

- Judge, Sauk County Circuit Court
- Partner, Michael Best & Friedrich
- Chair, City of Reedsburg community development program