WILTON RANCHERIA COURTS



Prepared and presented by:

Christine Williams, Chief Judge and Samantha Cypret, Court Director

2021 Annual Report





Honorable Christine Williams, Chief Judge 9728 Kent Street Elk Grove, CA 95624 tribalcourtinfo@wiltonrancheria-nsn.gov

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Wilton Rancheria Journey and Vision Statements

Journey Statement

As Miwok and Nisenan people of Wilton Rancheria, original stewards of the Sacramento Valley and Foothills, we shall protect and enhance our Tribal sovereignty, cultural traditions, and homelands. By promoting health, wellness, economic success, and education, the Tribe will continue to build a sovereign nation that honors its history and ancestors, while securing the future for following generations.

Vision

A culturally and economically thriving community of self-governing, resilient people united by shared values and traditions, reflective of our ancestors' dreams.

Message from Chief Judge Williams

When I look back at 2021 and the Wilton Rancheria Courts it is with a profound sense of pride. With COVID still affecting all our lives both personally and professionally the Courts not only survived but we grew and are thriving. We were able to increase our available funding, strengthen and develop relationships with our external partners and serve more of our tribal members through education, individual legal assistance and hearing new case types.





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I am most grateful for the support I received in this role serving as the leader of the Judicial Branch. The Tribal Council, Tribal Chair and Vice Chair are always responsive and collaborative in their approach to working with the court. All the staff in the Administrative Branch are so helpful and respectful of our work at the Court.

The support I could not function without is that of staff and the Traditional Court. The members of the Traditional Court have provided in the most gracious and generous way, guidance to me in all my endeavors at Wilton Rancheria. They assist me in hiring decisions, developing rules and processes, directing the focus of Court projects and just general advice and wisdom. I learn from them with every single interaction.

It has been a tremendous pleasure to work alongside Samantha Cypret, the Court Director, as she has grown into her role at the Court. Samantha fearlessly changed careers, mid-pandemic, and with remote instruction took on the task of further establishing the court and our many offerings.

I have enjoyed my work with Appellate Chief Judge Treaver Hodson. It is invaluable to have a licensed attorney who is also a Wilton Rancheria Tribal Member supporting court development. It is also very reassuring to know he is there to lead the Appellate Panel when our first appeal comes.

Overall, the progress and good work we did at the Court in 2021 far outweighed the challenges we faced, and I know we can face them all over again if we need to because we are a strong cohesive team. For the part I played in building this team, I am so very proud. Thank you to the elected officials and the General Membership of the Wilton Rancheria for this opportunity, it has been a highlight of my career.

Our Team





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Chief Judge Christine Williams

Term: 2020-2024



Samantha Cypret, Court Director

Wilton Rancheria Traditional Court - Current Term: 2020-2022



From Left: Mary Rangel, Jeannie McKean, Frank Custino, Joyce Dozier, and Spokesperson Mary Tarango



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Wilton Rancheria Appellate Panel – Current Term: 2020-2024



From Left: Hon. Nicholas Mazanec, Hon. Charlene Jackson (Navajo Nation), Hon. Victorio Shaw (Hoopa Valley Tribe), Hon. Joseph Wiseman, and Chief Judge Treaver Hodson (Wilton Rancheria)

Current Goals and Strategic Plan



Strategic planning is an organization's process of defining its strategy, or direction, and making decisions on allocating its resources to pursue this strategy. This process is used by organizations to identify their goals, the strategies necessary to accomplish those goals and the internal performance management system used to monitor and evaluate progress.

At Wilton Rancheria, the Department of Administration Establishment and Organization Act requires the Executive Director of the Department of Administration to create a comprehensive strategic plan, including the Tribe's vision statement and mission statement and goals for each department. Tribal Court is separate from the Administrative Branch and needs a complementary plan to build on the Journey and Vision Statements from the Tribe's Strategic Plan. This process is currently in progress. The



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Courts plan to hold Town Hall listening sessions, which will also include a survey, for all members of the General Council. The Courts will use the feedback received during the Town Halls and survey to create the Courts' inaugural Strategic Plan. In the future, the Courts plan to use this Strategic Plan as the basis for the annual report presented to the General Council.

Review of 2018 Tribal Court Assessment

In 2018, Chairman Raymond Hitchcock requested a Tribal Court Assessment. The Assessment was completed by Native Knowledge Harvest, LLC on behalf of the Bureau of Indian Affairs, to begin the process of securing funding for the formation of a Tribal Court at Wilton Rancheria. We have used this report recommendations that were organized into a Strategic Action Plan to guide us in our work while we create a comprehensive and culturally informed strategic plan of our own.

This Tribal Court Assessment Report ("Report") provides the Wilton Rancheria Tribe ("Tribe") a modified model of the Trial Court Performance Standards ("TCPS") used to evaluate existing court, to assist in meeting their stated goal of establishing a tribal court. The Report seeks to provide guidance to the Tribe as it creates its justice system ("Tribal Court" or "Court"). It has been engineered to comply with the specific statutory mandates for tribal court surveys as articulated in 25 U.S.C. Section 3612(b).

The Report measures policy considerations and best practices in five distinct areas:

- (1) Access to Justice;
- (2) Expedition and Timeliness;
- (3) Equality, Fairness, and Integrity;
- (4) Independence and Accountability; and
- (5) Specific Findings and Needs.

At the end, the Report provides a Summary of Recommendations and Strategic Plan, including suggestions regarding where the Tribe can pursue funding or other support to accomplish each recommendation.

The Summary of Recommendations/Strategic Action Plan organizes the report recommendations (26 total) in to seven categories: Activities; Court Safety & Security; Equipment; Infrastructure; Personnel & Positions; Policies, Procedures & Code Development; and Technical Assistance. Below is a comparison of what we have accomplished relating to these recommendations.



	Recommendation	<u>Measure</u>	Current Status		
	Activities				
1.	Conduct planning sessions with all stakeholders in advance of opening the Court.	(1) Access to Justice(2) Expedition and Timeliness(4) Independence and Accountability(5) Specific Findings and Needs	Complete.		
2.	Codify the Tribe's Ordinances.	(1) Access to Justice(2) Expedition and Timeliness(4) Independence and Accountability(5) Specific Findings and Needs	Currently up-to-date. New Codes to be added.		
3.	Structure the Traditional Court.	(5) Specific Findings and Needs	The Traditional Court is in place. The Traditional Court Rules are in the rule making process.		
4.	Develop/Update Clerk's Manual.	 (1) Access to Justice (2) Expedition and Timeliness (3) Equality, Fairness, and Integrity (4) Independence and Accountability (5) Specific Findings and Needs 	In process. We are working with Judge Meredith Drent to complete the manual.		
5.	Develop Judge's Bench Book.	(2) Expedition and Timeliness(3) Equality, Fairness, andIntegrity(5) Specific Findings andNeeds	Not Complete. To be completed after Clerk's Manual.		
6.	Create a Court page on the Tribe's Website or standalone Court website.	(1) Access to Justice(2) Expedition and Timeliness(3) Equality, Fairness, andIntegrity(4) Independence andAccountability	Complete but will be expanded.		



		(5) Specific Findings and Needs	
7.	Conduct Outreach to Notify & Educate Tribal Members about the New Court.	(1) Access to Justice (2) Expedition and Timeliness (3) Equality, Fairness, and Integrity (4) Independence and Accountability (5) Specific Findings and Needs	Complete.
8.	Post Dockets in Advance of Court Date and Post in a Public Place; Attempt to Keep Changes to a Minimum.	 (1) Access to Justice (2) Expedition and Timeliness (3) Equality, Fairness, and Integrity (4) Independence and Accountability (5) Specific Findings and Needs 	The Court needs to determine a posting location. This is not currently an issue as the Tribal Office has been closed due to Covid.
		Court Safety and Security	
9.	Implement Security/Emergency Recommendations Regarding Court Planning, Infrastructure, Personnel and Equipment.	(1) Access to Justice(4) Independence andAccountability(5) Specific Findings andNeeds	Not complete due to current Court location.
10.	Configure Courtroom and Offices to Provide Maximum Security.	(1) Access to Justice (5) Specific Findings and Needs	In our current Courtroom, configuration options are extremely limited, but we will have security measures in place once the Tribal Office reopens to the public.
11.	Establish Emergency Policies and Procedures and Train Employees on Their Use.	(1) Access to Justice (5) Specific Findings and Needs	Not complete.
12.	Acquire Appropriate Courtroom and Office Furniture and Equipment.	(1) Access to Justice (5) Specific Findings and Needs	Complete. We will continue to purchase additional furniture and equipment as the Court



			expands and adds additional		
			staff.		
	Equipment				
13.	Acquire a Court Recording System with Amplification Capabilities.	(1) Access to Justice(3) Equality, Fairness, andIntegrity(5) Specific Findings andNeeds	Complete for current Courtroom. Amplification is not currently necessary.		
14.	Obtain an Appropriate Case Management System.	(2) Expedition and Timeliness(3) Equality, Fairness, andIntegrity(5) Specific Findings andNeeds	Complete. We are currently using Arctic IT.		
		Infrastructure			
15.	Locate a Site for the Courthouse. Create & Equip the Courtroom & Court Offices.	(1) Access to Justice (5) Specific Findings and Needs	We have located a potential site and are working to obtain grant funding.		
16.	Configure Court Building to Increase Security.	(1) Access to Justice(5) Specific Findings andNeeds	This will be addressed during construction.		
17.	Periodically Review Accommodations for Participants with Physical Disabilities & Address Identified Needs.	(1) Access to Justice (5) Specific Findings and Needs	Presently, accessibility is a major issue as the Courtroom is located upstairs. If accessibility were to be an issue, we would have to hold those hearings/meetings in the downstairs conference room. However, the conference room presents confidentiality issues.		
	Personnel and Positions				
18.	Draft Job Descriptions for All Court Positions, Whether Employees or Contractors.	(4) Independence and Accountability(5) Specific Findings and Needs	Currently complete. Will have to draft additional descriptions as positions are added.		



19.	Hire Judge(s) and Court Staff.	(1) Access to Justice(2) Expedition and Timeliness(5) Specific Findings andNeeds	Complete.
20.	Hire or Contract with Needed Professionals.	(1) Access to Justice (5) Specific Findings and Needs	We are currently under contract with the Chief Judge, one Self-Help attorney, five Appellate Court judges, five Traditional Court Elders, and one Judge for code and procedure development. We hope to add a bailiff/process server and a part-time deputy court clerk in 2022.
	Policies	, Procedures & Code Developme	ent
21.	Review the Tribe's Existing Ordinances. Revise & Add Ordinances, as Needed, and Codify Them.	(1) Access to Justice (2) Expedition and Timeliness (3) Equality, Fairness, and Integrity (5) Specific Findings and Needs	New ordinances have been added to Tribal Code for the operation of the Court, Traditional Court, and the Appellate Court. A full, third-party review will take place as part of the code publication process. We are also hoping to use 2022 grant funds to enter into a contract to draft new codes for vulnerable members including child abuse, domestic violence and elder abuse. Part of the contract money will also be used to fund employee and member training on the new codes.
22.	Create Court Rules, Policies, & Procedures	(1) Access to Justice(2) Expedition and Timeliness(3) Equality, Fairness, and Integrity(4) Independence and Accountability	We have established many rules, polices, and procedures but this will be a constantly evolving process as new needs arise.



23.	The Court and Tribal Council	(5) Specific Findings and Needs (1) Access to Justice	The Tribal Court has a
23.	Should Regularly Meet to Discuss Each Other's Needs and How to Meet Them.	(2) Expedition and Timeliness (3) Equality, Fairness, and Integrity (4) Independence and Accountability (5) Specific Findings and Needs	standing monthly presentation to Tribal Council with additional meetings to be scheduled, as necessary.
		Technical Assistance	
24.	Undergo Court Start-Up Training.	(3) Equality, Fairness, and Integrity (4) Independence and Accountability (5) Specific Findings and Needs	Complete. Samantha has attended multiple trainings including the California Indian Law Association and the National American Indian Court Judges Association. We will continue to look for new training opportunities.
25.	Hire Consultants to Create the Clerk's Manual and Judge's Bench Book.	 (1) Access to Justice (2) Expedition and Timeliness (3) Equality, Fairness, and Integrity (4) Independence and Accountability (5) Specific Findings and Needs 	Judge Meredith Drent is under contract to for the creation of the Clerk's Manual and Judge's Bench Book. Samantha meets with Judge Drent regularly to discuss the progress and review drafts.
26.	Hire Consultants to Train Staff.	 (1) Access to Justice (2) Expedition and Timeliness (3) Equality, Fairness, and Integrity (4) Independence and Accountability (5) Specific Findings and Needs 	Chief Judge Williams has provided most of Samantha's training, but we will work bring on additional consultants to train new staff, as necessary.



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Court Projects and Highlights

Wilton Rancheria's Constitution states that, "[t]he Tribal Court shall have the power to interpret and apply the Constitution, laws, customs, and traditions of Wilton Rancheria." Under that jurisdiction the Court currently has the authority to hear the following types of cases: contract disputes; civil disputes; appeals from government decisions, including but not limited to, enrollment issues, election challenges, and conduct and ethics violations; Peace and Security Act violations where a citation has been issued by Wilton Rancheria; and Constitutional Questions, which may only be filed by the Tribal Council or the Office of the Chairperson. The Court may hear additional matters as new codes are enacted.

At present, the Courts have three major areas of focus: hearing cases and matters that come before the Court; the Self-Help Center, including the Self-Help attorney and legal clinics; and building the Courts' infrastructure by drafting forms, policies, and procedures.

The Court focused a considerable amount of time working to build and expand the infrastructure to ensure the long-term success of the Branch. We are worked to develop extensive materials with the goal of making both the Wilton Rancheria Courts and state court more accessible for members. We relied heavily on the Traditional Court Elders for direction to ensure that the rules, procedures, and protocols that are being enacted are in alignment with the culture and tradition of Wilton Rancheria. All Self-Help materials are being made available to members via SharePoint as they become finalized. Additionally, following each Legal Clinic, all the materials presented are uploaded for member use. We are currently drafting a Court Clerk Manual to outline the procedures followed by the Court. Following the completion of the manual, the Court will then turn to drafting the Judge's Handbook for use on the Bench. The purpose of these documents is to provide consistency for the court regardless of any potential growth or turnover.

Strategic Planning

In planning for the future of the Court, we looked to other well-established Tribal Courts for guidance and inspiration. Judges and staff from the Shingle Springs Band of Miwok Indians and Morongo Band of Mission Indians graciously welcomed us to visit their Courts and shared their expertise. These visits were very helpful in determining our next steps of Court development and funding opportunities. Court staff was also very generous in sharing documents and forms. We would like to express our gratitude to Judge Shaw, Judge King, and the staff from both Courts.



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Code Publishing

The Court is working in conjunction with the Office of the Chair and Vice-Chair to make the Wilton Rancheria Codes available online. This will be incredibly helpful for the Court as we currently do not have a method to share the Codes with outside parties without sending a printed copy. We have contracted with Code Publishing Company to review, format, and publish the Codes to the Wilton Rancheria website.

Tribal Justice Center Planning

As the Court looks at how to best serve the membership moving forward, we are acutely aware that a lack of space, specifically confidential space, will continue to be an issue. We recognize that there is the opportunity to obtain grant funding to expand our staff but we presently do not have the space to house any additional staff members. With that, the Court has begun to look for opportunities to fund this necessary expansion.

The U.S. Department of Justice (DOJ) provides funding to improve public safety and victim services in tribal communities. The Coordination Tribal Assistance Solicitation (CTAS) provides federally recognized tribes and tribal consortia an opportunity to apply for funding to aid in developing a comprehensive and coordinated approach to public safety and victimization.

The majority of DOJ's existing tribal government-specific programs are included in and available through CTAS and are referred to as purpose areas. Funds available under purpose area four, funded by the DOJ's Bureau of Justice Assistance, is earmarked for tribal justice system infrastructure development. For the 2021 grant cycle, there was \$8 million made available for this purpose area. Projects for a single jurisdiction or tribe are eligible for \$1.2 million. Projects involving multiple jurisdictions or tribes are eligible for up to \$4.8 million. This grant opportunity is unique because it is one of the few that allows



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for funding to be used toward building renovations. It is important to note that these grant funds cannot be used to purchase land or to build new construction. The Department of Administration has assisted the Court identifying potential locations that would meet the requirements for funding under this purpose area. Additionally, the Court has begun preliminary discussions with other jurisdictions to maximize the potential award.

The Court envisions using this funding to renovate and expand a current building housed on Tribal properly into a Tribal Justice Center. This Center could house the Courthouse and administrative offices for the Court in addition to an expansive Self-Help Center and Law Library that would be available for use by the greater Sacramento Native community. This expanded use would also help to strengthen our application and allow us to be more competitive with other Tribes across the nation who have much larger populations.

<u>Tribal Courts Victims Services - New Protection Codes</u>

The Court plans to use grant funds from the National Congress of American Indians Victim Services program to fund the drafting and training for three new code sections: domestic violence, child abuse, and vulnerable member abuse. The Court will circulate a Request for Proposals for the code development and training for both members and staff for each new code section. The funds from this grant must be spent down by June 30, 2022.

Traditional Court - Training, Tech, and Draft Rules

As stated previously, the Traditional Court has truly been invaluable during the establishment and development of the Tribal Court. We rely on the input and direction of the Elders regularly. While the Traditional Court was appointed in 2020, they began meeting regularly and completing training in 2021. We were able to provide home office equipment to allow the Elders to begin meeting virtually including: Apple iPads and cases, wireless printers, and document shredders. The Traditional Court is excited to start meeting in person, once policies allow. All of the Elders have been able to functionally use the new technology.

We also worked with Cheryl Demmert Fairbanks and Karen Biestman to provide peacemaking and mediation training to the Elders. Both are highly respected educators and we were fortunate to learn from their expertise. Follow-up trainings have been discussed once the Covid restrictions are loosened.

Finally, the Tribal Court has submitted the draft Traditional Court rules to Tribal Council to begin the rulemaking process. The Court deferred heavily to the Traditional Court in the drafting of these rules and we look forward to their implementation soon.



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Facilities Renovation

The Court is currently housed in a single large office on the second floor of the Tribal Office. With the help of the Facilities and Maintenance Crew, we were able to make a number of changes to make the office as functional as possible for our use. First, we purchased soundproofing material to be installed under the carpet for increased confidentiality. New carpet was also installed at the same time. We also removed a window and added new dry wall on the wall between our office and the Director of Finance's office. This was also to improve soundproofing and confidentiality. Additionally, we painted the entire office at the time of the window removal. We also added new, custom artwork from Carl Avery (Yurok).



However, we are acutely aware that this office is not the best long-term home for the Court. First, we do not currently have the space to allow for the Court to function properly. Confidentiality is always a primary concern any legal environment. Presently, the Court is housed in one large office. This does not allow for the self-help attorney to meet with members while the Judge or Court Director are present in the office. Additionally, this space does not allow for any expansion, which is the focus of most available grant funding. Most importantly, the current location of the Court is up a narrow and steep flight of stairs that is not accessible for any members or parties with mobility concerns.

Employee and Member Grievances Move to Tribal Court

Under Tribal Council Resolution No. 2021-43, the Council transitioned the authority of the Grievance and Ethics Boards to the Courts. Council felt that this transition was in the best interest of the general welfare and economic well-being of the Tribe and the membership. This transition allows for a more efficient and



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streamlined process to receive and hear complaints from both employees and membership. The Court is amending the current forms and procedures in accordance with the Court Rules.

Relationship with McGeorge School of Law

In 2021 the Court developed a new relationship with McGeorge Law School located in Sacramento. As a result, we gained an extern for the fall 2021. Our very first extern from McGeorge worked to support Self-Help Center and internal Court improvements. We anticipate that this relationship will continue every semester.

Additionally, McGeorge approached the Wilton Court to assist them with offering Federal Indian Law annually. The long-term goal is to Goal to expand to create a specialization in tribal law within their certificate program.



Self-Help Center

The Wilton Rancheria Courts' Self-Help Center provides the following services for Wilton Rancheria Tribal members:

Free legal information and guidance to Tribal members from our Self-Help Attorney, AmyAnn Taylor. Ms. Taylor is experienced in tribal, state, and federal law. She can help Tribal members determine the most effective and appropriate approach to address their legal issues. She will also be available to review forms to ensure they are ready to file with the appropriate court.



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Free use of the Self-Help Center computer system for legal research and form preparation. Those looking to print out their own court forms and/or fill them out online can use our self-help computer/printer, available in our Self-Help Corner.

Free forms, instructions, and referrals. The Center can provide forms and instructions, explain legal processes, and refer individuals to other organizations or attorneys.

Free legal clinics providing education on topics of law that members can benefit from.

Individual Assistance

This chart represents some data relating to the individual assistance provided by the self-help attorney.

2021 Wilton Rancheria Courts' Self-Help Center Assistance Tracking			
	Legal Matter Types	Tribal Members Served Per Month	% of Time Allocation Per Month/Matter Type
April	Tribal Member Dispute	4	10%
	Restraining Order		20%
	Small Claims Court Matter		35%
	Mechanics Lien		35%
May	Contract Dispute (x2)	4	25%
	Mechanics Lien		25%
	Small Claims Court Matter		50%
June	Enrollment Matter (x2)	6	50%
	Traffic Violations		10%
	Expungement of Record		10%
	Tort Matter		5%
	Contract Dispute		15%
July	Enrollment Matter	5	20%
	Landlord Tenant (x2)		40%
	Eviction (x2)		40%
August	Child Custody (x2)	3	80%
	Enrollment Matter		20%
September	Estate Planning (x3)	15	10%
	Government Services Complaint		10%
	Family Law Matter		10%
	Child Custody (x2)		30%
	Veterans Benefits		5%



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	T		
	Land Use Issue (x3)		10%
	State Contractors License Complaint Iss	ue	10%
	LLC Ownership Issue		5%
	SBA info		5%
	Criminal Law Matter		5%
October	Probate Matter (x2)	10	20%
	Bullying/Parent Rights at School		10%
	Estate Planning (x6)		50%
	Employment Matter		20%
November	Land Dispute (x2)	10	50%
	Landlord Tenant (x2)		10%
	Eviction (x1)		10%
	Juvenile Detention		5%
	Child Custody		10%
	ICWA		5%
	Contract Issue		5%
	Estate Planning		5%
December	Guardianship (x2)	11	50%
	Property Dispute		10%
	Immigration		5%
	Landlord/Tenant		5%
	Eviction		5%
	Child Support (x2)		5%
	Child Custody		5%
	ICWA/Juvenile Detention		10%
	Litigation Process Education and Form A	Assistance (x3)	5%
	Litigation (10cc33 Education and Form Assistance (x5)		

Clinics

The self-help center provided two clinics in 2021. The details of these clinics are below.

Estate Planning Clinic, September 18, 2021

44 attendees

Hybrid (Zoom and In-Person)



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Presented by Self-Help Attorney, AmyAnn Taylor

All but one of the in-person attendees left with an executed statutory will.

Multiple members have reached out to the Self-Help Center following the event for assistance in completing a will or trust.

We think this would be a helpful event to host annually.

Feedback Received:

No one likes thinking about death, but this is such a weight off my shoulders.

We owe it to our family to have these documents in place so they can focus on grieving instead of handling paperwork.

Family Law Clinic – November 6, 2021

25 attendees

Hybrid (Zoom and In-Person)

Presented by AmyAnn Taylor and Matthew B. Rosenthal (Elk Grove Family Law Attorney)

The majority of members reaching out to the Self-Help Center have family law issues.

Feedback Received:

This can be a very scary type of law so this is really helpful.

I hope our younger members consider using the Self-Help Center for prenuptial agreements and other planning documents.

Cases

In 2021, the Court was heard a variety of matters from Tribal members including: four Peace and Security Act violations, two Constitutional Questions, and two civil matters.