

# Court Review

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## EDITOR'S NOTE

The special issue begins with Starita's description of the first US case to give legal recognition to the first Americans as individuals. Although many treaties had been signed (and resigned) with tribes across the nation, the indigenous residents were not considered *persons* under US law. The case of *Standing Bear* changed how the courts were to deal with Native American issues, though the legal treatment of Native Americans continues to evolve in American law to this day.

Fletcher examines state and federal court recognition of tribal court criminal convictions. He provides an overview of the constitutional landscape, and summarizes the key cases and developments as the contours of state and tribal cooperation in criminal enforcement matters continue to unfold. He points out particular challenges and issues related to how both state and federal courts handle prior tribal court convictions.

Hanan and Levit provide perspectives on how jurisdiction is allocated between tribal and state courts in Wisconsin. They both were involved in litigation that has offered significant direction on how Wisconsin deals with tribal and state jurisdictional disputes. Their experiences might shed light for other courts confronting inter-jurisdictional matters.

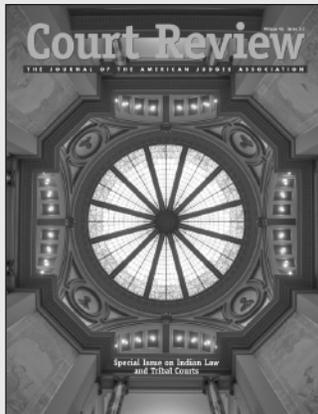
Fort provides an overview of the Indian Child Welfare Act, one of the most frequently litigated federal statutes in Indian law, and one which numerous states courts have had to grapple with. ICWA governs custody proceedings for Native American children, and provides guidance on where tribes have exclusive jurisdiction in proceedings. Fort provides an overview of how state courts have interpreted different provisions of ICWA in handling custody cases, adaptation of ICWA as either state law or court rule, and full faith and credit in non-ICWA situations.

Indian law is commonly perceived as a field fraught with historical anachronisms, complex doctrines, and rich variation. Carter provides a succinct overview of research resources and methods to assist those in the field. She provides an outline of basic authorities, treaties, statutes, and executive and administrative materials helpful to new or veteran judges and practitioners.

Rosser's essay provides commentary on subtext which is often—though not always—present in Indian vs. non-Indian disputes: presumptions about harm to property value. He discusses and confronts these assumptions, and offers thoughts for judges faced with adjudicating such cases.

Organick and Kowalski's essay discuss the importance of tribal, state, and federal cooperation within an historical and contemporary context. They urge courts to treat questions of state and tribal cooperation with the recognition that tribal sovereignty itself may be at stake.

—Tarik Abdel-Monem & Alan Tomkins



*Court Review*, the quarterly journal of the American Judges Association, invites the submission of unsolicited, original articles, essays, and book reviews. *Court Review* seeks to provide practical, useful information to the working judges of the United States and Canada. In each issue, we hope to provide information that will be of use to judges in their everyday work, whether in highlighting new procedures or methods of trial, court, or case management, providing substantive information regarding an area of law likely to be encountered by many judges, or by providing background information (such as psychology or other social science research) that can be used by judges in their work. Guidelines for the submission of manuscripts for *Court Review* are set forth on page 52. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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Photo credit: Mary Watkins (maryswatkinsphoto@earthlink.net). The cover photo shows the elaborate stained-glass dome of the Silver Bow County Courthouse, which opened in 1912 in Butte, Montana; the floor shown below is also from the courthouse.



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