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## Introduction

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# *The New Mexico Law Review*

proudly presents

## ENFORCING THE JUDGMENTS OF TRIBAL COURTS

On March 6, 2004, the membership of the *New Mexico Law Review* convened a symposium entitled *Enforcing the Judgments of Tribal Courts* at the University of New Mexico School of Law in Albuquerque. The event drew participants of diverse backgrounds from across the United States. The presenters included academics, practicing lawyers, and tribal judges, including a former Chief Justice of the Navajo Nation Supreme Court. Tribal, state, and federal court judges sat in the audience alongside the attorneys who practice before them. They came to discuss issues related to enforcing the judgments of tribal courts, as well as to participate in the greater discourse on tribal sovereignty. A number of symposium presenters reduced their presentations to writing, and we have collected these articles in the following symposium issue of the *New Mexico Law Review*, which we hope memorializes some of the many wonderful ideas that were presented at the symposium that day.

Robert Laurence, the Robert A. Leflar Professor of Law at the University of Arkansas and an alumnus of the University of New Mexico School of Law, provides this issue with *Tremors: Justice Scalia and Professor Clinton Re-Shape the Debate over the Cross-Boundary Enforcement of Tribal and State Judgments*. As the article's name suggests, Professor Laurence analyzes competing positions advanced by Professor Robert Clinton and Justice Antonin Scalia regarding the cross-jurisdictional enforcement of judgments. Professor Laurence provides lucid commentary on the substance of these positions, as well as sharp insight into their ramifications for the larger debate regarding tribal sovereignty.

Kevin Washburn, professor at the University of Minnesota Law School, contributes an article entitled *A Different Kind of Symmetry*, which provides a perspective on a little-noticed development that seems to be on the verge of becoming a groundswell: state courts and legislatures have begun to accord respect, in a variety of circumstances, to tribal judgments of conviction in criminal cases. Professor Washburn examines how states have begun to use tribal criminal convictions and he provides enlightening insights into how these developments relate to the ongoing issue of recognition of civil judgments. Professor Washburn concludes with a persuasive argument for a different kind of symmetry: symmetry *within* each state jurisdiction in its approach toward tribal criminal convictions and tribal civil judgments.

Steven Gunn, professor at Washington University School of Law, contributes to the symposium issue *Compacts, Confederacies, and Comity: Intertribal Enforcement of Tribal Court Orders*. In his article, Professor Gunn addresses the unique inter-jurisdictional issues facing tribes as they seek to recognize and enforce the judgments of other tribal courts. Professor Gunn's creative approach to examining issues of tribal court sovereignty culminates in his discussion of ways that tribes can reassert their inherent authority over nonmembers by building a framework for effective intertribal enforcement of tribal court judgments and orders.

Scott Taylor, alumnus of the University of New Mexico School of Law and currently professor at the University of St. Thomas School of Law, as well as appellate judge for the courts of Prairie Island Indian Community, Minnesota, contributes *Enforcement of Tribal Court Tax Judgments Outside of Indian Country: The Ways and Means*. Professor Taylor draws on his vast experience with taxation in Indian country, including his tenure as a Commissioner on the Navajo Nation's Tax Commission, to examine the full faith and credit question from the point of view of enforcing tax liabilities. Professor Taylor surveys the legal landscape surrounding the cross-jurisdictional enforcement of judgments and argues that tribes and states can promote the efficient operation of their tax systems by promoting a working government-to-government relationship supported by tribal-state tax agreements.

Richard Orona, who is currently an associate attorney at the firm of Harris, Karstaedt, Jamison & Powers, P.C., was previously the staff attorney for the Native American Legal Resource Center at Oklahoma City University, and he and the Center's director, Professor Kelly Stoner, contribute *Full Faith and Credit, Comity, or Federal Mandate? A Path that Leads to Recognition and Enforcement of Tribal Court Orders, Tribal Protection Orders, and Tribal Child Custody Orders*. Their article embodies years of experience practicing law in the trenches and applies a seasoned practitioner's eye to methods for enforcing the judgments and orders of tribal courts.

The *New Mexico Law Review* is proud to be a leader in the discussion of issues regarding the enforcement of tribal court judgments and orders. As early as 1977, the *New Mexico Law Review* became an active participant in this discussion with the publication of Fred L. Ragsdale, Jr.'s article *Problems in the Application of Full Faith and Credit for Indian Tribes*, 7 N.M. L. REV. 133 (1977). We commend the following symposium issue to you in the spirit of cooperation and understanding that animated the symposium participants who arrived at the University of New Mexico School of Law on March 6, 2004, from such diverse points of departure, both culturally and geographically, and we hope that within the pages of this issue are ideas pointing the way toward improved harmony and goodwill between the courts of the nation's sovereigns.