

“A Legacy of Public Law 280: Comparing and Contrasting Minnesota’s New Rule for the Recognition of Tribal Court Judgments with the Recent Arizona Rule,” Co-author (with Kevin Washburn), *William Mitchell Law Review*, Vol. 31 Issue 2, p. 479-526

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The Minnesota Supreme Court adopted a rule that took effect in January of 2004 that provides guidelines for the recognition and enforcement of tribal court orders and judgments. The Minnesota Supreme Court Rule on the Recognition and Enforcement of Tribal Court Orders and Judgments (“Minnesota Rule”) followed closely on the heels of a similar rule by the Arizona Supreme Court. Though the Minnesota and Arizona rules are close in time, they staked out quite different approaches. The Arizona Supreme Court Rules of Procedure for the Recognition of Tribal Court Civil Judgments (“Arizona Rules”) reflect tremendous respect for tribal courts and provide clear guidance to lower state court judges as to how to handle tribal court judgments. The Minnesota Rule, in contrast, adopts a much more tentative stance toward tribal court orders and judgments and provides little or no guidance to state court judges as to whether to recognize a tribal judgment.

This article describes the development of the Arizona and Minnesota rules. In addition, it seeks to offer a substantive critique of the Minnesota Rule and some suggestions as to the broader lessons that can be learned from the process. This article will critically evaluate the Minnesota Rule by comparing and contrasting its development, as well as its substantive content, with the new Arizona Rules.

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