

CHIEF JUDGE JOCELYN FABRY & MAGISTRATE JUDGE TIMOTHY GREELEY

'Ripple Effects' of Tribal & Federal Court Collaboration Are Felt Throughout Local Community

Chief Judge Jocelyn Fabry, of the Sault Ste. Marie Chippewa Tribal Court, believes tribal courts are particularly important due to their ability to be cognizant of the cultural differences and specific needs of tribal people.

"Courts are meant to be a forum for the community to resolve disputes. Who better to resolve disputes among tribal people than the tribal court?" asked Chief Judge Fabry. "They are attuned to the cultural and social differences that are inherent within our community."

There are other practical benefits as well. Tribal courts often have lighter caseloads than other courts, said Chief Judge Fabry, which allows tribes to provide more intensive rehabilitation and address problems in a timelier manner. Unfortunately, this means that on cases where both tribes and the federal government have jurisdiction, as in felony cases, the two entities can often move out of sync. When this occurs, it becomes even more important that the tribal and federal courts work together on cases.

Fortunately, Chief Judge Fabry has a partner in Magistrate Judge Timothy Greeley, a magistrate judge for the



Chief Judge Jocelyn Fabry

U.S. District Court for the Western District of Michigan in Marquette. The two met on the Michigan Tribal State Federal Judicial Forum, a group made up of tribal, state, and federal judges who meet regularly to work on collaborative endeavors and draft recommendations pertaining to the tribal courts.

When Judge Greeley first met Chief Judge Fabry, he invited the Tribe's feedback on mutual cases. After all, Judge Greeley said, although the federal government has jurisdiction





over felony cases, the tribe itself is often hit with the greatest impact in each case.

"We're not doing our job well unless we collaborate with the tribe and understand the tribe's needs and how what we do will influence that tribe," said Judge Greeley.

"There are different ways to deal with the same types of problems. The federal court's way may not always be the best way."

Chief Judge Fabry told a story of a woman who was placed into the Tribe's drug program after several probation violations for drug use. The woman was doing very well in the drug court program and maintained sobriety for several months, the longest stretch for her in decades.

Unfortunately, her case was moving far slower on the federal level.

"The federal system operates a little more slowly than we would like," said Chief Judge Fabry. "She was arrested on federal charges while she was involved in our drug court for the same case that brought her here."

For Chief Judge Fabry, this was a dilemma. Here was a woman who was being successfully rehabilitated in a tribal drug court program, but now arrested on serious federal charges.

This prompted Chief Judge Fabry to write a letter to Judge Greeley describing the Tribe's drug court program. She invited the federal judge to sentence defendants, when appropriate, to the Tribe's drug court program, which allowed the Tribe to monitor participants' rehabilitation.

"In her case, that's what he did," recalled Judge Fabry. "She was looking at going back to federal prison. That decision by Judge Greeley made all the difference in the world and in her life."

Ultimately, the woman successfully completed the Tribe's drug court program and was released from federal jurisdiction. She still resides on the Tribe's reservation as a sober resident and has reconnected with members of her family she had not spoken to in years.

For Chief Judge Fabry, courts can be the great tools of intervention, making a permanent and positive impact in people's lives. After all, she says, most people want to live a better life, and the positive impact courts have can set people on a positive trajectory for their entire lives.

"Not many people grow up and say 'I want to be a criminal' or 'I want my children removed and placed in the foster care system,'" said Chief Judge Fabry. "Once they get to the courts, they're at a crossroads. This is an opportune time for intervention."

Chief Judge Fabry said that changes often have a "ripple effect," especially in tribes where relationships and

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communities are so close. As a result, court decisions can have wide-reaching implications in a tight-knit tribal community.

"We want to give people the opportunity to change, which will hopefully have a ripple effect," said Chief Judge Fabry. "Maybe they have their children returned home or they become employed, which is a benefit to the public."





"The ripple effects of that in our community can't be measured," said Chief Judge Fabry. "I take what Judge Greeley did out of respect for the Tribe and out of trust for what we are doing in our tribal court."

These collaborations have been integral in rebuilding trust, much of which had been nonexistent after centuries of poor relations between American Indians and the United States government.

"If you're familiar at all with the history between the federal government and the tribal government, to say it always hasn't been positive would be a significant understatement," Chief Judge Fabry said. "There's a lot of rebuilding of trust and relationships that needs to occur. Having the opportunity to form a working relationship with the federal court for the benefit of our tribal members has been incredibly rewarding."

Although relationships are still being forged and strengthened, Chief Judge Fabry is happy with her experience attending the Michigan Tribal State Federal Judicial Forum and thankful for everything she has learned so far.

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together with other judges, regardless of who they are," said Chief Judge Fabry. "I'm always learning something at every session." 

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