



**KANSAS BAR
ASSOCIATION**

TO: The Honorable Fred Patton, Chair
And Members of the House Judiciary Committee

FROM: Joseph N. Molina
On behalf of the Kansas Bar Association

RE: KBA Support for HB 2039 – Extending recognition of tribal court judgments pursuant to supreme court rule.

DATE: January 24, 2019

Chairman Patton and members of the House Judiciary Committee, my name is Joseph Molina and I appear on behalf of the Kansas Bar Association in **SUPPORT** of HB 2039, extending tribal court judgments pursuant to supreme court rules: The KBA supports HB 2039 for two main reasons:

- it provides certainty concerning judgments affecting tribal courts and Kansas state courts
- it establishes a relationship between both courts that will aid in further collaboration going forward

The United States Constitution requires that all states give **Full Faith and Credit** to all public acts, records and judicial proceedings undertaken by other states. However, the Full Faith and Credit Act does not extend to Tribal Court judgments. While it is true that some federal and state courts recognize specific judgments as a matter of comity there is no general statutes requiring the acceptance of tribal judgments by Kansas state courts. HB 2039 will provide that mechanism to ensure the smooth operation of tribal judgments in Kansas. This framework has been tested by neighboring states and found to be a productive way to recognize judgments by both parties.

Once state courts are required to accept tribal judgments, tribal courts will then be allowed to reciprocate and accept state court actions. The reciprocity of these judgments is important as it builds a foundation for further co-equal governance.

The KBA is also aware of a possible amendment to add the following language:

Section 2, Nothing in this Act Shall be construed to be a waiver of the sovereign immunity of the State of Kansas or a waiver of the sovereign immunity of a federally recognized Indian Tribe.

The KBA support the inclusion of this additional language.

The KBA believes that HB 2039 will improve the administration of justice within Kansas, consolidate efficiencies with court systems and benefit the citizens of Kansas as well as the Tribal community.

Thank you for your time and attention. I am happy to stand for questions when appropriate.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 7,200 members include lawyers, judges, law students, and paralegals. www.ksbar.org