OVERVIEW
The documentary *Tribal Justice* explores tribal courts in two Native American communities in California and their efforts to integrate traditional models of justice into a modern justice system. Filmmaker Anne Makepeace documents the efforts of Abby Abinanti, chief judge of the Yurok tribe on the north coast, and Claudette White, chief judge of the Quechan tribe in the southern desert, as they work to create alternative systems of justice that focus on rehabilitation, restoration and reintegration into the community rather than punishment and prison.

Native American communities have been resolving disputes by finding ways for offenders to right wrongs and restore balance for generations, and more than 300 tribal courts across the United States are now integrating culturally relevant practices that focus on healing to wellness.

In this lesson, students will examine the tribal justice model used in the Yurok tribal court and its impact on defendant Taos Proctor. Proctor is one strike away from a 25-year sentence when he is deferred to Chief Judge Abby Abinanti’s court. Through Proctor’s journey, students will come to understand the important role community plays in healing and wellness and how the collaborative process of talking circles can help to establish networks of support, resources and accountability that extend beyond the courtroom.

POV offers a lending library of DVDs that you can borrow anytime during the school year—FOR FREE! Get started by joining our Community Network.

OBJECTIVES
By the end of this lesson, students will be able to:
- Describe what is meant by a tribal justice system and tribal healing and wellness courts and the key components of these systems
- Explain the practical applications of tribal justice models as demonstrated in *Tribal Justice* and through the talking circle model
- Understand the community’s role in conflict resolution and the peacemaking process
- Assess the effectiveness of the talking circle model in resolving school-based conflicts

GRADE LEVELS: 9-12+
SUBJECT AREAS
Civics, Social Studies

MATERIALS
- Film clips from *Tribal Justice* and equipment on which to show them
- Student Handouts
  - Student Handout A: Understanding Tribal Justice Approaches
  - Student Handout B: Viewing Notes
  - Student Handout C: Taos Proctor’s Journey
  - Student Handout D: Talking Circle Viewing Notes
  - Student Handout E: Talking Circle Tribal Justice Plan
- Teacher Handout A: Talking Circle Roles
- Chart paper and sticky notes
- Talking piece (any object that can be safely held and passed around the circle, for example a feather, a stick, a piece of chalk or a small stuffed animal)

ESTIMATED TIME NEEDED
One 50-minute class period plus homework

FILM CLIPS
Film clips provided in this lesson are from *Tribal Justice*.

Clip 1: “Tribal Court” (5:40 min.)
This clip starts at 1:25 min. with a title card that reads, “As sovereign nations, most Indian tribes have their own courts,” and ends at 07:05 min. with Judge Abby Abinanti looking out over the coast saying, “They’ll come up the river.”

Clip 2: “Taos Proctor and Tribal Court” (4:18 min.)
This clip starts at 10:32 min. with Judge Abinanti standing up in classroom and saying, “As a state court judge,” and ends at 14:50 min. with a shot of woman and man in court and William Follet saying in voice over, “...with the Yurok Tribal Court.”

Clip 3: “Yurok Tribe Versus Taos Proctor” (2:25 min.)
This clip starts at 14:57 min. with Judge Abinanti saying, “All right, court is going to call Yurok tribe versus Taos Proctor,” and ends at 17:22 with Judge Abinanti saying, “And this justice system, it represents that core value.”

Clip 4: “Wellness Court” (6:07 min.)
This clip starts at 32:50 min. with Proctor in a boat saying, “This is where I want to set a net,” and ends at 38:57 min. with Lori Nesbitt saying, “I am kind of like the protective auntie in hoping that he, at least, stays strong.”

Clip 5: “Tribal Justice” (2:55 min.)
This clip starts at 1:07:09 min. with Proctor picking up tools and walking through a construction site saying, “I’m sweating!” and ends at 1:10:04 min. with Judge Abinanti saying, “And it’s not that much trouble for me to bully him into it.”

ACTIVITY

1. Tribal Justice: Healing to Wellness
In preparation for viewing and discussing scenes from Tribal Justice, students will learn about the tribal justice system and tribal healing and wellness courts and understand the key components of these systems.

Think-Pair-Share:
Share the following definition for the tribal justice system from the Legal Information Institute and ask students to rewrite the definition in their own words. Have students discuss their rewritten definitions with partners then share with the class. Using the students’ feedback, create a working definition for the tribal justice system and revisit and refine it throughout the lesson.

The term “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

www.law.cornell.edu/uscode/text/25/3602

Explain:
The tribal justice system can take a variety of forms and the model employed is often tailored to the community in question and the conflicts the model is being used to resolve. In the film Tribal Justice, we will see an example of a tribal healing to wellness court. In 2014, it was estimated that there were 72 such courts in the United States.

According to the book Overview of Tribal Healing to Wellness Courts, this type of court “applies the drug court concept in a manner intended to meet the needs of the community, particularly the need to address the devastation caused by alcohol, other drug abuse and crime. The design of a tribal healing to wellness court program is developed at the local level, to reflect the unique strengths, circumstances, and capacities of each nation. Many sectors of the nation’s community are integrally involved in the planning and implementation process of a healing to wellness court collaborative, which includes multiple disciplines, services and people. They include, but are not limited to, criminal justice, substance abuse treatment providers, law enforcement, cultural programs, educational institutions, employment and vocational programs, antidrug organizations and tribal leadership.”
Display and review the components of healing to wellness illustrated in this chart from the Tribal Law and Policy Institute: http://www.wellnesscourts.org/tribal-key-components/index.cfm

Have students organize into small groups and discuss Tribal Justice using Student Handout A: Understanding Tribal Justice Approaches as a guide. Have volunteers share and discuss their responses to the handout questions with the class.

Review: Ask the class, “What questions do you have about tribal justice?” (Record the students’ questions on the board and refer back to them throughout the lesson.)

2. Tribal Courts
Through clips from the film Tribal Justice, students will examine how tribal courts are adapting traditional justice models to use them in modern justice systems. They will also begin to explore the difference between punishment-based justice and wellness courts.

Explain:
For this lesson, we will be watching clips from the documentary feature film Tribal Justice. This film explores tribal courts in two Native American communities—the Yurok and Quechan tribes—and their efforts to adapt the tribes’ traditional models of justice for use in a modern context.

Has anyone heard of tribal courts before today? If so, can you share what you know about tribal courts and how they are different from mainstream courts?

Distribute Student Handout B: Viewing Notes to each student and play Clip 1. Instruct students to take notes while viewing the clip using the prompts in the handout. After screening the clip, have students share their notes and feedback.

Explain:
Talking circles are traditional models of justice often found in tribal courts. First Nations tribes throughout the United States and Canada have used talking circles to resolve conflict. The Indigenous Peacemaking Initiative explains talking circles as follows:

Many traditional tribal practices involve some form of talking circles. A talking circle involves individuals sitting in a circle, taking turns to express their thoughts on a particular issue. In the circle, everyone has an equal place; there is no hierarchy. Often times, a talking piece is used and passed around the circle. The talking piece can be a feather or other treasured object. Only the person holding the talking piece is allowed to talk. This process requires active and deep listening. Historically, native cultures used talking circles as a
way of bringing people together for the purposes of teaching, listening and learning. More recently, talking circles are being used to facilitate healing processes in both tribal and non-tribal communities.


http://peacemaking.narf.org/about-peacemaking/frequently-asked-questions-about-peacemaking/

Distribute Student Handout C: Taos Proctor’s Journey and play Clip 2 and have students take notes using the prompts in the handout.

Have students share their notes and ask for volunteers to summarize the tribal justice model that the Yurok tribe uses as described by Judge Abby Abinanti. Record the responses on the board to review later in the lesson.

Organize students into small discussion groups and distribute chart paper, sticky notes and markers to each group. Instruct students to brainstorm all the possible consequences that Taos Proctor could or should face and write each one on a separate sticky note.

Have each group hang its chart paper on a wall and draw a line vertically down the center, dividing the paper into two columns. Tell them to write Punishment at the top of one column and Rehabilitation at the top of the other, then share the definitions for both terms with the class. Have the students place their sticky notes in the category that fits best. (For example: “life in prison” would be a Punishment and “going to drug rehab” or “apologizing to the man whose yard he drove into and fixing the damage he did to the man’s property” would be Restitution.)

Definitions (from www.merriam-webster.com)

- **Punishment**: the act of making a wrongdoer suffer: the state of being made to suffer for wrongdoing: the penalty for a wrong or crime
- **Rehabilitation**: the act of restoration (as a convicted criminal defendant) to a useful and constructive place in society through therapy, job training and other counseling

Instruct groups to form larger groups of six to eight students each and review and discuss each other’s responses.

Discussion prompt:

*Which of the consequences we identified reflect the tribal justice principles we discussed and the talking circle model the Yurok tribe is using?*

3. Talking Circles

In this activity, groups of six to eight students will learn how to form talking circles and how to use a talking piece. Students in each circle will take on the roles and responsibilities of members of Taos Proctor’s community and work together to develop a tribal course of action that will serve both Proctor and his community.
Each group of six to eight students will become a talking circle for the case of Taos Proctor. Explain:

A talking circle should offer an opportunity for the offender, the victim, family, wellness professionals, justice department representatives and community members to work together to develop a plan of action. Since we cannot sit in on Proctor’s meetings with Judge Abinanti in tribal court, we will act as part of an extended talking circle for his case.

We will watch additional clips from Tribal Justice featuring statements and testimony from Proctor, Judge Abinanti, professionals working on the case and Yurok community members. After watching the clips, the members of each talking circle will discuss what has been said and—using what we’ve learned about tribal justice—work together to develop a course of action that will serve both Proctor and his community.

Creating a talking circle:

- Have the groups organize their chairs into a circle (or sit in a circle on the floor).
- Give each group a “talking piece.” This can be any object that is easily held and passed around the circle. Explain the rules of the talking piece:
  The talking piece helps your group ensure that everyone has a chance to talk and to listen. When someone is holding a talking piece, they can share their thoughts, opinions and ideas. The other members of the circle should be listening actively and taking notes. If you have questions or a counterpoint, you can raise your hand to request the talking piece, or you can wait until the talking piece is passed around the circle to you and then voice your thoughts. The success of a talking circle relies on members respecting the person who is speaking so that everyone has the opportunity to make their voice heard. (Note: Talking pieces can take many forms: a feather, a stick, a piece of chalk, a shell, a small stuffed animal and so on. Students can also make their own talking pieces in advance of the lesson.)

Assign a role to each student in the talking circle from Teacher Handout A: Talking Circle Roles and review the responsibilities associated with each role. (Multiple students in the talking circle will have the same or similar roles. They can work independently or collaborate to fulfill their responsibilities. Roles can also be adjusted, edited or added to suit the classroom’s curriculum goals.)

Distribute Student Handout D: Talking Circle Viewing Notes and instruct students to pay close attention to the statements and testimony of participants in the tribal court. Students should take notes and write down quotes that will help them fulfill their roles in the talking circle. (If needed, clips can be played twice to give the students the opportunity to take detailed notes.)

Play Clips 3 and 4.

Distribute a copy of Student Handout E: Talking Circle Tribal Justice Plan to each talking circle group. Have students use the talking piece to share their screening notes from Student Handout D, then ask them to work with their fellow group members to develop a tribal justice plan for Proctor. (If students need more space to record their responses, encourage them to use separate sheets of paper or the backs of the worksheets.)
When all of the groups have completed their tribal justice plans, have the circles share their plans with the whole class or have circles pair up and share with each other.

4. Reflection
Students will reflect on Proctor’s journey and the impact of the tribal court model on his outcome and clarify any remaining questions about tribal justice.

Reconvene the class and ask the students what outcome they anticipate for Proctor.

Play Clip 5 and follow with a brief reflection on the following (this can be a discussion or a journal assignment):
- How did Proctor’s outcome compare with your expectations for him?
- What would his outcome have been if the tribal court did not exist?
- Why was it important for the victim and the offender to have a team of people invested in their tribal justice process?

Conclude the lesson by revisiting the questions students had about tribal justice from earlier in the lesson and follow up on any questions that still need clarification.

Homework:
Writing Assignment: Have students identify a school-based conflict (real or hypothetical) that would benefit from the tribal justice model and describe the possible process and outcomes using this method.

EXTENSIONS/ADAPTATIONS
Tribal Justice in the Classroom:
Have students work in groups to design a customized tribal justice model that can be used for the classroom community. Groups can take turns sharing and refining their ideas with the class through role-play presentations, and then each model can be tested in the classroom for a week. At the end of the test period, the class should combine the best qualities from each idea into a tribal justice model that will be used in the classroom for the remainder of the year.

Tribal Justice in the Community:
Have students work in small groups to research the justice system in their community and learn if and how tribal justice is used. Have each group interview at least three people working in the justice system in their local area to learn how the system functions and what needs to be improved. If there are no tribal justice programs in the area, students should ask interview subjects to share their thoughts on this model and whether they think it would be benefit the community. Students should collaborate to develop interview questions in advance and film the interviews, if possible. Their research can be compiled into a written report or a multimedia presentation.

RESOURCES
The Film
POV: *Tribal Justice*
http://www.pbs.org/pov/tribaljustice/
The film’s official **POV** site includes a discussion guide with additional activity ideas and resources.

*Tribal Justice* Official Website
http://www.makepeaceproductions.com/tribaljustice/
The film’s official website provides information on the film and those who made it.

POV: Media Literacy Questions for Analyzing POV Films
http://www.pbs.org/pov/educators/media-literacy.php
This list of questions provides a useful starting point for leading rich discussions that challenge students to think critically about documentaries.

Indigenous Peacemaking Initiative
http://peacemaking.narf.org/
This organization supports Native peoples in restoring sustainable peacemaking practices.

Restorative Classroom Practices
https://restorativeclassroomcircles.wikispaces.com/
A community of teachers shares resources and information on using tribal practices in the classroom via this website.

Tribal Healing to Wellness Courts
http://www.wellnesscourts.org/
The nonprofit Tribal Law and Policy Institute provides information about healing to wellness courts, including numerous useful publications, through this website.

Tribal Justice and Safety
https://www.justice.gov/tribal
This page on the U.S. Department of Justice website collects news and information related to tribal justice.

Tribal Law and Policy Institute
http://www.home.tlpi.org/
This 100 percent Native American operated nonprofit shares education, research and training resources on tribal law and tribal courts.

Yurok Tribal Court
http://www.yuroktribe.org/tribalcourt/
The official website for the Yurok tribal court (where Abby Abinanti is chief judge) provides its mission and history.

**STANDARDS**
*Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science and Technical Subjects*
• CCSS.ELA-Literacy.SL.8.1 Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts and issues, building on others' ideas and expressing their own clearly.

• CCSS.SL.9-10.1 Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups and teacher-led) with diverse partners on grades 9-10 topics, texts and issues, building on others' ideas and expressing their own clearly and persuasively.

• CCSS.ELA-Literacy.SL.11-12.1 Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups and teacher-led) with diverse partners on grades 11-12 topics, texts and issues, building on others' ideas and expressing their own clearly and persuasively.

• CCSS.ELA-Literacy.SL.8.4 Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning and well-chosen details; use appropriate eye contact, adequate volume and clear pronunciation.

• CCSS.ELA-Literacy.SL.9-10.4 Present information, findings and supporting evidence clearly, concisely and logically such that listeners can follow the line of reasoning and the organization, development, substance and style are appropriate to purpose, audience and task.

• CCSS.ELA-Literacy.SL.11-12.4 Present information, findings and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed and the organization, development, substance and style are appropriate to purpose, audience and a range of formal and informal tasks.

• CCSS.ELA-Literacy.W.8.7 Conduct short research projects to answer a question (including a self-generated question), drawing on several sources and generating additional related, focused questions that allow for multiple avenues of exploration.

• CCSS.ELA-Literacy.W.9-10.7 Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

• CCSS.ELA-Literacy.W.11-12.7 Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

**Content Knowledge**: a compilation of content standards and benchmarks for K-12 curriculum by McREL (Mid-continent Research for Education and Learning).

• Language Arts Standard 8. Uses listening and speaking strategies for different purposes.

• Language Arts Standard 9. Uses viewing skills and strategies to understand and interpret visual media.

• Behavioral Studies, Standard 3. Understands that interactions among learning, inheritance and physical development affect human behavior.

• Behavioral Studies, Standard 4. Understands conflict, cooperation and interdependence among individuals, groups and institutions.

• Thinking and Reasoning Standard 1. Understands and applies the basic principles of presenting an argument.

• Thinking and Reasoning, Standard 3. Effectively uses mental processes that are based on identifying similarities and differences.

**ABOUT THE AUTHOR**

Allison Milewski has developed media education resources for a range of award-winning filmmakers and national media organizations, including PBS LearningMedia, Independent
Television Service (ITVS), Latino Public Broadcasting, HBO Documentaries and Tribeca Film Institute. She is also the founder of the international media education program PhotoForward.org.
TRIBAL JUSTICE
Student Handout A: Understanding Tribal Justice Approaches

STUDENT NAME____________________________________________________________

Instructions: Collaborate with your group members to answer the following questions. (If you need more space to write your responses, use a separate sheet of paper or the back of this worksheet):

1. Has anyone in your group heard about the tribal court system or a tribal healing to wellness court before today? How did you hear about it and what did you know about this model?

2. How does this justice model compare to the current justice system in your town or state?

3. How does this model compare to your school’s procedure for disciplining students and resolving conflicts?

4. Do you think the wellness to healing court model could be used for every conflict or crime? Why/why not?

5. Think of a situation (real or imagined) where the wellness to healing model might benefit both the victim(s) and the offender(s). Why would the tribal justice model be useful in this situation?
STUDENT NAME______________________________________________________________

Instructions: Watch the film clip and take notes in response to the following questions. Record general notes about scenes and quotes that surprised, confused or interested you:

1. What benefits of tribal justice does Judge Abby Abinanti mention?

2. According to Judge Abinanti, why is it important for the Yurok tribe to use their tribal justice model instead of the state justice model?

3. Interesting notes and quotes from the film and questions you have:
Instructions: Watch the film clip and take notes in response to the following questions. Record general notes about scenes and quotes that surprised, confused or interested you:

1. Why is Taos Proctor a defendant in tribal court?

2. What was Proctor’s history with alcohol and drug use?

3. What does the wellness court program do?

4. Interesting notes and quotes from the film and questions you have:
TRIBAL JUSTICE
Student Handout D: Talking Circle Viewing Notes

STUDENT NAME____________________________________________________________

Instructions: Watch the film clips and take notes in response to the following questions.

1. What programs are available to support Taos Proctor and other Yurok community members who come to tribal court?

2. What positive steps is Proctor taking to improve himself?

3. How is Proctor contributing to the community and working to make restitution for his past choices?

4. What are the biggest risks Proctor faces during this rehabilitation process?
Instructions: Review your notes from Student Handout D and share them with the talking circle. Collaborate with your talking circle members to develop a tribal justice plan for Taos Proctor. (If you need more space to record your responses, use a separate sheet of paper or the back of this worksheet.)

Drug and alcohol addiction is the biggest risk factor for Taos Proctor.
1. What steps does your talking circle recommend Proctor take?
2. What resources are available for him?
3. What should Proctor do if he is tempted to start using drugs and alcohol again?
4. How can members of the community support Proctor?

Proctor needs to restore the community’s trust in him and make amends.
1. What steps does your talking circle recommend Proctor take?
2. What resources are available for him?
3. What should Proctor do if he is having a difficult time fulfilling this commitment?
4. How can members of the community support Proctor?
Taos Proctor needs employment and education so he can support himself and his family.
1. What steps does your talking circle recommend Proctor take?
2. What resources are available for him?
3. What should Proctor do if he has a problem with his work or school responsibilities?
4. How can members of the community support Proctor?

Proctor needs support to build positive emotional skills so he can be a good father to his son and a constructive member of the Yurok community.
1. What steps does your talking circle recommend Proctor take?
2. What resources are available for him?
3. What should Proctor do if he is struggling with his life and relationships?
4. How can members of the community support Proctor?
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<thead>
<tr>
<th>Taos Proctor's Family Member</th>
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<tbody>
<tr>
<td>You are here to support Proctor and help the court find a solution that will serve the community. You know that Proctor wants to build a better life with his son, but you worry that he is a danger to himself and others when he is using drugs.</td>
<td>You are here to support Proctor and help the court find a solution that will serve the community. You know Proctor could have ended up in prison for 25 years without the support of the tribal court, and you want him to have a chance to build a better life for his family.</td>
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**Your goals for the talking circle are to:**
1) Connect Proctor with a drug rehab program
2) Help him find steady employment
3) Make sure he has long-term counseling and emotional support

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<th>Community Member</th>
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<td>You are here to help the court find a solution that will serve the community. You know Proctor could have ended up in prison without the tribal court, and you want him to have a chance to build a better life. You also worry that Proctor is a danger to himself and the community when he is using drugs.</td>
<td>You are here to help the court find a solution that will serve the community. You do not know Proctor very well. You are not sure that Proctor can improve, but you trust the court. You want to find a course of action that will work for Proctor while keeping the community safe.</td>
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**Your goals for the talking circle are to:**
1) Encourage Proctor to reconnect with the Yurok community and its culture
2) Have him rebuild trust by contributing his time to improve the community
3) Connect with a support network for recovering alcoholics and drug users

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<th>Wellness Program Member</th>
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<tr>
<td><strong>You are here to support the health and wellbeing of Proctor, his family and the community. You want to help Proctor make healthy choices and build a network of support within the community. You also need to set strong boundaries and make sure he follows through on his commitments.</strong></td>
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<td><strong>Your goals for the talking circle are to:</strong></td>
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<td>2) Help him find counseling resources that will provide emotional support and strengthen his parenting skills</td>
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<td>3) Make sure he has tutoring and educational programs that will help him get his GED</td>
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<td><strong>You are here because Proctor could have ended up in prison for 25 years without the support of Judge Abby Abinanti and the tribal court. You want to make sure the court creates a plan for Proctor that will help him stay out of trouble with the law, keep the community safe and ensure he makes restitution for his crimes.</strong></td>
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<td><strong>Your goals for the talking circle are to:</strong></td>
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<td>1) Have him rebuild trust by volunteering his time to support the community</td>
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<td>2) Connect Proctor with a drug rehab program and support network for recovering alcoholics and drug users</td>
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<td>3) Schedule check-in meetings with Judge Abinanti to review Proctor’s progress and make sure he is meeting his commitments</td>
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