

SUPREME COURT OF THE STATE OF IDAHO

Coeur d'Alene Tribe v. Johnson

2017 Opinion No. 109 (Idaho Nov. 3 2017) (Supreme Court of the State of Idaho 2017) · No. 44478 · Decided November 3, 2017

SUMMARY

The Idaho Supreme Court considered whether to recognize and enforce a Coeur d’Alene Tribal Court default judgment against nonmember landowners concerning an unpermitted dock and pilings. The court overruled its prior holding that tribal judgments receive full faith and credit under 28 U.S.C. § 1738, instead holding that recognition is governed by comity. It affirmed recognition of the Tribe’s declaratory right to remove the encroachment but held that the \$17,400 civil penalty was barred by the penal law rule, and remanded for an amended judgment.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Horton, J.; Burdick, C.J.; Eismann, J.; Jones, J.; Brody, J.
JURISDICTION	Idaho
DECIDED	November 3, 2017
DOCKET	44478
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Johnsons appealed the Benewah County district court's recognition and enforcement of a default judgment entered by the Coeur d'Alene Tribal Court. The Idaho Supreme Court reviewed recognition of the tribal judgment under principles of comity.
STANDARD OF REVIEW	Enforcement of a foreign judgment is a question of law reviewed freely.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion and binding Idaho precedent; partially overrules prior Idaho precedent.
PARTIES	Kenneth Johnson, Donna Johnson v. Coeur d'Alene Tribe

TOPICS

- tribal jurisdiction
- tribal sovereignty
- indian affairs
- civil procedure
- appellate procedure

PRACTICE AREAS

tribal law

civil procedure

appellate procedure

real property

remedies

QUESTIONS PRESENTED

1. Whether the Idaho Supreme Court should overrule *Sheppard v. Sheppard* and hold that tribal judgments are not entitled to full faith and credit under 28 U.S.C. § 1738.
2. What standards govern Idaho recognition and enforcement of tribal judgments.
3. Whether the exhaustion of tribal remedies doctrine barred the Johnsons from collaterally challenging the Tribal Court's jurisdiction.
4. Whether the Tribal Court had personal and subject matter jurisdiction over the Johnsons and the dock and pilings.
5. Whether the Johnsons were afforded due process in the tribal proceedings.
6. Whether the penal law rule barred recognition and enforcement of the \$17,400 civil penalty while permitting recognition of the Tribe's declaratory right to remove the dock and pilings.

HOLDINGS

1. Tribal court judgments are not entitled to full faith and credit under 28 U.S.C. § 1738. *Sheppard v. Sheppard* is overruled to the extent it held otherwise.
2. Idaho courts will generally recognize and enforce tribal judgments under comity, provided that the tribal court had personal and subject matter jurisdiction and the defendant received due process. Recognition may also be denied on equitable grounds identified in *Wilson*.
3. The party attacking the validity of a tribal court judgment bears the burden of proving its invalidity.
4. The exhaustion of tribal remedies doctrine did not apply because no litigation remained pending in the Tribal Court when the Tribe sought state-court recognition of the final judgment.
5. The Johnsons failed to establish that the Tribal Court lacked subject matter jurisdiction. Tribal ownership of the riverbed was dispositive under the circumstances because the activity occurred on tribal land and no competing state interest weighed against tribal jurisdiction.
6. The Johnsons received due process because they had notice of the tribal proceedings and multiple opportunities to be heard, and they failed to show that the Tribal Court was biased.
7. The \$17,400 civil penalty was not enforceable under comity because the penal law rule bars courts from enforcing another sovereign's penal laws. The declaratory portion recognizing the Tribe's right to remove the dock and pilings was enforceable.

KEY QUOTATIONS

“Therefore, we overrule the holding in Sheppard that tribal judgments are entitled to full faith and credit and adopt the reasoning of the Ninth Circuit in Wilson and hold that tribal court judgments are entitled to recognition and enforcement under principles of comity.” (at 4)

“The civil penalty is not enforceable under principles of comity. However, the penal law rule does not prevent courts from recognizing declaratory judgments of foreign courts.” (at 11)

FACTUAL BACKGROUND

The Johnsons, who were not tribal members, owned property within the Coeur d'Alene Reservation bordering the St. Joe River and maintained a dock and pilings extending into the river. The Tribe required a permit for docks within the Reservation, but the Johnsons neither obtained a permit nor removed the dock after receiving notice. They did not appear in the tribal action or at the damages hearing, resulting in a default judgment imposing a \$17,400 civil penalty and declaring that the Tribe could remove the encroachment.

PROCEDURAL HISTORY

The Tribe obtained a default judgment in tribal court imposing a \$17,400 civil penalty and declaring that the Tribe could remove the Johnsons' dock and pilings. The Tribe petitioned the Idaho district court to recognize the judgment under Idaho's Enforcement of Foreign Judgments Act. The district court held the tribal judgment valid and enforceable. The Idaho Supreme Court affirmed recognition of the judgment concerning removal of the encroachment, reversed recognition of the civil penalty, and remanded for entry of an amended judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for entry of an amended judgment removing recognition of the \$17,400 civil penalty while retaining recognition of the Tribal Court judgment concerning the Tribe's right to remove the dock and pilings. No costs on appeal.

CASES CITED

- Sheppard v. Sheppard, 104 Idaho 1, 655 P.2d 895 (1982)
- Wilson v. Marchington, 127 F.3d 805 (9th Cir. 1997)
- Gonzalez v. Thacker, 148 Idaho 879, 231 P.3d 524 (2009)
- Erlenbaugh v. United States, 409 U.S. 239 (1972)
- Dan Wiebold Ford, Inc. v. Universal Computer Services, Inc., 142 Idaho 235, 127 P.3d 138 (2005)
- National Farmers Union Insurance Companies v. Crow Tribe of Indians, 471 U.S. 845 (1985)
- Drumm v. Brown, 716 A.2d 50 (Conn. 1998)
- Iowa Mutual Insurance Co. v. LaPlante, 480 U.S. 9 (1987)
- Strate v. A-1 Contractors, 520 U.S. 438 (1997)
- Andre v. Morrow, 106 Idaho 455, 680 P.2d 1355 (1984)
- Montana v. United States, 450 U.S. 544 (1981)
- Nevada v. Hicks, 533 U.S. 353 (2001)

- Idaho v. United States, 533 U.S. 262 (2001)
- United States v. Idaho, 95 F. Supp. 2d 1094 (D. Idaho 1998)
- United States v. Idaho, 210 F.3d 1067 (9th Cir. 2000)
- Montana Power Co. v. Rochester, 127 F.2d 189 (9th Cir. 1942)
- Water Wheel Camp Recreational Area, Inc. v. LaRance, 642 F.3d 802 (9th Cir. 2011)
- Anderson v. Spalding, 137 Idaho 509, 50 P.3d 1004 (2002)
- The Antelope, 23 U.S. (10 Wheat.) 66 (1825)
- Huntington v. Attrill, 146 U.S. 657 (1892)
- Wisconsin v. Pelican Insurance Co., 127 U.S. 265 (1888)
- Yahoo! Inc. v. La Ligue Contre le Racisme et l'Antisemitisme, 433 F.3d 1199 (9th Cir. 2006)