

FREQUENTLY ASKED QUESTIONS ABOUT THE PEACEMAKER FORUM

(9/2024)

1. What is the Pechanga Peacemaker Forum?

The Pechanga Peacemaker Forum is part of the Pechanga Band's judicial branch where people come together to voluntarily resolve conflicts. Trained peacemakers apply the Band's customs and cultural teachings to facilitate discussion and help parties reach voluntary resolution.

2. What Kind of Cases Does the Pechanga Peacemaker Forum Hear?

The Óomish Yáamish Peacemaker Ordinance, first passed by General Membership in 2013 and amended in 2017 and 2024, permits the Peacemaker Forum to hear all kinds of conflicts, including property disputes, tribal utility condemnation, tribal business leases, and more. The only requirements are that the person requesting peacemaking services is an enrolled Pechanga member, at least one of the parties is an enrolled Pechanga member, and all parties must agree to submit the conflict to the Peacemaker Forum.

3. What Does the Peacemaker Forum Look Like?

The Peacemaking Forum is not designed to look like a courtroom. There are no benches and no judges in black robes. The best design for peacemaking is a simple room with chairs arranged in a circle, so that no one person looks or feels superior to another. The circle represents the connectiveness of the community and promotes open communication between the parties.

4. Is There a Cost to Use the Peacemaker Forum?

No. The Band provides peacemaker services to members at no cost. Peacemakers receive compensation at an hourly rate from the Band but do not charge participants for their services.

5. Does the Peacemaker Forum Use Judges?

There are no judges involved in peacemaking, which is designed to be a non-adversarial and informal process. Peacemaking is facilitated by peacemakers who undergo special training and meet certain other qualifications under the Óomish Yáamish Peacemaker Ordinance. Judges are only involved when the Pechanga Tribal Court refers a case to the Peacemaker Forum or vice-versa. They do not directly participate in peacemaking.

6. Are Peacemaker Decisions Binding on Me?

No, unlike courts where judges issue orders that everyone must follow, peacemaking involves finding resolutions agreeable to all parties. If one person does not agree with a peacemaker's resolution, the process ends unless they come to some other agreement.

7. Can I Use the Peacemaker Forum if the Other Party Refuses to Participate?

Under tribal law, peacemaking is voluntary, regardless of whether an enrolled Pechanga member requests peacemaking services directly or is referred to the Peacemaker Forum by the Pechanga Tribal Court. No one can be forced to participate in peacemaking. A willingness to participate makes a successful resolution more likely.

8. Will Information Shared During Peacemaking Remain Confidential?

Yes. Under the Óomish Yáamish Peacemaker Ordinance, except where disclosure is required by law, statements made by any party engaged in the peacemaking process are confidential and shall be considered only for purposes of resolving disputes.

9. Do I Need a Lawyer to participate in peacemaking through the Peacemaker Forum?

No, in fact, lawyers are not permitted under the peacemaker process. Peacemaking is meant to be informal and non-adversarial. The idea is for a neutral person trained in peacemaking principles and Pechanga law to help parties resolve their dispute.

10. Who Works at the Peacemaker Forum?

As stated above, the Peacemaker Forum includes trained peacemakers who contract with the Band to provide peacemaking services. The Peacemaker Forum also relies on the help of the Pechanga Tribal Court's court clerk to answer questions about its services, accept requests for peacemaking, and other administrative activities. The court clerk cannot provide legal advice to parties or others.

11. Can Non-Members Use the Peacemaker Forum?

Yes, a non-member who is a party to a dispute can use the Peacemaker Forum, however only an enrolled Pechanga member can request Peacemaker Forum services. The Pechanga Tribal Court can also refer conflicts to the Peacemaker Forum.