September 21, 2015

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

RE: Rule Matter 07-11C

Dear Clerk of Supreme Court,

I am writing in response to Supreme Court Commissioner Julie A. Rich's invitation to comment on the operation of Wis. Stat. §801.54. My experience with Wis. Stat. §801.54 has been extremely positive. The rule functions properly and plays a key role in the cooperative relationship that the Oneida Judiciary has with the Wisconsin Court System.

Since the Oneida Family Court started keeping statistics on Wis. Stat. §801.54 case transfers in 2010, there have been 1,437 cases transferred from state court. I do not believe that any of the family court transfers have been appealed and I have not encountered any requests for the state court to take further action pursuant to Wis. Stat. §801.54(3).

Wis. Stat. §801.54 is working and is more efficient than utilizing the Teague protocol to resolve jurisdictional allocation issues. Since taking the bench in September 2013, I have had to resolve two cases utilizing the Teague protocol. The first case involved a paternity action that was filed in both the Oneida Family Court and Brown County. All of the parties convened for several hearings at the Brown County Circuit Court and after three months a decision was made to complete the case in tribal court. The second case involved a divorce action that was filed in both the Oneida Family Court and Winnebago County. All of the parties gathered for a hearing in Winnebago County and the judges determined that the case would proceed in state court. While both courts were able to cooperate in deciding these matters, the process was time consuming and required the parties to incur additional expenses. A decision to continue Wis. Stat. §801.54 will benefit both the courts and the parties.

Thank you for your time and I urge the Wisconsin Supreme Court to continue the rule.

Sincerely,

Hon. Robert Collins II
Family Court Judge

c: J. Denis Moran, Director of State Courts