



November 26, 2018

Clerk of the Wisconsin Supreme Court  
110 East Main Street, Suite 215  
P.O. Box 1688  
Madison, WI 53701-1688  
Sent via U.S. mail and email [clerk@wicourts.gov](mailto:clerk@wicourts.gov)

**RECEIVED**

**NOV 26 2018**

**CLERK OF SUPREME COURT  
OF WISCONSIN**

**Re: Petition 18-04—in the matter of the petition for amendment to SCR 10.03(4) relating to Pro Hac Vice Applications**

Dear Honorable Justices of the Wisconsin Supreme Court,

I am the Director of the Indian Law Clinic at Michigan State University College of Law, and in that role, I run the ICWA (Indian Child Welfare Act) Appellate Project. The ICWA Appellate Project provides high quality research and technical assistance to tribes faced with an ICWA appeal in state court. The Project provides this service for free to tribes, and is partly funded to do so by Casey Family Programs. Because this service is free, and because we at times draft briefs for tribes, a large cost of our work is state pro hac vice fees. In addition, finding local counsel to associate with at the appellate level can be particularly difficult and also costly. As such, I am writing this letter in support the rule petition submitted by Menominee Tribal Attorneys Tourtillott & Zawieja.

I am writing in support of the rule change to include an exemption for nonresident ICWA counsel from having to pay pro hac vice fees and associate with local counsel. Because of the Clinic's unique role in Indian Country, we have a particular knowledge of both the costs associated with representing tribes in out-of-state cases, as well as providing support for tribal attorneys and judges across the country who have passed similar rules for out of state tribal ICWA attorneys. Recently, Michigan, MCR 8.126, Oregon, UTCR 3.170, Washington, APR 8, and California, R 9.40, have passed such a rule. In the past few weeks, the Clinic has spent nearly \$1,000 in three different states on pro hac vice fees to file briefs on behalf of tribes in appellate courts across the country. Given the Clinic's limited budget, rules such as this make a big difference in how many tribes we are able to assist in a given year.

Thank you for your time and consideration of this rule change. I am more than happy to answer any questions or submit additional testimony regarding the issue of representation in ICWA cases across the country.

Sincerely,

/s/ Kathryn E. Fort (P69451)  
Director  
Indian Law Clinic, Michigan State University College of Law  
[fort@law.msu.edu](mailto:fort@law.msu.edu)  
517-432-6992