

FILED

JUL 17 2018

STATE OF WISCONSIN

CLERK OF SUPREME COURT
OF WISCONSIN

IN THE SUPREME COURT

In the Matter of the Petition to Amend
Supreme Court Rule 10.03(4), Regarding
Pro hac Vice Admission for Nonresident
Counsel Appearing in Matters Involving
the Indian Child Welfare Act.

PETITION
18-____

Attorney Starlyn R. Tourtillott and Attorney Danica J. Zawieja, counsel for the Menominee Tribe of Wisconsin, propose the following amendment to Supreme Court Rule 10.03(4). The amendment would exempt nonresident counsel who appear in Wisconsin courts on Indian Child Welfare Act (ICWA) cases from the requirements of the pro hac vice rule.

We propose amending SCR 10.03(4), to add as follows:

(g) Nonresident counsel is not required to associate with an active member of the State Bar of Wisconsin and is not subject to any application or fees for pro hac vice admission if they establish to the satisfaction of the Court that:

1. The nonresident counsel seeks to appear in a Wisconsin court for the limited purpose of participating in an "Indian child custody proceeding" as defined by s. 48.028(2)(d), or an "Indian juvenile custody proceeding" as defined by s. 938.028(2)(b), pursuant to the Wisconsin Indian Child Welfare Act (WICWA) s. 48.028, or a "child custody proceeding" as defined by 25 U.S.C. §1903, pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §1901 et seq.; and

2. The nonresident counsel represents an Indian Tribe pursuant to 25 USC §1911(c), s. 48.028(3)(e), or s. 938.028(3)(e); and

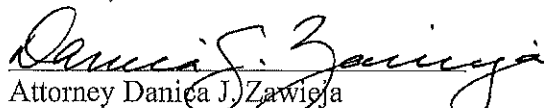
3. The Tribe has affirmed the child is an Indian child as defined by 25 USC § 1903(4) and s. 48.02(8g) or an Indian Juvenile as defined by s. 938.02(8g).

A memorandum in support of this petition accompanies this filing.

Respectfully submitted this 17th day of July, 2018.



Attorney Starlyn R. Tourtillott
Counsel, Menominee Indian Tribe of Wisconsin



Attorney Danica J. Zawieja
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