



February 15, 2008

The Honorable Shirley Abrahamson
Chief Justice
Supreme Court of Wisconsin
16 East State Capitol
P.O. Box 1688
Madison, WI 53701-1688

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CLERK OF SUPREME COURT
OF WISCONSIN

Dearest Chief Justice Abrahamson:

It is with great honor and pure delight that the Great Lakes Indian Law Center has been asked to participate in the discussion of proposed Rule of Court 07-11 regarding the transfer of civil cases from the Wisconsin state courts to the appropriate court of Wisconsin's Indian Nations. The Center's comments are provided for informational purposes in order to assist the court with building a solid legal foundation for the proposed rule. While a thorough analysis requires an overview of Federal Indian Law, these comments focus on the interplay between the State court and the Tribal court justice systems located in Wisconsin.

About the Great Lakes Indian Law Center

The Great Lakes Indian Law Center (Center) was established in 1992 to improve the practical legal skills of all students interested in Federal Indian Law while providing a legal resource for Native American Tribes. Wisconsin has eleven federally recognized Indian tribes including six bands of Chippewa and the Potawatomi, Ho-Chunk, Oneida, Menominee, and Mohican (Stockbridge-Munsee) Tribes. The Center's strategic proximity to these Indian nations, the quality of our students, and an institutional commitment to "law in action" create a synergistic effect that is truly unique. The University of Wisconsin Law School has graduated more practicing Indian lawyers than any other school in the country, and many if not most of those alumni have benefited from the initiatives and programs sponsored by the Center, such as the Tribal Externship program¹

¹ Each year GLILC facilitates summer legal employment with Wisconsin tribes. Between eight and twenty-five students benefit from living and working in tribal settings for up to eight weeks each summer under the supervision of tribal attorneys, judges, and legislators. Student participants have the opportunity to work with legal issues involving Federal, state, and tribal law simultaneously. Participants have researched and drafted legal opinions for Tribal courts and drafted codes for tribal legislators that were incorporated into Tribal law. GLILC students, assisted with drafting the Ho-Chunk Constitution. Future participants might draft codes and statutes, address land and natural resource issues, or gain experience in family law, criminal law or civil litigation. Whatever their summer experience might be, working with the various Tribal agencies on the myriad issues confronting tribes and their people has consistently proven to be personally and professionally rewarding to the law students.

Great Lakes Indian Law Center

and Indian Business Capacity building project². The Center's staff is composed of Director is Associate Professor of Law, Richard Monette³ and Deputy Director, Huma Ahsan.⁴

The Center has compiled our comments into the enclosed booklets entitled "*A Perspective on the 'schizophrenic' approach to our legal relationship with Wisconsin's Indian Nations and a modest proposal to give clarity to the federal Public Law 83-280 in Wisconsin.*"

Enclosed is one original for the Clerk of Court and 9 copies for each of the Justices. If additional copies are need, please feel free to contact the Center at 608-263-5019. The Center will also post these comments on our website www.law.wisc.edu/glilc/

Sincerely,



Huma Ahsan
Deputy Director

CC: David Schanker
Clerk of Supreme Court

² This project is a partnership with Wisconsin Department of Transportation and the American Indian Chamber of Commerce to assist Indian businesses and economic development programs on and off reservations in building their capacity to become Disadvantage Business Entity (DBE) certified.

³ Associate Professor Richard Monette is the Faculty Advisor and Director for the Great Lakes Indian Law Center and is a Past Chairman and CEO of the Turtle Mountain Band of Chippewa Indians in North Dakota. He served as a Staff Attorney with the United States Senate Committee on Indian Affairs, as the Director of the Office of Congressional and Legislative Affairs at the Bureau of Indian Affairs, and is a past President of the National Native American Bar Association. He has also served as the Environmental Protection Agency's National Environmental Justice Advisory Council's Indigenous Peoples' Subcommittee, as the Chief Judge for the Pascua Yaqui Tribe, a Special Judge for Ho Chunk Nation and as a Special Judge for the Trial Court of the Turtle Mountain Band of Chippewa. Professor Monette specializes in drafting provisions for constitutions and codes for Indian Tribes. He teaches in the areas of Torts, Water Law, and Federal Indian law including jurisdiction, taxation, and gaming.

⁴ Deputy Director Huma Ahsan began her career as a Staff Attorney with Legal Services of North Dakota, Inc. At Legal Services, she represented cases involving issues with the poor, elderly and Native Americans in administrative hearings and in Federal, state and tribal courts. At Legal Services of North Dakota, she served as counsel to the Minot Mobile Home Association and a Board of Director for the Minot Domestic Violence. After Legal Services Inc., she served as Chief Justice for the Turtle Mountain Court of Appeals and current Associate Justice. She also served as a Staff Attorney for Project Peacemaker at Turtle Mountain Community College, which was a non-profit organization designed to strengthen tribal justice systems at the tribal level.