

# *Oneida Tribal Judicial System*

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DEC 13 2007

CLERK OF SUPREME COURT  
OF WISCONSIN

December 11, 2007

Clerk of the Supreme Court  
ATTN: Carrie Janto  
PO Box 1688  
Madison, WI 53701-1688  
VIA U.S. MAIL AND E-MAIL

**RE: Rule Petition 07-11 – Discretionary transfer of jurisdiction to tribal court**

Dear Clerk of Supreme Court:

We are writing to express our support for the adoption of Rule Petition 07-11. The Oneida Appeals Commission serves as the judicial system of the Oneida Tribe of Indians of Wisconsin. The Oneida Tribe is a federally recognized Indian tribe located on a Reservation near Green Bay, Wisconsin pursuant to an 1838 treaty between the United States and the Tribe.

As Oneida Tribal Judicial Officers we handle a variety of case types including employment, Indian preference, housing, workers compensation, gaming licensing, creditor/debtor, garnishments and child support enforcement. The Oneida Tribe is carefully considering expanding the judiciary's subject matter jurisdiction. If and when our subject matter jurisdiction grows, the new rule will help state judges get appropriate cases to where they can be best adjudicated.

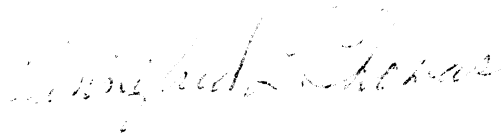
We also enjoy a positive relationship with our local state judiciary. The proposed rule will further this relationship and be a valuable procedural tool for state judges.

The proposed rule is needed. We have seen and heard of many instances where a case filed in state court clearly belonged in tribal court but the state court believed current state law did not permit a transfer. Sometimes the case was transferred, sometimes the trial court dismissed or sometimes the case proceeded in state court. The new rule offers a path where there wasn't one before.

In 2005 the Oneida Reservation had the honor of hosting the Walking on Common Ground Conference. At this historic event, tribal, federal and state judges and others concerned with multi-jurisdictional justice gathered and exchanged views. The proposed rule is certainly in the spirit of that event and a natural result of its occurrence.

We commend the State-Tribal Justice Forum for bringing this issue forward and look forward to its enactment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Winnifred L. Thomas".

Winnifred L. Thomas  
Chief Judicial Officer  
Oneida Tribal Judicial System

Cc: Susan Gray (via email)  
Oneida Appeals Commissioners