

EUGENE L. WHITE-FISH
CHIEF JUDGE

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FOREST COUNTY POTAWATOMI
TRIBAL COURT

March 8, 2015

Clerk of Supreme Court
ATTN: Deputy Clerk-Rules
PO Box 1688
Madison, WI 53701-1688
VIA E-MAIL (clerk@wicourts.gov)
and U.S. MAIL

RE: Written Comment on Petition 7-11C

Dear Supreme Court Justices:

I am writing to you in my capacity as Chief Judge of the Forest County Potawatomi Tribal Court.

At the public hearing last November on the Petition, the issue was raised about whether and how cases would be transferred from tribal court to state court.

Although my court does not have any formal rule or law on the issue, I am open to transferring cases to state court in appropriate circumstances. I am currently examining the creation of a court rule to formally address the issue.

In addition, a recent ordinance addressing guardianships passed by the FCP General Council (the Tribe's legislative body), contained this language:

1.10. Transfer of Jurisdiction

(A) After the appointment of a guardian or conservator or entry of another protective order, the Court may transfer the proceeding to a court in another jurisdiction if the Court is satisfied that a transfer will serve the best interest of the ward or protected person.

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Although this language only applies to guardianships or conservatorships, it was passed recently, in May 2015, and therefore reflects more current thinking on the issue from our legislative body.

I look forward to working with the Wisconsin Supreme Court on this issue.

Sincerely,

A handwritten signature in blue ink that reads "Eugene L. Whitefish". The signature is written in a cursive style with a large initial "E" and a stylized "W".

Hon. Eugene L. Whitefish

President, Wisconsin Tribal Judges Association

EWf/tb

Cc: Hon. Christian Daniels
Hon. Jeryl Perenich
FCP Executive Council