

Stockbridge-Munsee Community

BAND OF MOHICAN INDIANS

TRIBAL COUNCIL OFFICES

September 18, 2018

Clerk of Supreme Court of Wisconsin
Att: Deputy Clerk- Rules
P.O. Box 16388
Madison, WI 537901-1688
clerk@wicourts.gov

RE: Proposed Amendment of WI SCR 10.03(4)

Honorable Justices of the Wisconsin Supreme Court:

The Stockbridge-Munsee Community is writing in support of the proposed amendment to allow an exception for the pro hac vice rules for representatives of Indian Tribes.

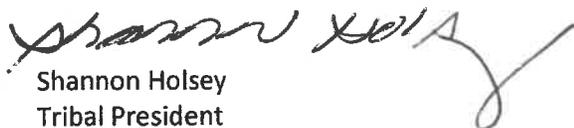
As written, the current pro hac vice process overall is exceedingly burdensome in tribal enforcement of ICWA cases. The costs, time and resources that are spent to advocate meaningfully on behalf of the children are onerous.

The financial burden alone is enough for tribe's to pursue the amendment to this rule. The tribe must engage local counsel in multiple jurisdictions, either to represent the tribe or act as co-counsel in pro hac vice counsel, which is extremely oppressive. Tribes are often limited in the amount of funding to hire attorneys and this burden can work against the ultimate goal of advancement of their people and the best interests of their children in ICWA cases. The time to locate local counsel and educate them on the importance and laws regarding ICWA as well as the culture of the tribe can limit the resources available and delay proceedings even further.

Adoption of this amendment is vital to the longevity of tribes' ability to enforce ICWA laws efficiently and to the maximum benefit of tribal people. On behalf of the community, we ask that you continue working on the very important effort of equal access to justice for tribes in Wisconsin and adopt this amendment.

Thank you for your consideration of this letter of support.

Sincerely,


Shannon Holsey
Tribal President

cc: Attorney Starlyn R. Tourtillott, Petitioner
Attorney Danica J. Zawieja, Petitioner