



Ho-Chunk Nation Department of Justice

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Clerk of the Supreme Court of Wisconsin
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Honorable Justices of the Wisconsin Supreme Court,

W. Noah Lentz, tribal attorney for the Ho-Chunk Nation, submits this letter in support of Rule Petition 18-04.

Other commenters have explained the importance of tribal intervention in ICWA matters, and the limited resources of many tribes, far better than I can. Accordingly, I support and reiterate the letters of Attorney Homer, Attorney Boggio, and President Holsey, as well as the arguments made by Petitioners Tourtillott and Zaweija in their supporting memo.

However, I also ask the Court to take consideration of one additional factor. In cases where a child is removed from the home against the wishes of a parent, a hearing must be convened within 48 hours.¹ This expedited timeframe is a critical safeguard of parental rights, but it also makes the requirements of a *pro hoc vice* motion particularly burdensome to out-of-state counsel seeking to participate in the initial hearing. Even tribes who have sufficient financial resources will not be able to appear at this initial hearing when they are first required to physically mail an application and payment to the Office of Lawyer Regulation, and wait for their receipt.²

As one very important role of the tribe in an ICWA matter is assistance in identifying suitable placements for the child, the tribe's unnecessary absence from the initial hearing (and, quite possibly, the subsequent plea hearing, which also must be scheduled on an expedited time frame) is against the best interests of the child, as well as the tribe, even in cases where said intervention is eventually achieved.

I appreciate the Court's willingness to consider this rule change petition, and hope this comment aids it in making its decision.

RESPECTFULLY SUBMITTED,

W. Noah Lentz, Tribal Attorney
HCN Department of Justice
State Bar of WI# 1093894

Cc: Attorneys Tourtillott and Zaweija, Petitioners

¹ Wis. Stat. § 48.21(1)(a).

² One answer to this issue could be to file the motion for *pro hoc vice* before payment has been accepted, but this practice is "not advised" per official Court publications, and the possibility that an attorney will make an initial appearance only to subsequently discover there was a problem with their application or payment poses clear procedural dangers even if a district court is willing to accept a motion for *pro hoc vice* appearance without confirmation of payment from the Office of Lawyer Regulation.

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