

The SHOSHONE-BANNOCK TRIBES



October 5, 2018

Clerk of Supreme Court of Wisconsin
Attention: Deputy Clerk-Rules
P.O. Box 1688 Madison, WI 53701-1688
clerk@wicourts.gov
carrie.janto@wicourts.gov

Re: Rule Petition 18-04, Tribal Pro Hac Vice Admission - SUPPORT

Honorable Justices of the Wisconsin Supreme Court:

I fully support and encourage the approval of Rule Petition 18-04, amending Wisconsin Supreme Court Rule 10.03(4). The intent of this amendment is to waive *Pro Hac Vice* fees and local counsel requirements for out of state attorneys who seek to engage in the limited practice of law in Wisconsin to represent an Indian tribe in an Indian Child Welfare Act (“ICWA”)/Wisconsin Indian Child Welfare Act (WICWA”) proceeding.

I am licensed to practice law in the states of Idaho, Washington, and Utah, as well as the Shoshone-Bannock Tribal Court. I have been employed as an in-house attorney with my Tribe, the Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho, for nearly 19 years and during that time have appeared in ICWA cases in approximately 18 different states. Through the years, the Shoshone-Bannock Tribes has been required to spend thousands of dollars from our limited Tribal budget to pay *Pro Hac Vice* fees and/or hire local counsel to participate in ICWA cases across the United States.

I can attest that bar licensure, pro hac vice fees, and/or the hiring of local counsel can be very cost prohibitive and often act as a bar to full participation of the very Indian tribes who’s rights were meant, in addition to the rights of the affected Indian children, to be protected by the Indian Child Welfare Act.

Although many tribes receive federal grants for child and family services, those funds cannot be used for legal representation or for legal fees for litigation. *See, e.g.*, 25 U.S.C. § 1931(a)(8); 25 CFR §§ 89.40-41. Other federal moneys for social services are similarly restricted and cannot be used to pay for legal services for litigation. 25 U.S.C. §§ 450 *et seq.* This Rule Petition provides a solution to these funding restrictions. Accordingly, this proposed rule change would improve the welfare of Indian children in Wisconsin ICWA/WICWA proceedings by ensuring that their tribes can meaningfully participate in Wisconsin proceedings related to their children.

Based on the foregoing, I strongly encourage your approval and implementation of Rule Petition 18-04, amending Wisconsin Supreme Court Rule 10.03(4), to better enable Indian tribes' participation in these types of cases in the great State of Wisconsin.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandelle Whitworth", with a long horizontal flourish extending to the right.

Brandelle Whitworth
Assoc. General Counsel

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