



OFFICE OF THE GOVERNOR

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BILL ANOATUBBY
GOVERNOR

November 28, 2018

Ms. Julie Anne Rich
Supreme Court Commissioner
c/o Clerk of Supreme Court
Attention: Deputy Clerk-Rules
Post Office Box 1688
Madison, WI 53701-1688
Dear Ms. Rich:

Thank you for allowing the Chickasaw Nation an opportunity to submit comments to address the proposed Rule Petition 18-04, regarding Pro Hac Vice admission for nonresident counsel appearing in matters involving the Indian Child Welfare Rules. The enclosed comments are provided by the Chickasaw Nation.

We look forward to working with you. Your diligence in this important work will benefit both the Chickasaw Nation and all of Indian Country is appreciated.

Sincerely,


Bill Anoatubby, Governor
The Chickasaw Nation

Enclosure

The following comments are provided by the Chickasaw Nation in response to the invitation to comment regarding Rule Petition 18-04, in the Matter of the Petition to Amend Supreme Court Rule 10.03(4), Regarding *Pro Hac Vice* Admission for Nonresident Counsel Appearing in Matters Involving the Indian Child Welfare Act.

Purpose

Pursuant to the proposed amendment, an attorney representing an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act would not be required to associate with an active member of the State Bar of Wisconsin and would not be subject to any application fees for *pro hac vice* admission if they establish to the satisfaction of the Court:

1. The nonresident counsel seeks to appear in a Wisconsin court for the limited purpose of participating in an “Indian child custody proceeding” as defined by Wisconsin law or as defined by the 25 U.S.C. §1903; and
2. The nonresident counsel represents an Indian tribe pursuant to 25 U.S.C. §1911(c) and Wisconsin law; and
3. The tribe has affirmed the child is an Indian child as defined by 25 U.S.C. §1903(4) and Wisconsin law.

Comment

The Chickasaw Nation currently has 44 cases pending in state courts outside of Oklahoma, including Wisconsin. The proposed amendment would remove barriers to full tribal participation in ICWA cases. This would result in better outcomes for Chickasaw citizens and reduce the need for lengthy and expensive appeals.

The Chickasaw Nation ICWA attorney is licensed to practice law in the state of Oklahoma. The proposed rule change would allow her to fully participate and assist the child welfare agency in Wisconsin as needed without the expense of associating with local counsel or endangering her Oklahoma license by practicing law in Wisconsin without a Wisconsin license.