



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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MADISON, WISCONSIN 53703

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Telephone (608) 266-7442

February 6, 2017

Shannon Holsey, President
Stockbridge-Munsee Community
P.O. Box 70
Bowler, WI 54416

Re: Rule Petition 16-09, In the Matter of the Petition to Amend SCR 40.05

Dear President Holsey:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 16-09 which you filed on November 25, 2016, on behalf of the Stockbridge-Munsee Community. The petition asks this court to amend SCR 40.05 to allow any legal services with any federally recognized Indian tribe be "counted" for purposes of SCR 40.05(1)(b), provided the applicant shows proof of bar admission, in good standing, in the state in which the federally recognized tribe is located.

Consistent with its standard practice, the court discussed this petition in open rules conference on January 12, 2017. The court voted to request additional information from you and to seek input from the Board of Bar Examiners (BBE) before proceeding with this rule petition.

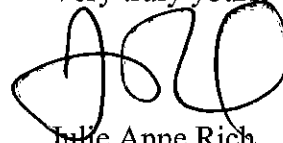
Accordingly, the court requests that the petitioner submit a written response by March 10, 2017 addressing the following questions:

- Please identify the committees, agencies, and individuals that the petitioner has consulted about this proposal.
- Please complete the attached cover sheet as required by court rules when filing a rule petition.
- Please respond to the drafting comments of the Legislative Reference Bureau that were provided to the petitioner by email dated December 1, 2016.

- Would the change proposed in this rule petition result in a different outcome given the facts presented in In re Admission of Helgemo, 2002 WI 57, 253 Wis. 2d 82, 644 N.W.2d 912? Why or why not?
- The petition states that "[o]ur state neighbors who have federally recognized Indian Tribes acknowledge practice in federal Indian law as legitimate practice leaving Wisconsin as a notable outlier." Language from other jurisdictions is often helpful when the court considers amending its rules. Please provide the court with examples of the rules or cases from jurisdictions that "count" tribal practice for admission on motion.
- Different federally recognized Indian tribes may have different customs and practices with respect to legal services performed for the tribe. Is a definition of "legal services" needed? The petition references in-house tribal attorneys. Is the rule change intended to encompass all practice before the tribal courts or would it be limited to lawyers who are employed by the tribe to conduct legal services on behalf of the tribe?

As you may already know, the Wisconsin State Tribal Forum next meets in April 2017. The Forum is aware of the petition and intends to submit a statement regarding the petition in due course. Thank you for your assistance with the matter.

Very truly yours



Julie Anne Rich
Supreme Court Commissioner

Enclosure

cc: Chief Justice Patience Drake Roggensack
Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman
Justice Rebecca Grassl Bradley
Justice Daniel Kelly
Dennis Puzs, Jr. General Counsel (via email)
Jacquelynn Rothstein, Director, BBE
Ann Olson, WI Court Operations